

PRESS RELEASE

(EMBARGOED UNTIL 00.01hrs 16 DECEMBER 2004)

16 December 2004

22/04

CUSTOMS & EXCISE PROSECUTIONS OFFICE: LONDON CASEWORK UNITS

Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi) has today published its Report on the inspection of the casework handled by the London office of the Customs and Excise Prosecutions Office (CEPO). The inspection team placed considerable emphasis on establishing the extent to which the relevant recommendations of the Gower/Hammond Report - relating to the independence of the prosecution process and case ownership - had been implemented.

They found that CEPO as a whole had made significant progress. The necessary cultural change and re-alignment of attitude required in both CEPO and Customs and Excise for the move towards an independent office has, to a great extent, been achieved. Lawyers are thinking much more as independent prosecutors, and there is a better and healthier relationship with Customs and Excise Law Enforcement.

CEPO provides good advice and its decisions whether to prosecute are both sound and independent.

Progress has also been made in addressing issues of concern relating to prosecution compliance with the obligations for disclosure of unused material, with the raising of awareness of its importance amongst both lawyers and investigators, and the introduction of

project teams and collaborative work in linked cases. But concerns remain about the extent to which lawyers are able to master the developing evidence in their cases. The size of many investigations gives rise to a heavy degree of dependency by prosecutors on investigators for ensuring that all potentially disclosable material is identified and drawn to their attention.

The inspectors noted that additional demands made upon CEPO, including the need for special project teams, an increase in the size and complexity of cases, and the work required in dealing with cases which have been re-opened, had not resulted in additional resources being made available. Consequently, pressure permeated throughout the casework units. There was insufficient planning of work, and the inspectors could not be satisfied that CEPO's capacity matched demand.

Manifestations of this pressure included: lawyers often not appearing really to be in control of their cases, with counsel effectively becoming the decision-maker; and CEPO not having the capacity to attend all its court appearances, either at the magistrates' courts or at the Crown Court (including plea and directions hearings) and only attending for part of Crown Court trials. The Report also criticises the practice of using local Customs and Excise staff to prosecute cases.

The Report concludes that CEPO has already achieved significant changes and is progressing towards its role as an independent prosecuting authority. However, some aspects of their work and organisation constrain that progress, including a need to improve staffing levels and case coverage, inadequate accommodation, the lack of some basic equipment and services, and cumbersome IT systems to support management information requirements.

Commenting on the Report, Stephen Wooler, HM Chief Inspector of HM Crown Prosecution Service Inspectorate, said:

“The considerable progress already achieved provides a sound platform for CEPO in its new and expanding role as an independent prosecuting authority. The cultural changes have provided a new and healthy strategic relationship with Customs and Excise itself. Even so, there is a need to improve performance, so

that CEPO can gain the confidence of the judiciary and other criminal justice agencies. In order to achieve this, there is a need for a review of casework, to determine what resources CEPO requires, particularly as it moves into its new role.”

The Executive Summary of the Report is attached.

Notes to Editors

1. In 2002, the Gower Hammond Review was set up to consider whether Customs and Excise should continue to conduct prosecutions, and the need for an independent Inspectorate should it continue as a prosecuting authority. The subsequent Report recommended that the Customs and Excise Solicitor’s Office should retain its prosecution function, but that the Solicitor should be accountable for this function to the Attorney General.
2. The Butterfield Review was set up in November 2002 as a result of major difficulties with a number of prosecutions, known as the London City Bond cases. The subsequent Report recommended that a separate prosecuting authority be set up for Customs and Excise prosecutions. It is anticipated that CEPO will become an independent prosecuting authority in April 2005, headed by a new Director, David Green QC, who took up post on 6 December 2004.
3. The Gower Hammond Report recommended that HMCPSI undertake inspections of the prosecution function of the Solicitor’s Office, and a pilot inspection of the Manchester-based casework unit took place in 2002. Thereafter, inspections were put on hold, pending the outcome of the Butterfield Review. The resulting Report recommended that HMCPSI should inspect the new prosecuting authority.
4. The three London casework units were selected for inspection; an important issue for inspectors was the extent to which the Gower Hammond recommendations had been implemented. In view of the forthcoming restructuring into an independent prosecuting authority, inspectors did not consider management and other operational issues, except to the extent that these aspects have a direct bearing on the quality of casework.
5. There is no geographical or functional alignment between the London units and the flow of work generated by Law Enforcement, but they generally handle cases which are dealt with in the courts in the south of the country. Additionally, the units have two national casework project teams.
6. At the time of the inspection the units employed the equivalent of 120.5 full-time staff (nine of whom were working on project teams).

7. The team of inspectors examined a total of 103 cases. They visited the units between 19 - 23 July 2004, and interviewed CEPO staff at all levels, as well as Customs and Excise staff outside of CEPO, criminal law practitioners, and representatives of criminal justice agencies. Some of the external consultees were sent questionnaires to complete. Notices were also placed in *Counsel* and the *Law Society's Gazette*, seeking views from members of the Bar and solicitors. Observations were made of advocates at magistrates' courts and in the Crown Court.
8. Her Majesty's Crown Prosecution Service Inspectorate was established as a statutory body by the Crown Prosecution Service Inspectorate Act 2000, which came into effect on 1 October 2000. The Inspectorate had previously been a unit within CPS Headquarters. The Chief Inspector is appointed by, and reports to, the Attorney General.
9. For further information, please contact Jane Gould at HMCPSI (tel: 020 7210 1146; email: Jane.Gould@cps.gsi.gov.uk).