



# Sussex

## Annual Report

### 2004–2005



## INTRODUCTION by the Chief Crown Prosecutor

In many significant ways the achievements of CPS Sussex this year have been very positive. I am grateful for the dedication and commitment of staff throughout the Area for their individual roles in bringing about the various successes we have enjoyed.

Throughout the year, performance against targets has improved, and in the final quarter of the business year Sussex was one of only three Areas out of the total 42 to achieve all six of its targets set for specific aspects of performance. In some of these aspects this reflected significant improvement on past performance.

The figures show that, as we are increasingly getting the charge right with the right evidence available, an increasing number of defendants are pleading guilty and we are dropping fewer cases. Some of the other 42 Areas have more stringent targets set and targets for Sussex will undoubtedly be made more challenging in the future, as we have shown this year that we can deliver and are capable of raising our performance levels.

We are getting more offenders convicted of more offences. We ended the year 9.3 per cent above our target for this, which means that the effort we are putting into our casework is bringing in the results and getting guilty people convicted at a greater rate than was expected of us.

Sussex again achieved the target in relation to persistent young offenders (PYOs). Although the nationally set target of no more than 71 days between arrest of the PYO and finalisation of the case has been a real challenge, Sussex ended the year with an average time of 68 days. The purpose of this target is to get those youths who persist in committing crime dealt with quickly and efficiently, so that they are deflected from progressing in their criminal careers, and our performance in respect of this is crucial to public confidence in the criminal justice agencies.

### Effective Trial Management/Reducing ineffective trials

One of the major pieces of work the criminal justice agencies have undertaken this year is in reducing the number of trials that do not take place on the day they are listed. Performance in relation to ineffective trials in the magistrates' courts has in effect been turned around over the course of the year. In the targeted period 20.1% of trials were ineffective, against a target of 24% and

*Sarah Jane Gallagher, Chief Crown Prosecutor, CPS Sussex.*



against performance in the same period the previous year of 35.2%. The Crown Court achieved performance of 15.5% against a target of 17%.



Criminal Justice System: working together for the public

The considerable improvement in the magistrates' courts has been one of the most significant successes for Sussex this year. It demonstrates what can be achieved quickly if there is inter-agency cooperation and the will to get something done.

This is one area of work in which CPS Sussex has played its full part in the Sussex Criminal Justice Board and its

sub-groups. An Effective Trial Management Project Team was set up in August to address how better we could manage cases going through the criminal courts. The participation of staff from all the agencies in the work of this team, which has benefited also from including representatives from Defence Solicitors' firms, and the dedication of Case Progression Officers in all the agencies have shown what can be achieved in a very short space of time.

### **No Witness, No Justice**

It is obvious that contested cases can only result in convictions if witnesses are prepared to come to court and give evidence. Too often in the past, the criminal justice system has failed to consider adequately the needs of victims and witnesses. This was recognised nationally and money was made available for the creation of Witness Care Units specifically to address this. A national target was set jointly with the police for all Areas to have one Witness Care Unit in place by March 2005, and all Units in place across the Area by December 2005.

Sussex had all its Witness Care Units in place across the county by the end of December 2004, staffed mainly by police personnel, but with a CPS Victim and Witness Coordinator working alongside the police in the Brighton Trials Unit. We plan to employ further CPS staff to work as Witness Care Officers in each of our Units to increase our commitment to this initiative.

I am adamant that victims and witnesses should be right in the centre of what we do and now that these Units are in operation we aim to ensure that we reap the benefits and work with the police to give witnesses the support they need to enable them to feel confident about coming to court to give evidence.

### **Pre-Charge Advice**

The CPS is currently going through the most major change since its inception in 1986 in the initiative that gives the CPS the responsibility for deciding with what offence a suspect is charged. This has previously been the responsibility of the police, but the new way of working involves much closer liaison between the two agencies at and before the charging stage. In order for this change to take place, CPS lawyers need to be available to the police to give advice during the police investigation and give the police a decision on the

appropriate charge.

In Sussex, we have continued to roll-out the charging programme with the police, and experienced lawyers are now based in police stations on a regular basis giving the police advice at early stages in the proceedings. The benefits of this new way of working are beginning to become apparent, with better prepared cases and better efficiency in building those cases, resulting in more offenders being prepared to admit their guilt. There is still some way to go before we will be ready to move to the complete scheme, under which CPS lawyers will be available 24 hours a day seven days a week to give charging decisions to the police. Not least is the need to recruit more lawyers and equip them and our existing lawyers with the skills necessary to provide high quality advice to the police.

### **Higher Court Advocates(HCAs) and Designated Caseworkers(DCWs)**

Over the course of the year more of our senior lawyers have trained to be advocates in the higher courts and we are undertaking an ever increasing amount of advocacy in the Crown Court, both in Chichester and Lewes. Our aim to be a world class prosecuting authority can only be realised if we develop our own staff to be capable and confident to advocate in all courts and I have set an ambitious programme for Sussex HCAs. Hand in hand with HCAs are our DCWs, caseworkers who have undertaken training to appear in the magistrates' courts presenting non-contested cases. Sussex has successfully deployed DCWs across the Area and we have worked with the Courts Service to identify appropriate court listings to enable them to carry out this valuable role.

### **Anti-Social Behaviour**

Sussex is one of 13 Areas that was shown to be active in tackling anti- social behaviour, and as a result we were given funding from the Home Office for a lawyer to work with other agencies to take this work further. The work being done in relation to addressing anti-social behaviour is another example of where the Sussex criminal justice agencies are working in real partnership, and this has extended to liaising also with other agencies outside the criminal justice arena, to create a working environment in which everyone with an interest in tackling this behaviour works together.

## Community Engagement



*Communications Manager Peter Taylor chatting with one of the 40,000 visitors to Eastbourne "999".*

Many staff have been engaged actively with the community we are here to serve. Particular events have been Eastbourne '999', Pride, Court open days, the LGBT jobs fair, careers fairs at the Universities of Brighton and Sussex, and school visits. We have also had a busy programme of work experience, which has the double advantage of giving valuable insights into our organisation whilst generating important links with schools and the community generally.



*CPS Sussex was once again joined by its CJS partners at Brighton Pride.*

I chair an Equality and Diversity Committee composed of CPS staff who represent their units on hate crime and members of the community who have particular interest in diversity issues. This committee provides a forum in which CPS Sussex can share and discuss data on prosecutions of hate crimes with community representatives, who in turn can inform us of relevant issues and ask us questions. This committee fulfils a very useful function and I am keen to widen membership from the community.

Increasingly, the work and achievements of CPS Sussex must be considered alongside that of the other criminal justice agencies represented on the Sussex Criminal Justice Board; many of our targets are the same and many cannot be achieved without cooperation between the agencies. I was delighted to be invited to be the Vice-Chair of the SCJB as I see this forum as being vital to achieving further improvements in criminal justice in Sussex.

CPS staff have worked enthusiastically with colleagues from the other agencies, and there is now undoubtedly an environment that embraces and encourages partnership and mutual support.

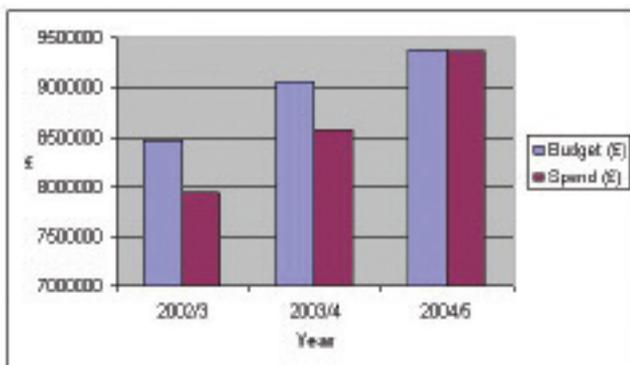
It has again been a year of considerable change and I pay tribute to Sussex CPS staff for their hard work, for which they deserve the successes that have been achieved.

**Sarah Jane Gallagher**  
**Chief Crown Prosecutor**

## AREA BUSINESS MANAGER'S REPORT 2004-05

Following completion of my third full financial year as ABM, I am pleased to be able to report that the Area again came in on budget during a year that put great pressure on resources as we strove to deliver shadow charging to the police at six custody centres, introduce ETMP and deliver significant amounts of training to staff, whilst all the time maintaining the high levels of quality of case management. Due diligence by the Unit Heads and Unit Business Managers ensured they stayed within budget, especially in relation to Agent usage and other running costs.

**CPS Sussex spend against budget 2004-05**



With CMS now being used in all cases the Area's ability to produce meaningful performance data has enabled AMT and the Unit Business Managers to analyse their own Unit's performance and to benchmark against others. Two further upgrades to CMS during the year, and enhanced functionality on MIS – the Management Information System, have meant the Area Performance Manager could provide managers with clear and informative data analysis. This has also assisted the Area in providing reports to community leaders and Domestic Violence and LGBT Forums as requested, strengthening our links with the local communities we serve.

Sussex staff also attended a number of community events as part of the Sussex Criminal Justice Board, including Eastbourne 999 and Pride on perhaps the



*Iain Everett,  
Area Business Manager.*

hottest day of the year! We hope that next year more staff can be encouraged to participate in other community events representing CPS Sussex.

The Area received a very positive report from the Inspectorate during the year which recognised the improvements it has made since the last inspection in 2002, identifying seven strengths and five recommendations to help the Area further improve.

Recognition for the achievements we have made, and acknowledgement of the changes we need to make,, hold the Area in good stead for the coming year.

**Iain Everett**  
**Area Business Manager**

## CASEWORK

### R v Casey Hardison

When police attended a property rented by the defendant in Ovingdean, East Sussex, they discovered a laboratory which had been used for the manufacture of Class A drugs. Casey Hardison, an American citizen, had set up a company using a mailbox address in order to obtain supplies of chemicals for use in the production of drugs. A large quantity of LSD was found, with an estimated street value of £850,000.

The case was made particularly complex by the involvement of law enforcement agents from the USA, a number of whom attended the trial as witnesses.

Hardison handled his own defence and raised a number of human rights issues which had to be dealt with by the prosecution. He claimed that taking psychoactive drugs was an innocent act and the only crime he had committed was against the state.

After a 10-week trial at Lewes Crown Court he was found guilty of making three Class A drugs: 2CB, DMT and LSD, possessing 145,000 doses of LSD and 5-Meo-DMT, as well as smuggling Ecstasy worth £4,000 to the USA. He was subsequently sentenced to 20 years' imprisonment with a recommendation that he be deported on his release.

**Casey Hardison: LSD with an estimated value of £850,000 was found in his home.**



### R v Hill and Hill



Brothers Nigel and Damien Hill were convicted of kidnap and theft in Eastbourne — their victim was a 64-year-old woman.

While the victim sat alone in her car, awaiting her husband's return from a shop, Nigel Hill entered the vehicle by the driver's door, his accomplice forcing his way into the back. Force was used to prevent the victim from escaping from the vehicle.

After some distance, the victim noticed some people standing in the road and, opening her door, called for help. Bystanders attempted to pursue the offenders, who had taken the victim's bag, but were unable to catch them. However, a member of the public recognised the individuals concerned and gave their details to the police. Items from the victim's handbag were found at the home address of the defendants.

The Hill brothers were each sentenced to four years' imprisonment by Judge Scott Gall who remarked that it was a "callous and utterly vicious offence".

**Nigel Hill (above left) and Damian Hill (above right), kidnapped a woman in her own car.**

## CASEWORK

### **R v Flamur Topalli, Vionest Dema, Emir Dema and others**

This was a case of murder, carried out in a busy Hove street by a gang who lay in wait for their victim at his workplace.

The victim in this case, Altin Molita, was known to the defendants and it is apparent that there was a history of bad feeling between him and the defendants involving previous histories of violence. Using two cars, the defendants pursued their victims along Church Road, sandwiching his car between theirs. In the ensuing fracas the victim was stabbed and died at the scene.

Vionest Dema, Emir Dema and Mevlan Dema subsequently attempted to leave the country concealed in a lorry but were apprehended and taken into custody.

At Lewes Crown Court Flamur Topali, Vionest Dema and Emir Dema were found guilty of murder and received life sentences. The remaining two defendants were acquitted.



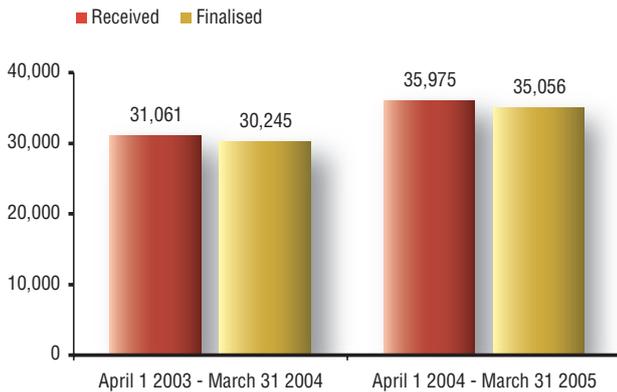
*Emir Dema (left), Vionest Dema (centre) and Flamur Topalli brought terror to the streets of Hove.*



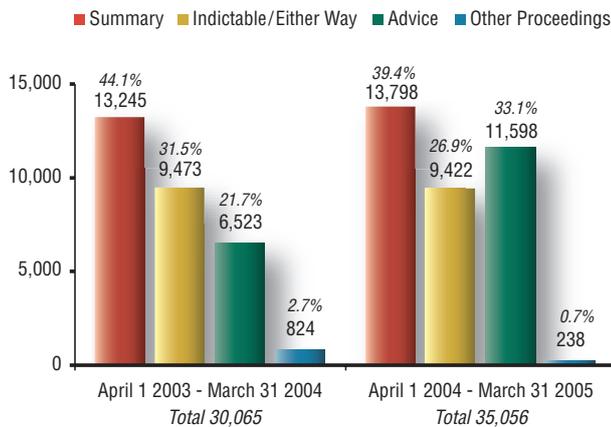
*Right: Palmeira Square, Hove.*

# Performance in the Magistrates' Courts

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 the number of defendants whose cases the Area received from the police and the number of defendants whose cases were finalised in 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 cautioned.

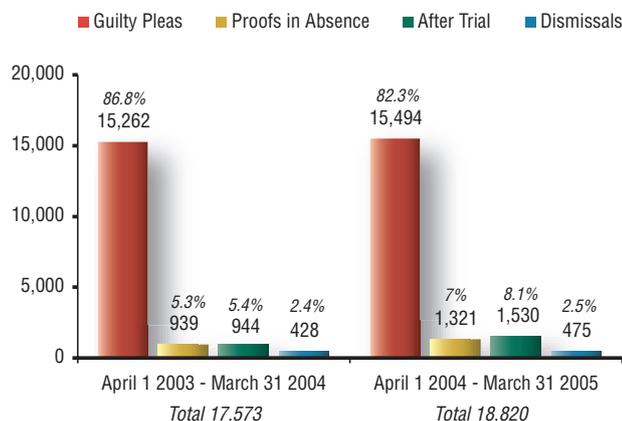


**Chart 2** shows the different types of work dealt with by the Area in the last two years. They are:

**Summary Only** – cases that can only be tried in the magistrates' courts.

**Indictable/Either Way** – Indictable only offences (the most serious cases such as murder, rape and robbery) must be tried in the Crown Court. Either way offences (such as theft) may be tried in either the magistrates' courts or in the Crown Court.

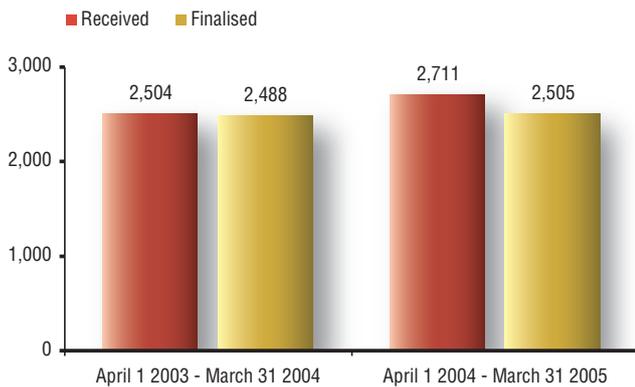
**Cases for Advice** – cases in which the police ask for our advice about whether proceedings should be started. Other proceedings – non-criminal matters, such as forfeiture under the Obscene Publications Act.



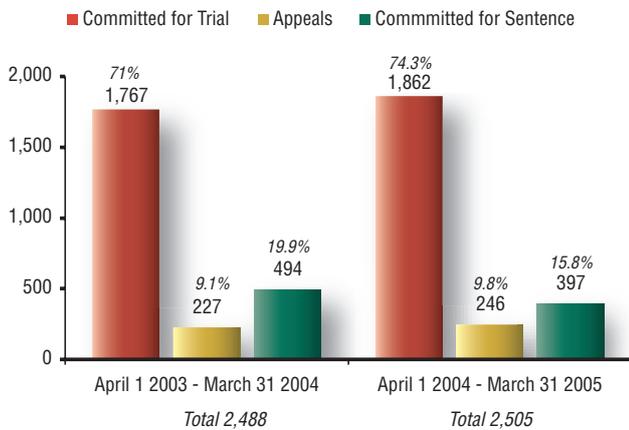
**Chart 3** shows the disposal of those cases that were heard in the magistrates' courts, not including those that were committed to the Crown Court. Unsuccessful outcomes include discontinued cases, those that were written off and those dismissed at trial.

# Performance in the Crown Court

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 the comparison of receipts and finalisations for the period April 2004 to March 2005 against the same period in 2003 to 2004.

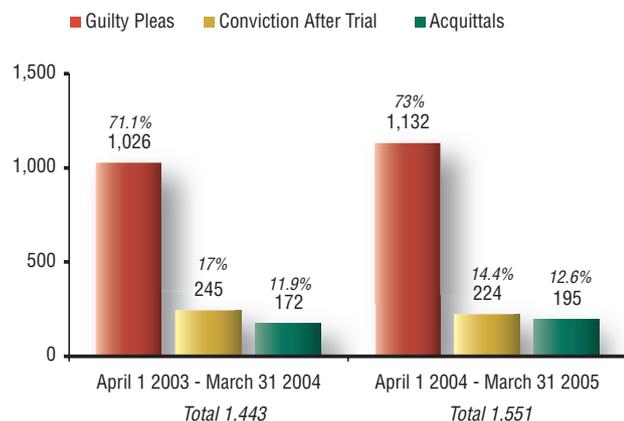


**Chart 5** shows case categories finalised in April 2004 to March 2005 compared with the same period in 2003 to 2004:

**Committal of trial** – Indictable Only and some Either Way cases are sent from the magistrates’ courts.

**Appeals** – Defendants may appeal to the Crown Court against convictions and/or sentences that they received in the magistrates’ courts.

**Committed for sentence** – Defendants who are tried and convicted in the magistrates’ court, however, the magistrates decide that the punishment required is greater than their sentencing powers allow, therefore the case is sentenced before a judge in the Crown Court.



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

# About the Crown Prosecution Service

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.

The CPS was set up in 1986 under the Prosecution of Offences Act 1985 to prosecute criminal cases investigated by the police in England and Wales. In undertaking this role, the CPS:

- Reviews cases submitted by the police;
- Advises the police on any need for further evidence;
- Decides on the appropriate disposal of the case;
- Decides on the appropriate charges in all but minor cases;
- Prepares cases for court;
- Keeps cases under constant review; and
- Presents cases at court.

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.

The 43<sup>rd</sup> CPS Area is CPS Direct, which provides out-of-hours charging advice to police forces.

## Conditional cautions

The CPS will decide whether a conditional caution is the appropriate disposal in any given case. This is a further step in placing the CPS at the heart of the criminal justice system.

Conditional cautions are intended to divert cases away from the court and enable the prosecutor to ensure that the formal criminal justice system is used only for those cases that properly need to be put before a court.

## Our Aim

The CPS works in partnership with 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 become:

***A world-class, independent prosecuting authority, at the heart of the criminal justice system, providing a valued public service that meets the needs of victims and communities, makes a real difference to the lives of local people and helps to build a fairer and more decent society.***

## The Code for Crown Prosecutors

The *Code for Crown Prosecutors* sets out the principles which Crown Prosecutors follow when considering cases. The key principles are that a prosecution should only be started or allowed to continue if:

- There is enough evidence to provide a realistic prospect of conviction against each defendant on each charge, and, if so
- Where a prosecution is needed in the public interest.

## People

Overall the CPS has around 7,820 staff of whom 2,714 are front-line prosecutors. 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 around 1.1 million prosecutions in magistrates' courts and 95,000 prosecutions in the Crown Court.

## Resources

The CPS budget for 2004-05 was £560 million.

## Representative workforce

The CPS has exceeded the Civil Service benchmarks for

employees from Black and Minority Ethnic (BME) groups, women and those with a disability —

- 12 per cent of CPS staff have declared themselves to be from BME communities (the Civil Service benchmark is 8 per cent)
- 66.8 per cent of permanent staff are female — 14.5 per cent above the Civil Service benchmark
- 4.2 per cent are disabled — 0.8 per cent above the Civil Service benchmark.

## Working in partnership

The CPS is taking a leading and influential role in local Criminal Justice Boards (LCJBs), which bring together the chief officers of all the local criminal justice agencies. Over half of the LCJBs are chaired by Chief Crown Prosecutors and each Board has produced delivery plans for narrowing the justice gap, ineffective trials and public confidence.

## No Witness, No Justice (NWNJ)

The CPS is responsible for the NWNJ project and the implementation of Witness Care Units. A key part of the initiative involves identifying the individual needs of victims and witnesses, so that their involvement in the criminal justice process is the least traumatic it can be.

The CPS and the police jointly take responsibility in Witness Care Units for ensuring that the prosecution process is properly explained to victims and that they receive the support that they need during the lifetime of the case. By the end of March 2005 there was at least one Witness Care Unit in every criminal justice area.

## 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.

## Domestic violence

Over the past few years the CPS has greatly improved the way in which it handles domestic violence cases and the way in which it liaises with the police.

In February 2005, the CPS issued revised policy guidance and a training manual on prosecuting cases of domestic violence which focused on safety, support and information for victims; building a closer civil/criminal interface and, whenever possible,

constructing cases based on evidence other than that of the victim.

## Hate crime

The CPS launched its public policy statement on prosecuting homophobic crime in 2002. In 2004, the CPS published homophobic crime data, which showed that 71 per cent of cases identified as such resulted in convictions, and the CPS Policy for Prosecuting Cases of Racist and Religious Crime has been in place since July 2003. Latest figures show that 86 per cent of those charged with such crimes are convicted.

## Community engagement

The CPS is committed to ensuring that its profile in local communities is enhanced through developing strong and comprehensive links with those for whom it provides a public service.

Local prosecutors will actively seek the views of all sections of their diverse communities in shaping local and national policies. Being aware of local issues and concerns is essential, for example, if prosecutors are to play a meaningful role in deciding whether an anti-social behaviour order is appropriate or whether a conditional caution is more suitable in a specific case.

## Website

The CPS' 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 free to the public and available to download from the website or in hard copy.

The CPS has also produced an award-winning video, *Just Deserts*, aimed at 14- to 16-year-olds and designed to be shown in schools. For details on all publications, and information on availability in other languages and alternative formats, contact the CPS Communications Branch, 50 Ludgate Hill, London EC4M 7EX; Tel: 020 7796 8442; e-mail: [publicity.branch@cps.gsi.gov.uk](mailto:publicity.branch@cps.gsi.gov.uk)

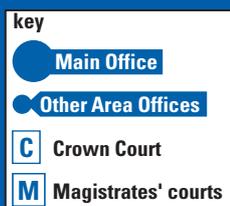
# CPS SUSSEX

Chief Crown Prosecutor Sarah Jane Gallagher  
City Gate, 185 Dyke Road, Hove, East Sussex BN3 1TL

Tel: 01273 765600

If you have any questions or complaints or would like any free publications about the CPS please contact the Chief Crown Prosecutor at the above address.

Website: [www.cps.gov.uk](http://www.cps.gov.uk)  
CPS is now recruiting online



Cover photos: Chichester Market Cross, courtesy of Chichester District Council; "Continuum" by Rick Kirby, reproduced by permission of Hastings Borough Council.

Produced by Communications Branch, CPS Headquarters  
50 Ludgate Hill, London EC4M 7EX, Tel: 020 7796 8442

Printed by Blackburns of Bolton Ltd, 01204 550803