

Crown Prosecution Service 'letting criminals walk free'

Decisions to charge suspects based on cost rather than interests of justice

By Keith Perry | 2 April 2013

Cutbacks by the Crown Prosecution Service have resulted in criminals walking free and millions of pounds of taxpayers' money being wasted, a senior police officer has claimed.

Inspector Steve White, deputy chairman of the Police Federation, said victims of crime are being betrayed because the CPS is basing charging decisions more on meeting government cost targets than in the interests of justice.

White also criticised the CPS's increasing use of in-house advocates to prosecute serious crimes such as rape and murder, rather than more experienced external barristers.

He said: "The reason that they are not picking them, I suspect, is that the best qualified lawyers come at a price. It is simple free market economics; if you pay peanuts, you get monkeys. That is the bottom line.

"But Keir Starmer [the Director of Public Prosecutions] has difficult decisions to make in terms of the budget he has and the resources at his disposal."

White, who is also an Inspector with Avon and Somerset Police, believes that crime figures are not actually falling, as claimed by the government, but that the public is reporting less crime to the police because it is losing faith in the criminal justice system.

"While the public has confidence in the police in general and are very supportive, there is very clear anecdotal evidence around the country that people can't be bothered to report crime because they think police resources are so stretched or they will be denied justice."

Millions of pounds of taxpayers' money are being wasted in court delays because criminal cases had not been properly presented in court by the CPS, said White. This was frustrating police efforts as well as letting down victims of crime.

Last month, Exaro revealed how lawyers at the Crown Prosecution Service had been warned that they must improve their performance within two years.

A report by CPS inspectors last year found that the Crown Prosecution Service has saved £26 million over the past five years by increasing its use of in-house advocates — but done little to improve their quality of work, with an overall decline in their standards.

"One of the real problems is that the case often hasn't been properly presented by the CPS. Quite often it is a complete waste of time and resources from the police officer's perspective," White said.

"The poor victim also feels as though they have been let down by the police. The police are the ones on the receiving end because it will be the officers in the case that have to explain the decision to the victims that the CPS has decided to withdraw the evidence or decided to stop a case.

“It is our cops who are catching the people in the first place and presenting the evidence who feel completely let down.”

White also said that too often CPS lawyers are discovering flaws in their prosecution case at the eleventh hour and deciding the case could not go ahead on the day, despite witnesses and police officers being present to give evidence.

“The real question here, apart from the wasted money, is what cost is justice? That is the debate that needs to be had,” White said.

White also accused the CPS of opting for lesser pleas for offences to secure a cheaper and easier conviction.

“You will never see police officers shying away from ... getting the maximum charge possible. But of course the CPS will look at cases in a different way and how they can win with the least possible input of resources.”

And he had a warning for the government over recent moves to give the police more power over charging and prosecutions.

He said: “Whilst that may free up the CPS to target their resources in a better way, it is going to divert resources away from hard-stretched police forces up and down the country fighting crime.

“The Police Federation supports the principle of the police prosecuting more cases or making charging decisions. But there is no point in us going down that route if we haven’t got the resources to do it effectively. It is a false economy.”

A spokesman for the CPS described the use of in-house advocates as “about embedding a culture of high quality advocacy within the CPS”, and said that: “All advocates instructed by the CPS, whether in-house or self-employed, are assigned to a level which fits their skills and experience in prosecuting.”

The majority of court delays were down to factors other than the quality of CPS advocacy, and delays were often down to circumstances beyond the CPS’s control. He said: “In the calendar year 2012, just 5% of all Magistrates’ Court trials and 5.3% of all Crown Court trials were ineffective due to prosecution reasons.”

He also denied that the CPS accepted lesser pleas to secure easier, cheaper convictions. He said: “Each case is charged on its own merits under the Code for Crown Prosecutors, which has two stages: Is there a realistic prospect of conviction and if so, is it in the public interest to prosecute?”

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