

PUBLIC PROSECUTION IN THE UK

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**The Crown Prosecution
Service** England and Wales



The CPS exists to ensure that wrongdoers are brought to justice, victims of crime are supported and that people feel safer in their communities.



History of the CPS

- **1981** Royal Commission on Criminal Procedure recommends new prosecution service
- **1983** White Paper published An Independent Prosecution Service for England and Wales
- **1984** Prosecution of Offences Bill laid before parliament
- **1985** Prosecution of Offences Act creates the CPS
- **1986** The CPS comes into operation throughout England and Wales



The Crown Prosecution Service was set up in 1986 to prosecute criminal cases investigated by the police in England and Wales. In undertaking this role, the CPS:

- Advises the police on cases for possible prosecution
- Reviews cases submitted by the police for prosecution
- Where the decision is to prosecute, determines the charge in all but minor cases
- Prepares cases for court
- Presents those cases at court



Aim and objectives

- The CPS works in partnership with the police, courts the home office, Department for Constitutional Affairs (DCA) and other agencies throughout the Criminal Justice System to reduce crime, 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 CPS has 42 Areas across England and Wales, corresponding to police force areas. Each Area is headed by a Chief Crown Prosecutor (CCP) who is responsible for the delivery of a high quality prosecution service in his or her local Area. CPS London covers both the City of London and Metropolitan Police force areas.

CPS areas are clustered into 15 groups, each with a lead CCP

CPS Direct, a national out-of-hours telephone service, that allows police to access Charging advice through the night and at weekends, 365 days a year, is a "virtual" 43rd Area.



The CPS is headed by the **Director of Public Prosecutions**, Sir Ken Macdonald.

The Director is superintended by the **Attorney General** Baroness Scotland, who is a member of the Government and accountable to Parliament for the Service. The AG is also legal adviser to the Crown. This has led to some controversy cash for peerages, Iraq]

The **Chief Executive** is Peter Lewis, who is responsible for running the business on a day-to-day basis, allowing the Director to concentrate on prosecution, legal issues and criminal justice policy.



Our people

At the end of December 2006, the CPS employed a total of 8,536 people.

They include 2,898 prosecutors and 4,991 caseworkers and administrators.

Over 92% of all staff are engaged in, or support, frontline prosecutions.

The CPS has more than 740 prosecutors able to advocate in the Crown Court and the Higher Courts (Higher Court Advocates — HCAs) and 359 Designated Caseworkers (DCWs) able to present cases in magistrates' courts.





Service

The CPS aims to be a prosecution authority of stature, providing the best possible service to the public.

We aim to:

- Value people
- Perform to a high standard
- Inspire pride
- Work in partnership
- Be professional



The CPS works closely with the police, court and other agencies throughout the criminal justice system [the CJS], but is an independent body.

Common Law adversarial system, no judicial power to direct investigation, can only advise with sanction of veto.

The CJS comprises distinct and separate services- CPS,SFO,RCPO [law Officers] Judiciary/Magistracy,Probation Prisons (Ministry of Justice since 2006), Police (Home Office)



In 2006, the CPS provided 579,049 pre-charge decisions, completed 1,021,281 cases in magistrates' courts and a further 92,759 in the Crown Court.

77% of all cases brought resulted in a conviction



Statutory Charging

Working closely with police colleagues as The Prosecution Team, the CPS has successfully introduced Statutory Charging in all 42 Areas.

Operating at the heart of the Criminal Justice System, CPS prosecutors now select the charge in all but the most minor cases, and build strong cases from the start.

Statutory Charging is seen as the most significant development in the handling of criminal casework since the inception of the CPS. Lawyers are also on call to give advice outside normal working hours





Code for Crown Prosecutors

The Code for Crown Prosecutors is a public document, issued by the Director of Public Prosecutions and approved by Parliament, that sets out the general principles Crown Prosecutors should follow when they make decisions on cases, so that Crown Prosecutors can make fair and consistent decisions about prosecutions.

- Is there enough evidence against the defendant?
- Is it in the public interest for the CPS to bring the case to court?



Code for Crown Prosecutors

The basic principles which Crown Prosecutors must follow when making case decisions are the Evidential Test and the Public Interest Test :

Evidential Test

- The Crown Prosecutor must be satisfied that there is enough evidence to provide a “realistic prospect of conviction”
- Can the evidence be used in court?
- Is the evidence reliable?
- Cases must not go ahead if they do not pass the Evidential Test



Code for Crown Prosecutors

Public Interest Test

- In serious cases, a prosecution will usually take place unless the public interest factors against prosecution clearly outweigh those in favour
- There will be instances where an analysis of the public interest will lead to a correct decision not to prosecute

Victims of Crime

- The CPS must think clearly about the interests of the victim when deciding where the public interest lies

Youth Offenders

- The Crown Prosecutor must balance the seriousness of the offence against the age of the offender

OTHER PROSECUTION SERVICES IN UK

- **Crown Office and Procurator Fiscal Service** sole Prosecution authority in Scotland **Lord Advocate** is the Ministerial Head also principal legal adviser to Scottish Executive and are members of Scottish legislation but legislation protects their independence

Other prosecuting authorities UK continued..

- **Public Prosecution Service for Northern Ireland** established by legislation of 2002 replacing Department of the DPP. Headed by the DPP, superintended by Attorney General
- **SFO Serious Fraud Office** aim to investigate and prosecute serious and complex fraud and so deter fraud and maintain confidence in the probity of business and financial services in the UK. Headed by a **Director** and superintended by **Attorney General**
- **RCPO Revenue and Customs Prosecution Office** established 2005 headed by a **Director** superintendence by **Attorney General**

Other prosecutors in uk

- **independent prosecuting bodies** eg local authorities, RSPCA, trading standards etc
- **Private prosecutions** right of private individual to bring prosecution specifically preserved but CPS can take over