

MESSAGE FROM THE CCP

## From crime to justice — our commitment to you

Our aim is to be a first-class prosecuting authority that delivers a quality service to the people of Derbyshire.



We work closely with our criminal justice partners to help bring more offenders to justice, to reduce crime and the fear of crime within our communities, and to increase public confidence in the Crown Prosecution Service and the criminal justice system as a whole.

In this leaflet you will find out more about our work and our commitment to placing the needs of victims and witnesses at the heart of everything we do.

If you would like further information about our role, have any questions about the CPS or any suggestions on how we can improve the service we provide, we would like to hear from you.

**Brian M Gunn OBE**  
Chief Crown Prosecutor, CPS Derbyshire

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DOMESTIC VIOLENCE

## Safe in your home

Domestic violence accounts for a quarter of all violent crime. It can have a devastating effect not only on the victim but also on families, especially children who directly witness and suffer the consequences of that violence.

We recognise that giving evidence in court can be very difficult for many victims of domestic violence. We have a number of measures in place to provide practical and emotional support, and will also consider all other available evidence, such as 999 recordings, witness statements or evidence from the scene.

If a victim decides to withdraw support for the prosecution or 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, ensuring the safety of the victim, children and any other person at risk remains our first priority.



RACIST AND RELIGIOUS CRIME

## Prosecuting hate crime for you

Victims of racist or religiously motivated crime are targeted solely because of their actual or presumed racial or ethnic origins, or because of their faith.

Every person has an equal right to be protected by the legal system. Derbyshire CPS operates on behalf of the entire community and as such, we take this form of hate crime extremely seriously. Prosecuting racist and religious crime remains one of our key priorities and we are committed to dealing effectively and fairly with all cases referred to us by the police.

Certain offences, including assault, harassment, criminal damage and public order offences can be prosecuted specifically as racially or religiously aggravated offences. Where there is evidence of racial or religious aggravation, the defendant will face a harsher sentence than if he or she were convicted of a non-racial or religious crime.



HOMOPHOBIC CRIME

## Helping you to feel safe

Homophobic / transphobic crimes are particularly serious because they undermine a person's right to feel safe about, and be safe in, their sexual orientation and gender identity. Such crimes are based on prejudice and discrimination, and have no place in an open and democratic society.

We regard the homophobic / transphobic element of a crime as an aggravating feature, and our "Policy for Prosecuting Cases with a Homophobic Element" is a public statement of our commitment to prosecute such cases effectively.

We are determined to play our part to ensure that all lesbian, gay, bisexual and transgender (LGBT) people in Derbyshire have the confidence to report hate crimes against them, knowing they will be fully supported throughout any criminal proceedings.



CPS DERBYSHIRE AND YOU

## Supporting you

Establishing and developing positive relationships with the public in whose interests we act is a fundamental aspect of the work we do. We aim to inform, listen to, work with and be informed by those living and working across the county.

It is important that all sections of the community understand how the CPS and the wider criminal justice system works on their behalf, and know what to expect should they ever be a victim of crime.

Recently we have been working with a number of organisations and voluntary and community groups, to talk about the work of the CPS and to address any specific concerns they may have.

We've met with older people's groups to talk about the dangers of bogus callers, LGBT groups to talk about how we're working to tackle homophobic crime, and schools and universities to talk about our work and careers within the legal profession.

If your group or organisation is interested in finding out more about the role of the CPS or any aspect of our work we'd like to hear from you.

CPS DERBYSHIRE AND YOU

The Crown Prosecution Service in Derbyshire and

# YOU

...working with our community



## What the CPS does for you

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

- advise the police on cases for possible prosecution
- review cases submitted by the police for prosecution
- where the decision is to prosecute, determine the charge in all but minor cases
- prepare cases for court; and
- present those cases at court

CPS Derbyshire is one of 42 CPS Areas across England and Wales. Each year we deal with approximately 25,000 cases in the county's five magistrates' courts at Derby, Chesterfield, Buxton, Ilkeston and Glossop, and a further 2,500 cases in the Crown Court at Derby. Our conviction rate stands at 95% in the Crown Court and 97% in the magistrates' courts.



## Justice for you

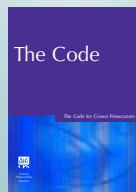
Our decisions on whether or not to prosecute are governed by the *Code for Crown Prosecutors*, which sets out two tests:

### The evidential test

Our prosecutors have to satisfy themselves that there is enough evidence to provide a realistic prospect of conviction. If a case fails to pass the evidential test it doesn't go ahead, no matter how important or serious it may be.

### The public interest test

Once a case passes the evidential test our lawyers must then decide whether a prosecution is needed in the public interest. This will usually happen unless there are public interest factors tending against prosecution, which clearly outweigh those tending in favour.



## Keeping you informed

We feel it is important that victims of crime are kept informed of the progress of their case.

If there is insufficient evidence to charge a defendant we will notify vulnerable or intimidated victims within one working day, and within five working days for all other victims.

If, after a defendant is charged, we decide to drop or substantially alter a charge, we will again write to the victim within five working days (one working day for vulnerable or intimidated victims) to inform them of our decision.

In cases where a death has occurred, and for child abuse cases, sexual offences, racially or religiously aggravated offences or cases with a homophobic or transphobic element, we will offer to meet the victim or victim's family to explain why no charges will be brought or why the charges have been dropped or substantially altered.



## Putting victims and witnesses first

We rely heavily on the willingness of prosecution witnesses to come forward and give evidence in court in order to enable us to bring offenders to justice.

### Witness Care Units (WCUs)

Three WCUs have been established in Derbyshire to provide an enhanced level of service to witnesses in cases where a charge has been brought. Witnesses receive a needs assessment to identify any potential problems that may prevent them from attending court, such as childcare or transport problems, language difficulties, accessibility issues or concerns about intimidation. The WCU will then co-ordinate the necessary support needed to address these issues.

### Special measures

We recognise that giving evidence during a trial can be difficult for many people, but is often particularly so for vulnerable or intimidated witnesses. We are happy to discuss any special measures that may be required to enable them to give their evidence in the best way possible. These may include:

- using screens in the courtroom so the witness can't see, or be seen by, the defendant
- giving evidence by live video link from a separate room in the court building
- clearing the public gallery of people
- communication aids

## Tackling 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.

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.

We will also take action against anyone committing low-level disorder offences and carrying out acts of anti-social behaviour, such as criminal damage.



## Working together for Derbyshire

Although CPS is an independent organisation, we don't work in isolation. Through the Derbyshire Criminal Justice Board (CJB) we work in close partnership with our colleagues across all criminal justice agencies to improve the way the criminal justice system (CJS) works to catch, convict and rehabilitate criminals.

Derbyshire CJB is made up of chief officers from the police, CPS, Her Majesty's Courts Service, Youth Offending Service, National Probation Service and Her Majesty's Prison Service. Together their key aims are to:

- put victims and witnesses at the heart of the CJS
- bring more offences to justice
- tackle persistent young offenders
- increase public confidence in the CJS

Derbyshire CPS is one of the major contributors to the work of the Board — our Chief Crown Prosecutor is the chair of the CJB and our staff sit on all the Board's sub-groups.

