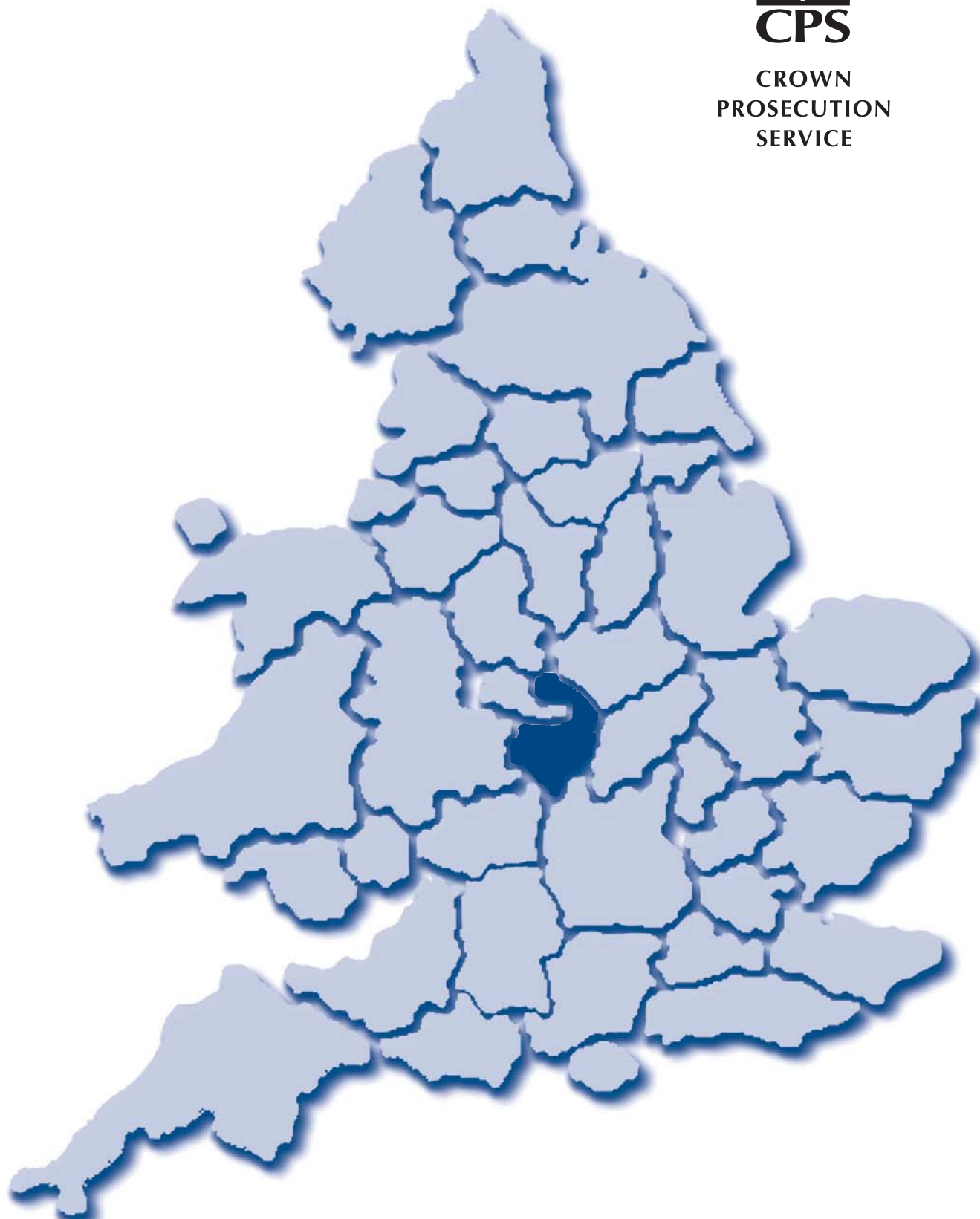




CROWN
PROSECUTION
SERVICE



Warwickshire

Annual Report | 2001-2002

Introduction by the Chief Crown Prosecutor

CPS Warwickshire is responsible for all police instituted prosecutions (except certain minor offences) in the County of Warwickshire.

This year we dealt with over 9,000 cases referred to us by the police. The Warwickshire Police sent us the majority of these cases, but we also received cases from the British Transport Police, Ministry of Defence Police and the West Midlands Police. The results of these cases are shown in the charts on pages 6 and 7.

Lawyers and caseworkers from CPS Warwickshire prosecuted in over 1,000 magistrates' courts hearings and nearly 300 Crown Courts. The majority of these courts have been held in Warwickshire — Atherstone, Nuneaton, Rugby, Warwick, Leamington Spa and Stratford on Avon — but we have also prosecuted in the West Midlands, West Mercia and Staffordshire police areas.

To carry out this work we have 12 Crown Prosecutors (solicitors and barristers), plus 19 casework and administrative staff. Our agents (solicitors and barristers in private practice) have assisted us in prosecuting some cases in court.

Whilst we are independent of the police, the nature of our work requires us to work closely with police officers. Every day a team of lawyers and caseworkers work in a police station with police staff preparing cases for the next day's courts.

The hard work and dedication of the staff in CPS Warwickshire has again produced some excellent results:

- One of the quickest in dealing with the work in the country;
- One of the lowest discontinuance rates (the percentage of cases sent to us by the police which, for one reason or another, we have not prosecuted) in the country;
- One of the highest conviction rates and lowest acquittal rates in the country.

This year we had the first full inspection of our work since Warwickshire became a separate Area of the Crown Prosecution Service in 1999. A team from Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) visited the Area in the summer and their report was published in the autumn.

Her Majesty's Chief Inspector — Mr Stephen Wooler — summed up the findings of the Inspectors:

"This is the first inspection since CPS Warwickshire obtained Area status in 1999. It has established itself impressively. It performs to a consistently high standard and is well regarded by the other criminal justice agencies. The people of Warwickshire can be confident that they are served by an efficient and effective local prosecution service."

Paul Hicken, who sadly died in February 2002, had undertaken the work on many of the cases which were commended by the Inspectors. Paul was a highly respected



lawyer and advocate and a kind and generous friend and he will be greatly missed by all his colleagues.

The government has set out its priorities for the criminal justice system in the coming year and we will work to implement those priorities:

- Reduce attrition (the gap between the crimes reported and the offenders brought to justice for those offences). Warwickshire is already one of the top Areas for ensuring that those prosecuted are brought to justice.
- Reduce delay in dealing with defendants. We will extend the work we have done in speeding up the time taken to deal with persistent young offenders (this work was commended by HMCPPI).
- Improve our service to victims by implementing the reforms arising from the report "Speaking up for Justice" and our arrangements for direct communication with victims.
- Improve the use of I.T. All our staff have now been provided with a computer terminal and have access, online, to the most up to date legal information. We now have secure e-mail links with the Warwickshire Police and look forward to receiving files electronically from the new police case preparation system which should become effective in the coming year.

A handwritten signature in black ink, appearing to read 'M. Lynn'.

Mark Lynn
Chief Crown Prosecutor

About CPS Warwickshire

Her Majesty's Crown Prosecution Service Inspectorate (HMCPISI) Report on CPS Warwickshire 2001

HMCPISI's role is to promote the efficiency and effectiveness of the CPS through a process of inspection and evaluation; the provision of advice; and promotion of good practice. It achieves this primarily through an Area inspection programme operating a two-year cycle during which it visits and publishes reports on each of the 42 CPS Areas.

The following are just some extracts from HMCPISI's report on CPS Warwickshire published in November 2001:

- "Warwickshire is a good Area which does its core business well. We found there to be a consistently high standard of casework in the Area underpinned by a rigorous approach to monitoring and performance management."
- Advice to the police. "All advices were clear, well reasoned, constructive and, where necessary, robust. We commend the quality of advice work done by the Area."
- File review. "Overall we found the quality of review was very good."
- File endorsements and case management. "The standard of file endorsements in the magistrates' and Crown Court cases was excellent."

- Preparation of cases for trial in the magistrates' courts. "The standard of summary trial review was very good."
- Preparation of cases in the Crown Court. "The Area handles its Crown Court casework very competently. This is reflected in its case outcomes."
- Delay. "Cases were well and promptly reviewed and there was no evidence of delay in progressing cases through the court."
- Youth Justice. "The Area handles its youth cases well both in relation to quality and timeliness of review."
- Persistent Young Offenders. "The manner in which the Area handles this issue, the degree of co-operation secured from other agencies and the cohesive approach is commendable."
- "The casework figures also suggest that, overall, the Area's judgement making quality was very good. The conviction rate was above the national average in the magistrates' court and significantly above the national average in the Crown Court. The acquittal rates of those cases which proceed to trial in the magistrates' courts and in the Crown Court were markedly below the national averages."

HMCPISI made some recommendations and suggestions for improving our work and these have been accepted and are being implemented.

We have dealt with a wide variety of offences during the course of the year, ranging from murder to speeding.

CPS Warwickshire has one of the lowest process delays in the country and many cases are finalised within days of the offences being committed.

Liam Reid committed an offence of attempted robbery on 20 October 2001; he was charged on 25 October, appeared in the magistrates' court on 2 November and was sentenced to a total of four years' imprisonment in the Crown Court on 12 November.

Some difficult and complex cases can take longer to finalise.

One of the longest running cases involved six defendants charged with drugs offences that took nearly three years to finalise. Because of difficulties with juries, there were three trials in total.

There were hearings in Warwick, Coventry, Hereford, Oxford, Birmingham and Northampton. The case resulted in the six defendants being convicted and sentenced to a total of nearly 18 years' imprisonment, confiscation orders totalling £21,000 and orders to pay prosecution costs of over £26,000.

The dreadful events in New York on 11 September 2001 resulted in increased security at airports; however the increased security did not prevent a very frightening incident occurring at Baginton Airport in Warwickshire.

A helicopter pilot decided to stage a protest at the airport. *The Times* newspaper reported the incident:

"Helicopter terror pilot is jailed for three years"

"A pilot who deliberately flew his helicopter at an air traffic control tower just a month after the September 11 terrorist attacks was jailed yesterday for three years. Shaun Lees directed his Bell Ranger towards air traffic controllers and announced over his radio: 'You are going to see the very worst of my flying.'"

"He then 'buzzed' the control tower, at times pulling up 30ft away and forcing incoming flights to be diverted. A US-bound aircraft had begun to taxi on to the runway, Lees turned to face it, hovering about 200 yards away.

"The pilot aborted take-off, and his passengers disembarked. Because of the ordeal, one experienced radar operator had since been unable to return to work while others had taken long sick leave absences."

CPS Warwickshire obtained permission from the Attorney General, Lord Goldsmith, to prosecute Shaun Lees under the Aviation and Maritime Security Act 1990.

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, not lawyers, who 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.

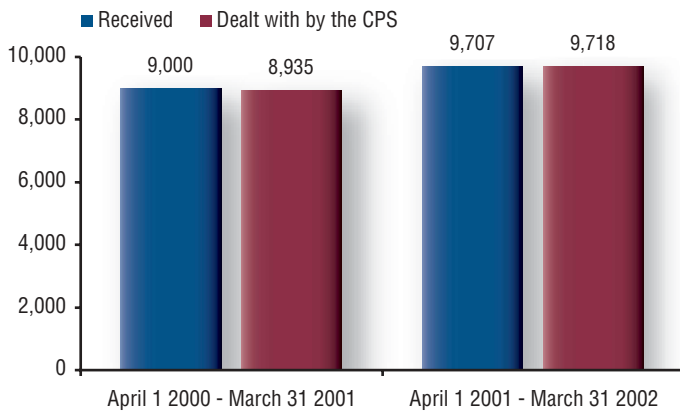
If you are not satisfied with replies you receive you should contact the CPS Area's Chief Crown Prosecutor. They will look into the complaint.

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.

In 2001-02 there was an increase in the number of cases sent to us by the police for prosecution and an increase in the number of cases finalised. This increase was reflected in all types of cases. All these cases were dealt with in fewer courts.

Again, in 2001-02 we had the lowest attrition rate (cases received for prosecution that did not result in a conviction) anywhere in the country. Overall our performance was the best in the country.

Chart 2 Case Categories

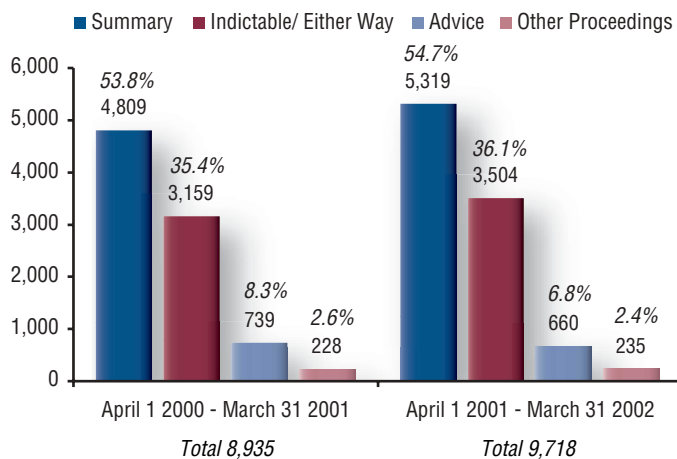


Chart 1 shows as received the number of defendants whose cases the Area received from the police and the number of defendants whose cases were finalised between April 1 2001-March 31 2002 and in the previous year.

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

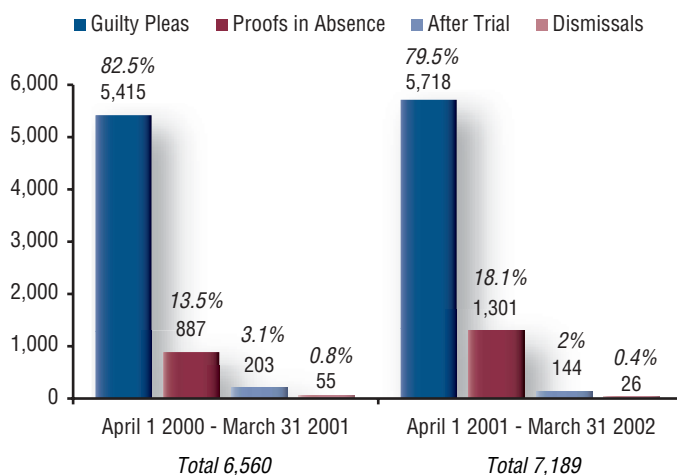
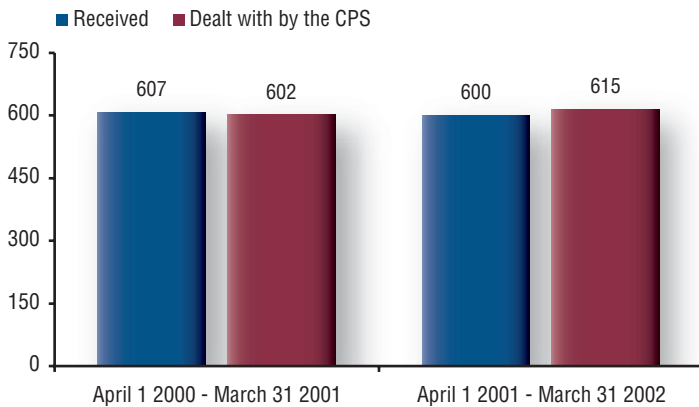


Chart 3 shows the disposal of those cases which were heard in the magistrate's court, not including those which were discontinued or committed to the Crown Court.

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.

In 2001-02 the same number of cases were sent to the Crown Court as in 2000-01.

Again, in 2001-02 we had the lowest attrition rate in the country (cases received for prosecutions that did not result in a conviction) anywhere in the country. Overall our performance was the best in the country.

Chart 5 Case Categories

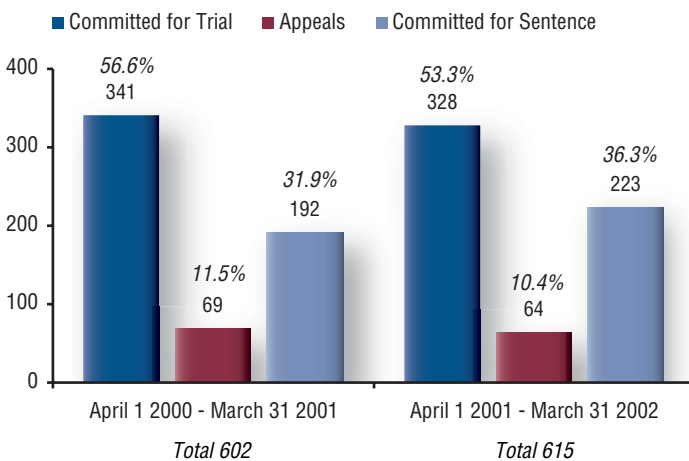


Chart 4 shows as received the number of defendants who came before the Crown Court and the number whose Crown Court case was dealt with by the Area between April 1 2001-March 31 2002 and in the previous year.

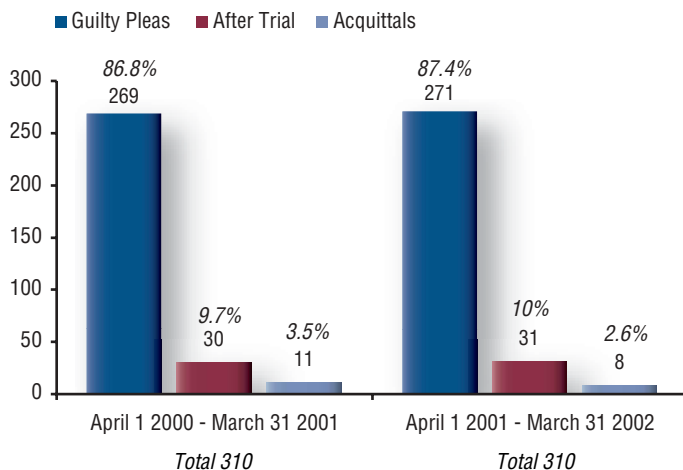
Chart 5 shows case categories in the Crown Court. They are:

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.

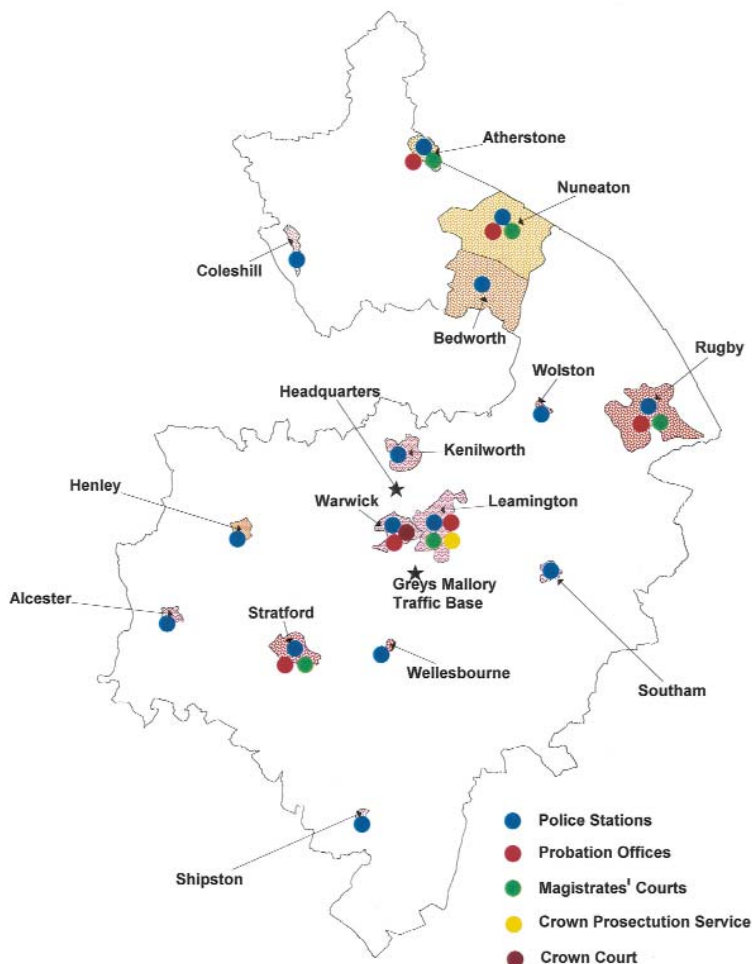
Chart 6 Case Results



CPS Warwickshire Area

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The Chief Crown Prosecutor is Mark Lynn
The Area Business Manager is Sue Petyt
Neil Bannister is Crown Court Unit Manager (responsible for Crown Court cases)
David Everett is the Magistrates' Courts Unit Manager (responsible for magistrates' court cases)



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