



**CPS**

The Crown Prosecution Service

# Autumn Performance Report

2007



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2007

Presented to Parliament by the Attorney General  
by Command of Her Majesty

December 2007

Cm 7289

£7.70

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## 1. Introduction

The 2007 Autumn Performance Report for the Crown Prosecution Service (CPS) sets out performance and progress against the Public Service Agreement (PSA) targets for the Criminal Justice System (CJS). Targets were introduced as part of the 2004 Spending Review (SR 2004) and came into effect from 1 April 2005.

### Role

The CPS was set up in 1986 as an independent authority to prosecute criminal cases investigated by the police in England and Wales. In undertaking this role, the CPS:

- Advises the police during the early stages of investigations;
- Determines the appropriate charges in all but minor cases;
- Keeps all cases under continuous review and decides which cases should be prosecuted;
- Prepares cases for prosecution in court and prosecutes the cases with in-house advocates or instructs agents and counsel to present cases; and
- Provides information and assistance to victims and prosecution witnesses.

### Code for Crown Prosecutors

Before charging a defendant and proceeding with a prosecution, Crown Prosecutors must first review each case against the Code for Crown Prosecutors. The Code sets out the principles the CPS applies when carrying out its work. Those principles are whether:

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

The Director is under a statutory duty to publish the Code for Crown Prosecutors. The fifth edition of the Code was published on 16 November 2004 and reflects the new responsibilities for Crown Prosecutors to determine charges.

### Human Rights Act

The CPS is a public authority for the purposes of the Human Rights Act 1998. In carrying out their role, Crown Prosecutors must apply the principles of the European Convention on Human Rights in accordance with the Act.

### Organisation

The CPS is headed by the Director of Public Prosecutions (DPP), Ken Macdonald QC. The Director is superintended by the Attorney General who is accountable to Parliament for the Service. The Chief Executive is Peter Lewis, who is responsible for running the business on a day-to-day basis, and for human resources, finance, business information systems, and business development, allowing the Director to concentrate on prosecution, legal issues and criminal justice policy.

### CPS Areas

The CPS has 42 Areas across England and Wales. Each Area is headed by a Chief Crown Prosecutor (CCP) who is responsible for the delivery of a high quality prosecution service to his or her local community. A 'virtual' 43rd Area, CPS Direct, is also headed by a CCP and provides out-of-hours charging advice to the police. Three casework divisions, based in Headquarters, deal with the prosecution of serious organised crime, terrorism and other specialised prosecution cases.

Each CCP is supported by an Area Business Manager (ABM), and their respective roles mirror, at a local level, the responsibilities of the DPP and the Chief Executive. Administrative support to Areas is provided through a network of business centres.

The CPS is working closely with the Home Office and Ministry of Justice (MOJ) to ensure the CJS works effectively. The Service is reviewing its organisation to ensure the CPS continues to provide a high quality prosecuting service in partnership with the police and other criminal justice agencies.

As part of this, the CPS has looked to improve and enhance its existing internal structures by creating 14 Groups from the 41 geographical Areas (excluding CPS London). Each Group is overseen by a Group Strategy Board comprising of all Chief Crown Prosecutors and Area Business Managers within the Group and chaired by a Group Chair who is a senior Chief Crown Prosecutor from within the Group.

### Aim

The CPS works in partnership with the police, Home Office, MOJ and other agencies throughout the CJS to reduce crime, the fear of crime, and its social and economic cost; to dispense justice fairly and efficiently and to promote confidence in the rule of law.

The CPS's overall aim, which reflects the Government's priorities for the CJS, is to:

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

### CPS Vision

The CPS subscribes to the Attorney General's Vision for the Law Officers Departments and is working to become a world-class, independent prosecution service that delivers a valued public service by:

- Strengthening the prosecution process to bring offenders to justice;
- Championing justice and the rights of victims;
- Inspiring the confidence of the communities we serve;
- Driving change and delivery in the CJS;
- Being renowned for fairness, excellent career opportunities and the commitment and skills of all our people; and
- Having a strong capability to deliver.

## 2. Public Service Agreement Targets

The PSA targets for the CJS from SR 2004 for 2005-08 are to:

- I Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08; and
- II Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the CJS without compromising fairness.

These targets are the joint responsibility of the CPS, Home Office and MOJ, and the CPS works in partnership with the police and courts to deliver them.

### Efficiency Savings

SR 2004 also requires the CPS to deliver £34 million in efficiency savings by March 2008.

### Criminal Justice Boards

Local Criminal Justice Boards (LCJBs) bring together the Chief Officers of local criminal justice agencies to deliver the PSA targets in their Area and to drive through criminal justice reforms. Each LCJB has produced delivery plans to bring more offenders to justice, reduce ineffective trials and increase public confidence. Progress on the plans is reported to the National Criminal Justice Board (NCJB). The Attorney General, Solicitor General, DPP and CPS Chief Executive, along with the Home Secretary, Lord Chancellor and others, are members of the NCJB.

### Office for Criminal Justice Reform

The CPS also works closely with the Office for Criminal Justice Reform, which is the trilateral team drawn from the Home Office, MOJ and CPS to support criminal justice departments, agencies and LCJBs in working together to deliver PSA targets and to improve the service provided to the public.

### Further Information

More information on the CPS and its contribution to PSA targets is available at [www.cps.gov.uk](http://www.cps.gov.uk) and from:

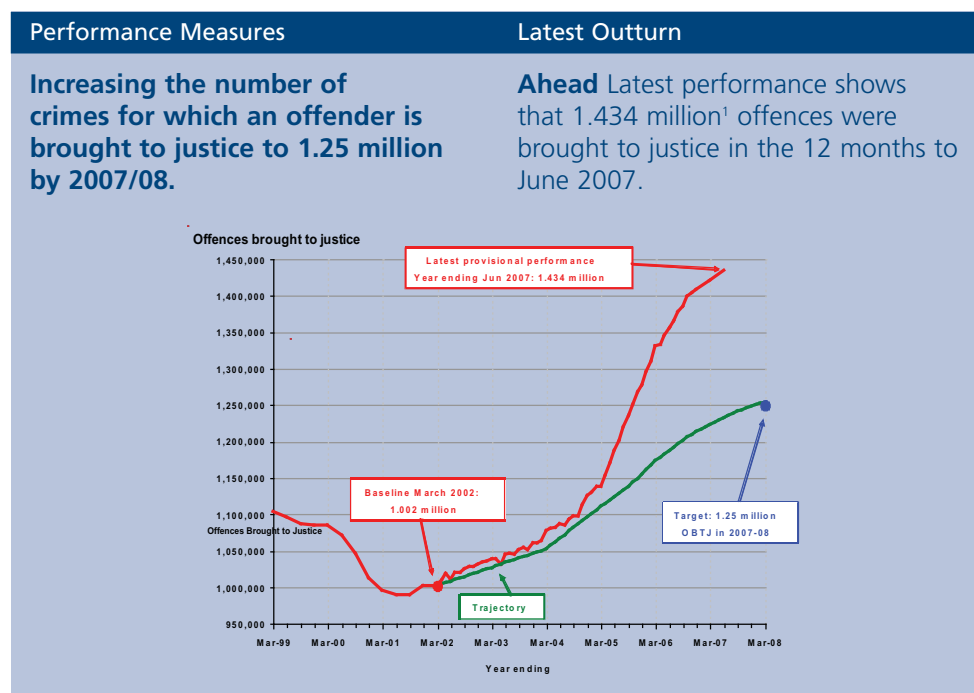
Crown Prosecution Service  
50 Ludgate Hill  
London EC4M 7EX

Information on the CJS is available at [www.cjsonline.gov.uk](http://www.cjsonline.gov.uk)

### 3. Progress on delivery

#### PSA Target 1:

Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08.



<sup>1</sup> The England and Wales figure includes estimates for missing data. Data are provisional and subject to change.

## Progress since April 2007

## CPS

- In the year ending September 2007, the CPS secured convictions in respect of 903,942 defendants, comprising 830,213 in magistrates' courts and 73,729 in the Crown Court. This compares with 923,899 convictions in the year ending September 2006. The lower caseload is believed to reflect falls in the level of crime, and extended use of Penalty Notices.<sup>3</sup>
- Unsuccessful outcomes represented 15.3% of all outcomes in magistrates' courts and in the Crown Court in the six months ending September 2007, compared with a 2006-07 outcome of 16.4%.
- Within these figures:
  - Unsuccessful outcomes in magistrates' courts fell to 14.7% of all outcomes during the six months ending September 2007, compared with 15.8% for 2006-07;
  - Magistrates' courts cases resulting in discontinuance fell to 10.3% in the six months ending September, compared with 10.9% for 2006-07;
  - Unsuccessful outcomes in the Crown Court for the six months ending September 2007 amounted to 21.4% of all outcomes, compared with 22.7% for 2006-07.
- Unsuccessful outcomes for hate crime fell to 30% in the six months ending September, compared with 32.8% in 2006-07 and an annual target of 28%. From April 2007 hate crime data includes disability aggravated crimes. From November 2007 data on support from hate crime specialist services will be recorded and data on same sex domestic violence cases.
- Following its successful rollout in 2006, Statutory Charging<sup>4</sup> is already delivering considerable benefits. Prosecutors work closely with the police to build robust cases for prosecution that help to bring more offences to justice, increase the number of guilty pleas and reduce the number of cases that are discontinued. Figures for September 2007 show an increase in the guilty pleas rate from 40% (2001/02) to 71.5% in the magistrates' courts whilst the discontinuance rate<sup>5</sup> in the magistrates' court has fallen from 36% to 15.5% for the same period.

- 
- 3 CPS counting procedures were revised with effect from April 2007. Before that date, in cases where the defendant entered guilty pleas to some charges while others proceeded to a contested hearing, both the guilty plea and the subsequent contest were counted as a completed case. With effect from April 2007 cases falling into this category are counted once only, resulting in a slightly lower volume count. The 2006 figures quoted here have been adjusted in accordance with the new counting rules, and differ slightly from those previously published.
- 4 Statutory Charging was brought in under the Criminal Justice Act 2003 and has been operational across all 42 Criminal Justice Areas since 3 April 2006. Under Statutory Charging arrangements, the CPS are responsible for determining the charge in all indictable only, either way and specified summary offences (approximately 30% of all cases). This ensures that prosecutors and the police work closely from the outset of a case to determine the correct charge and build an evidentially strong case.
- 5 Discontinuance rate is the proportion of completed defendant cases in which the prosecution decided to drop proceedings before evidence was heard in court.

### Progress since April 2007

- CPS Direct supports the charging arrangements in all Areas by providing an out-of-hours telephone service. Between April and the end of September 2007, CPS Direct handled 86,496 calls from the police and produced 68,156 charging decisions. This represents an increase of 5.7% over the same period in 2006.
- Conditional Cautions were established by the Criminal Justice Act 2003. In appropriate cases they can be used as a means to divert from court those whose offending is serious enough to warrant prosecution but who are prepared to admit their offence and agree to undertake rehabilitative or reparative activities as a condition of being cautioned. The decision whether or not to offer a Conditional Caution can only be taken by a prosecutor. Conditional Cautioning is being implemented on a phased approach with rollout on track to be completed by April 2008. Since the beginning of October 2007, CPS Direct prosecutors have also dealt with Conditional Cautioning cases.
- The CPS advocacy strategy continues to increase the use of in-house advocates, both Higher Court Advocates (HCAs) and Designated Caseworkers (DCWs), to improve the prosecution and management of cases. The CPS exceeded the national target for HCA deployment in 2006-07 by returning gross counsel fee savings of £9.6m. In the first six months of 2007-08, gross counsel fees savings were £7.9m. There have also been significant increases in DCW deployment and in-house magistrates' courts coverage. In 2006-07 80.4% of all magistrates' courts sessions were covered in-house, 14.7% by DCWs. In Q2 07-08 this has risen to 84.2% and 19.3% respectively.
- The CPS is seeking the extension of DCW statutory powers through provisions included in the Criminal Justice & Immigration Bill 2007. If successful this will increase the range of hearings that DCWs can deal with in the magistrates' courts, enabling flexible deployment of CPS resources and the release of more lawyers to deal with sensitive and complex cases. The release of more lawyers from the magistrates' court will also assist in driving the HCA programme.
- In January 2007 the CPS Employee Domestic Violence Policy was revised to cover support for victims and guidance for managers to address issues with perpetrators. It was recognised by the Domestic Violence Inter-Ministerial Group as best practice across government. In July 2007, all Human Resource Advisors were given detailed training on the policy.
- In June 2007 a pilot on the prosecution of forced marriage and so-called honour crime cases started in four Areas – Lancashire, London, West Midlands and West Yorkshire. Specialist prosecutors were selected and provided with guidance and training. It will run until March 2008 and then will be evaluated by the Policy Research team. The pilot aims to identify the number and patterns of cases; determine issues facing prosecutors in identifying, managing and prosecuting these cases; and inform the development of any national guidance and training for prosecutors to reduce risk and increase support for victims.
- The CPS has developed a Violence Against Women strategy and action plans which are out for public consultation from November 2007 – January 2008. The action plans will expand the good practice in domestic violence across a wider range of issues such as rape, prostitution, trafficking, and child abuse.

**Progress since April 2007****CJS**

- The implementation of CJSSS, a programme of work to improve the speed and effectiveness of the magistrates' courts, is firmly underway. There are now 36 criminal justice areas operating one CJSSS site and 11 areas have fully implemented the programme. All but a handful of courts expect to have implemented CJSSS by December 2007, with the remainder to follow shortly after. We are also working in partnership with the judiciary to identify potential improvements in the Crown Court.
- Conditional Cautioning is now operating in at least one police Basic Command Unit in every force in England and Wales and we are on course to achieve full implementation by March 2008. A guide to alternatives to prosecution was published in June 2007 to assist the police and CPS in making full use of the range of out-of-court disposals available to adult offenders.
- We have started providing local criminal justice boards with enhanced data on their performance in bringing to justice more serious offences, supporting a focus on those crimes that can have the most significant effects on individuals and communities. We have established a Rape Performance Group to ensure a focus on improving the end-to-end process of investigating and prosecuting rape offences. This group takes an in-depth look at the performances of police forces and the CPS across a range of key performance measures and considers qualitative feedback on the systems and processes in place to assist victims and work towards successful judicial outcomes.

## PSA Target 2:

Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the CJS without compromising fairness.

To improve public confidence in the CJS, including increasing that of ethnic minorities and increasing year-on-year the satisfaction of victims and witnesses, while respecting the rights of defendants.

The target will have been achieved if, for the year 2007/08, two out of the three elements of the following are met.

## (Joint CJS target)

Measures	Latest Outturn
<p><b>Public confidence in the CJS</b></p> <p>This is determined using questions in the British Crime Survey (BCS) which ask whether the public believes the CJS is effective in bringing people who commit crimes to justice.</p>	<p><b>On course</b></p> <p>Baseline (BCS 2002/03): 39%</p> <p>Target (BCS 2007/08): an increase</p> <p>Annual outturn (BCS 2006/07): 41%</p> <p>Latest outturn (year to June 2007): 42%</p>
<p><b>Black and minority ethnic perceptions of fair treatment</b></p> <p>This is measured by questions in the Citizenship Survey (former Home Office Citizenship Survey (HOCS)) which ask whether people from a black or minority ethnic (BME) background believe the CJS would treat them worse than people of other races.</p>	<p><b>On course</b></p> <p>Baseline (HOCS 2001): 33%</p> <p>Target (Citizenship Survey 2007): a decrease</p> <p>Annual outturn (HOCS 2005): 31%</p> <p>Latest outturn (Citizenship Survey April-June 2007): 29%<sup>6</sup></p>
<p><b>Victim and witness satisfaction</b></p> <p>This is measured using BCS questions on victim and witness satisfaction with the CJS.</p>	<p><b>On course</b></p> <p>Baseline (BCS six month to March 2004): 58%</p> <p>Target (BCS 2007/08): an increase</p> <p>Annual outturn (BCS 2006/07): 60%</p> <p>Latest outturn (year to June 2007): 60%</p>

<sup>6</sup> The Citizenship survey has moved to reporting quarterly. The target is based on the entire year's data so the improvement needs to be sustained for the remaining three quarters in order to meet the target.

**Progress since April 2007****CPS**

- The new the Victim and Witness Care Delivery Unit reviewed the Direct Communication with Victims (DCV) scheme, working closely with individual Areas to support performance improvement. There has also been close cooperation between HMCPSI and the Victim and Witness Care Delivery Unit and as a result, at the same time as the inspectors have carried out their recent audit of DCV, the CPS have been able to implement actions to address their findings without delay.
- The joint CPS and police Witness Care Units continue to provide improved communication and support to prosecution witnesses. From April 2007 Areas have been set a challenging target of ensuring 87% of witnesses required to attend court (currently 84.3%).
- The CPS has run a campaign to pathfind the recruitment and deployment of Specialist Rape Advocates. CPS Hampshire and the Isle of Wight have appointed one Specialist Rape Advocate and there are three in CPS London.
- CPS continues to recover assets from criminals under the Proceeds of Crime Act 2002 and earlier legislation. In the first half of 2007-08, the CPS has secured 471 restraint orders and 1941 confiscation orders with a total value of £45,964,301 (42% up on the first six months of 2006-07).
- The CPS continues to support delivery of the Prolific and Priority Offender (PPO) and Drug Intervention Programmes (DIP). The CPS Priority Offenders Delivery Unit has also ensured that there is a coordinated approach to tackling animal rights extremists.
- Following a successful introduction in West Yorkshire, hate crime scrutiny panels are being established in all CPS Areas. These panels will be made up of community representatives and will scrutinise a random selection of finalised hate crime case files to help us improve future handling and prosecution.

### Progress since April 2007

#### CJS

- **Victims** – a major project to provide improved, immediate and practical support tailored to victims' needs has begun in the East of England. Provided by Victim Support and following the success of the Victim Care Unit pilots, the Enhanced Services model for victims of crime will be rolled out nationally on a region by region basis.
- **Witnesses** – the roll out of the use of 'Intermediaries' to assist vulnerable witnesses communicate more complete, accurate and coherent evidence in court, leading to better evidence and better justice, commenced at the beginning of September 2007. This has been followed by national implementation of the CPS Victim Focus scheme – under the new scheme prosecutors will offer to meet bereaved families in homicide cases, after charge, in order to explain processes and procedures, including the making of a victim personal statement.
- **Community Justice** is an approach that brings the justice system and community closer together; solving problems, reducing crime and building confidence. Following successful pilots in Liverpool and Salford, Community Justice is being taken to 11 new areas, with a view to rolling out the principles to magistrates' courts nationally.
- The **Minimum Data Set** (MDS) will provide requirements for race data to be provided by CJS agencies to enable LCJBs to identify unjustified disproportionality at key points in the criminal justice process. The MDS and associated guidance are being piloted by seven LCJBs, with a view to national roll-out in 2008/09 following evaluation of the pilot.

## Delivering Efficiencies

### Introduction

The 2004 spending review set efficiency targets for the CPS to deliver savings of £15 million in 2005-06, £27 million in 2006-07 and £34 million in 2007-08. The targets cover the implementation of the charging programme, improvements in productive time, rationalising administrative support functions and improving procurement practices.

The table below shows the efficiency targets per year, along with the discrete year savings made to date for 2005-06, 2006-07 and Q2 2007-08:

Workstream	2005-06		2006-07		2007-08	
	CPS Plan £m	Actual £m	CPS Plan £m	Actual £m	SR04 Target £m	Actual* £m
<b>Charging Programme</b>	15	19.2	17.5	22.8	20	25.3
<b>Productive Time</b>	3.8	33.8	6.1	50.2	8.1	57.1
<b>Procurement</b>	0.5	2.5	1	4.3	2.5	4.3
<b>Corporate Services</b>	0.8	1.1	2	2.9	3.5	3.5
<b>Total</b>	<b>20.1</b>	<b>56.6</b>	<b>26.6</b>	<b>80.2</b>	<b>34.1</b>	<b>90.2</b>

\* To September 2007

At the end of the second quarter 2007-08 the CPS had successfully achieved overall cumulative efficiency savings since 2005-06 of £90.2m.

The savings have been delivered largely through the Charging Programme and Productive Time workstreams, the latter encompassing the COMPASS case management system and IT infrastructure and the Advocacy Strategy. Both programmes have continued to enable the CPS to improve the effectiveness and the efficiency of the criminal justice process.

The targets have and will be delivered through planned efficiencies, broadly covering:

- The implementation and continuous improvement of the Charging Programme, measured by success in terms of the improvement in the guilty plea rate, reductions in discontinuance and reductions in the proportion of cases that do not result in a conviction;
- Improvements in productive time, measured through the COMPASS Management Information System and in the deployment of HCAs and DCWs;
- Savings through HQ rationalisation, relocation and corporate services reorganisation where service levels and process quality have been measured and benchmarked and serve as quality performance measures. These are measured through the number of staff redeployed, overhead cost comparison, and transactional processing costs;

- Improving procurement practices, which focus on reducing the costs of goods and services whilst ensuring quality is maintained. Where alternative items or services are acquired, a standard specification is developed and delivered.

The CPS expects the Productive Time workstream to account for around 63 per cent of planned savings by the end of 2007-2008, with another 28 per cent coming from Charging Programme efficiencies.

### Actions taking place to deliver efficiencies

- The review and update of the COMPASS business case and cost benefits analysis to ensure that all benefits are recognised will be complete;
- The Service Centre Review project will move to full evaluation phase, with a review of the provision of services. Findings will be published in 2008;
- All areas are working towards achieving challenging 2007-08 targets for the increased deployment of HCAs, DCWs and in-house magistrates' court coverage;
- CPS's 42 Areas are now operating under the statutory charging arrangements, introduced by the Criminal Justice Act 2003;
- There is no target for workforce reductions in the CPS efficiency plan. The CPS was set a Lyons target of relocating 20 posts by 2010. Good progress is already being made with the CPS recording 43 posts relocated out of London and the South East at the end of quarter one 2007-08;
- Continuous review and re-negotiation of supplier contracts to ensure that challenging efficiency delivery plan targets for procurement are met; and
- The action plan following publication of the Capability Review will be implemented.

### Plans for delivering efficiencies over the next 6–12 months

- We will continue to rollout Conditional Cautioning across all Areas by end of March 2008;
- A review of CPS headquarters will be conducted to investigate further saving opportunities; and
- The creation of Group Strategy Boards provides the opportunity to improve effectiveness, maximise efficiencies and realise the benefits from economies of scale and skill. This will enable the delivery of value for money savings, especially in the areas of casework and support services.

## 4. Data Systems used by the CPS

### **PSA 1 – Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08**

The crimes included in this target are, broadly, the more serious cases that come to the attention of the police. An offence is said to have been brought to justice when a recorded crime results in an offender being convicted; cautioned; issued with a penalty notice for disorder or a cannabis warning; or having an offence taken into consideration. The Home Office collects these data from the police and the courts. They constitute National Statistics.

### **PSA 2 – Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the Criminal Justice System (CJS) without compromising fairness**

The Citizenship Survey, formerly the Home Office Citizenship Survey (HOCS) and transferred to Communities and Local Government on 5 May 2006, is a quarterly survey that, amongst other things, provides information about perceptions of racial prejudice and discrimination by public and private sector organisations. In connection with PSA 2 it is used to measure black and ethnic minority perceptions of fair treatment.

Data for British Crime Survey (BCS) is collected quarterly and updated on a rolling basis. The data supplier, BMRB Social Research, carries out checks to reduce the risk of the results of interviews being processed in error and a quarterly review of datasets for consistency prior to their electronic submission to the Home Office.

The Home Office undertake a monthly sample check to ensure that offences have been accurately coded and investigate significant variables in the submitted data file against previous verified data.

### **Performance Assessments**

A number of targets are directional (to achieve an increase or decrease) and are measured using survey data. In these cases the survey data must register at least a statistically significant change if we are to be reasonably sure that the measured change is due to an actual change rather than a statistical aberration. In these cases, where interim trends are moving in the right direction but a statistically significant change has not yet been achieved, we have assessed those as 'on course'.



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