

**Gwent**  
Annual Report  
2004–2005

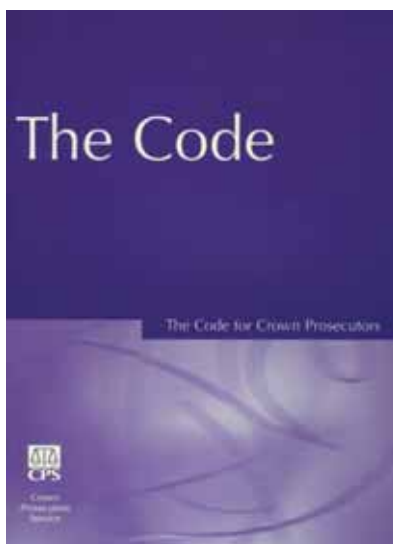


## Introduction by the Chief Crown Prosecutor

I am pleased to present the sixth Crown Prosecution Service (CPS) Gwent Annual Report. The Area covers the five county boroughs of Blaenau Gwent, Caerphilly, Newport, Torfaen and Monmouthshire.

I was appointed Chief Crown Prosecutor for Gwent in January 2005. I am directly responsible to the Director of Public Prosecutions, Ken Macdonald QC, for the effective prosecution of all cases in the Area which have been investigated by Heddlu Gwent Police. The Director is superintended by the Attorney General who is accountable to Parliament for the Service. My role is to ensure that cases are prosecuted firmly, fairly and effectively and in accordance with the *Code for Crown Prosecutors*. The *Code* sets out the principles upon which a decision to prosecute is made so that there is consistency, transparency and accountability for the work carried out. A decision to prosecute will only be made if there is enough evidence to provide a realistic prospect of conviction and provided this first test is satisfied a prosecution is required for the public interest. I concentrate on the prosecution and legal processes whilst the Area Business Manager manages the office processes and administration. In addition I am a member of the Local Criminal Justice Board, a forum that brings together all the chief officers from the other criminal justice agencies, ensuring that there is a partnership approach to achieving the aims of the criminal justice system.

*The aim of the criminal justice system is to reduce crime and the fear of crime and their social and economic cost, to dispense justice fairly and efficiently and to promote confidence in the rule of law.*



All CPS Areas are set challenging targets to measure success against the aim of the criminal justice system and I am pleased to report that the Area has sustained and in some aspects surpassed the targets set.

### **The CPS Vision**

*The CPS has a clear vision to be 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 safer and more decent society.*

Set out below are some examples of how we are doing this:

### **Local Criminal Justice Board**

The Local Criminal Justice Board (LCJB) comprises chief officers from the police, CPS, Probation and Court Service. Its primary responsibility is to deliver the public service agreement targets set by the Government. These include increasing the number of offences brought to justice i.e. to conviction or criminal caution, to reduce ineffective trials and improve public confidence in the criminal justice system. The Board has supported local initiatives to improve the criminal justice process, for example the Shadow Charging Scheme and the Domestic Violence Project (see further below) and all agencies have worked together to improve performance.

## Charging

It was reported last year on what work had been done to implement the Shadow Charging Scheme to put into effect the changes introduced by the Criminal Justice Act 2003. That Act introduces a radical shift in criminal justice policy in that the CPS now has responsibility for the decision to charge in all but minor cases following a police investigation.



During this year the CPS worked closely with the police to develop further the Shadow Charging Scheme in readiness for the full statutory scheme to be in place by December 2005. This has meant investing additional resources for example, placing specialist pre-charge lawyers (duty prosecutors) at two charging centres to provide guidance and advice on early charging to the police. The CPS has a pivotal role in ensuring that the correct defendant is charged with the correct offence, weak cases (following a full investigation) are not proceeded with, providing guidance to the police to strengthen the evidence where the investigation has not been completed, and ensuring evidentially strong cases are prosecuted efficiently and effectively through the court process.

## Recovering Proceeds of Crime

CPS Gwent has continued to work closely with the police in maximising the powers introduced under the Proceeds of Crime Act 2002 (PoCA) to ensure assets are recovered from criminals obtained through their criminal activity. In 2004/2005 CPS Gwent successfully applied for 49 confiscation orders with an aggregate value of £422,671.

In one of the cases (Operation Verona) a CPS specialist lawyer worked very closely with the police to prepare the prosecution which followed a nine-month investigation into a conspiracy to supply drugs. Thirteen defendants were convicted of offences relating to the conspiracy and, in conjunction with custodial sentences, the court ordered confiscation orders to the total value of £209,000.

A multi-agency joint asset recovery database is in place within CPS Gwent to ensure that we continue to track and maintain performance to this high standard.

## Information Technology

CPS Gwent has continued its modernisation agenda by continuing to develop an electronic case management system (COMPASS). CPS staff are now able to electronically record case reviews and pass information more quickly on to victims and witnesses and other criminal justice agencies. CPS Gwent is currently working with the Crown Court to roll out exchange of hearing information by internet technology. This service will provide up to date listing and result information for the CPS and for victims and witnesses at the Crown Court. Work is also in hand to introduce a computer performance system (PTPM) that will enable the CPS and police to jointly monitor and improve cases brought for prosecution. A continuing update on our modernisation agenda will be reported on in the next Annual Report.

## Victims and Witnesses

Last year it was reported that CPS Gwent had been selected as one of the five flagship pilot sites in the whole country to test out the No Witness, No Justice Project. The initiative involved a more customer focused service to victims and witnesses so as to improve their experience of the criminal justice system. Gwent has two Witness Care Units, one dealing specifically with those cases proceeding to the Crown Court and the other in relation to those cases proceeding in the Magistrates' Court. In both Units dedicated and committed staff work with witnesses and victims to address any difficulties they may have such as transport, language, disabilities or particular concerns such as intimidation. Witness Care Officers are responsible for ensuring that queries from victims and witnesses are dealt with swiftly, co-ordinating any support that may be required specific to their needs as well as keeping them informed of progress of the case



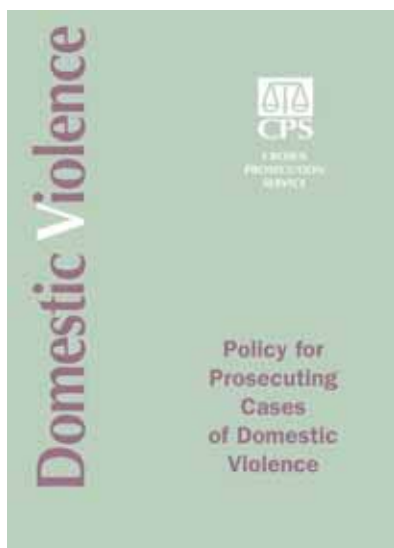
The scheme has proved to be a success. There were far less cases not going ahead on the day of the trial due to witness-related problems. The ineffective trial rate in Gwent for April to July 2004, for example, fell to 11.8% compared to 17.3% across England and Wales. Not a single Gwent case recorded as ineffective during this period was as a consequence of any problems associated with witnesses or the victim/witness not attending court.

The evaluation of the No Witness, No Justice Project was published in October 2004 and found that the scheme significantly enhanced customer-focused witness information and care, increased witness attendance, improved trial outcomes and increased witness satisfaction with the Witness Care Units (jointly staffed by the police and CPS) and the CPS. Gwent is proud to have been part of the pilot resulting in the national roll-out of the programme across England and Wales. This year we are building on this success by combining the two Witness Care Units to ensure that the national minimum requirements for good practice in victim and witness care are complied with and these will be reported on in next year's Annual Report.

## Domestic Violence

CPS Gwent has placed additional resources to tackle the growing problem of domestic violence. Domestic violence accounts for 16% of all violent crime within England and Wales. Victims of domestic violence need to be supported throughout the prosecution process so that they are not fearful of giving evidence in court and to ensure that perpetrators of domestic violence are brought to justice. Last year it was reported that CPS Gwent had been selected to pilot a scheme to establish better ways of effectively prosecuting crimes of domestic violence.

The pilot was carried out in the Caerphilly borough area of Gwent and



involved setting up a multi-agency forum which comprised the CPS, Police, Probation, Magistrates' Court Committee, Victim Support, Witness Service, Health Service, Caerphilly Borough Council, Women's Aid, Black and Asian Women's Step Out, Cardiff Women's Safety Unit and the Community and Domestic Violence Forum.

The pilot in Caerphilly included having a specialist team of an independent domestic violence lay advisor, a dedicated police officer and a specialist CPS lawyer providing a co-ordinated response at the start of cases which were fast-tracked through the courts.

The Caerphilly Project has been a real success. During the period of the pilot (January 2004 to December 2004) there was an increase in the number of domestic violence incidents being reported to the police, a fall in the number of cases lost before trial, an increase in the number of offences brought to justice, and the support offered by the lay advocate had positive effects on victims feeling safe and confident with the criminal justice system.

More domestic violence offenders were brought to justice in that the percentage of victims who withdrew from cases dropped from 53% to 27%, guilty pleas from defendants increased from 21% to 27%, with even more pleading guilty later when the defendant realised that the case was continuing and the victim was going to give evidence. Late guilty pleas in such cases rose from 31% to 35%.

There was also a marked improvement in defendants being found guilty after trial from 8% to 19%. Cases were also processed through the court more efficiently resulting in the overall time to deal with such cases in court being reduced.

The positive results from this initiative underline our commitment to bringing perpetrators of domestic abuse to justice. The project brought together a vast number of criminal justice and voluntary organisations and there are now plans to provide similar support for victims across Gwent.

## Partnership Working with Other Criminal Justice Agencies and Community Engagement

CPS Gwent has continued to play a pivotal role in influencing local criminal justice policy through its work on the Local Criminal Justice Board (LCJB) as well as ensuring a partnership approach to addressing community concerns to

improve the criminal justice system. The domestic violence pilot project (Project SAFF) which CPS Gwent and the LCJB supported and funded, reached the final shortlist in the category of “partnership of the year” (best example of building up partnership working across the criminal justice system) in the Home Office-sponsored Justice Awards 2004. CPS Gwent has also continued to build on its strong relationships with

both the South East Wales Race Equality Council and the Valleys Race Equality Council.



Attendance at community events and meetings has enabled CPS Gwent to better understand the needs of community groups. CPS Gwent is committed to reaching out to the community and this year has taken part in Court and Police Open Days, the schools advocacy competition whereby pupils in Gwent schools conduct mock trials in court rooms in front of practising magistrates, participated in “Inside Justice Week” to raise understanding of the functions and responsibilities of criminal justice agencies, the national Eisteddfod in Newport, supported black history month celebrations and engaged directly with members of the public. CPS Gwent is currently planning multi-agency community surgery events to engage the community on areas that impact community life and these will be reported on in the next annual report.

### Anti-Social Behaviour and Hate Crime

CPS Gwent views very seriously any crimes committed against victims targeting their religion, race or beliefs. CPS Gwent has appointed specialist lawyers to deal with the prosecution of hate crimes in accordance with CPS policy. These cases are looked at and monitored closely and the information shared with appropriate agencies.

Specialist prosecutors have also been appointed to prosecute anti-social behaviour and low level disorder offences. Since January 2005 the CPS has worked much more closely with local community safety partnerships to address anti-social behaviour, in particular applying for CRASBOs ie anti-social behaviour orders after a defendant has been convicted of a criminal offence. The specialists also support local authorities in the application and enforcement of any breaches of anti-social behaviour orders. The partnership has worked well and the number of CRASBOs applied for by the CPS following a criminal conviction and granted by the courts has, since December 2004, increased significantly.

### The Road Ahead

CPS Gwent has a pivotal role to play within the criminal justice system. There is a tremendous commitment and dedication of all our staff to build on our successes, improve the prosecution process, continue to prosecute effectively and place victims and witnesses at the heart of the criminal justice system.

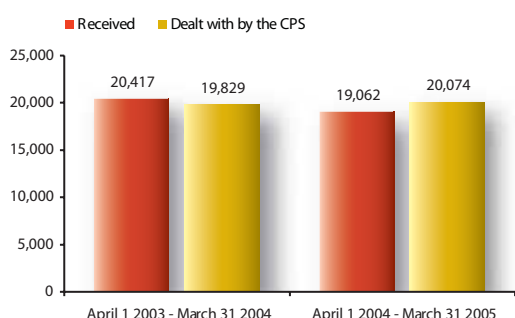
CPS Gwent takes pride in continuing to make a real difference to community lives and deliver a service that inspires community confidence.

**Madhu Rai**  
**Chief Crown Prosecutor**

# Performance in the Magistrates' Courts

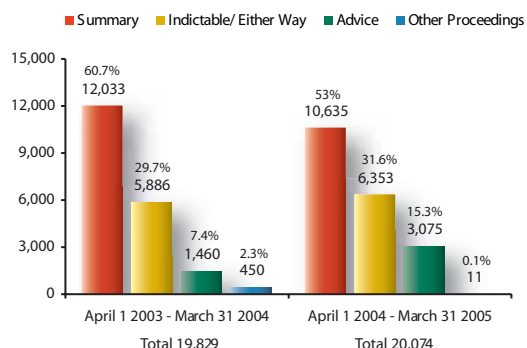
All prosecutions start in the Magistrates' Court, these include offences ranging from minor motoring matters to assaults and theft. Usually more serious cases proceed to the Crown Court.

## Chart 1 Caseload (receipts and finalisations)



**Chart 1** – shows the number of defendants whose cases the Area received from the police and the number of defendants' cases that were finalised in each of the last two years. Our caseload depends upon 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. The number of cases received by the Crown Prosecution Service in Gwent over the last year remains similar to that of the previous year. The number of cases finalised during the year indicates that cases have proceeded through the criminal justice system in a timely manner. It is an objective for all criminal justice partners to ensure that cases proceed through the system with the minimum of delay, this contributes to the fair treatment of victims, witnesses and defendants.

## Chart 2 Case Categories



**Chart 2** – shows the different types of work dealt with over the last two years. They are:

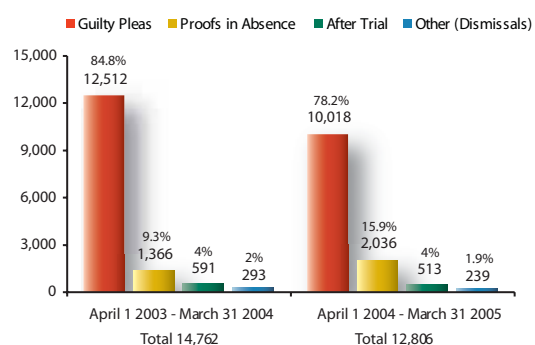
**Summary** – cases that can only be tried in the Magistrates' Court, for example motoring offences such as speeding and careless driving.

**Indictment/Either Way** – Indictment only offences (such as robbery and murder) 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.

**Advice** – these are cases where the police ask the CPS whether there is enough evidence to charge a defendant. During this year CPS Gwent has instituted the Shadow Pre-Charge Advice Scheme. Certain advices must be brought before duty prosecutors prior to any accused person being charged with an offence. There is a noticeable increase in our advice files during the past year.

**Other Proceedings** – non-criminal matters including driving disqualification matters.

## Chart 3 Case Results

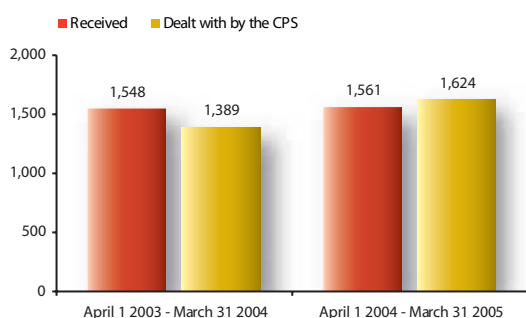


**Chart 3** – this shows the disposal of the cases which were heard in the Magistrates' Court, not including those cases which were discontinued or committed to the Crown Court. It is good to note that the conviction rate for offences prosecuted in the Magistrates' Court remains high.

# Performance in the Crown Court

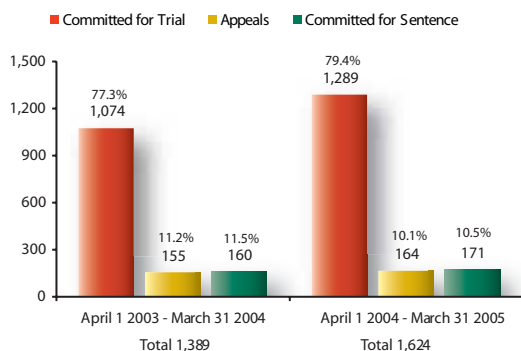
Some cases can only be tried in the Crown Court. Other cases go to the Crown Court either because the defendant chooses to be tried there or because the magistrates decide they are serious enough to need a Crown Court trial. If a defendant pleads not guilty the case will be tried before a judge and jury.

## Chart 4 Caseload (receipts and finalisations)



**Chart 4** – shows the number of defendants who came before the Crown Court and the number of cases dealt with in the last two years. It can be seen that the number of cases committed to the Crown Court this year remains similar to that of the previous year. Again, the throughput remains high indicating that matters are dealt with without undue delay.

## Chart 5 Case Categories

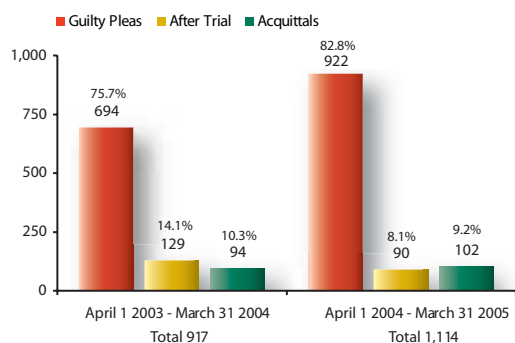


**Chart 5** – shows the categories of cases handled in the Crown Court. They are:

**Committed for trial** – whilst the indictable only cases are now “sent for trial” to the Crown Court rather than committed, they now feature in this category. An increasing number of cases in the Crown Court are so serious that they may only be tried upon indictment at that Court. These cases are often highly sensitive and complex requiring detailed preparation. Crown Prosecution Service staff work closely with police partners to ensure that these matters are dealt with in a thorough and timely manner. Other cases committed for trial are those which are “either way” where the defendant has elected Crown Court trial or the magistrates have directed this course.

**Appeals** – defendants tried in the Magistrates’ Court may appeal to the Crown Court against their conviction and/or sentence.

## Chart 6 Case Results



**Committed for sentence** – some defendants tried and convicted by the Magistrates’ Court are committed to the Crown Court for sentence if the magistrates decide that a greater punishment than they can impose is required.

**Chart 6** – this shows the disposal of cases which were heard in the Crown Court not including those cases that were discontinued. Again, it is good to note the high conviction rate for offences dealt with in the Crown Court.

# CPS Gwent

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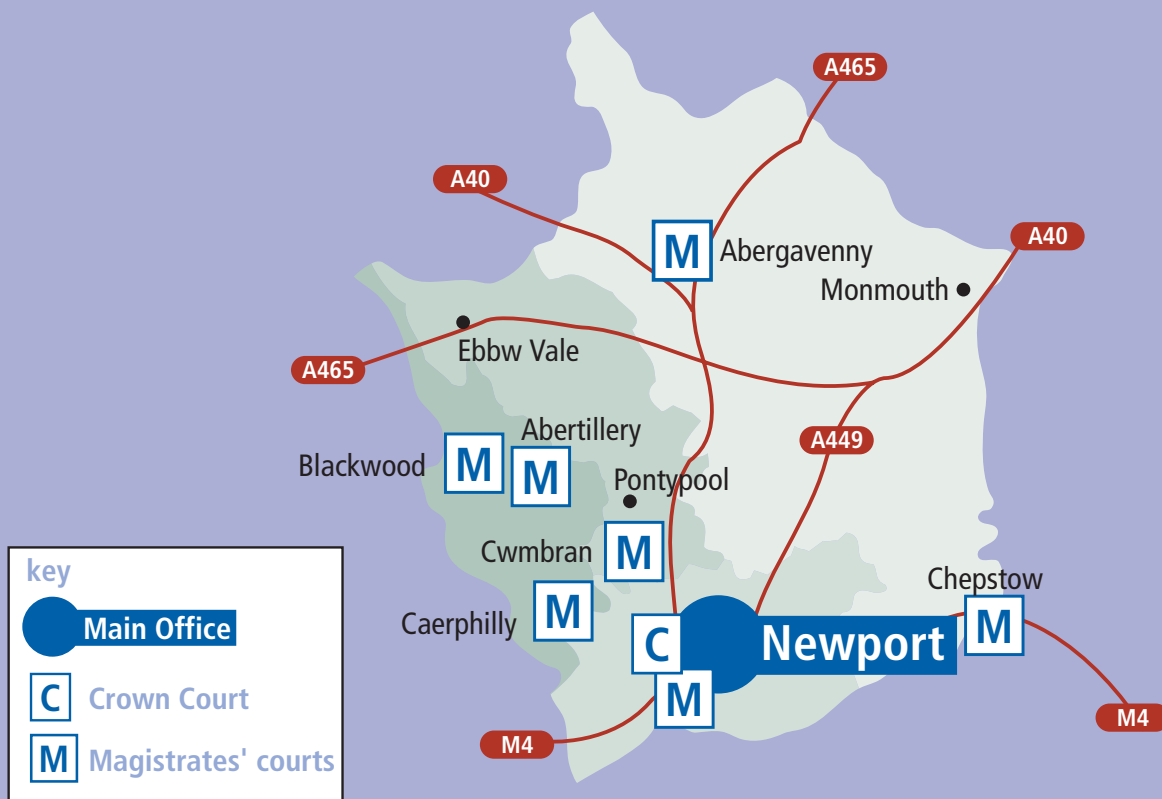
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