



Guide to the Crown Prosecution Service





'The prosecution service is strong; focused and capable of excellent standards of delivery. It is time now to build on that secure platform and to embed the public prosecution service at the heart of delivering criminal justice in the 21st century.'

Keir Starmer, Director of Public Prosecutions



CROWN PROSECUTION SERVICE

The Crown Prosecution Service (CPS) was set up in 1986 to prosecute criminal cases investigated by the police in England and Wales. In undertaking this role, the CPS:

- advises the police on cases for possible prosecution;
- reviews cases submitted by the police for prosecution;
- where the decision is to prosecute, determines the charge in all but minor cases;
- prepares cases for court; and
- presents those cases at court.

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Five Facts About the CPS

- The CPS is headed by the Director of Public Prosecutions, Keir Starmer QC. The Director is superintended by the Attorney General, who is accountable to Parliament for the Service. The Director is supported by a Chief Executive, Peter Lewis, who is responsible for running the business on a day-to-day basis, allowing the Director to concentrate on prosecution, legal issues and criminal justice policy.
- The CPS has 42 Areas across England and Wales, divided into 15 regional Groups. 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 Area. HQ staff are based in London, York and Birmingham. There is a “virtual” 43rd Area, CPS Direct, which offers out-of-hours Charging advice to the police – see page four.
- Between April 2008 - March 2009, the CPS prosecuted 928,708 cases in the magistrates’ courts and 103,890 in the Crown Court. The CPS also provided 532,427 pre-charge decisions.
- In October 2005, three Casework Divisions were introduced to deal with organised crime, counter-terrorism and specialised crime. These divisions were created in order to provide a first-class prosecution service to the Serious Organised Crime Agency and ensure that the CPS is capable of dealing with the full range of serious crime. Prosecuting these high profile cases enables CPS staff to demonstrate their skills at the highest levels and contribute to improving public confidence in the criminal justice system.
- The CPS is the largest “law firm” in the UK, dealing exclusively with criminal cases. At the end of March 2009, the CPS employed a total of 8,897 people. These included 2,908 prosecutors and 5,406 caseworkers and administrators. More than 92 per cent of all staff are engaged in, or support, frontline prosecutions.

Our Aim

We, the CPS, are the main prosecuting authority in England and Wales. In our daily operations we work in partnership with:

- The Police;
- HM Courts Service;
- The Probation Service;
- The Prison Service;
- The Witness Service;
- HM Revenue and Customs Prosecutions Office;
- The Serious Fraud Office; and
- The Health and Safety Executive.

Our overall aim, which reflects the government's priorities for the criminal justice system (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.

Our Vision

We are working to become a world-class, independent prosecuting authority 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 criminal justice system;
- being renowned for fairness, excellent career opportunities and the commitment and skills of all our people; and
- having a strong capability to deliver.

Statutory Charging

Working closely with police colleagues we have introduced Statutory Charging in all 42 Areas.

Operating at the very heart of the criminal justice system, our prosecutors are now selecting the charge in all but the most minor cases and building strong cases from the start. This approach has already resulted in an increased number of guilty pleas, reducing the burden on the courts and, most importantly, providing a better service to the victims and witnesses involved in each case.

Statutory Charging is seen as the single most significant development in the handling of criminal casework since our inception.

An integral part of Statutory Charging is CPS Direct, a national out-of-hours telephone service that allows police to access Charging advice 24-hours a day, 365 days a year. During 2008-09, 135 CPS Direct prosecutors handled 177,373 calls and provided 144,052 Charging advices. CPS Direct is, in effect, a "virtual" 43rd Area, headed by a CCP.



Code for Crown Prosecutors

The Code for Crown Prosecutors (the Code) is a public document, issued by the Director of Public Prosecutions that sets out the general principles Crown Prosecutors should follow when they make decisions on cases.

Is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, Crown Prosecutors must consider whether evidence can be used in court and is reliable.

Crown Prosecutors must be satisfied there is enough evidence to provide a “realistic prospect of conviction” against each defendant on each charge.

Is it in the public interest for the CPS to bring the case to court?

A prosecution will usually take place unless the public interest factors against prosecution clearly outweigh those in favour of prosecution.



Conditional Cautioning

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 prosecutions, but who are prepared to admit their offence and agree to undertake rehabilitative or reparative activities as a condition of being cautioned.

Unlike the simple caution, the decision whether or not to offer a conditional caution can only be taken by a prosecutor either as part of the Statutory Charging process or on review of a case Charged by the police.

CPS Publications

As part of our commitment to engage with all sections of the community, we produce a number of publications. These include booklets outlining our policy for dealing with cases of rape, domestic violence, hate crimes and cases involving children and young people.

We have also produced an award-winning DVD, *Just Deserts*, which follows the story of a teenager who witnesses a robbery and is torn between giving evidence or 'keeping his head down'.

You can find more information about our publications on our website at www.cps.gov.uk, or from our publicity branch, email publicity.branch@cps.gsi.gov.uk



Hate Crime

We regard a racist or religiously-motivated incident as:

Any incident which is perceived to be racist or religiously motivated by the victim or any other person.

An offence is racially or religiously aggravated if:

- at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or
- the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.

Certain offences, including assault, harassment, criminal damage and public order offences, can be prosecuted specifically as racially or religiously-aggravated offences.

With any other offence where there is evidence of racial or religious aggravation, the

defendant faces a harsher sentence than if he or she were found guilty of a non-racial or religious crime.

Homophobic crime is:

Any incident which is perceived to be homophobic or transphobic by the victim or by any other person [including the perpetrator].

We regard homophobic crimes as particularly serious because they undermine people's right to feel safe about, and be safe in, their sexual orientation.

Such crimes are based on prejudice, discrimination and hate, and they have no place in an open and democratic society.

We regard the homophobic element of any crime as a serious aggravating feature. We are determined to play our part in reducing crime by bringing offenders to justice.

The CPS has also published a Policy Statement on how it deals with disability hate crime.



Domestic Violence

When prosecuting cases of domestic violence (DV) if a victim no longer wishes to give evidence, it doesn't mean the case will automatically be stopped. Before deciding whether or not to proceed with the prosecution we will consider all the available options.

We can try to build cases on evidence other than that of the victim's, for example, evidence from the scene, accounts by police officers, and a record of 999 calls.

The safety of the victim, children and any other person at risk remains our first priority.

Support or information:

Freephone 24-hour DV helpline:
0808 2000 247

RESPECT – a perpetrators' helpline:
0845-1228 609

Violence Against Women

- One in four women will experience domestic violence at some time in their lives.
- Two women are killed every week by a current or former partner.

In April 2008 we published our Violence Against Women (VAW) Strategy and Action Plan. The VAW Strategy is an umbrella for a set of crime types that have a pattern related to gender.

These include:

- domestic violence;
- rape;
- child abuse;
- female genital mutilation;
- sexual offences;
- forced marriage;
- crimes against older person;
- human trafficking;
- prostitution; and
- honour crimes.

Making Justice Pay

Working with the police, we are determined to make sure crime doesn't pay.

The Proceeds of Crime Act 2002 (POCA) became law in 2003. Its aim is:

- To prevent criminals or their associates laundering the proceeds of crime and to detect and penalise such laundering.
- To recover money made from crime or intended for use in crime and use it for the benefit of the community.

This is a reminder to all those who commit crime for financial profit, that if they are caught they will not only run the risk of receiving a prison sentence, but their money and any assets will be taken away.

In 2008-09, we obtained 4,920 confiscation orders to a value of £144,978.209, as well as 1463 restraint orders.



Victims and Witnesses

Witness Care Units (WCU) have been created under the No Witness No Justice initiative to provide an enhanced level of service to all victims and witnesses of crime in England and Wales in cases where a charge has been brought. Staffed CPS and police personnel, there are now WCUs in every CPS Area.

Every victim and witness is allocated a Witness Care Officer to guide them through their experience. This officer will update them on court dates, take any questions they have about the criminal justice system and reassure them about all aspects of their court appearance.

A pre-court visit to see the witness facilities and a walk around the court can be arranged. If a victim or witness requires special treatment in the courtroom, we can apply for special measures, likewise if a victim or witness has dependants, and so attending court is difficult, the Witness Care Officer can arrange a registered childminder.

Did you know, for example, that:

- screens may be made available to shield a witness from a defendant;
- arrangements can be made to give evidence via a live TV link;
- judges and lawyers can remove wigs and gowns; and
- the public gallery could be cleared of people.

The aim is to take the stress out of attending court and keep victims and witnesses up to date with any news in a way that is convenient to them. This can be in writing, by email, or a text message. Witnesses are a key part of securing prosecutions and narrowing the justice gap so we want to make the experience with us as straightforward as we can.

At Maidstone WCU, when Witness Care Officer Louise had a very reluctant witness, she came up with an innovative but simple solution to ensure his attendance at court.

The witness admitted to Louise that he was an alcoholic and that he found it extremely difficult to handle appearances in public. In particular, he was embarrassed that other people would notice that his hands shook as a result of DTs (delirium tremens).

Louise asked if a special measures application could be made to allow the witness to deliver his evidence sitting down. The application was granted, enabling him to sit on his hands and avoid any embarrassment caused by his illness.

He phoned after the trial to thank Louise for her help, and the respect she had shown him.

In CPS Thames Valley, a victim of crime with multiple sclerosis, gave evidence from her home via a live TV link with Oxford Crown Court. She later commented: "I felt as though I was being put first for the first time in my life."



Victims' Code

The Code of Practice for Victims of Crime (Victims' Code) came into full effect on 4 April 2006.

The Victims' Code gives victims rights to minimum standards of service from the criminal justice system for the first time. This includes notifying vulnerable or intimidated victims within one working day if there is insufficient evidence to charge a defendant, and within five working days for all other victims, as well as identifying any special measures that may be appropriate.

We are fully committed to our obligations under the Victims' Code.

Prosecutors' Pledge

In 2005, the Attorney General introduced a 10-point Prosecutors' Pledge that sets out the level of service that victims can expect to receive from prosecutors.

This includes considering the impact of a crime on the victim or their family when making a charging decision and promoting and encouraging two-way communications between a victim and a prosecutor.

You can find a copy of the Prosecutors' Pledge on our website at www.cps.gov.uk



In-house Advocacy

Modern prosecutors routinely conduct their own advocacy. Our Associate Prosecutors have consistently prosecuted cases robustly and fairly in the magistrates' courts, and today's prosecutor is gaining more and more experience in the Crown Court.

Known as Crown Advocates, these solicitors and barristers have been granted rights to appear in higher courts.

The Service's talented pool of advocates increasingly use their skills in trials of ever-increasing duration and complexity.

This is a foundation of the Director of Public Prosecution's vision that the CPS is a world-class prosecution service that routinely conducts its own advocacy.

The number of Crown Court hearings dealt with by in-house staff is now around 14,500 a month, on average, saving around £23.6 million per annum in counsel fees.



Working for the CPS

Career opportunities at the CPS have never been so diverse, whether joining as an administrator, a caseworker or a lawyer, we have a wide-range of exciting vacancies. Our award-winning learning and development scheme, the Law Scholarship Scheme, offers a clear development and qualification route from administrator to prosecutor, with financial support towards a broad range of legal qualifications.

We are committed to diversity and actively oppose discrimination.

Working for the CPS brings many benefits, including:

- opportunities to gain experience from different functions or to specialise in a particular area;
- flexible working, including flexitime, part-time working, job-sharing, and career breaks;
- 25 days' annual leave with the potential to rise to 30 days. In addition there are 10.5 public holidays and privilege days;

- support with childcare;
- the Principal Civil Service Pension Scheme;
- training and development: we actively encourage our staff to undergo training and professional development. Training is provided in-house or through courses held externally for all grades and experience.

Details of vacancies and more information can be found online at www.cps.gov.uk/careers

In 2005 the CPS was voted best public sector employer at the Solicitors' Race Equality Awards, awarded by the Law Society and Commission for Racial Equality.

Working for the CPS

Oliver Haswell

Oliver Haswell, who was the Area Communications Manager for CPS South Wales and Gwent, showed that working and studying part-time really can reap rewards. Oliver moved from Gwent to South Wales in September 2005, completing his Bar Vocational Course at the Cardiff Law School through the CPS' Law Scholarship Scheme (LSS).

During this time, Oliver, who is partially sighted, was also awarded £10,000 through the Bursary for Disabled Civil Servants, to spend on training and development. And his hard work finally paid off.

Oliver scored 10 'outstanding' and three 'very competent' grades in his exams, with an overall mark of 92 per cent across the 13 assessments, and was Called to the Bar by Gray's Inn on 27 July 2006.

Oliver, who has been at the CPS since 2003 moved to CPS Norfolk, to take up a pupillage, and is now a Senior Crown Prosecutor.

"It's been a tough old year but I'm thrilled with how things have turned out," said Oliver.

"I've had incredible support from the CPS in Gwent and South Wales throughout my studies, not to mention my fantastic mother who would get out of bed at 5am to run me to the train station each day.

"She'll be having a well-earned lie-in now that I've moved to the other side of the country."

Oliver also represented the UK in America's 17th annual National Criminal Justice Trial Advocacy Competition in Chicago.



Working for the CPS

Raj Kumar

Raj Kumar, CPS Greater Manchester started as a photocopier/cleaner at the CPS' Bradford office in 2002. In 2005 he became a Crown Prosecutor, and has now progressed to Senior Crown Prosecutor.

Raj, a single parent, had already completed his Law Degree and

Legal Practice Course before joining the Service. He was able to complete his Training Contract through the LSS.

"The struggle has been worth it. Not only have I qualified, my daughter has now decided that she too wants to become a prosecutor" said Raj.



Anti-Social Behaviour

Acts of anti-social behaviour, such as vandalism, graffiti or harassment, may seem comparatively minor crimes, but they can have a devastating effect on local communities, causing residents to live in fear and destroying people's quality of life.

We work closely with the police, local authorities and the courts to

tackle all forms of anti-social behaviour. These may include drugs, begging, street crime, misbehaviour by youths, general disorder and criminal damage.

Where appropriate we will apply for Anti-Social Behaviour Orders (ASBOs) to be made on conviction, and support other agencies in the enforcement of any breaches of those orders.



Casefile

Operation Lund

The successful outcome of the Morecambe Bay cockle pickers case in Lancashire demonstrates the high level of co-operation and collaboration between us and the police. The level of human tragedy was a powerful motivator for everyone involved.

"I think the whole prosecution team felt deeply that the suffering of those who were lost and the continuing anguish of their relatives and the surviving witnesses was a strong motivating factor for us to work so hard and for so long to bring this case to a successful conclusion," said Duncan Birrell the CPS lawyer in charge of the case.

Duncan was brought in to the case in April 2004 and quickly formed a close personal and professional bond with the senior investigating officer from Lancashire Police and his team. Duncan also had to quickly assimilate the material that had at that point been gathered by the investigators.

The proposed charges of gross negligence manslaughter, perverting the course of justice and importantly Immigration Act offences posed complex legal problems.

Thousands of witness statements and documents were obtained in the course of the investigation.

The trail led the team abroad to many countries, including Spain to depose witnesses in a Spanish District Court where the police and CPS sent a joint team and Duncan was able to question witnesses who were brought to court.

Duncan said: "There were those who doubted that this case could succeed because of the layers of complexity both factual and legal inherent in it not least the initial reluctance of the surviving witnesses to speak freely about what actually happened, however those problems and difficulties were overcome by the close and effective team work of the police and CPS."

Casefile

Successful prosecution, but no victim

A CPS Direct duty prosecutor helped CPS London make legal history when Farhan Osman was successfully prosecuted for attempted rape without the victim ever being traced.

Osman was arrested minutes after the attack, but the victim and witnesses who had helped her disappeared.

CPS Direct prosecutor Sophie Judge said: "It was an interesting case to deal with because of the lack of a victim and the fact that I had to rely

entirely on the account of the CCTV given over the phone by the officer in the case." Sophie consulted CPS Direct colleagues, taking into account their experience and suggestions to assist in making the decision to charge.

Her decision was later confirmed by the reviewing lawyer and Osman pleaded guilty to attempted rape at Inner London Crown Court. At the same court, he was later sectioned under Section 37 of the Mental Health Act.

Operation Lund Result

Gangmaster Lin Liang Ren was convicted of the manslaughter of the 21 cockle pickers who drowned in Morecambe Bay and sentenced to 14 years' imprisonment.

Casefile

Anthony Walker

A level student Anthony Walker, 18, died after a gang of men attacked him in Merseyside. Anthony had been subjected to racial abuse while waiting at a bus stop with his girlfriend and a cousin. As they walked away, Anthony was attacked by a man with an axe and received massive head injuries. He died in hospital shortly afterwards.

Merseyside Police immediately contacted CPS Merseyside Assistant District Prosecutor Colin Davies. After hearing taped interviews with the defendants, Michael Barton and Paul Taylor, Colin authorised that both be charged with Anthony's murder.

"Caseworker Neil Wright and I worked weekends and nights to ensure the case was thoroughly prepared," said Colin.

Taylor pleaded guilty to murder and Barton was found guilty of murder. The racial factor increased the sentences: Taylor received a minimum of 23 years, Barton a minimum of 18 years.

There was a strong relationship between the Prosecution Team and the Walker family. After the guilty verdict against Barton, the family asked to meet the Prosecution Team at Liverpool Crown Court. As the team members walked into the room, the family applauded them. "It was a very moving moment," said Colin. "The dignity and courage shown by the Walker family during the trial was amazing."

- A law scholarship scheme was launched by the CPS in Anthony's memory. Anthony had had dreams of becoming a lawyer.



Colin Davies

Casefile

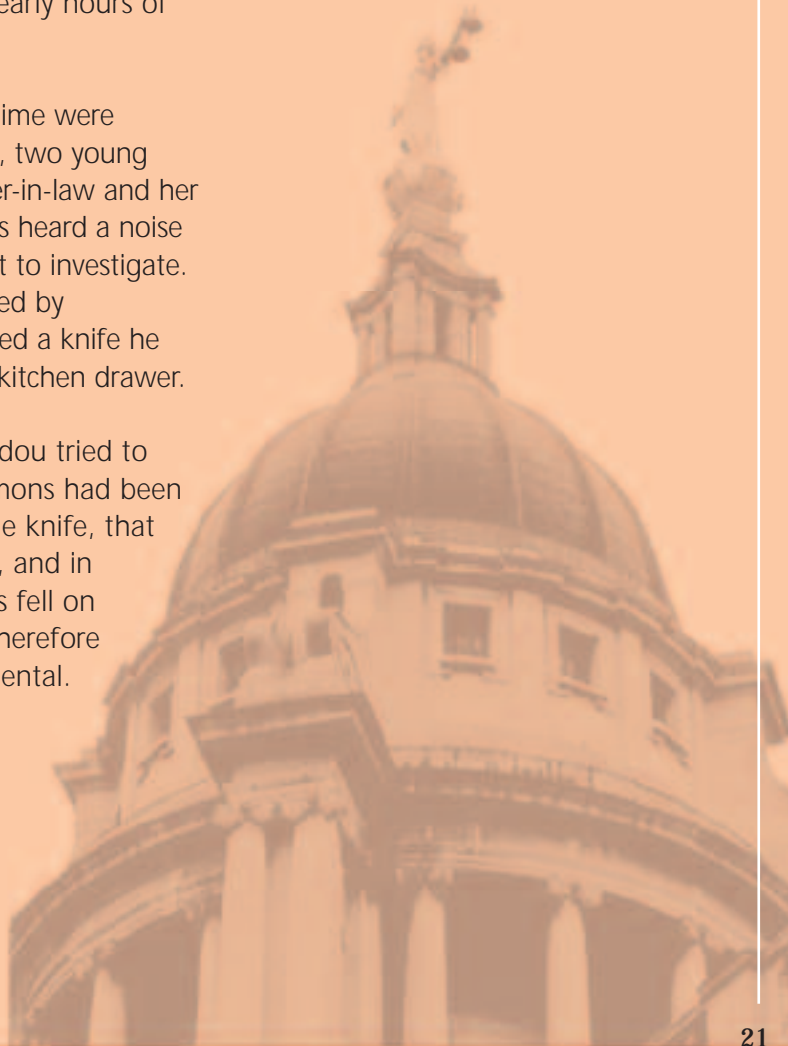
Addict Murder Conviction

Yousef Bouhaddou, a 28-year-old crack cocaine addict, was charged with the murder of Robert Symons, a teacher living in Chiswick, west London. Bouhaddou entered the family home in the early hours of the morning.

In the house at the time were Mr Symons, his wife, two young children and his sister-in-law and her husband. Mr Symons heard a noise downstairs and went to investigate. He was fatally stabbed by Bouhaddou, who used a knife he had taken from the kitchen drawer.

At the trial, Bouhaddou tried to suggest that Mr Symons had been the one who had the knife, that he took it from him, and in doing so Mr Symons fell on the knife and that therefore the death was accidental.

The jury took just 14 minutes to decide that Bouhaddou was guilty of murder. This is believed to have been the quickest verdict in a murder case at the Old Bailey.



YOUR QUESTIONS ANSWERED

Why are some cases dealt with in the magistrates' courts while others go to the Crown Court?

A variety of laws set out where a case must be tried. More than 90 per cent are dealt with in the magistrates' courts.

Magistrates are not legally qualified, but are trained and advised by a legally qualified advisor or a magistrates' court judge (district judge). Magistrates decide whether an accused person is guilty or not and, if so, the appropriate sentence.

The most serious cases such as murder, rape and robbery, must be dealt with at the Crown Court where the case will be heard by a judge and jury. The jury, made up of members of the public, decides whether the accused person is guilty or not.

If guilty the judge will decide on the appropriate sentence.

There are a number of offences that can be tried at either the magistrates' court or Crown Court. These include theft, burglary and dangerous driving. With these cases, the magistrates first decide whether they consider they have adequate powers to deal with them. The accused person also has the right to elect to be tried at the Crown Court in these cases.

The Crown Court operates in 90 centres across England and Wales.

If I have been a victim of crime, can I say what impact it has had on my life?

Yes. All victims are able to make a Victim Personal Statement. In it, they can explain what has happened to them as a result of the crime. Victim Personal Statements can be made at any time until an offender is sentenced.

Can the CPS appeal a sentence?

No. There is no right for the Prosecution to appeal a sentence. However, the Attorney General has the power to refer cases dealt with in the Crown Court to the Court of Appeal if she considers that the sentence was “unduly lenient”.

The fact that a sentence may be regarded as lenient is not sufficient; it must be unduly

lenient. In cases referred to it, the Court of Appeal has the power to increase a sentence.

We draw the attention of the Attorney General to any cases where we feel the sentence passed may be unduly lenient.



NOTES

NOTES

CPS Publications

telephone: 020 7796 8442;

email: publicity.branch@cps.gsi.gov.uk

CPS Public Enquiry Point

telephone: 020 7796 8500;

email: enquiries@cps.gsi.gov.uk

CPS Complaints

email: complaints@cps.gsi.gov.uk


Criminal Justice System

website: www.cjsonline.gov.uk

Victim Support

Supportline: 0845 30 30 900;

website: www.victimsupport.org.uk

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CPS

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about the CPS on our website:

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