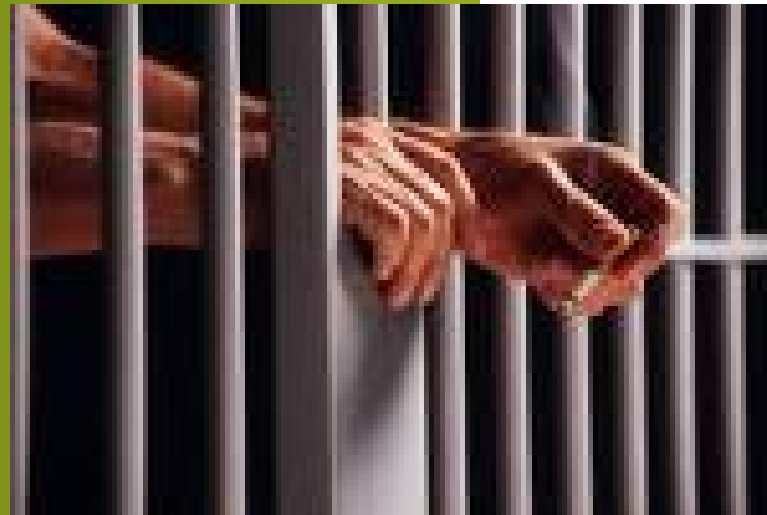




CRIMINAL PROCEEDINGS



**XII SEMINARIO DE ESTUDIO COMPARADO DE SISTEMAS
JUDICIALES Y DE COOPERACIÓN JUDICIAL
INTERNACIONAL A TRAVÉS DEL LENGUAJE JURÍDICO**

Águilas 2010

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- Crime statistics



INTRODUCTION

Introduction: essential web pages

- Criminal Justice System for England and Wales:
<http://www.cjsonline.gov.uk/>
- Ministry of Justice: <http://www.justice.gov.uk/>
- The Attorney General's Office for England and Wales: <http://www.attorneygeneral.gov.uk/>
- The Home Office: <http://www.homeoffice.gov.uk/>

Introduction: essential web pages

- Sentencing Guidelines: <http://www.sentencing-guidelines.gov.uk/>
- The Crown Prosecution Service: <http://www.cps.gov.uk/>
- Her Majesty's Court Service: <http://www.hmcourts-service.gov.uk/>
- The Judiciary of England and Wales: <http://www.judiciary.gov.uk/>
- CNN Crime News: <http://www.cnn.com/CRIME/>

Introduction: on-line videos

Judge for yourself:

<http://www.ezstream.co.uk/coi/>

Online dvd: Your role as a juror:

<http://video.direct.gov.uk/jurorvideo/video/>

Going to court (acting as a witness):

<http://video.direct.gov.uk/goingtocourtvideo/>

Criminal Justice in the UK & Wales

- **Home Office:** oversees Police, Prison Service and National Justice Board.
- **Ministry of Justice:** oversees Magistrates' Courts, Crown Court Appeal Courts and Legal Services Commission.
- **Attorney General's Office:** oversees the Crown Prosecution Service.

Criminal law case names

- **R v Smith**

Literally: “Regina/Rex versus Smith”

Speaking: “The Crown against Smith”

- Occasionally criminal prosecutions are brought by the Government’s law officers:

A-G v Smith

DPP v Smith

Criminal law case names

- **Examples:**

R (on the application of Kadhim) v Brent London Borough Housing Benefit Review Board [2001] QB 955 15

R (on the application of Mayor and Citizens of Westminster City Council) v Mayor of London [2002] EWHC 2440 (Admin) 92

R (on the application of Quintavalle) v Human Fertilisation and Embryology Authority [2005] UKHL 28, [2005] 2 All ER 555 605

R (on the application of R) v Durham Constabulary [2005] UKHL 21, [2005] 2 All ER 369 454

R (on the application of Shabina Begum) v Headteacher and Governors of Denbigh School [2006] UKHL 15, [2006] 2 All ER 487 280

R (on the application of Stanley, Marshall and Kelly) v Metropolitan Police Comr [2004] EWHC 2229 (Admin) [2005] Crim LR 292 443

R (on the application of W) v Commissioners of Police of the Metropolis [2005] EWHC 1586 (Admin), [2005] 3 All ER 749 464

R v Bresa [2005] EWCA Crim 1414, [2006] Crim LR 179 365

R v Brown [1994] 1 AC 212, [1992] 2 All ER 552 603, 606

R v C [2004] EWCA Crim 292, [2004] 3 All ER 1 30

R v Caldwell. *See* Commissioner of Police for the Metropolis v Caldwell

R v Canale (Ramon Michael) [1990] 2 All ER 187 363

R v Chief Constable of Sussex, ex p International Trader's Ferry Ltd [1999] 2 AC 418, [1998] 3 WLR 1260, [1997] 2 All ER 65 553, 559

R v Chief Constable of the Royal Ulster Constabulary, ex p Begley [1997] 1 WLR 1475 359

R v City of London Court Judge [1892] 1 QB 273 45

R v Clarence (1888) 22 QBD 23 24

R v Clark [2003] EWCA Crim 1020, [2003] 2 FCR 447 409

R v Derbyshire CC, ex p Times Supplements (1991) 3 Admin LR 241 (1990) *Times*, 19 July 554

COURTS EXERCISING CIVIL JURISDICTION

COURTS EXERCISING CRIMINAL JURISDICTION

THE SUPREME COURT OF THE UK

COURT OF APPEAL

Civil Division

Criminal Division

HIGH COURT OF JUSTICE

Chancery Division

Family Division

Queen's Bench Division

Divisional Court

Divisional Court

Administrative Court

CROWN COURT

criminal

Senior courts

COUNTY COURTS

Inferior courts

MAGISTRATES' COURTS

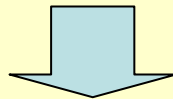
TRIBUNALS

THE BASICS

The basics

- **CRIME/OFFENCE:** “**commission** of an act forbidden by law or **omission** of a duty commanded by law”
 - A punishment is imposed on the offender upon trial and conviction

- **CRIME/OFFENCE:**
 - ***Criminal proceedings***
(the CPS, at the request of police, prosecutes the suspect or accused)
 - **Burden of the proof & balance of probabilities**



The Crown

- **CIVIL WRONG/TORT:**
 - ***Civil proceedings***
(the injured party brings an action to claim e.g. for damages)
 - **Burden of the proof & balance of probabilities**



Claimant

The basics

- “*Nullum crimen et nulla poena sine lege*” (legalidad penal).
- Human Rights Act 1998: “*No punishment without law*”.
- No misconduct is criminal until it is made/created an offence / a crime by a Parliamentary statute, BUT
 - **NO statute making murder illegal.** It is a common law crime - so although there is no written Act of Parliament making murder illegal, it is illegal by virtue of the constitutional authority of the courts and their previous decisions. Common law can be amended or repealed by Parliament; murder, by way of example, carries a mandatory life sentence today, but had previously allowed the death penalty. Other examples of common law offences are blackmail or kidnapping.
- Definitions contained in acts (e.g. *of sound mind and discretion, kill, lawfully, etc.*).

The basics

- **Acts which constitute a crime/offence**

UK – Common Law

1. *Actus reus*: any conduct defined as unlawful.
2. *Mens rea*:
 - intention to produce an effect
 - reckless [knowingly]
 - negligence
3. *No concurrence or simultaneous occurrence of defences* (ignorance of law is no defence; self-defence is a defence).

Continental Law

1. Commission or omission.
2. Offence created by statute.
3. No concurrence or simultaneous occurrence of defences.
4. Recklessness, criminal negligence.

The basics

- **DEFENCES**

- **General defences** (Counsel for the prosecution)

Non existence of:

- Mentally abnormal offender.
- Intoxicated offender.
- Self-defence.
- Necessity.
- Duress.
- Legal performance of duty or office.

- **Specific defences** (Counsel for the defence)

Demonstrate their existence

Major features of criminal proceedings

UK – Common Law

Accusatorial procedure

- Judge -> umpire.
- Adversarial British law: judge takes no part in investigation/litigation, only:
 - applies the law;
 - decides the contest;
 - sees that justice is done.
- 2 sides:
 - Counsel for the defence
 - Counsel for the prosecution
- Jury (verdict).

Continental Law

Inquisitorial procedure

- Examining magistrate.
 - Important role in committal proceedings:
 - Interviews witnesses.
 - Examines evidence in advance.
- Committal proceedings -> inquisitorial procedure.
- Public hearing -> accusatorial procedure.

Major features of criminal proceedings

- Criminal law not organised into coherent body or code: extremely diffuse arrangement of statutes and statutory instruments constantly updated (complicated cross-references).

Same applies to rules of criminal procedure: Magistrates' Courts Act, Prosecution of Offences Act.

- No longer distinction by name between serious and minor or relatively minor crimes.

All crimes referred to as "offences", but distinction seen in sentences imposed after verdict of guilty and also in mode of trial.

- 98% of all criminal cases are heard in a magistrates' court (reminder: magistrates are supported by a legally trained advisor. There may be just one magistrate -district judge-, who is a lawyer).

Investigation and prosecution of crimes

Prosecution of crime NOT the responsibility of courts or the judiciary:

- No examining magistrate, no continental-style inquisitorial procedure.
- It is the police who investigate criminal offences and bring charges in the name of the Crown.
- Common for the police to consult or seek assistance from CPS.
- Once a suspected person is charged with a criminal offence the case is taken over by the CPS (which works with the police in preparing the case), which conducts the prosecution.

CRIMINAL PROCEDURE RULES

Criminal Procedure Rules 2005

- Criminal Procedure Rule Committee

http://www.dca.gov.uk/procedurerules/criminalpr_committee.htm

PURPOSE:

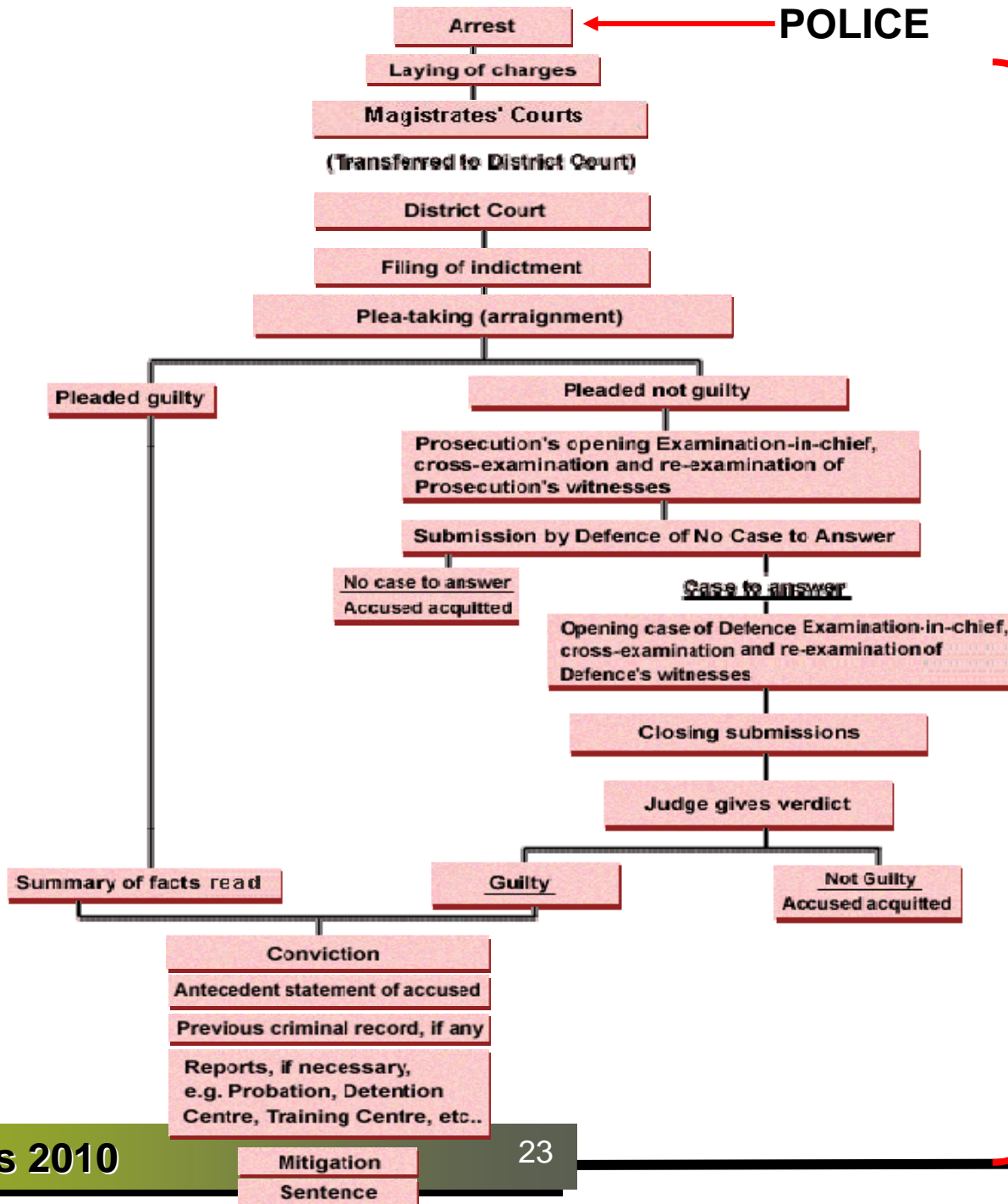
- Review of criminal court procedures and development of modern and simply expressed rules.
 - To govern the practice and procedure to be followed in the Criminal Division of the Court of Appeal and the Crown Court; for criminal proceedings in magistrates' courts and by justices' clerks.
 - Development of necessary procedures to bring about closer alignment of criminal courts.
- In addition, the Committee plays a part in the development of a code of criminal law - most particularly, in bringing about a single code of procedure for the criminal courts.

Chaired by the Lord Chief Justice.

Criminal Procedure Rules 2005

- Case management (ETMP, Effective Trial Management Programme):
 - Forms for Crown Court and Magistrates' Courts brought into force by Practice Direction from Lord Chief Justice.
 - Judges given necessary powers to manage cases actively.
 - Duty of parties to assist the court.
 - Named, individually responsible case progression officers.
 - Criminal Case Management Framework (CCMF); 'route map' for every type of criminal case (not prescriptive): to be considered by LCJBs (Local Criminal Justice Boards).

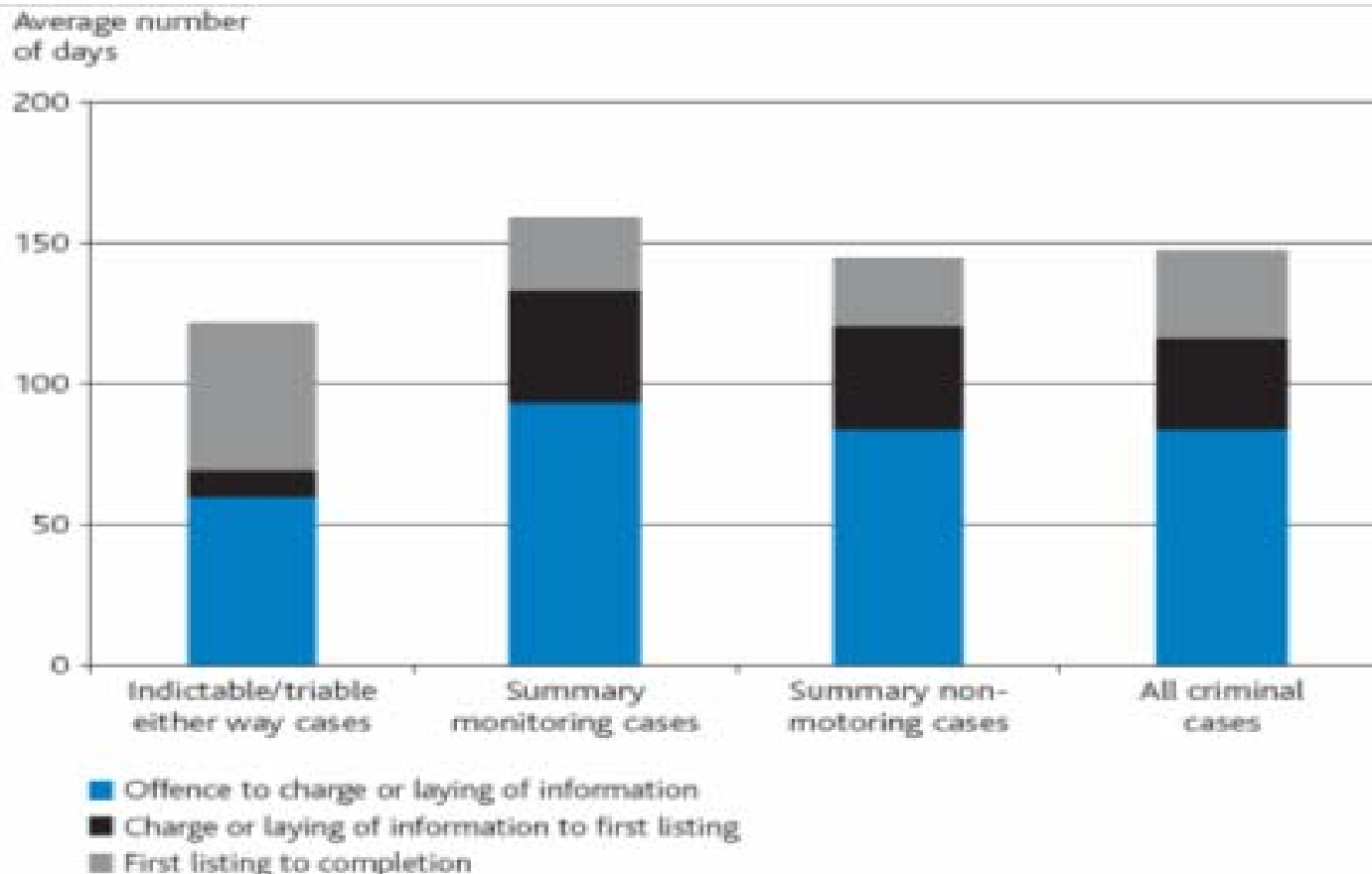
CRIMINAL PROCEEDINGS



POLICE

CROWN PROSECUTION SERVICE

Average time by stage of proceedings – defendants in all criminal cases, 2006



Arrest & Charge

- Investigation / arrest -> **Police**
- Prosecution →
 - **Crown Prosecution Service.**
 - **Customs and Excise Service.**
 - **Inland Revenue Service.**
 - **Serious Fraud Office.**
- Once received case papers, CPS may:
 - abandon the case;
 - initiate criminal proceedings (beyond all reasonable doubt).

Arrest & Charge

- All criminal proceedings begin in Magistrates' Courts, where decision on appropriate mode of trial is made ...
 - BUT**
 - before a person taken before magistrates, s/he must be arrested and charged:
 - by summary arrest (wide powers of arrest by police + most suspects charged with arrestable offences) → most common.
 - by arrest with a warrant.
- While interviewed, detainee held in custody by a custody officer.
- The detainee may ask for a duty solicitor or legal aid.
- Police may adopt several decisions:
 - release (insufficient evidence);
 - reprimand/admonish and release (first-time offenders, juvenile offenders, etc.);
 - bring the accused to a Magistrates' Court as soon as practicable (->CPS) [IF lay charges]

Arrest & Charge (UK)

- Arresting officer MUST caution the person under arrest.

Caution in the UK: Right to be silent.

"You do not have to say anything. But it may harm your defence if you do not mention when questioned something that you later rely on in court. Anything you do say may be given in evidence."

Arrest & Charge (US)

- Miranda Warning, USA.

1963: Ernesto Miranda arrested for kidnapping and rape. He made confession without having been told of his constitutional right to remain silent and to have an attorney present during police questioning. At trial, prosecutors offered only confession as evidence: he was convicted.

Supreme Court ruled (Miranda v. Arizona 1966) that Miranda was intimidated by interrogation and did not understand his right not to incriminate himself or his right to counsel. Conviction overturned on this basis. Later convicted in a new trial, with witnesses testifying against him and other evidence presented. He served eleven years.

Arrest & Charge (US)

“You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you at interrogation time and at court.”

California, New York, Texas, Pennsylvania, etc. add:

“Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?”

Arrest & Charge

- IF charges are laid, the police may:
 - Hold the detainee in custody.
 - Remand the accused on bail:
 - bail with a security = conditional bail;
 - bail without a security = unconditional bail.
 - Remand the accused in prison.
 - Order him/her to be brought before a Magistrates' Court (24 hours; 72 in Spain).

[Habeas corpus]

Criminal proceedings

- **Summary trials** → Magistrates' Courts
Magistrates decide on:
 - facts
 - law
 - Summary offences.
- **Trial on indictment** → Crown Court (1 or more judges)
 - Indictment (charges that the accused faces).
 - Indictable offences.
 - Trial by jury:
 - Jury → finders of fact.
 - Judge → questions of law, conduct of trial, admissibility of evidence, application of verdict (discharge if acquittal, passing of sentence if conviction).

Arrest & Charge

- Useful collocations:
 - To be in breach of bail
 - To apply for bail
 - To grant bail
 - To refuse bail

OFFENCES

Criminal proceedings: Offences

Offences are now set out in statutes (some originally arose at common law).

Criminal proceedings: Offences

- **Types of offence:**
 1. **Summary offences** (lesser crimes).
 2. **Indictable offences** (serious or very serious crimes).
 3. **Offences triable either way** ('either way offences': intermediate offences).

SUMMARY OFFENCES

Summary Offences

[Petty offences / Misdemeanour (AmE)]

- Lesser crimes: *motoring offences, assault on police, petty theft.*
- Lesser, lighter or more lenient punishments.
- Trial by magistrates summarily (without a jury). Defendant not entitled to trial by jury.

Summary Offences

(1) **If accused pleads guilty**, rarely sentence there and then: need to look into criminal record.

If accused not sentenced → magistrates to decide whether to grant bail or to remand.

(2) **If accused pleads not guilty** to the charge, date fixed for trial and decision taken on bail. The police can also grant bail ('police bail', pending further enquiries).

INDICTABLE OFFENCES

Indictable Offences

[Felony (AmE)]

- Serious or very serious crimes: *rape, armed robbery, murder*. [Sometimes media reporting restrictions].
- Tried before a jury at Crown Court after formal indictment by CPS.

Indictable Offences

- Preliminary inquiry by magistrates (examining justices rather than judges) BUT court not acting inquisitorially, only testing prosecution evidence for *prima facie* case for Crown Court.
- If *prima facie* case: committal proceedings (accused indicted for trial at Crown Court).
 - Committal: on bail
 - in custody
- If not *prima facie* case: reduction of charge or discharge of the accused.

**OFFENCES TRIABLE
EITHER WAY
(EITHER-WAY OFFENCES)**

Offences triable either way

- Intermediate offences: *theft*.
- Depending on seriousness of facts alleged, they may be deemed more suitable for trial by Magistrates or by Crown Court.
- Accused entitled to insist on trial at Crown Court if s/he prefers jury (BUT: greater sentencing powers of Crown Court).

Offences triable either way

- ‘Either way’ offences: up to magistrates to decide whether they are competent to try matter depending on:
 - gravity of charge;
 - facts alleged by prosecution.
- Limited powers of sentence: maximum of six months’ imprisonment and/or £5,000 fine on any one charge and maximum of one year’s imprisonment on two or more charges taken together.
- Magistrates may decide to send accused to Crown Court or the accused himself may choose this option against opinion of the magistrates.

CRIMINAL PROCEEDINGS & COURTS

Criminal proceedings: Magistrates' Court

- Information before a Magistrates' Court

- Prosecutor/any individual (*private criminal prosecution*) may lay an information before a Magistrates' Court for an alleged offence,
- Magistrate may issue a summons or a warrant for arrest.

1) Preliminary hearing -> discharge the accused / charge him with a crime.

Criminal proceedings: Magistrates' Court

2) **Indictable-only offence** -> committal proceedings (= paper committal) → if there is a case to answer).

- Commit the case to the Crown Court (with jury).
- Magistrates do not examine the case, just send the case on the grounds of documentary evidence.

Send for trial, commit for trial, commit for sentence

SEND FOR TRIAL & COMMIT FOR TRIAL // COMMIT FOR SENTENCE

- **Sent for Trial – “Indictable-Only” Offences**
 - Since 2001 all indictable-only cases are ‘sent for trial’ to the Crown Court after they have had their first appearance in the magistrates’ court.
- **Committals for Trial – “Either-Way” Offences**
 - Either-way offences may be committed by magistrates’ courts to Crown Court for trial. Magistrates are required to ask defendants to indicate plea to the charge. Where a guilty plea is indicated, summary trial procedure is deemed to have been complied with and defendant is deemed to have pleaded guilty under it. Where a defendant indicates a not guilty plea or gives no indication on plea, the court, considering various factors, indicates whether it thinks the offence more suitable for summary trial than on indictment. However, a court may only proceed to summary trial with the consent of defendant.
- **Committals for Sentence.**
 - Magistrates’ Courts Act 1980 allows magistrates to commit defendants summarily convicted of an either way offence to the Crown Court for sentence. The magistrates must be of the opinion that the offence or the combination of the offence and one or more offences associated with it is so serious that a greater punishment should be inflicted than they have power to impose or, in the case of a violent or sexual offence, that a sentence of imprisonment for a longer term than they have power to impose is necessary to protect the public from serious harm. Committals may also arise from breaches of the terms of, for example, community rehabilitation orders or of suspended sentences of imprisonment.

Criminal proceedings: Magistrates' Court

3) Triable either way offences (I) -> Magistrates may, before deciding the venue, ***plea before venue*** (the accused pleads guilty / not guilty)

- If s/he pleads **guilty** the court will hear the prosecution case against him and mitigation of the defence, and then determine the sentence (if greater than Magistrates' Court has power to impose -> committal to Crown Court for sentence).
- If s/he pleads **NOT guilty**, Magistrates' Court will decide if:
 - trial on indictment (by a jury, in Crown Court);
 - summary trial (in Magistrates' Court).

Criminal proceedings: Magistrates' Court

3) Triable either way offences (II)

- If the accused does not accept summary trial -
> **committal proceedings** (examining magistrates).
- At this stage, Magistrates take evidence, and the Crown sets out the case. The defence remains silent (so as not to reveal the line of defence). However, the defence must inform if s/he will produce an alibi.

Criminal proceedings: Magistrates' Court

90% of accused of **summary offences** -> plead guilty
(sometimes by mail)

- Prosecutor presents the prosecution case.
- Court passes sentence.
- Court may grant an adjournment at the request of the counsel for the defence/counsel for the prosecution.

If the accused pleaded NOT guilty in the preliminary hearing, s/he must attend the court in the date fixed for trial.

The prosecutor will give a brief explanation of the case and witnesses will be called to testify and give evidence.

Counsel for the defence/prosecution will make short speeches summarizing the reasons to convict or not convict the accused.

After examining facts as found & questions of law, Magistrates may:

- discharge (=acquit/acquittal in CC) the accused;
- convict the accused.

Summary conviction: "We find the case proved".

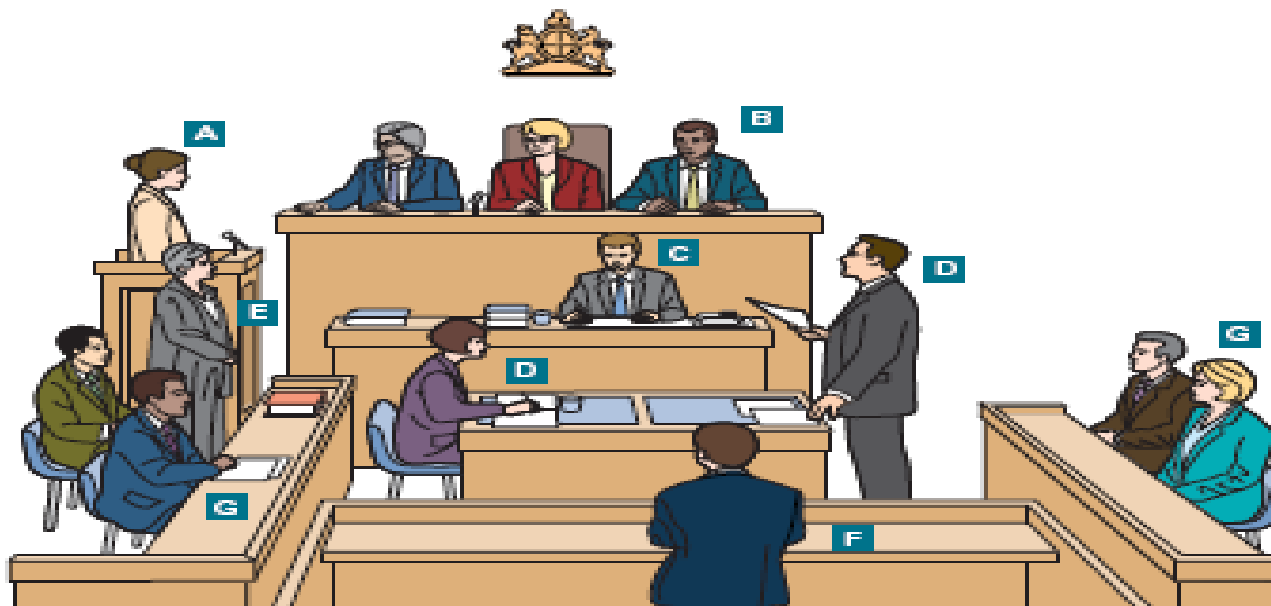
Criminal proceedings: Magistrates' Court

Types of trials at Magistrates' Courts:

- **Effective Trial:** a trial that commences on the day it is scheduled, and has an outcome in that a verdict is reached or the case is concluded.
- **Cracked Trial:** on the trial date, the defendant offers acceptable pleas or the prosecution offers no evidence. A cracked trial requires no further trial time.
- **Ineffective Trial:** on the trial date, the trial does not go ahead due to action or inaction by one or more of the prosecution, the defence or the court and a further listing for trial is required.

A typical trial: Magistrates' Court

The picture shows a typical magistrates' court. The magistrates sit behind a raised bench and the witness box is usually to one side near the front of the court.



Key: **A** Witness **B** Magistrates **C** Clerk of the court
D Lawyers for the prosecution and the defence
E Court usher **F** Defendant **G** Others

Criminal proceedings: Crown Court

Arraignment (reading of indictment, that is, of charges):

- Identification of the accused
- Indictment [*THE QUEEN v (Defendant) charged as follows...*]
 - » Introductory matters.
 - » Charges.
 - » Sections of statute.
- Plead guilty / not guilty.
- Submission of no case to answer / motion for dismissal.
- Counsel for the defence -> *pleas in bar*
“Excepción de cosa juzgada”
 - » *Autrefois acquit* (ya absuelto)
 - » *Autrefois convict* (ya condenado)
- If accused pleads guilty:
 - Counsel for the prosecution-> summary of evidence, background and record.
 - Counsel for the defence-> plea for mitigation.
 - Judge-> verdict / sentence.
- If accused pleads guilty of a lesser offence (change of plea)
 - Plea bargaining -> **sentencia de conformidad.**

Criminal proceedings: Crown Court

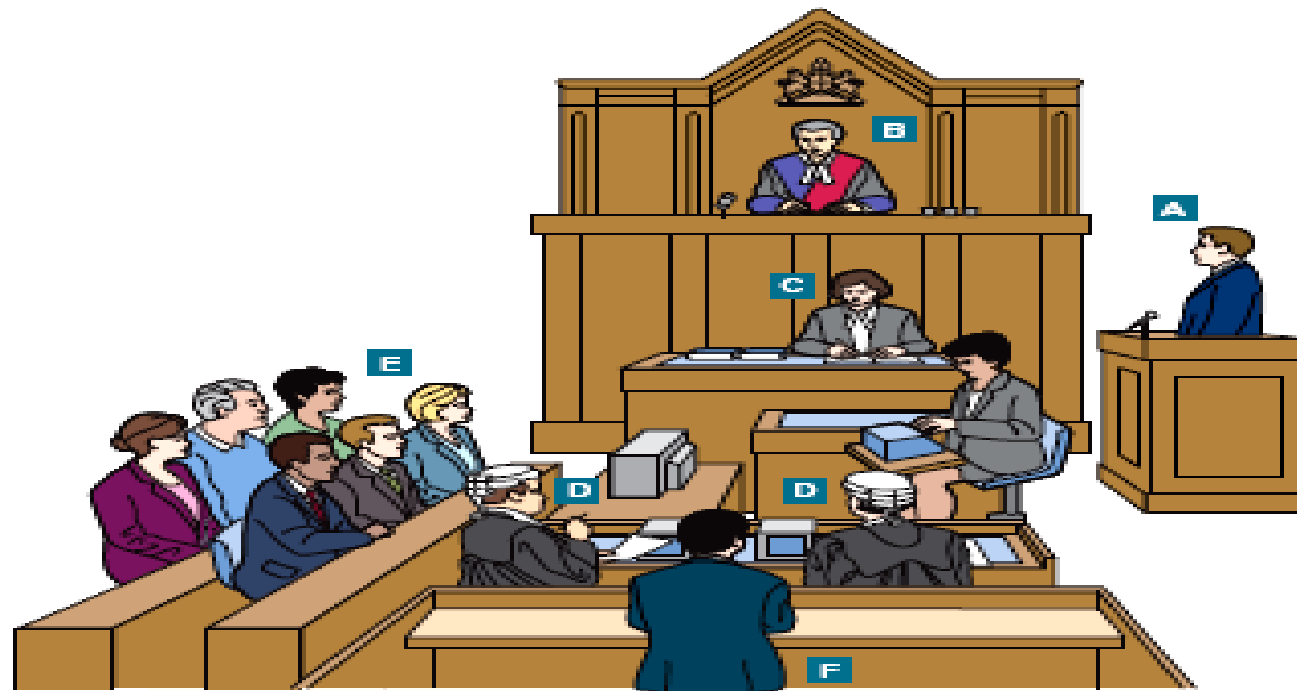
The Crown Court

Key findings for 2008

- The number of cases committed/sent for trial to the Crown Court increased by 9% to 90,040. The number of disposals for cases committed/sent for trial increased by 6% to 87,735 (Table 6.1).
- The number of cases committed to the Crown Court for sentence increased by 3% to 41,656, while the number of appeals increased by 6% to 14,019 (Table 6.1).
- Guilty pleas as a proportion of all cases where a plea was entered rose by 2% to 70% in 2008 (Table 6.6).
- The cracked and ineffective trial rates both fell by half a percent to 41.1% and 11.6% respectively (Tables 6.11 and 6.12).
- The average waiting time for defendants committed for trial on bail was 15 weeks and 8.9 weeks for those held in custody (Table 6.14).
- The average waiting time for defendants sent for trial on bail was 22.5 weeks and 15.1 weeks for those held in custody (Table 6.15).
- The average hearing time for defendants who pleaded not guilty rose from 17.6 to 20.3 hours in sent for trial cases and 8.0 to 8.1 in committed for trial cases (Table 6.18).

A typical courtroom: Crown Court

The picture shows a typical courtroom of the Crown Court. Judges and some lawyers wear wigs and gowns. The court clerk also wears a gown and, in some courts, a wig too. There is also an area for the jury to sit.



Key: **A** Witness **B** Judge **C** Clerk of the court
D Lawyers for the prosecution and the defence
E Members of the jury **F** Defendant

The Hearing

Dock officers

Jurors
in the jury box

Counsel for the
prosecution



Accused seated in the dock (not obliged to give evidence at all) * *right to remain silent*

Trial judge
(wig and robe)

EXAMINATION (questioning to witnesses on oath or by affirmation)

- Opening speech
- The burden of proof (guilt of the accused beyond all reasonable doubt).
- Prosecution case.
- Outline his/her case
- Call witnesses for the prosecution (*give evidence with testimony on oath or by affirmation*)

EXAMINATION-IN-CHIEF/ DIRECT EXAMINATION (*c. for the prosecution*)

- No loaded or leading questions.

CROSS-EXAMINATION (*c. for the defence*)

- Destroy initial theories (leading questions).
- Submission of no case to answer.
- ***Cross-examination on the accuracy of evidence.***
- ***Cross-examination to credit.***

RE-EXAMINATION

- Matters issued in the cross-examination or new ones with the leave of the judge.

Criminal proceedings: Law of Evidence

- Proofs in proceedings before a court (which matters are admissible and which not as a proof in the course of a trial).
- Types of proofs:
 - Oral evidence.
 - Expert evidence.
 - Real evidence.
 - Hearsay evidence.
 - Second-hand evidence.
 - Circumstantial evidence.
 - Direct / original evidence (by witnesses-as proof of the truth).
 - Extrinsic evidence.
 - Primary evidence.
 - Secondary evidence.
 - Conclusive evidence.

Criminal proceedings: Final/Closing speech

- Closing argument or statement:
 - 1) **C. for the prosecution** must prove *actus reus*, *mens rea*, *no defences*.
 - 2) **C. for the defence must** NOT prove the accused's innocence because (s)he is presumed innocent until proved guilty.
- Summing-up by the judge (Jury summation in AmE):
 - directs the jury as to the law they must apply.
 - reminds them of the relevant evidence.
 - summarises the issues they have to decide.

Criminal proceedings: Final/Closing speech

Judge asks the jury to return a verdict:

If after considering all the evidence you are sure that the defendant is guilty, you must return a verdict of 'Guilty'. If you are not sure, your verdict must be 'Not Guilty'.

Criminal proceedings: Final/Closing speech

- Standard of proof higher than in civil law → jury/judge satisfied “beyond a reasonable doubt” (*“so that you are really sure”*):
 - **Yes** (conviction) -> judge will **pass sentence** (antecedents report and previous convictions recorded).
 - **No** (acquittal).
 - **I’m not sure** (acquittal) [*in dubio pro reo*]
- Reversal of burden of proof if defendant alleges:
 - insanity
 - automatism

SENTENCE

Sentences

- Discharges
- Punishment to the convicted:
 - Custodial sentence:
 - Imprisonment.
 - Life imprisonment (murder, attempted murder, manslaughter, rape, grievous bodily harm).
 - Non-custodial sentence:
 - Curfew order (*electronically monitored –electric tag*).
 - Fine (up to £5,000).
 - Community service orders:
 - Community punishment order.
 - Community rehabilitation order (*libertad a prueba* = probation order / probation officer).
 - Combination order (punishment + rehabilitation).
- Prisoners/inmates have the right to apply for conditional release, community rehabilitation order or parole at half-way point of sentence.

Sentences

- **Community service:**

- Compulsory (unpaid) work.
- Participation in any specified activities.
- Programmes aimed at changing offending behaviour.
- Prohibition from certain activities.
- Curfew.
- Exclusion from certain areas.
- Residence requirement.
- Mental health treatment (with consent of the offender).
- Drug treatment and testing (with consent of the offender).
- Alcohol treatment (with consent of the offender).
- Supervised attendance order.

APPEALS

Crown Court

Appeals (against decisions of magistrates' courts) dealt with, by appeal type and result, England and Wales, 2004–2008

Year	Total appellants dealt with	Appeals against verdict					Appeals against sentence					Total other appeals ³
		Total	Allowed	Dismissed	Abandoned ¹ or otherwise disposed ²	% allowed	Total	Allowed	Dismissed	Abandoned ¹ or otherwise disposed ²	% allowed	
2004	11,975	4,751	1,926	1,429	1,396	41%	6,506	2,927	1,932	1,647	45%	718
2005	12,318	5,127	2,017	1,565	1,545	39%	6,418	2,992	1,789	1,637	47%	773
2006	12,545	5,346	1,958	1,704	1,684	37%	6,533	3,071	1,826	1,636	47%	666
2007	12,446	5,531	2,029	1,749	1,753	37%	6,288	2,830	1,802	1,656	45%	627
2008	13,251	5,915	2,322	1,889	1,704	39%	6,568	2,955	1,802	1,811	45%	768

Source:

HM Courts Service CREST system

Notes:

- 1 Includes both abandoned in court and abandoned before court appearance
- 2 Includes those remitted back to magistrates' court
- 3 Includes those for non-Criminal matters including licensing or care proceedings in juvenile cases

THE ATTORNEY GENERAL'S OFFICE & THE CPS

The Attorney General's Office

- The Attorney General and The Solicitor General (the Law Officers) are the chief legal advisers to the Government and are responsible for all Crown litigation.
- They have overall responsibility for the work of:
 - Treasury Solicitors Department (Tsol).
 - Crown Prosecution Service (CPS).
 - Serious Fraud Office (SFO).
 - Revenue and Customs Prosecution Office (RCPO)
 - Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI).

The Attorney General's Office

- Attorney General: Rt Hon the Baroness Scotland of Asthal QC.
- Solicitor General (the Attorney General's deputy): Vera Baird QC MP.
- See: http://www.attorneygeneral.gov.uk/sub_about_us_biographies.htm



The SOLICITOR GENERAL

Vera Baird QC MP

The Crown Prosecution Service (CPS)

- CPS: created in 1985. Government Agency, decides whether criminal proceedings started by the police should progress to court.
- In Spain, CPS (*Ministerio Fiscal*) is not part of the CGPJ but of the Ministry of Justice.

The Crown Prosecution Service (CPS)



- The Crown Prosecution Service:
<http://www.cps.gov.uk/>
- Attorney General's Office (AGO):
<http://www.attorneygeneral.gov.uk/> (Solicitor General).

The Crown Prosecution Service (CPS)

- Head of the CPS and Director of Public Prosecution (DPP): Keir Starmer QC
- The DPP is superintended by the Attorney General, who is accountable to Parliament for the Service.



CRIME STATISTICS

For updated information on crime in Britain:

- The Home Office
- Home Office Statistical Bulletin:
- <http://www.crimeredction.homeoffice.gov.uk/statistics/statistics080.htm>