

HOW THE CPS HAS PERFORMED

THE GLIDEWELL REPORT

The Glidewell Report (*The Review of the Crown Prosecution Service*, June 1998) made the following points:

1. The CPS is responsible for the conduct of all criminal proceedings after there has been a charge by the police or a summons.
2. The Home Office, the Court Service and the CPS each produce statistics relating to criminal prosecutions. The figures produced by the CPS have shown that in recent years the proportion of cases in the Crown Court resulting in conviction has increased, but this trend differs from the figures produced by the Court Service, which show a decline in convictions over the period 1985 to 1996. We have tried but failed to find an explanation for the disparity in the two sets of statistics.
3. Overall the CPS discontinues prosecutions in 12% of cases where the police have charged. Few decisions to discontinue were considered wrong. However, there is some evidence that the average rate of discontinuance varies greatly between types of offence, with the highest discontinuance rates being for charges of violence against the person and criminal damage, and the lowest for motoring offences. This is clearly a matter for concern, the reasons for which must be investigated.
4. The incidence of discontinuance on certain public interest grounds, namely that the court is likely to impose a nominal penalty or that the loss involved is small, should be rare.
5. Charges are sometimes downgraded and statistics seem to show that this happens most frequently with those which relate to serious crime, public order offences and road traffic accidents causing death. We suspect that inappropriate downgrading does occur.
6. More than half of all acquittals in the Crown Court (40%) resulted from an order or direction of the judge. There are often good reasons why such an order or direction should be made – a vital witness may not appear or may prove unreliable in the witness box. When the CPS has decided to proceed with a case, it is reasonable to expect that the case will be strong enough to be put before a jury. We conclude that the performance of some parts of the CPS in this respect is not as good as it should be, and improvement is needed.
7. The overall conclusion from this study of the available statistics is that in various respects there has not been the improvement in the effectiveness and efficiency of the prosecution process which was expected to result from the setting up of the CPS in 1986. We do not place responsibility for this situation wholly on the CPS; in large part it stems from the failure of the police, the CPS and the courts to set overall objectives and agree the role and the responsibility of each in achieving those objectives.
8. The tensions between the police and the CPS which existed in the early years have been greatly eased, but in some places have not disappeared. There is still a tendency for each to blame the other if a prosecution file is incomplete or some other essential document missing, and as a result, a case has to be adjourned.

9. There are frequent complaints by both magistrates and judges of inefficiency in case preparation or delay on the part of the CPS. Often the CPS is not the cause of the delay, but sometimes it properly has to accept the blame. Part of the problem lies with the court listing practices, into which the CPS at present has no input.

10. In the Crown Court, judges and the Bar raised several issues on which action, either by the CPS or by Government Departments, is needed: a considerable disparity between the higher fees paid to defence Counsel under the Legal Aid Scheme and those paid to prosecuting Counsel briefed by the CPS; the issue of briefs being returned by Counsel; a shortage of CPS staff in the Crown Court; and a difficulty in Counsel obtaining fresh instructions while in court.

11. Our assessment of the CPS is that it has the potential to become a lively, successful and esteemed part of the criminal justice system, but that, sadly, none of these adjectives applies to the Service as a whole at present. If the Service is to achieve its potential, it faces three challenges. (1) there must be a change in the priority given to relatively minor cases in the Magistrates' Court in order to concentrate on more serious crime in the Crown Court. (2) the overall organisation, the structure and the style of the management of the CPS will have to change. (3) the CPS must establish more clearly its position as an integral part of the criminal justice process. It is no longer the "new kid on the block".

DEVELOPMENTS

A leading criminal barrister, David Calvert-Smith QC, took over as head of the CPS in November 1998.

England and Wales was divided into 42 areas, each with a Chief Crown Prosecutor. They have responsibility for prosecution decisions.

The DPP planned to break new ground and become the first CPS head to present cases in court (July 1999).

The CPS Annual Report in July 1999, showed a conviction rate of 89.1% in the Crown Court and a conviction rate of 98% in the magistrates' court.

Staff from the CPS began to work with officers in main police stations in a drive to cut the time from arrest to sentence (August 1999).

The CPS was strongly criticised by Judge Gerald Butler for the way it handled a series of controversial cases involving people who had died in police custody. He highlighted confusion at the top of the organisation and in the mind of Dame Barbara Mills QC, the former DPP, over who was responsible for decision-making (August 1999)

A National Audit Office report said that poor working relationships between the police, the CPS and the courts have helped to create an inefficient criminal justice system that wastes £55m a year. 750,000 magistrates' hearings have to be adjourned each year because of 'errors and omissions' by one of the parties. Crown Court trials that failed to go ahead cost £44m a year (December 1999).