

Leicestershire

Annual Report
2003–2004



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Introduction by the Chief Crown Prosecutor

Welcome to my fifth Annual Report for CPS Leicestershire. It sets out what we have achieved over the last year, and outlines our plans for the forthcoming 12 months.

2003-2004 has been a busy time for the CPS in Leicestershire, culminating in the publication of an Inspectorate report.

The report, issued in March 2004 by Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI), highlighted the quality of casework and decision-making by our prosecutors as well as our local work with domestic violence cases.

Our service to victims and witnesses was praised, and demonstrates the work being done to communicate directly with victims, and keep them informed whenever we decide to drop a case or substantially alter the charge.

Our Domestic Violence Co-Ordinator has also done a great deal of successful community work, and we have developed strong links with voluntary groups such as Leicestershire Domestic Violence Forum.

The Inspectorate also praised our handling of cases involving persistent young offenders, with Leicestershire prosecutors bringing more youths to justice within the targeted timeframe (the average number of days between arrest and sentence is 58 days — well below the national target of 71).

March 2003 saw us sharing accommodation with the police, in order to work more closely with them in the prosecution process. We also launched a Charging Scheme last year, in which our prosecutors work within city and county police stations — liaising with officers at the point of charge. This is already contributing to more effective hearings and speedier justice.

A new CPS IT system, called COMPASS was installed and is already proving successful in tracking cases within Leicestershire and across neighbouring counties. Its success reflects the hard work of our managers and staff who have taken on a number of initiatives while maintaining the high standards of service expected by our local communities.

One major initiative has been the creation of the Leicester, Leicestershire and Rutland Criminal Justice Board. This came into operation in April 2003. It brings together all the key plans in the criminal justice system. We are tasked with improving the



performance of the system and in delivering real successes in the fight against crime. The Board has made an encouraging start. The coming months will see more changes and a new series of challenges. I am keen to maintain the good work and to continue to look at ways in which the criminal justice system can be made more effective.

A handwritten signature in black ink, which appears to read 'M Howard'.

Martin Howard
Chief Crown Prosecutor

Casework

Strength of mind and teamwork brought defendants to justice

A case that attracted a great deal of attention last year was that of the brutal murder of 14-year-old schoolboy Adam Morrell.

During the trial held in Nottingham, in November 2003, the jury heard upsetting details of Adam's death in which he was strangled and dismembered, with parts of his body disposed of around Loughborough.

The case had many evidential issues, and involved close liaison between Principal Crown Prosecutor Elaine Jones and officers from Leicestershire Constabulary.

"There were no eye witnesses," explained Elaine. "And the only people who could give us an

insight into Adam's murder were the defendants themselves."

The efforts of Elaine, and CPS Caseworker Neena Joshi, were commended by lead investigating officer Detective Superintendent Bob Small, of Leicestershire Constabulary. He said: "It was a relatively complex case with some difficult evidential issues. What is abundantly clear is that the case could not have been better prepared".

Following the verdict, Elaine described the close work between the CPS, the police and Adam's family. She added: "Adam's parents have handled themselves with tremendous dignity through a complete emotional roller coaster".

Matthew Welch, 19, was convicted of murder and conspiracy to pervert the course of justice. He was sentenced to life imprisonment.

Nathan Barnett, 27, pleaded guilty to manslaughter on the grounds of diminished responsibility and conspiracy to pervert the course of justice. He was detained at Rampton Hospital indefinitely.

Sarah Morris, 17, was found guilty of committing Section 18 Grievous Bodily Harm and sentenced to four years imprisonment.

Daniel Biggs, 19, was found guilty of conspiracy to pervert the course of justice and sentenced to two years' imprisonment.

Combating domestic violence in Leicestershire

Prosecutors in Leicester have been working with the police to tackle domestic violence.

In a government report, issued by Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI), CPS Leicestershire was praised for its local work in delivering a quality service to victims and witnesses, which pro-actively tackles the core issues surrounding domestic violence.

The report commends the CPS' commitment to community work, in building strong links with voluntary groups such as the Leicestershire Domestic Violence Forum.

Liz Collins, Senior Crown Prosecutor and Domestic Violence Co-ordinator for CPS Leicestershire explains: "We are committed to reducing repeat victimisation in our Area and bringing perpetrators of domestic violence to justice. The police concentrate on gathering as much evidence as possible.

"We are working with the police to build cases, wherever possible, on the basis of evidence other than that of the victim, for example, the evidence of neighbours or photographic evidence. This raises the possibility where the victim is unable or willing to give evidence that we may still be able to prosecute the offender".

Sending the message that crime does not pay

Volume crime has reduced significantly in recent years but acquisitive criminality remains a multi-billion pound business. Many involved in such crime generate significant personal wealth and openly display the trappings of their success, to the detriment of public confidence in law enforcement presenting a negative role model to young people. The Proceeds of Crime Act 2002, gives us new powers to address this problem by extending opportunities for criminal assets recovery and specifically targeting money laundering.

The Act makes it possible to seize cash from a suspected criminal and places the onus on that individual to prove that the money has been acquired legitimately. Confiscation orders, reflecting the value of criminal proceeds, can be made against those who commit any of a wide range of offences or can be shown to engage in a "criminal lifestyle". The Act also creates an all-encompassing web to catch anyone who moves, hides, converts or otherwise has possession of actual property that represents the proceeds of crime.

CPS Leicestershire is leading the field in the recovery of criminal assets since the implementation of the Act. The Area has worked closely with the Economic Crime Unit of Leicestershire Constabulary and has obtained one of the highest numbers of confiscation orders since the Act came into force.

Senior Crown Prosecutor and Proceeds of Crime Coordinator for CPS Leicestershire, Sonia Gilhespy, explains: "We are beginning to hit criminals where it hurts, in their pockets. We want to ensure that crime does not pay. Seizing criminal assets deprives criminals and criminal organisations of their financial lifeblood.

"The Act is not just a tool to target the mansion, yacht or Ferrari of the "crime baron", there is considerable potential to use the powers to disrupt and deter the prolific burglar and street corner drug dealer as well. We are determined to target those who seek to profit from their ill-gotten gains and at the same time send a strong message to any aspiring young criminals that crime really does not pay".

Thirty-five drug dealers convicted

In April 2003, Leicestershire police officers launched Operation Scarab to target dealers who were openly supplying Class A drugs, principally heroin and crack cocaine, on the streets of the Mowmacre and New Parks estates in Leicester.

Previous attempts to deal with the problem using conventional policing methods had proved unsuccessful. On this occasion the police decided to deploy test purchases with officers posing as

drug addicts to gather the evidence necessary for prosecution.

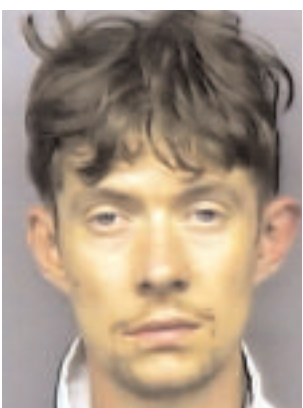
Leicestershire Special Casework Lawyer Roger Rock was called in for advice at the outset of the operation to ensure that the evidence provided by the undercover officers was lawfully obtained and therefore admissible in court.

He explained: " My principal concern was to avoid any suggestion that the officers had

encouraged the dealers to commit offences which they would not otherwise have done. In the event, no defendant successfully challenged the evidence at court".

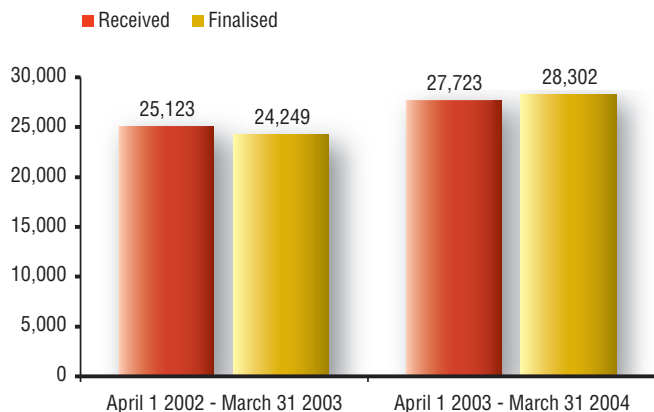
As a result of the operation, 35 dealers were convicted and the majority received custodial sentences ranging from six months to seven years. In addition heroin, crack cocaine and cannabis with a street value of £15,000 was seized.

Eight of the 35 drug dealers convicted,(clockwise, from top left): Cheryl James, Mark Henry, Abbie Gagin, Joanne Blackshaw, Dean Walker, Sammy Gunn, Tracy Stokes, Jason Smith.



Performance in the Magistrates' Courts

Chart 1 Caseload (receipts and finalisations)



All prosecutions start in the magistrates' courts, which involve offences such as minor motoring matters ranging to assault and theft. The more serious cases will be heard in the Crown Court once they have been through the magistrates' court process.

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 1 April 2002-31 March 2003 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 Case Categories

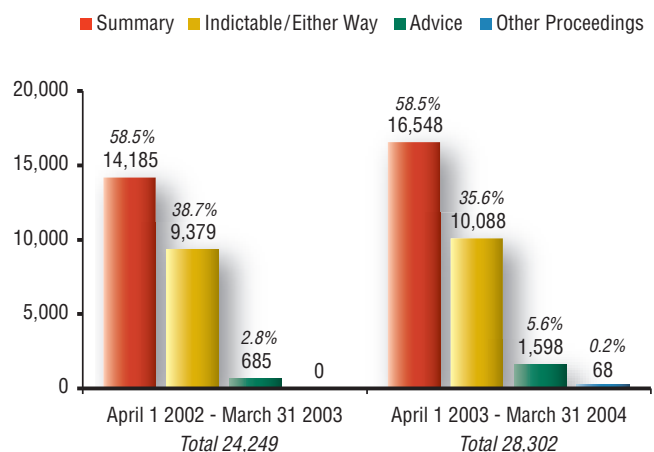


Chart 2 illustrates the type of cases finalised in April 2003- March 2004 compared with the same period in 2002-2003:

Summary Only – cases that 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' court or in the Crown Court.

Cases for 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

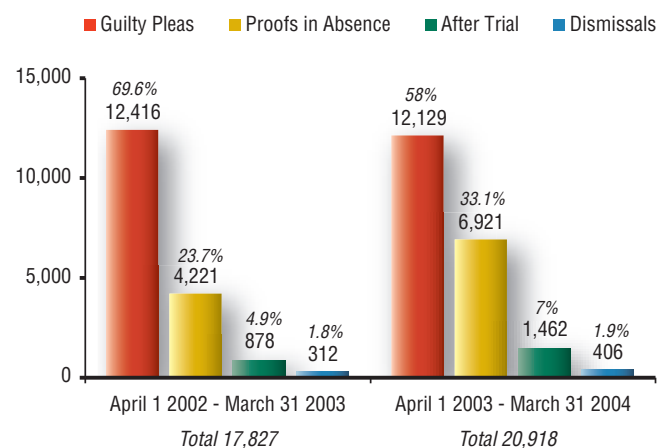
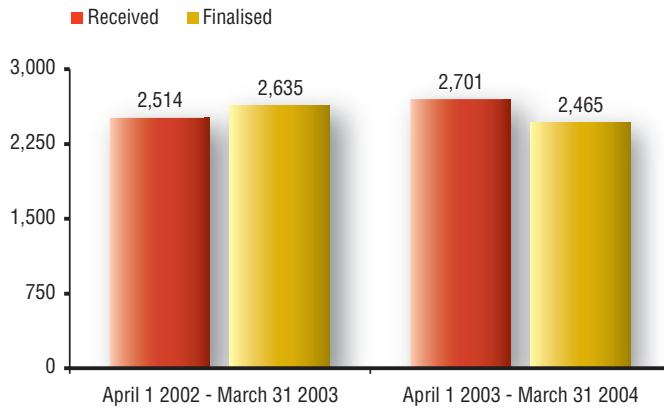


Chart 3 shows the disposal of those cases which were heard in the magistrates' court, not including those which were discontinued or committed to the Crown Court.

Performance in the Crown Court

Chart 4 Caseload (receipts and finalisations)



A number of cases can only be tried in the Crown Court, other cases are heard at the Crown Court either because the defendant chooses to be tried there, by electing to go to Crown Court; or when the magistrates decline jurisdiction due to the offences being so serious that they need to be heard as a Crown Court trial or are committed for sentence. Should the defendant plead not guilty, the case proceeds as a trial before a Judge and Jury.

Chart 4 shows as received the number of defendants who came before the Crown Court and the number whose Crown Court case dealt with by the Area between 1 April 2002-31 March 2003 and in the previous year.

Chart 5 Case Categories

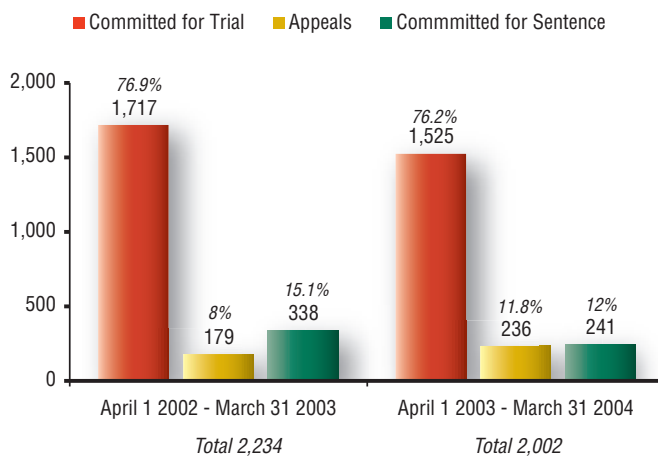


Chart 5 shows case categories finalised in April 2003-March 2004 compared with the same period in 2002-2003:

Committal 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

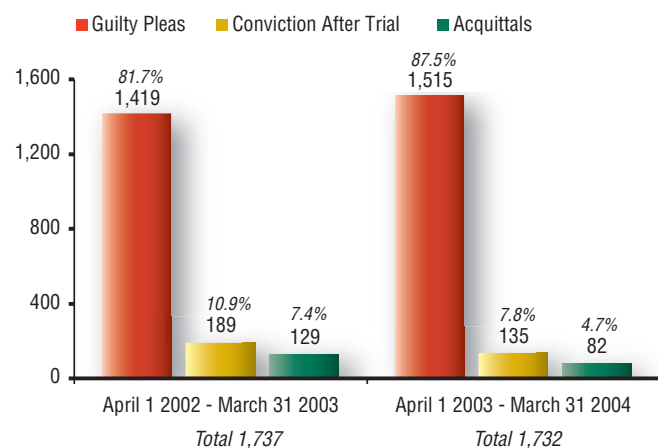


Chart 6 shows the disposal of those cases which were committed to the Crown Court not including those which were discontinued.

CPS Leicestershire

About the CPS

The Crown Prosecution Service is headed by the Director of Public Prosecutions, Ken Macdonald QC. The Director is superintended by the Attorney General who is accountable to Parliament for the Service. The Chief Executive is Richard Foster, who is responsible for human resources, finance, business information systems, criminal justice policy and business development, allowing the Director to concentrate on prosecution and legal issues.

The CPS has 42 Areas across England and Wales, matching police force boundaries (CPS London covers the Metropolitan and City of London forces).

Each Area is headed by a Chief Crown Prosecutor who is responsible for the delivery of a high quality prosecution service to his or her local community.

Each Chief Crown Prosecutor is supported by an Area Business Manager, and their respective roles mirror, at a local level, the division of responsibilities between the DPP and the Chief Executive.

Our Aim

The CPS works in partnership with the Police, Courts, the Home Office and the Department for Constitutional Affairs and other agencies throughout the criminal justice system to reduce crime and the fear of crime and their social and economic costs; to dispense justice fairly and efficiently and to promote confidence in the rule of law.

The CPS' overall aim, which

reflects the Government's priorities for the criminal justice system, 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.

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.

People

Overall the CPS has 7,600 staff with more than 95 per cent engaged in local delivery or essential support for frontline services. The CPS continues to take forward initiatives to speed up justice.

These include increasing the number of 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. We also continue to increase the number of Higher Court Advocates (HCAs). They are CPS lawyers who, having undertaken the Service's internal training, are able to exercise full rights of audience as HCAs, principally in the Crown Court.

Workload

Annually the CPS deals with around 1.45 million cases. This includes around one million prosecutions in magistrates' courts and 80,000 prosecutions in the Crown Court and 65,000 advices to the Police.

Resources

The 2002 Spending Review set new budgets for the CPS for the three years from 2003-04 to 2005-06. The CPS budget for 2002-03 was £453 million, an increase of £61 million from the previous year.

Charging

Lord Justice Auld's Review of the Criminal Courts in October 2001 recommended that the CPS should take over responsibility for the decision to charge in all but minor cases. Following the evaluation of a number of charging pilot schemes that were introduced in 2002, all CPS Areas were committed to provide a Shadow Charging Scheme in conjunction with local Police partners, by December 2003. By the end of 2003, all Areas had met this target

and 231 schemes were in place. The Statutory Charging Scheme itself will have staged implementation during 2004.

CPS Direct

In order to provide charging advice to the Police, at weekends and between the hours of 5pm and 9am, a remote telephone-based advice scheme called CPS Direct has been developed to enable lawyers to work from their own home to provide an out-of-hours service.

Working in partnership

The CPS is taking a leading and influential role in local Criminal Justice Boards (LCJBs). Of the 42 LCJBs, 60 per cent are chaired by Chief Crown Prosecutors and each Board has produced delivery plans for narrowing the justice gap, ineffective trials and public confidence.

Effective trial management

The CPS is working with the Department for Constitutional Affairs on effective trial management pilots, where victims and witnesses know in reasonable time when cases will be heard and can be confident that arrangements will not be changed. Better case management and court listing arrangements will reduce the number of ineffective trials and, in doing so, reduce unnecessary witness attendance and waiting times at court.

Criminal Justice Units and Trial Units

These are units where police and CPS staff are housed and work together. They help reduce

administrative duplication and delay; enable closer liaison and promote better working relationships between the two independent organisations.

By 31 March 2004, 92 collocated Criminal Justice Units were operating in 35 Areas, handling about 55 per cent of CPS business in magistrates' courts. There were 43 Trial Units that included a police presence, operating in 29 Areas, handling about 53 per cent of Crown Court business.

Equality and diversity

The CPS Equality and Diversity Unit (EDU) 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. All staff take part in diversity training and the EDU holds regular national and regional seminars and conferences on a whole range of diversity issues.

It also runs a "Dignity at Work" campaign to ensure, through raised awareness, that all staff are treated with dignity at work and valued in their difference. As a Service, the CPS has already achieved its 2005 targets for employment of minority ethnic staff.

Electronic communication

The CPS continues to develop new electronic information and media. It has an intranet service which gives staff better access to information, improved internal communications and allows the CPS to manage its information and knowledge better.

The CPS initial case management system (COMPASS), developed and

introduced in a PFI partnership with LogicaCMG, was rolled out across the 42 Areas between April and December 2003 on time and within budget.

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.

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:

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e-mail:
publicity.branch@cps.gsi.gov.uk

Dealing with complaints

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

CPS Leicestershire

Martin Howard, Chief Crown Prosecutor
Jane Robinson, Area Business Manager
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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: Jane Robinson, Area Business Manager, Princes
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Tel: 0116 204 6000
www.cps.gov.uk

CPS is now recruiting online



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