



Cleveland
Annual Report
2004–2005

INTRODUCTION by the Chief Crown Prosecutor

I am delighted to introduce the CPS Cleveland Annual Report for 2004-05 at the end of my first year as Chief Crown Prosecutor.

During the year there have been significant changes in the Criminal Justice System (CJS) both in terms of legislation and the way that we as an organisation deliver our core business.

I am pleased to report that both of these factors have led to marked improvements in performance and our partnership relationships in the Cleveland Area.

The Area has moved to the statutory charging scheme; introduced its first fledgling Witness Care Unit at Hartlepool; implemented the effective trial management programme and worked more closely than ever before with our CJS partners across the whole range of business.

We achieved Investors in People recognition for the second time. We have been re-inspected by HMCPS Inspectorate and National Statutory Charging Review Team. Both recognised the enormous strides that we have made to implement their recommendations and initiatives effectively.

The Inspections confirmed that the CPS in Cleveland continues to consistently deliver high quality review decisions in accordance with the *Code for Crown Prosecutors*.

Statutory Charging

The Criminal Justice Act 2003 paved the way for the most fundamental change to the way that the CPS and Police conduct their business. The

Cleveland Area was the fourth nationally to introduce statutory charging in July 2004. This means that responsibility for the decision to charge in all but the most minor cases has shifted from the police to the CPS.

Crown Prosecutors and police officers now work hand in hand as a "prosecution team" to ensure that the right decisions are made at the earliest possible stage. We now provide 24/7 advice cover to the police 365 days a year.

We are now seeing the benefits of this "joined up" approach as the proportion of cases lost has significantly reduced and the number of criminals being convicted has increased.

No Witness, No Justice

The effective care of witnesses has historically been something that all agencies have paid too little attention to. Indeed research suggests that one of the major causes of cases failing is the lack of engagement between CJS agencies and victims and witnesses.

In March 2005, as part of the CPS-led No Witness, No Justice programme, CPS Cleveland, in partnership with the other agencies, established its first Witness Care Unit at Hartlepool.

In the coming year we will be looking to establish two further Units in Middlesbrough. Early indications suggest that the efforts of the Witness Care Officers in keeping victims and witnesses up to date are being well received.

In the forthcoming year we will build on this work to ensure that



Martin Goldman.

comprehensive arrangements are in place so that victims and witnesses are more involved within the case process and can give the highest standard of evidence.

Effective Trial Management

The CPS has been at the forefront of the introduction of new case management arrangements in the magistrates' courts.

As a direct result of this work, we are now seeing more efficient processing of cases and improved listing arrangements. Again our partnership approach with the magistrates' court has led to improved performance on trial effectiveness.

Cleveland Criminal Justice Board (CCJB)

It has been a privilege to work closely with the Chief Officers of the other agencies as part of the Cleveland Criminal Justice Board.

ABOUT CPS CLEVELAND

Our partnership approach with the magistrates' court has led to improved performance on trial effectiveness

There have been a number of significant achievements throughout the year, as a result of which we are now starting to see improved levels of public confidence in the CJS across the Cleveland Area.

To conclude, I couldn't let this report go by without expressing my thanks to my staff, who have worked extremely hard throughout the year to ensure that all the initiatives and changes within the CJS have been implemented effectively.

All those who work for and with CPS Cleveland are committed to improving the CJS, whilst ensuring that the highest standards of casework are consistently maintained.

The year ahead is one of great challenges but, with the commitment and hard work of all at CPS Cleveland, together with closer working with all our partners, I am confident that they can and will be met.



Martin Goldman
Chief Crown Prosecutor

Facts and figures

Budget	Expenditure
Accommodation costs	£386,992
Prosecution costs	£1,502,545
Salary costs	£3,360,417
General administrative expenses	£217,960
Total	£5,467,914

Performance targets 2004-05

Performance measure	Performance standard	Target	Achieved
To deal with prosecution cases in a timely and efficient manner	Serving committal papers on defence within agreed timescales	80%	93%
To deal with prosecution cases in a timely and efficient manner	Submitting briefs to Counsel within agreed timescales	84%	99%
Correspondence handling	To acknowledge correspondence from members of the public within three working days. To reply to correspondence within 10 working days	94%	90%

Statutory charging

On the 4 June 2004, CPS Cleveland became the fourth Area in the country to implement the Statutory Charging scheme.

Every officer in the Cleveland Force has face-to-face access to a Duty Prosecutor during the hours 9am to 5pm Monday to Friday. CPS Direct provides telephone advice to Cleveland police officers outside office hours.

Across the Cleveland Area, a Duty Prosecutor will provide on average seven advices per day. This can rise to 15 advices per day in the busy Middlesbrough site. Each advice can take between 20 minutes and an hour depending on the complexity of the case.

CPS Prosecutors authorise charge in approximately two out of three cases brought to them for advice. This is the highest average figure for any charging Area. Only one in 10 cases are not proceeded with, the remainder are returned to the police to make further enquiries.

Regular meetings are held between the CPS Charging Champion and the four Police Charging Champions to ensure successful joined up working as a Prosecution Team.

Since the introduction of Statutory Charging in June 2004, the improvements in performance have been substantial:

- The conviction rate has risen by 11%
- The discontinuance rate has dropped by 7%
- The number of guilty pleas entered by defendants has increased by 8%
- Effective trials in the magistrates' court have increased by 11%



- The number of offences brought to justice has also increased by 10%*
- The Cleveland Prosecution Team had the highest conviction rate and the lowest discontinuance rate of all Statutory Charging Areas in January 2005.

Please note these statistics cover the period May 2004 to January 2005.

(*Based on an average of 65 out of every 100 cases).

No Witness, No Justice

The "No Witness No Justice" Project is a £36 million project in total over three years — £27.1 million is being funded from the Invest to Save



Round 6 budget, announced in February 2004. Project partners are providing the remaining funding.

Criminal Case Management Programme (CCMP) is a major programme designed to improve the criminal justice process from arrest through to the disposal of the case in the courts.

It brings together three projects — Statutory Charging, No Witness, No Justice, and Effective Trial Management — into one programme to address key issues across the CJS process rather than looking at them in isolation.

CCMP was announced in November 2003 and is championed at Ministerial level by the Attorney General.

Cleveland's first Witness Care Unit opened in Hartlepool earlier this year. Since March 146 cases have passed through the Unit. In excess of 450 letters have been sent to victims and witnesses.

Approximately 40 Needs Assessments have been carried out in relation to Not Guilty pleas, the first trial being listed in June 2005. The majority of cases have been domestic violence related and there is currently one large Crown Court case involving a kidnapping, which has in excess of 150 witnesses.

The Witness Care Officers are updating victims and witnesses by their preferred means of contact within 24 hours of the court result. A review of the Witness Care Unit is to be carried out in June by the NWNJ Project Team, whereby a further report as to progress will be made.

A Needs Assessment is carried out for all witnesses to identify any problems which would prevent the witness giving evidence or attending court, such as child care or transport problems, language difficulties, disabilities or particular concerns such as intimidation. Witness Care Officers co-ordinate the support and services provided to the witness and keep them informed throughout the case.

Martin Goldman, Chief Crown Prosecutor for CPS Cleveland said, "No Witness, No Justice has the potential to transform the experiences of victims and witnesses in Cleveland.

"The pilot units achieved a great deal in a short time; increasing witness attendance at court, improving trial outcomes and increasing witness satisfaction as a whole. We are working hard with the police to extend these benefits to victims and witnesses in Cleveland.

"The project is an important element in the new 'prosecution team' approach, with prosecutors and police working together from the very beginning of a case to make sure key elements are in place, such as the right charge and good witness support, so that the case can proceed more smoothly once it reaches court."

Sean Price, Chief Constable of Cleveland Constabulary said, "It is

significantly important for victims and witnesses to feel that the criminal justice system supports them and responds to their needs.

"This independent evaluation has shown that the introduction of a joint agency response to victim and witness issues through the No Witness, No Justice project has been very successful.

"By demonstrating that the system values them and the significant

contribution they make to the administration of justice in this country, many more witnesses in the pilot areas have turned up for court, and more offenders properly brought to justice as a result.

"The new units we are setting up with the CPS in Cleveland will help us achieve the same benefits here."

Two further units are planned for the Cleveland Area, these are due to open by the end of the year.

Casework News

Crown prosecutors at CPS Cleveland deal with a whole range of cases. These are just a few examples of how we have used new legislation to successfully prosecute cases during the past year.

In 2003 there were 891 prosecutions in England and Wales for kerb-crawling of which 210, almost a quarter, were in Middlesbrough.

The CPS and police in Middlesbrough are using changes to the law to target kerb-crawlers. Previously these prosecutions had tended to result in fines but recently

the CPS has changed tactics by using new laws, which mean that they can ban kerb-crawlers from driving, or even deprive them of their vehicles in serious cases.

Clare Donaldson, Head of the CPS Criminal Justice Unit at Middlesbrough, said that driving bans had already been imposed and that seizure was possible under Section 146 of the Powers of the Criminal Courts (Sentencing) Act 2000.

Although none of the applications for seizure have been successful so far, she says that they are still a useful tool.

"Driving bans are effective. Someone may be disqualified for two to three weeks and then have to explain to their employer why they cannot do their job, or face having to use their holidays at that time because they cannot drive to work.

"We have also used new legislation to apply for football banning orders, in one ground breaking case, an Austrian fan who racially taunted a



Clare Donaldson.

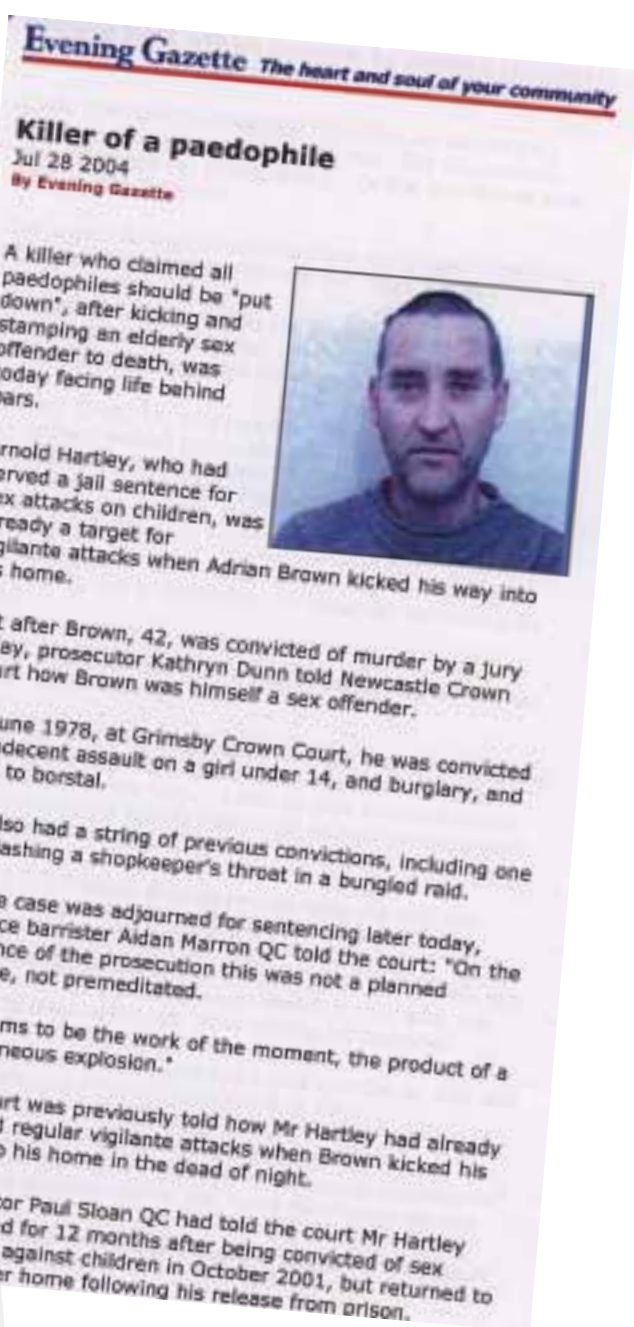
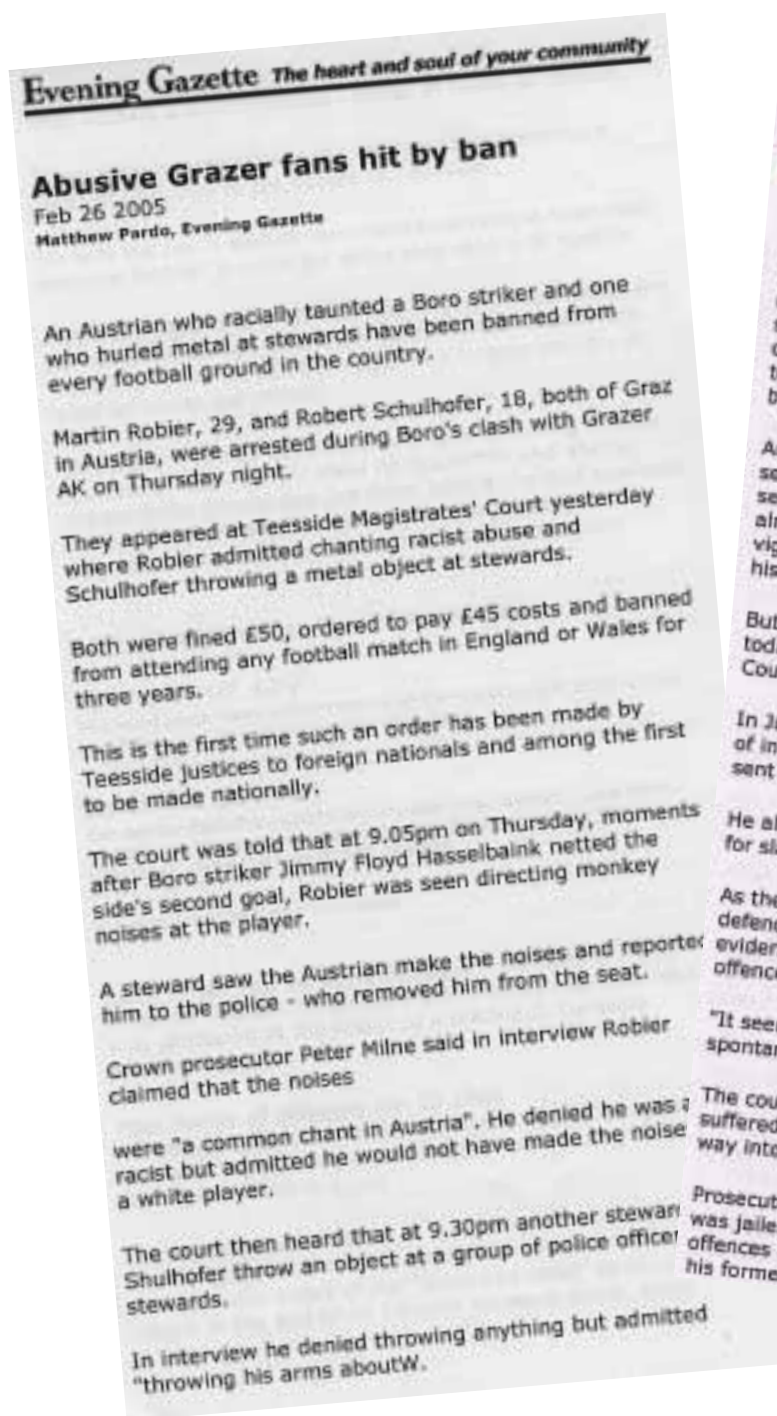
Boro' striker and another who hurled metal at stewards were banned from every football ground in the country.

"We have also dealt with cases of the most serious nature, including in July 2004, securing a conviction against Adrian Brown for the murder of convicted paedophile, Arnold Hartley."

Brown subsequently sought leave to appeal his

conviction. The appeal was dismissed. Keith Simpson, Head of the CPS Trials Unit said after the case, "It is not for the public to take matters into their own hands."

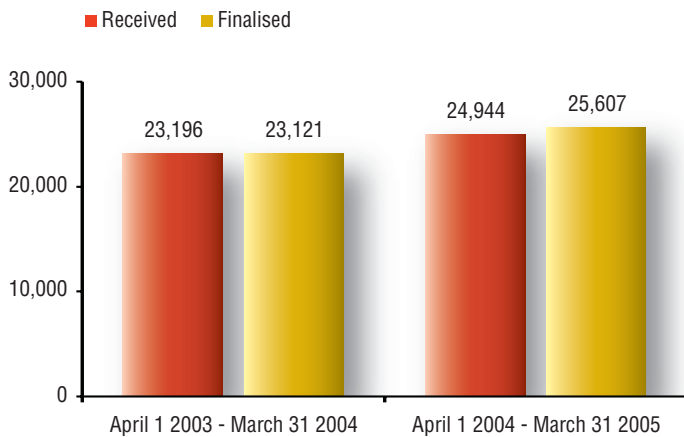
"The CPS is working more and more closely with the police and this case demonstrates that those who commit criminal offences are dealt with effectively by the Criminal Justice System".



Courtesy of the Evening Gazette

PERFORMANCE IN THE MAGISTRATES' COURTS

Chart 1 Caseload (receipts and finalisations)



All prosecutions start in the magistrates' courts. Offences range from minor motoring offences through to assault and theft cases. The more serious cases are transferred from the magistrates' courts to the Crown Court to be finalised.

Cleveland police sent CPS Cleveland an extra 1,748 cases this year in comparison to 2003-04, an increase of 7.5%. During the year Cleveland CPS dealt with 2,486 more cases in the magistrates' courts than in 2003-2004, an increase of 10.8%.

Advice cases continue to increase substantially and now form 27.4% of the Area's caseload. This is as a result of the introduction of the successful Statutory Charging scheme in Cleveland in June 2004.

The Area's conviction rate remains high at 98.2%, but shows a small drop from the 98.4% rate of 2003-04. In comparison, the national conviction rate for 2003-04 was 98.6%.

Chart 2 Case Categories

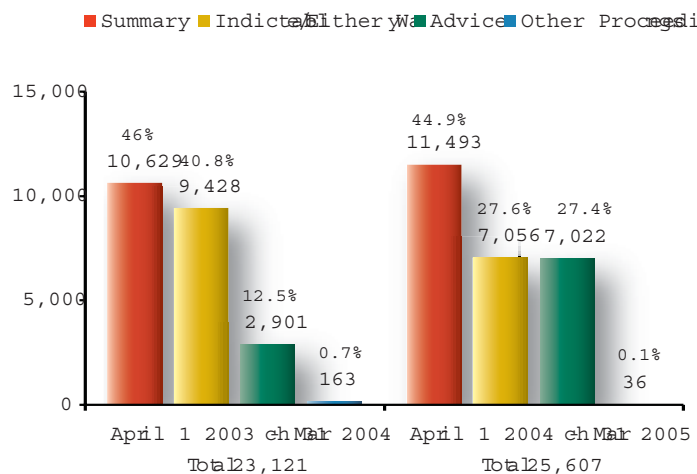


Chart 1 shows the number of defendants received and finalised in the Area for the period April 2004-March 2005 compared with the same period in 2003-2004.

Chart 2 illustrates the type of cases finalised in April 2004-March 2005 compared with the same period in 2003-2004:

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 seek CPS advice as to whether proceedings should be started. Under the Statutory Charging scheme Cleveland police are now under a legal duty to seek such advice before commencing the more serious cases and in any case where the defendant denies the offence.

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

Chart 3 Case Results

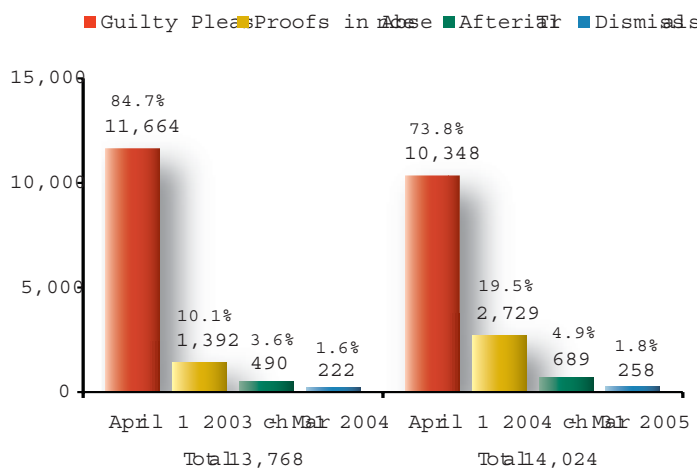
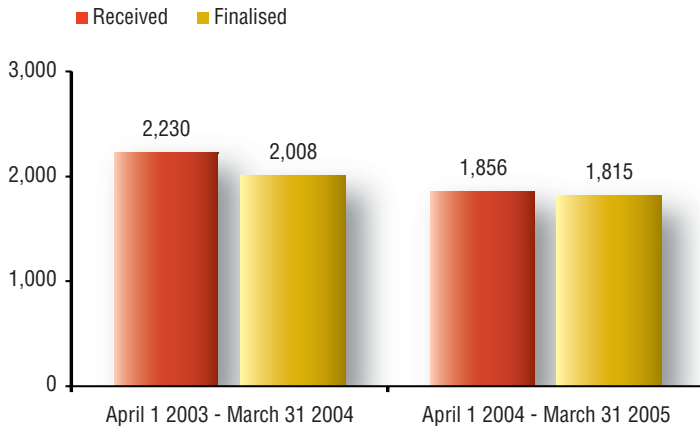


Chart 3 shows a breakdown of the number of defendants proceeding to a hearing, which resulted in a conviction.

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.

There has been a significant reduction in the number of cases received into the Trials Unit this year, of 16.8%. In part this is attributable to the introduction of the Statutory Charging regime. The throughput of cases has increased — offenders have been brought to justice more quickly.

The numbers of cases where there were trials remained roughly the same, as did the success rate: in broad terms where someone was tried they were as likely to be convicted as not — every other trial resulted in a conviction.

The Area has continued to deploy its Higher Court Advocates in the Crown Court, and is committed to increasing their advocacy role.

The Unit's lawyers and caseworkers have continued to deal with the most serious kinds of offences in this Area. A lawyer and caseworker have both received a Commendation from the Chief Constable of Cleveland Police for their part in the prosecution of those responsible for a murder.

Chart 5 Case Categories

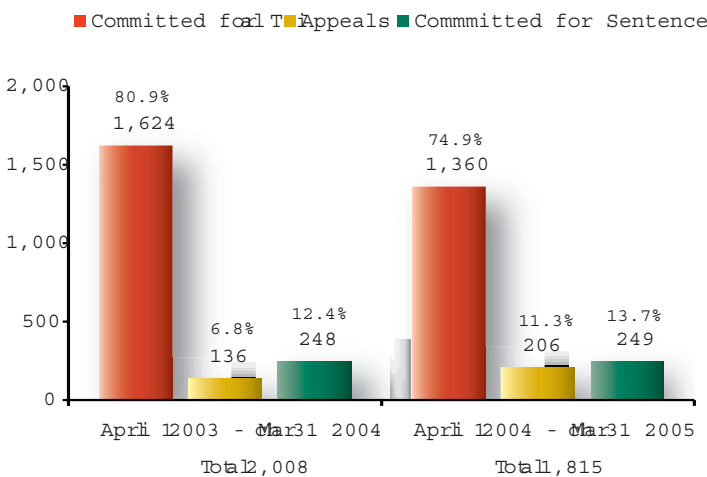


Chart 4 shows the comparison of receipts and finalisations for the period April 2004-March 2005 against the same period in 2003-2004.

Chart 5 shows case categories finalised in April 2004-March 2005 compared with the same period in 2003-2004:

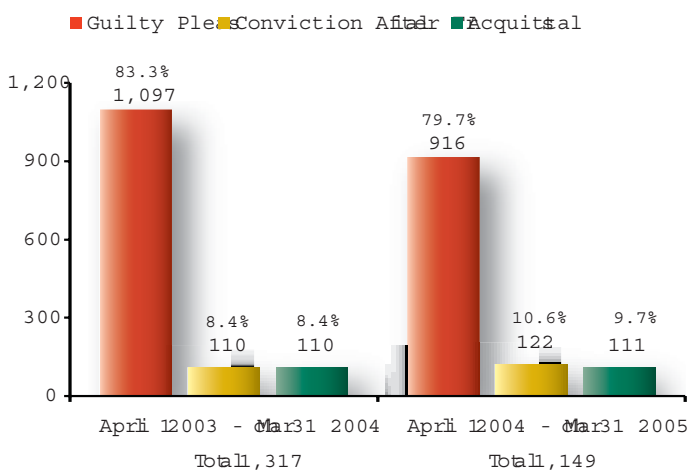
Committal for trial — Indictable only and some Either Way cases are sent from the magistrates' court.

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 shows the disposal of those cases which were committed to the Crown Court not including those which were discontinued.

Chart 6 Case Results



ABOUT THE CROWN PROSECUTION SERVICE

The Crown Prosecution Service is headed by the Director of Public Prosecutions, Ken Macdonald QC. 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 human resources, finance, business information systems, criminal justice policy and business development.

The CPS was set up in 1986 under the Prosecution of Offences Act 1985 to prosecute criminal cases investigated by the police in England and Wales. In undertaking this role, the CPS:

- Reviews cases submitted by the police;
- Advises the police on any need for further evidence;
- Decides on the appropriate disposal of the case;
- Decides on the appropriate charges in all but minor cases;
- Prepares cases for court;
- Keeps cases under constant review; and
- Presents cases at court.

The CPS has 42 Areas across England and Wales, matching police force boundaries (CPS London covers the Metropolitan and City of London forces). 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.

The 43rd CPS Area is CPS Direct, which provides out-of-hours charging advice to police forces.

Conditional cautions

The CPS will decide whether a conditional caution is the appropriate disposal in any given case. This is a further step in placing the CPS at the heart of the criminal justice system.

Conditional cautions are intended to divert cases away from the court and enable the prosecutor to ensure that the formal criminal justice system is used only for those cases that properly need to be put before a court.

Our Aim

The CPS works in partnership with 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 CPS' overall aim, which reflects the Government's priorities for the criminal justice system, 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.

The Code for Crown Prosecutors

The *Code for Crown Prosecutors* sets out the principles which Crown Prosecutors follow when considering cases.

The key principles are that a prosecution should only be started or allowed to continue if:

- There is enough evidence to provide a realistic prospect of conviction against each defendant on each charge, and, if so
- Where a prosecution is needed in the public interest.

People

Overall the CPS has around 7,820 staff of whom 2,714 are front-line prosecutors. The CPS continues to take forward initiatives to speed up justice.

These include increasing the number of 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.

We also continue to increase the number of Higher Court Advocates (HCAs). They are CPS lawyers who, having undertaken the Service's internal training, are able to exercise full rights of audience as HCAs, principally in the Crown Court.

Workload

Annually the CPS deals with around around 1.1 million prosecutions in magistrates' courts and 95,000 prosecutions in the Crown Court.

Resources

The CPS budget for 2004-05 was £560 million.

Representative workforce

The CPS has exceeded the Civil Service benchmarks for employees from Black and Minority Ethnic (BME) groups, women and those with a disability —

- 12 per cent of CPS staff have declared themselves to be from BME communities (the Civil Service benchmark is 8 per cent)
- 66.8 per cent of permanent staff are female — 14.5 per cent above the Civil Service benchmark
- 4.2 per cent are disabled — 0.8 per cent above the Civil Service benchmark.

Working in partnership

The CPS is taking a leading and influential role in local Criminal Justice Boards (LCJBs), which bring together the chief officers of all the local criminal justice agencies. Over half of the LCJBs are chaired by Chief Crown Prosecutors and each Board has produced delivery plans for narrowing the justice gap, ineffective trials and public confidence.

No Witness, No Justice (NWNJ)

The CPS is responsible for the NWNJ project and the implementation of Witness Care Units. A key part of the initiative involves identifying the individual needs of victims and witnesses, so their involvement in the criminal justice process is the least traumatic it can be.

The CPS and the police jointly take responsibility in Witness Care Units for ensuring that the prosecution process is properly explained to victims and that they receive the support that they need during the lifetime of the case. By the end of March 2005 there was at least one Witness Care Unit in every criminal justice area.

Criminal Justice Units and Trial Units

These are units where police and CPS staff are housed and work together. They help reduce administrative duplication and delay; enable closer liaison and promote better working relationships between the two independent organisations.

Domestic violence

Over the past few years the CPS has greatly improved the way in which it handles domestic violence cases and the way in which it liaises with the police.

In February 2005, the CPS issued revised policy guidance and a training manual on prosecuting cases

of domestic violence which focused on safety, support and information for victims; building a closer civil/criminal interface and, whenever possible, constructing cases based on evidence other than that of the victim.

Hate crime

The CPS launched its public policy statement on prosecuting homophobic crime in 2002. In 2004, the CPS published homophobic crime data, which showed that 71 per cent of cases identified as such resulted in convictions, and the CPS Policy for Prosecuting Cases of Racist and Religious Crime has been in place since July 2003. Latest figures show that 86 per cent of those charged with such crimes are convicted.

Community engagement

The CPS is committed to ensuring that its profile in local communities is enhanced through developing strong and comprehensive links with those for whom it provides a public service.

Local prosecutors will actively seek the views of all sections of their diverse communities in shaping local and national policies. Being aware of local issues and concerns is essential, for example, if prosecutors are to play a meaningful role in deciding whether an anti-social behaviour order is appropriate or whether a conditional caution is more suitable in a specific case.

Website

The CPS' 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.

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. These are available to download from the website or in hard copy.

The CPS has also produced an award-winning video, *Just Deserts*, aimed at 14- to 16-year-olds and designed to be shown in schools.

For more information on all publications, and information on availability in other languages and alternative formats, contact the CPS Communications Branch, 50 Ludgate Hill, London EC4M 7EX; telephone: 020 7796 8442; e-mail: publicity.branch@cps.gsi.gov.uk



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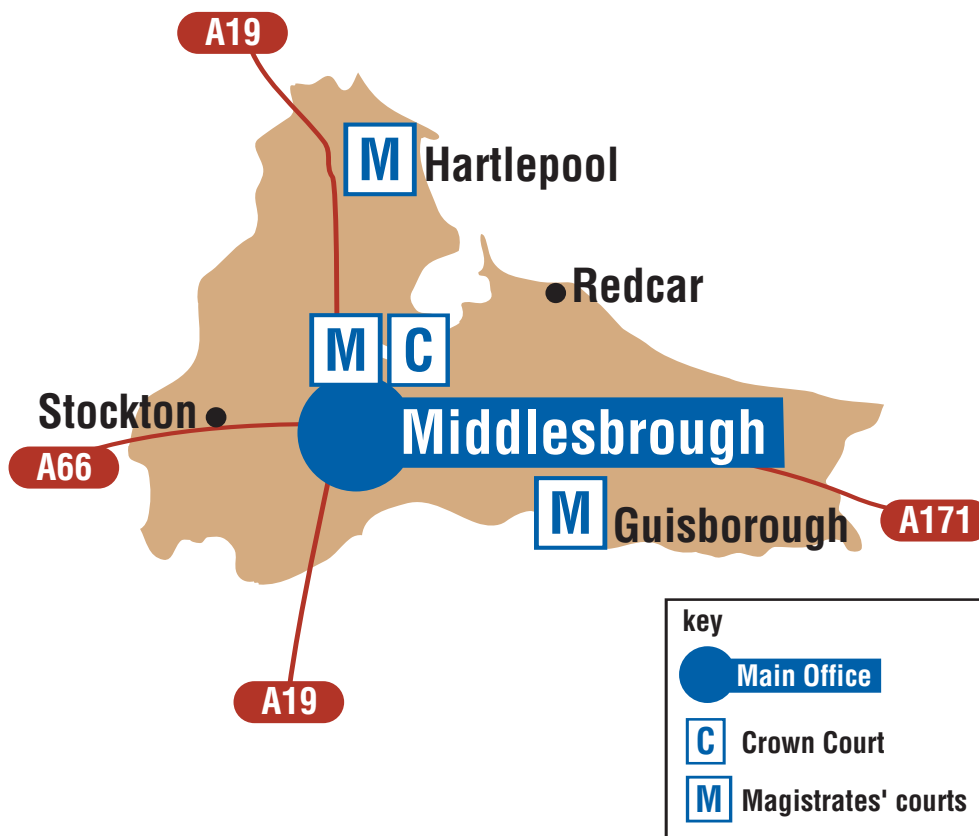
CPS Cleveland Area

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Further copies of this report and free publications about the CPS can be obtained by contacting Anielle Penny-Larter, Area Communications Manager, at the above address

www.cps.gov.uk
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