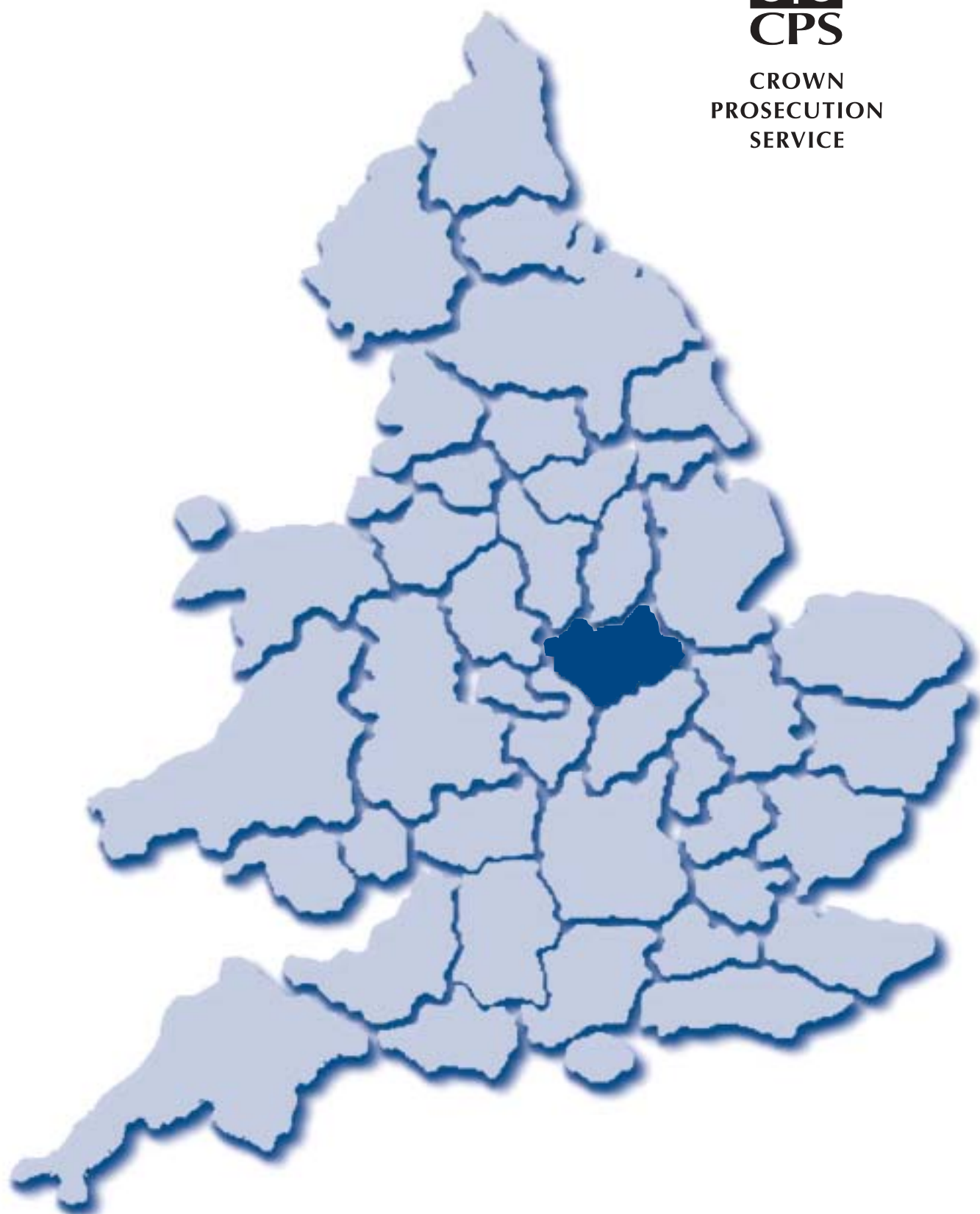




CROWN
PROSECUTION
SERVICE



CPS **Leicestershire**

Annual Report | 2001-2002

Introduction by the Chief Crown Prosecutor

This is my third Annual Report for CPS Leicestershire. It sets out what we have achieved in 2001 and our plans for 2002.

The year has seen a significant amount of change for the Area. In September 2001 a new computer system was installed and this transformed the way we communicate and work. We are now able to communicate by e-mail with whichever of our Criminal Justice System partners has the appropriate facilities. We are also able to research casework issues more quickly through access to electronic legal reference material.

At the end of 2001 the Crown Prosecution Service published its revised policy on prosecuting cases of domestic violence. Domestic violence accounts for a quarter of reported violent crime. Every week there are two domestic homicides in the United Kingdom.

Just as there has been a sea change in how society now views those who drink and drive, there needs to be a similar sea change in how society views those who are violent or abusive within their personal relationships.

The Crown Prosecution Service considers domestic violence to be an aggravating feature in a case because it amounts to a fundamental breach of trust and because of the terrible effects such violence has



Working together for justice.



on all members of the household.

The new policy for the CPS on prosecuting cases of domestic violence is the result of extensive consultation both within the CPS and externally with many other agencies. These gave us positive and constructive views on how we could improve the prosecution process for victims of domestic violence, and thereby hold defendants accountable for their actions. The new policy focuses on victims' priorities: safety, support and information; and building cases, wherever possible, on the basis of evidence other than that of the victim.



Although it is sometimes suggested that certain types of behaviour are more acceptable within some communities than others, we firmly believe that cultural difference is not a reason for failing to protect minority ethnic community victims of domestic violence. Offences committed within the context of domestic violence tend to raise difficult issues. The views and interests of the victim are important but the acts of an individual have to be put into the context of wider society. The safety of the victim, children and any other vulnerable person will be a prime consideration for prosecutors.

This year we have taken on the responsibility of communicating directly with victims rather than via

the police whenever we decide to drop or substantially alter the charge. We try to provide as much detail as possible of the reasons for the decision, bearing in mind the sensitive and important issues which may restrict the amount of information that can be given. If a further explanation is required, a meeting will be offered in cases involving a death, child abuse, sexual offences or racially aggravated offences. In addition, the reviewing lawyer has a discretion to offer a meeting to a victim in other circumstances if it is considered appropriate.

We are determined to improve the service to victims of crime and it is pleasing to know that we have already begun to do so. It is already clear that victims appreciate the fact that the Crown Prosecution Service is prepared to communicate with them direct.

It has long been recognised that a close working relationship between the Crown Prosecution Service and the Police is essential for the efficiency of the Criminal Justice System. It is possible for us to work side by side with the police without jeopardising our independence. During the year we have begun to plan for joint working which will be implemented from January 2003. We are confident that this will lead to major benefits in the administration of justice in the county, including a reduction in delay and an improvement in the quality of files.

I hope that this report will give you a better understanding of our work and priorities. After you have read the report, I hope you will write to me if you have any concerns. My address is on the back cover of the report.

I will always be as open as I can, although the requirements of confidentiality may place limits on what I am able to say about individual cases.



Martin Howard
Chief Crown Prosecutor

Once again we have handled a number of difficult and complex cases this year. Space allows me to mention just a few of these:

R v Sean Francis Moore

On 2 February 2000, Sean Moore committed an armed robbery at the Hinckley branch of the Alliance & Leicester. The robbery was captured on video.

Police enquiries established that Moore was the person responsible for the robbery, but it was discovered that he had left the country after the offence and fled to Sweden.

A very senior prosecutor, who had to obtain an extradition warrant, handled the case. This is a complex procedure that required the prosecutor to work closely with the International Division of CPS Headquarters.

The police in Sweden arrested Sean Moore on 11 April 2001. A formal application for extradition was made and granted in July 2001.

On 31 July 2001, Moore was flown back to Stansted Airport. The next day he appeared at Hinckley Magistrates' Court and his case was sent for hearing at Leicester Crown Court. Seven days later he appeared at the Crown Court and pleaded guilty to robbery. He was sentenced to six years' imprisonment.

Worthy of note is the new procedure, which was introduced in 2001, for sending the most serious cases to Crown Court after just one magistrates' court hearing. This has brought real benefits to the processing of cases such as robbery. It is a considerable achievement that the defendant Moore's case was finalised within eight days of his return to this country.

"On each occasion David Smith brandished a knife and threatened his victims with violence"

R v David Andrew Smith

Over a period of six weeks from July to September 2001, David Smith attacked six women. Five of the victims were complete strangers. The motive was

robbery. The defendant targeted women who were alone in a motor vehicle.

On each occasion David Smith brandished a knife and threatened his victims with violence. Two of the victims were forced into the boot of their own cars.

Case preparation benefited substantially from a close

working relationship between ourselves and the police.

Smith appeared at Leicester Crown Court on 8 April 2002. He pleaded guilty to five charges of robbery, three of kidnap and two of false imprisonment. He was sentenced to 14 years' imprisonment.

Operation Marrow

One evening in September 2000, two large groups of youths began to congregate in the area of Forrest Road. A number of the youths were armed with sticks, bats and other weapons. Some had their faces covered in order to conceal their identities.

At about 11pm, after some arguing between the two groups, a number of gunshots were heard. The groups dispersed as further gunshots rang out. Understandably, the incident caused panic and alarm among local residents.

It emerged that two men had been shot in the leg and required hospital treatment. The police began to investigate immediately. It was clear that the confrontation had been organised.

It was a long and difficult enquiry, with witnesses reluctant to assist.

Such cases are notoriously difficult to prove. Good police work and careful preparation by the Crown Prosecution Service are essential. Fortunately these factors were both present in this case.

The prosecutor was ably assisted by one of our senior caseworkers. Together they spent hours sifting through hundreds of pages of evidence and examining dozens of exhibits in order to prepare the case for court.

The trial at Leicester Crown Court lasted several weeks and resulted in the conviction of six men for conspiring to commit violent disorder. Sentences of imprisonment ranging from three to five years were imposed.

TRIAL: INNOCENT PEOPLE COULD HAVE BEEN KILLED IN CITY GUNFIGHT - POLICE



■ BIMAL MULJI

■ LEROY WILLIAMS

■ LOUIS RICHARDS

■ NICHOLAS SHERRIFF

■ MARK NEAL

■ EZEKIEL FRANCIS

GANG GUILTY

Six men have been found guilty of gang violence in which two men were shot.

BY SUZY GIBSON
COURT STAFF

shot in the legs before the gang dispersed. Their cases were later heard in the area along

taking part in the conspiracy. All 10 defendants denied the charge, saying they did not act unilaterally or were not involved in fighting between two gangs, allegedly armed with guns, knives and bats, on the night of

During the trial, Andrew Wheeler, prosecuting, said: "It was a well planned and organised confrontation between two groups who congregated for a showdown. There were at least three men with guns.

Nicholas Harrington Sherriff, 22, of Keston Town, London; Louis James Richards, 30, of Ebbw Vale; Clive, Breconshire; Prithi; and Bimal Kumar Mulji, 26, of Edward Avenue, Birmingham, were bailed to await sen-

tences. It must have been very frightening for people here.

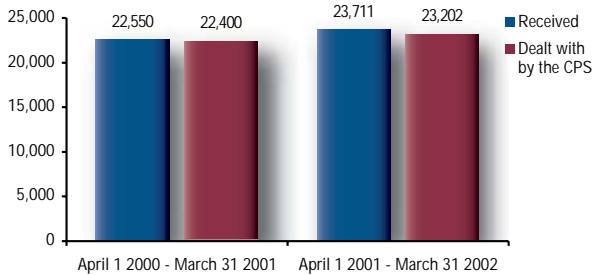
"Our towns and cities are for citizens to enjoy in safety. We don't expect violence on the streets and certainly not guns.

Performance in the Crown Court and Magistrates' Courts

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.

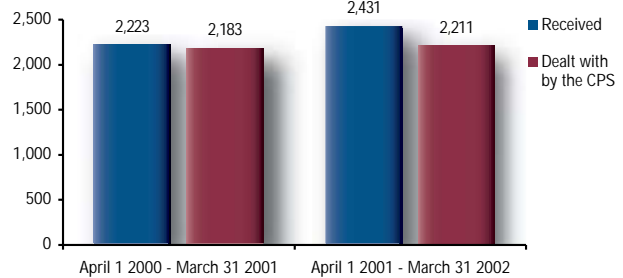
Some cases can only be tried in the Crown Court. Other cases go to the Crown Court either because the defendant chooses to be tried there or because the magistrates decide they are serious enough to need Crown Court trial. If a defendant pleads not guilty, the case will be tried before a judge and jury.

Caseload in the Magistrates' Court



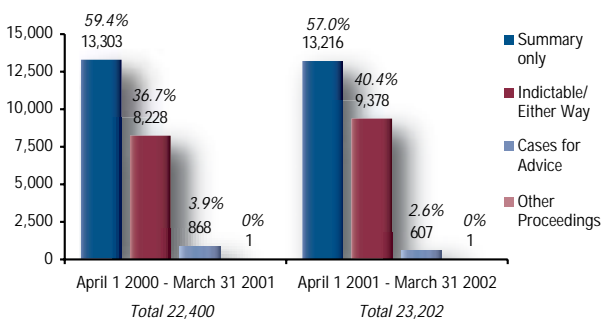
The chart shows as received the number of defendants whose cases the Area received from the police and the number of defendants whose cases were finalised in each of the last two years. Our caseload depends on the number of cases the police send to us. Several factors affect this, such as the level of arrest and the number of people the police caution.

Caseload in the Crown Court



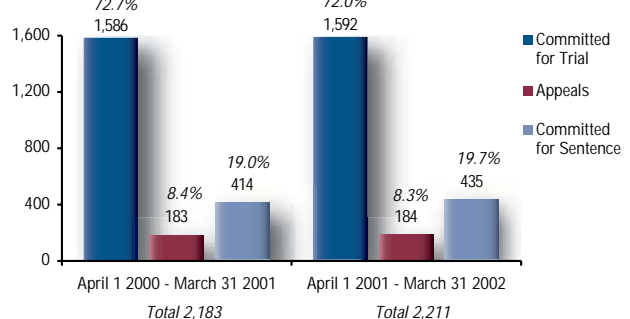
The chart shows as received the number of defendants who came before the Crown Court and the number whose case was dealt with there.

Magistrates' Court Case Categories



This shows the different types of work dealt with in the Area. 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.

Crown Court Case Categories

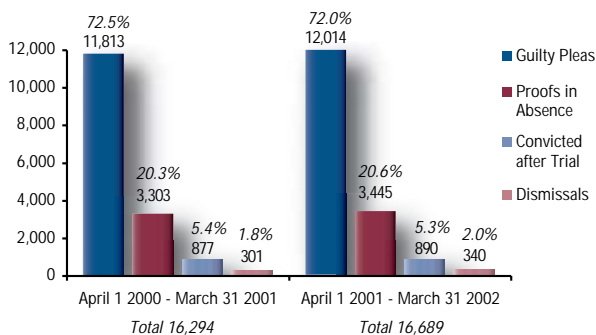


Committed for trial – Indictable only and some either way cases are sent from the magistrates' courts for trial to the Crown Court. Since January 2001, indictable only offences have been sent to the Crown Court under section 51, Crime and Disorder Act 1998 which, in most cases, means that committal proceedings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

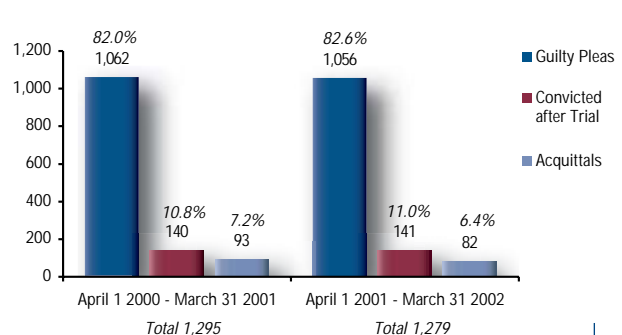
Appeals – Defendants may appeal to the Crown Court against the conviction and/or sentence that they received in the magistrates' court.

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.

Magistrates' Court Case Results



Crown Court Case Results



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.

CPS LEICESTERSHIRE AREA

Martin Howard, Chief Crown Prosecutor
Laraine Jones, Area Business Manager
Princes Court, 34 York Road, Leicester LE1 5TU
Tel: 0116 204 6700 Fax: 0116 204 6799

ANY QUESTIONS OR COMPLAINTS SHOULD BE ADDRESSED TO THE CHIEF CROWN PROSECUTOR

Free publications about the CPS and further copies of this report can be obtained from:
Laraine Jones, Area Business Manager, Princes Court, 34 York Road, Leicester LE1 5TU
Tel: 0116 204 6000
www.cps.gov.uk



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