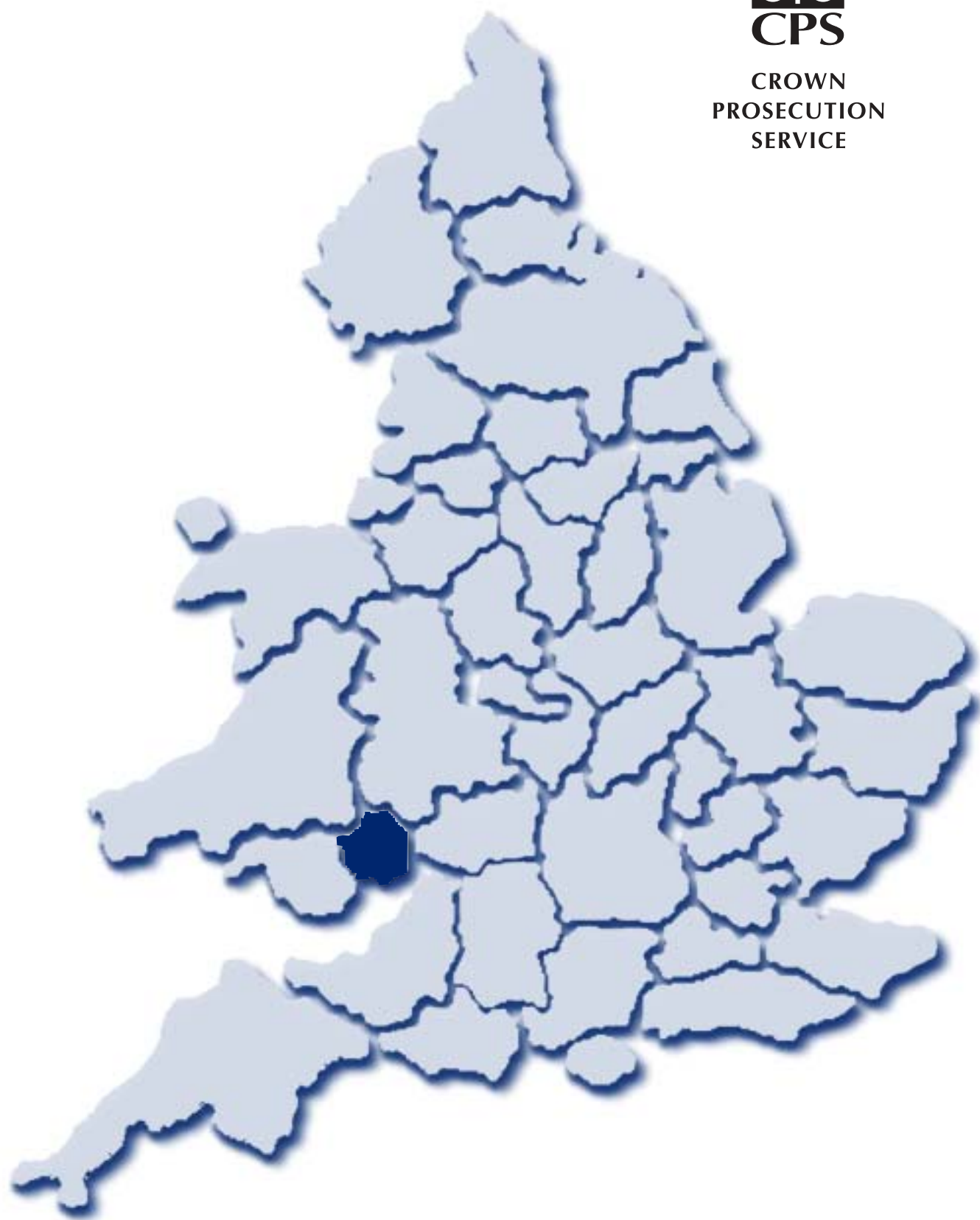




CROWN
PROSECUTION
SERVICE



CPS Gwent

Annual Report | 2001-2002

Introduction by the Chief Crown Prosecutor

It is with pleasure that I present the third Crown Prosecution Service (CPS) Gwent Area Annual Report. The Area covers the five County Boroughs of Blaenau Gwent, Caerphilly, Newport, Torfaen and the County of Monmouthshire. CPS Gwent is based in one office in Newport.

I am directly responsible to the Director of Public Prosecutions, Sir David Calvert-Smith QC, for the effective prosecution of all cases in the Area. My role is to ensure that cases are prosecuted firmly, fairly and effectively, following the Code for Crown Prosecutors which is the authoritative guide on the decision to prosecute. I concentrate on the prosecution and legal processes, whilst the Area Business Manager assists me in managing office processes and administration.

The main aim of the criminal justice system is to reduce crime and the fear of crime and to dispense justice fairly and efficiently. In order to contribute to this, challenging targets were set for the Area at the beginning of the year to ensure that we continue to improve our performance. These targets have been substantially surpassed due to the commitment of our staff. We continue to work closely with our partners in the local criminal justice system to take forward initiatives to speed up justice.

This last year has seen the Area make a significant progress towards its goal of providing a superb prosecution service to the community in Gwent. Here are some examples:

New staff

Over the year no less than six new lawyers have joined our complement of Crown Prosecutors. We now employ 30 solicitors and barristers as prosecutors, making us in fact one of the largest legal firms in Wales. All are highly skilled and highly regarded. Some are national experts in their particular field. We have also recruited skilled administrators to support these lawyers.

The police working along side us

In my last report I mentioned that the police staff had just moved into the CPS building to work alongside prosecutors in dealing with the really serious casework. This arrangement has worked extremely well and the police now have a total of eight full time staff working with us dealing with cases such as



murder, manslaughter and rape. Over the year we have in fact handled over 500 cases of this serious nature. In September this year we plan to extend this initiative by putting prosecutors to work alongside the police dealing with offences that are normally prosecuted in a magistrates' court. Prosecutors and administrative staff will be moving to work at Newport police station.

Information technology

The area received a big boost in the course of the year after the introduction of a PC for every member of staff. This has made us a more efficient office with a speedy distribution of information. This has helped us to reach decisions faster.

Domestic violence

The Right Hon Harriet Harman QC MP, Solicitor General, launched the CPS policy on Domestic Violence in November 2001. To mirror this, we ourselves launched the policy locally and received a lot of positive publicity in the media. We have adopted a high profile at the Domestic Violence fora that have been set up across Gwent, and it is fair to say that representatives of Women's Aid organisations have been impressed by the seriousness with which the Crown Prosecution Service regards domestic violence.

We have six specialist domestic violence prosecutors, many of them experienced in family law, who aim to

provide a very high service to victims of domestic violence during the prosecution process.

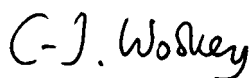
Young offenders

The Government has rightly placed high emphasis on the importance of dealing with young offenders speedily. I am very pleased to report that during the year Gwent succeeded in meeting the government targets of dealing with all persistent young offenders within the 71 days (our final figure was 70 days). On all measures to do with young offenders Gwent outperformed the national average.

Initiatives

The next year will see two significant enhancements of the service we can offer to victims and witnesses. From the end of April this year we will be writing to victims whose cases have been discontinued or reduced in seriousness, to explain why we have taken this course. In appropriate cases we will offer a face to face meeting with victims to explain our decision. We hope this will significantly improve public understanding of our role as a prosecution service. There may be very sound legal reasons why we are forced to discontinue or reduce the level of charge, and it can only help if victims of crime have these reasons explained to them.

Secondly, we will implement those provisions of the Youth Justice and Criminal Evidence Act 1999 which are being brought into force in stages from July 2002. These will provide for a range of special measures to enable a vulnerable or intimidated witness in the criminal trial to give the best possible evidence. The Crown Prosecution Service will work with the police to find out what special measures may be appropriate for a particular victim or witness, and then will apply to the court for these measures to be allowed during the trial. We hope this will enable vulnerable and intimidated witnesses to give their best evidence in criminal proceedings in a way that has previously not been possible.



Chris Woolley
Chief Crown Prosecutor

We dealt with a number of cases attracting national headlines during the last year. Amongst the most noteworthy are the following:

Trevor Masters

Trevor Masters was convicted of rape, but before the jury returned with a verdict he absconded. It was later discovered that he had fled to the continent. Gwent police spent several months making enquiries with foreign jurisdictions until eventually Trevor Masters was found in the South of France. A French court recommended his extradition back to the UK for sentence. Masters is however, fighting his extradition through the French courts.

Hassan Mohammed

A massive drugs investigation culminated in the arrest, prosecution, and conviction of Hassan Mohammed and others. This was Gwent's largest ever seizure of heroin — one kilo.

Mark Phillips and Carl Ball

Both were convicted of arson with intent to endanger life. They received a total sentence of 18 years' imprisonment — one of the highest ever imposed for a Gwent case. It is noteworthy that they will spend a longer time in prison than if they had been sentenced to life imprisonment.

Michael Podmore

Podmore was convicted of a brutal series of attacks and rape upon his partner, receiving a term of life imprisonment. We used a revolutionary technique of introducing evidence from a previous case against Michael Podmore, when he had in fact been acquitted, in order to prove the offence.

Mew, Ward and Williams

These three defendants attacked and robbed a pensioner in his car. The case was fast tracked to the Crown Court and terms of imprisonment totalling 21 years were imposed on the trio.

As well as serious cases such as these, we prosecuted offences of less intrinsic gravity, but still of concern to society. We prosecuted one man when he was painting his house green. Not only did he paint the walls but he also painted his unfortunate dog who was standing nearby. The poor animal was totally covered in paint and we prosecuted the owner for causing unnecessary suffering. In another case a father and son broke into an electricity substation and blew themselves up trying to move a transformer. The police tracked them down by asking local hospitals if anyone had been admitted with electrical burns! In another case a woman was so desperate to pay off her court fines that she obtained money by deception on credit card, thereby incurring yet another conviction.

About the Crown Prosecution Service

The Code for Crown Prosecutors

The CPS prosecutes all cases in accordance with the *Code for Crown Prosecutors*. The Code is of fundamental importance to the core business of the CPS as it provides guidance to prosecutors on the general principles to be applied in all prosecution decisions, and acts as a public statement of policy allowing everyone to see and understand the basis upon which these decisions are made.

A revised *Code for Crown Prosecutors* was published in 2000 in order to reflect important developments in legislation, criminal procedure and the CPS' own structure. As part of that revision process, an extensive programme of public consultation was carried out and almost every aspect of the Code commented upon. New features of the Code include a reference to our position and obligations under the Human Rights act 1998, clarification of the relationship between victims and public interest and a paragraph on youths to reflect new procedures for reprimands and final warnings.

The Auld Review

Lord Justice Auld's Criminal Courts Review was published in October 2001. It recommends an overhaul of the criminal courts with a unified criminal court in three divisions and a single administration to replace the existing and separate Crown and magistrates' courts structures.

Another proposal is that the CPS rather than the police should decide charges in all but minor, routine offences, or where a holding charge is needed. The change should help improve the quality of files and lead to earlier decisions on when to charge and what charges should be brought. The Home Secretary has agreed that the procedure be piloted for six months in five CPS Areas in advance of the Government's decision regarding the Auld recommendations.

About the Crown Prosecution Service: The Facts

The CPS is responsible for prosecuting people in England and Wales charged by the police with a criminal offence.

Nationally we prosecute more than 1.4 million cases every year and our annual planned expenditure for 2001-02 was £416.3 million. This included £30.4 million from the new criminal justice reserve, to speed up the reform of the Service.

Currently we:

- Advise the police on possible prosecutions.
- Review prosecutions started by the police to ensure the right defendants are prosecuted on the right charges.
- Prepare cases for court.
- Prosecute cases at magistrates' courts and instruct counsel to prosecute in the Crown Court and higher courts. Some CPS lawyers are now qualified to appear in the Crown Court in certain cases.
- Liaise with other agencies and other Government Departments to achieve improvements in the criminal justice system.
- The CPS is headed by Sir David Calvert-Smith QC, Director of Public Prosecutions; the Chief Executive is Richard Foster, who took up post in January 2002.
- The CPS employs around 7,100 staff and has an Equal Opportunities Policy. Parts of the Service have achieved the Investor in People standard while others are pursuing accreditation.
- A Diversity Unit was set up in October 1999. The Unit's remit is to turn the CPS Equality Statement into a reality. The aim is to ensure that the CPS does not discriminate in either its employment practice or its prosecutions. A Steering Group has been set up to oversee the Service's commitment to change following reports by barrister Sylvia Denman and also the Commission for Racial Equality that highlighted discrimination against ethnic minority staff in the CPS. It is chaired by Attorney General Lord Goldsmith.
- The Attorney General's Race Advisory Group includes representatives from external organisations. It examines and comments on proposals by the CPS to improve equal opportunities in response to the Denman and CRE report recommendations. There is commitment from the top of the CPS to having a Service which is fair and has proper approaches to diversity.
- The CPS continues to develop new electronic information and media. It has an intranet service with an internal website, CPS Online. CPS Online gives staff better access to information, improved internal communications and allows the CPS to manage its information and knowledge better.
- The CPS' internet 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.

- The CPS, and its criminal justice partners, are working together to help realise the Government's pledge to halve the time it takes to deal with persistent young offenders in youth courts and in Crown Court.
- The CPS is taking forward initiatives to speed up justice proposed by Martin Narey in his Review of Delay in the Criminal Justice System. These include new 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.
- CPS Areas are working in partnership with police forces to establish joint and co-located criminal justice units to reduce duplication and delay in bringing cases to court. They are also establishing Trials Units (TUs) to deal with the preparation and presentation of the more serious cases at Crown Court. Most TUs will be located in CPS premises, but some are planned for Crown Court centres.
- The CPS has 42 Areas corresponding to the 43 police forces in England and Wales (London Area covers both City of London and Metropolitan Police Forces). Each Area has a Chief Crown Prosecutor (CCP) who is responsible for prosecutions. In London the CCP is supported by Assistant Chief Crown Prosecutors. Area Business Managers are responsible for the efficient running of the Area.
- The CPS Vision and Strategy is "to be a prosecuting authority of stature, providing the best possible service to society. We want to be a professional organisation which values all its people, performs to a high standard, inspires public confidence, and works in partnership".

Where we fit in the criminal justice system

- The Law Officers: The Attorney General is assisted by the Solicitor General. The Attorney General has final responsibility for enforcing criminal law and superintends the Director of Public Prosecutions.
- The police: Police forces investigate crime and arrest or detain suspected offenders. Once a suspect is held they decide whether to caution them, take no further action, issue a fixed penalty notice — in the case of motoring offences — or charge them and send the papers to prosecuting authorities, mainly the CPS.
- The Lord Chancellor's Department: The Lord Chancellor is head of the judiciary and responsible for the administration of the court system in England and Wales. This includes the magistrates' courts.
- The Court Service: Responsible for the High Court and administration of the Crown Court and County Courts in England and Wales.
- The Home Office: Responsible for matters relating to law and order.
- The Prison Service: The Service is responsible for keeping

in custody people on remand awaiting trial and those sentenced to imprisonment by the courts.

- The National Probation Service: The Service provides courts with advice and information on offenders to help sentencing decisions and implements community orders made by the courts.
- There are other prosecuting authorities. They include: the Department of Trade and Industry; the Serious Fraud Office; HM Customs and Excise; the Health and Safety Executive; the Department of Social Security; the Inland Revenue; the Department of Food and Rural Affairs; the Intervention Board; the Bank of England; the Army; the Royal Air Force and Royal Navy prosecuting authorities; the Maritime and Coastguard Agency; and the Occupational Pensions Regulatory Authority.

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.

Leaflets currently available include: a description of the work of the CPS (*Introduction*); the people who work for the Service (*People*); information about careers with the CPS (*Careers*); the *Code for Crown Prosecutors* (the *Code*) — and an abbreviated version of the Code (*Prosecutions*); the CPS policy on dealing with Domestic Violence and advice for vulnerable witnesses attending court (*Witnesses*); and a leaflet on how to make a complaint (*Complaints*). Most publications are available in alternative formats and in other languages.

For more information, contact the CPS Communications Branch, 50 Ludgate Hill, London EC4M 7EX; telephone: 020 7796 8442.

Dealing with complaints

Our comprehensive complaints procedure is set out in a leaflet available from Area offices and on our website: <http://www.cps.gov.uk>

If you have a complaint about our handling of a case you should write to the CPS office which originally dealt with it. Please include as much information as possible such as the defendant's name, the court where the case was heard, and any hearing dates and reference numbers you may have.

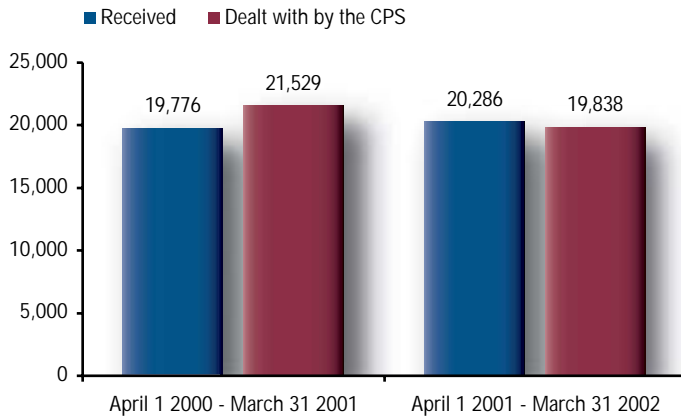
If you are not satisfied with replies you receive you should contact the CPS Area's Chief Crown Prosecutor. They will look into the complaint.

If you are still not satisfied you can write to the **Customer Service Unit Manager, 50 Ludgate Hill, London, EC4M 7EX.**

Complaints that cannot be resolved locally are referred through this Unit to the Director of Public Prosecutions or the Chief Executive

Performance in the Magistrates' Courts

Chart 1 Caseload (receipts and finalisations)



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

The number of cases received by the Crown prosecution Service has slightly increased from the previous year. This is mainly due to the performance of Gwent Police who now have the second highest detection rate in England and Wales.

During the year CPS Gwent has worked to achieve a finalisation rate of over 97%. this ensures that cases are dealt with in a timely manner. The CPS is a major contributor to reduction in delay within the Criminal Justice System as a whole. we are pleased to report the achievement within Gwent of the Government target of reducing the time taken from arrest to sentence for persistent young offenders.

Chart 2 Case Categories

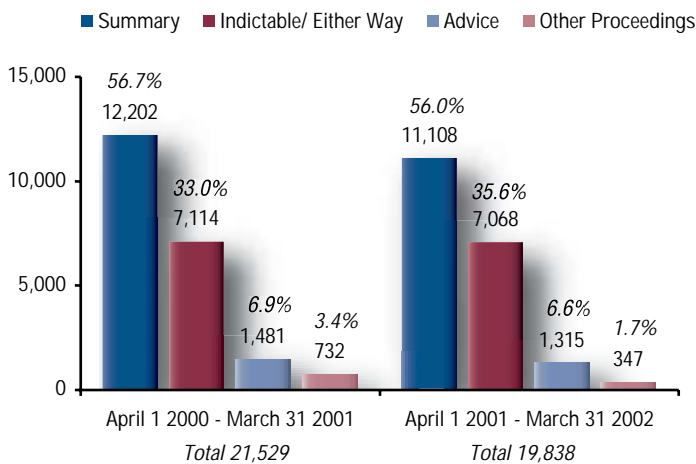


Chart 1 shows as received the number of defendants whose cases the Area received from the police and the number of defendants whose cases were finalised between April 1 2001-March 31 2002 and in the previous year. Our caseload depends on the number of cases the police send to us. Several factors affect this, such as the level of arrest and the number of people the police caution.

Chart 2 shows the different types of work dealt with by the Area between April 1 2001-March 31 2002 and in the previous year. They are:

Summary – cases which can only be tried in the magistrates' courts.

Indictable/Either Way – Indictable only offences (such as robbery) must be tried in the Crown Court, but either way offences (such as theft) may be tried in either the magistrates' courts or in the Crown Court.

Advice – cases in which the police ask for our advice about whether proceedings should be started.

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

Chart 3 Case Results

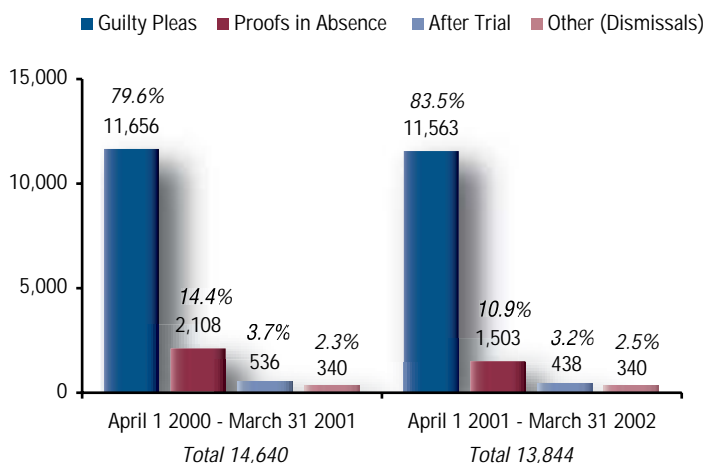
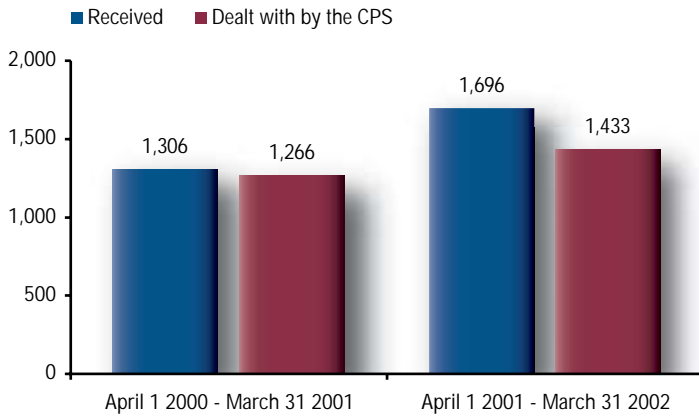


Chart 3 shows the disposal of those cases which were heard in the magistrate's court, not including those which were discontinued or committed to the Crown Court.

Performance in the Crown Court

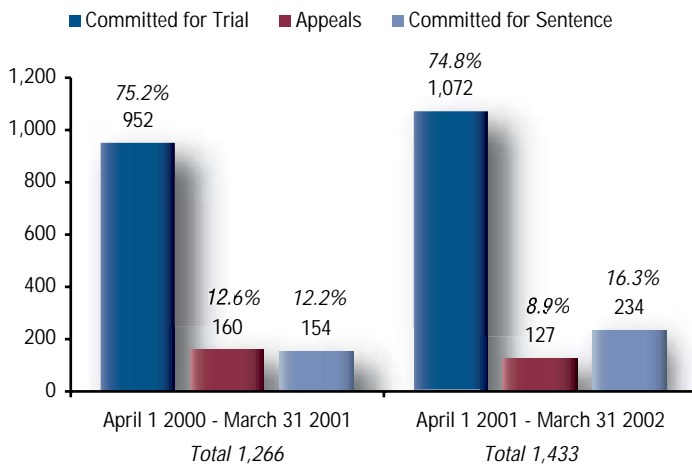
Chart 4 Caseload (receipts and finalisations)



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 Crown Court trial. If a defendant pleads not guilty, the case will be tried before a judge and jury.

The number of cases committed to the Crown Court has also increased significantly from the previous period. We can report, however, that over 84% of these cases have been finalised during the year.

Chart 5 Case Categories



An increasing number of cases committed to the Crown Court are so serious that they may only be tried upon indictment at that Court. These are often highly sensitive and complex cases, which require detailed analysis and thorough preparation to ensure fair and efficient prosecution at all times. It is due to the efforts made by all staff in co-operation with other CJS agencies that CPS Gwent has achieved a high conviction rate and cases have been concluded without undue delay.

Chart 4 shows as received the number of defendants who came before the Crown Court and the number whose Crown Court case was dealt with by the Area between April 1 2001-March 31 2002 and in the previous year.

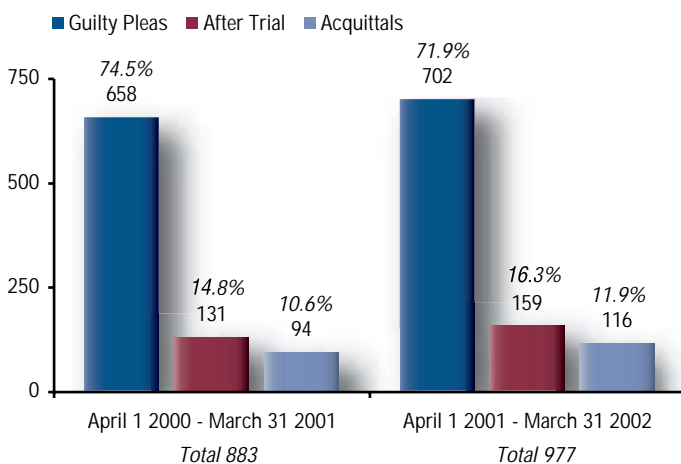
Chart 5 shows case categories in the Crown Court. They are:

Committed for trial – Indictable only and some either way cases are sent from the magistrates' courts for trial to the Crown Court. Since January 2001, indictable only offences have been sent to the Crown Court under section 51, Crime and Disorder Act 1998 which, in most cases, means that committal proceedings are not held.

Appeals – Defendants may appeal to the Crown Court against the conviction and/or sentence that they received in the magistrates' court.

Committed for sentence – Some defendants tried and convicted in the magistrates' courts are committed for sentence to the Crown Court because the magistrates decide that greater punishment is required than they have the power to impose.

Chart 6 Case Results



CPS Gwent

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