

CROWN PROSECUTION SERVICE

Handling Sensitive Race Hate Crime

**An overview of good practice
and lessons learnt in the
CPS Merseyside handling of the
racist murder of Anthony Walker**



**Equality and Diversity Unit
(EDU)**

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Foreword by the Director of Public Prosecutions

The racist murder of Anthony Walker was an horrendous crime that ended a young man's life and devastated his family and friends. It also tested confidence in the Criminal Justice System as people waited to see whether justice would be served.

All of us owe a debt of gratitude to Anthony's family for their grace throughout this whole ordeal. Their dignity served as an inspiration to everyone involved in this case, and as an ultimate rebuke to the poisonous racism which underpinned this dreadful crime. They have our admiration and gratitude.

The response of the CPS and the Criminal Justice System as a whole to this case, highlights how far we have progressed in handling racist crime in recent years; demonstrating how the system can work swiftly, effectively and fairly, and thereby helps to restore community trust and confidence.

I commend all our colleagues in Merseyside for their work in bringing this case to justice.

However, I also acknowledge that we cannot become complacent. We are sharing our findings with all CPS Areas, Criminal Justice Partners and communities. We want the good practice identified in this case to become a blueprint for dealing with race hate cases in all CPS Areas.

Our vision is to become a World Class Prosecuting Authority. I am determined that the good practice and lessons learnt from this case will inform our future handling of hate crime.



Ken Macdonald QC
Director of Public Prosecutions

Foreword by the Walker Family

It was our experience that the criminal justice process is 99% for the defendants and only 1% for the victims.

Every agency should reflect and evaluate what has been done in our case to learn and improve for the next time.

Introduction

Crown Prosecution Service (CPS) Merseyside covers the boroughs of Liverpool, Knowsley, Sefton, Wirral and St Helens; it is one of 42 CPS geographical Areas in England and Wales. The Chief Crown Prosecutor (CCP) is Paul Whittaker and Area Business Manager (ABM) is Deborah King. The Area took over responsibility for all Merseyside charging decisions in September 2004.

Merseyside has a local Black and Minority Ethnic community of 3.65% according to Census data, although local estimations put it closer to 8%. Knowsley borough has a 1.6% recorded Black and Minority Ethnic population. CPS Merseyside has 1.5% of prosecutors from a Black or Minority Ethnic background.

In 2004, the Area handled 171 racially motivated crimes with a 63.2% success rate. One of the difficulties in bringing offenders to justice was victims and witnesses reluctance to support the prosecution process — accounting for 22.5% of all unsuccessful cases.

CPS as a whole has Public Service Agreement Targets to improve public confidence generally and also improve the levels of confidence for Black and Minority Ethnic communities in the perception of fairness of the CJS.

Home Office Citizenship Survey 2005 indicates that nationally 31% of Black and Minority Ethnic people expect the Criminal Justice System as a whole to treat them worse than White people, with 11% of Black and Minority Ethnic people expecting this of the CPS in particular.

The Area Communications Manager (ACM) Karen O'Brien has responsibility for liaising with the local and regional media and coordination of community engagement. The local criminal justice board (LCJB) has a Race Issues Coordinator, Bob Cross seconded from Merseyside Police.

At the time of the murder, the Area had three Racially and Religiously Aggravated (RARA) Crime Coordinators, whose role was to attend multi-agency group meetings in their local districts and advise their peers on the prosecution of these crimes. The Witness Care Unit (WCU) for the Area was not fully established at this time.

CPS HQ Equality & Diversity Unit's (EDU) Project & Performance Advisor (PPA) for the Area is Leona Vaughn. The PPA supports and advises eight CPS Areas on improving performance on equality and diversity Area Performance Measures (internal performance indicators), of which Hate Crime is one. This report is a result of partnership working between the CPS HQ EDU and CPS Merseyside, and has been produced by the Project & Performance Advisor.

Purpose of this Report

This report aims to highlight good practice issues and lessons learnt for four main purposes:

- 1** To support CPS Merseyside to continue to improve on hate crime prosecution performance and community engagement
- 2** To provide other CPS Areas with guidance for handling race hate cases
- 3** To facilitate building relationships with communities to improve how CPS as a whole handles race hate cases in the future
- 4** Identify issues for consideration in advance of the review of the CPS Public Policy on Racial and Religious Crime

The Case

Anthony Delano Walker was an 18-year-old Black man from the Knowsley borough of Merseyside. On the evening of 29 July 2005, Anthony, his White girlfriend Louise Thompson and his cousin Marcus Binns were subjected to verbal racial abuse at a bus stop in Huyton, Knowsley. The group walked away from their aggressors through nearby McGoldrick Park, but were “ambushed” and attacked. Marcus and Louise fled to get help, but Anthony was assaulted. Marcus returned to the Park with help but found Anthony unconscious with an ice axe embedded in his head. Anthony died the following day from his injuries.

From the outset Merseyside Police clearly stated they believed his killing to be racially motivated. CPS Merseyside identified a senior prosecutor to work on the case and contacted Merseyside Police on Monday, 1 August to provide immediate advice on case-building issues, including appealing for the suspects to return from abroad. There was an immediate review at this time in CPS of all recorded racist incidents in Knowsley and across the Area, and close monitoring of all incidents in the time following the murder. Informal contact was made with the Walker family at this stage.

The established Prosecution Team worked closely from this point; daily meetings and contact took place. CPS advised the police on charging decisions for all suspects and provided briefings to the Investigation Team on the legal aspects involved in this case. The suspects returned voluntarily from The Netherlands on Wednesday, 3 August 2005. CPS monitored the interviews of the suspects and was present to advise interviewing officers on legal and evidential issues; on Friday, 5 August 2005 Paul Taylor and Michael Barton were charged with the murder of Anthony Walker and conspiracy to cause grievous bodily harm with intent to Anthony Walker and his cousin Marcus Binns. Both defendants appeared at Huyton Magistrates’ Court that same day. Meetings with the CPS and the family began at this stage to ensure that family members were informed about the prosecution process.

Both Leading and Junior Counsel were appointed on Friday, 5 August 2005 and the Prosecution Team worked closely with the Court Service to prepare the case for trial. Fourteen other suspects were arrested and bailed during this period leading up to trial. Special Measure applications for the young victims were granted. A hearing was held to determine where the trial would be heard. The Prosecution Team held regular meetings with the Walker family throughout the time leading up to trial.

The CPS Area also worked closely with the Equality and Diversity Unit (EDU) to address emerging issues connected to the case and local race hate crime generally in this period. A CPS Project Team was established in early October 2005 to consider all issues connected with the case. The trial of Barton and Taylor began on 14 November 2005 at Preston Crown Court, continuing the next day and for the rest of the duration at Liverpool Crown Court. The Judge was Mr Justice Levinson.

At the first day of trial in Liverpool, 15 November, Paul Taylor changed his plea to guilty to the indictment. The trial proceeded that day against Michael Barton. The jury retired to consider its verdict on 28 November, and returned with a unanimous guilty verdict on 30 November. That evening racist graffiti was daubed on the murder site. On 1 December 2005, Taylor was sentenced to serve a minimum of 23 years and eight months, and Barton a minimum of 17 years and eight months. In summing up, the Judge referred to their actions as “racist thuggery... poisonous to civilised society” that had resulted in “a young man of enormous promise being lost forever”.

CPS Immediate Activity Following the Murder

Good Practice

- There was clear leadership from the CCP at the very beginning regarding the importance of this case and an appreciation of the racist element; its impact on local Black and Minority Ethnic communities and the need to reflect this in the CPS approach to handling the case.
- There was an honest acknowledgement of gaps in local CPS knowledge and expertise and a complete willingness to be proactive and take on board advice from the PPA and community stakeholders. This included considering what had been learnt from the experience of handling the Johnny Delaney case in Cheshire — a young Irish Traveller from Liverpool killed in Ellesmere Port in 2003.
- Real benefits were brought by having support throughout the case from a specialist on equality and diversity issues, including community engagement.
- There was support, leadership and active prioritisation from CPS HQ in advising the CPS Area and monitoring progress.
- CPS Merseyside did not wait for the police to make contact regarding the case, but rather was proactive in identifying a senior prosecutor from the newly-established Organised & Complex Crime team to lead the case and contact them. This established a Prosecution Team approach at the earliest stage, with a clear and agreed procedure for interviewing and charging suspects.
- In appreciating the nature and sensitivity of this case, it was appropriate that CPS Merseyside rather than CPS Direct (24/7 service to provide charging advice out of hours) was the advisor on charging. This allowed for consistency of decision-making staff throughout the case and allowed for a local relationship to be built up in terms of confidence and trust in CPS Merseyside, with the victims, victims' families and local communities.
- CPS Merseyside took a strategic overview of how all race hate crime was being handled, and established a senior lawyer to coordinate the RARA coordinators and champion RARA crime from an Area-wide perspective. This approach identified attrition issues between the number of racial incidents in communities, the number of racial incidents recorded by police and the number of race hate crime cases identified by CPS.
- There was immediate identification of a need to develop a Project Team to meet and discuss issues surrounding the handling of this case

Lessons Learnt

- **There is a benefit in having a local protocol between CPS and police for handling sensitive cases such as this. It should outline the process for early involvement of CPS, including addressing the “golden hour” (the crucial time when evidence is gathered immediately after an incident) issues, and direct involvement with case-building and charging.**

- **CPS Areas have a role in proactively developing and taking part in initiatives to increase community confidence to report all racial incidents, especially “quality of life” offending; this assists the prosecution approach to apply a community context to any race hate crime cases being handled.**
- **Information on community engagement activity, especially multi-agency group meetings, and any issues that are raised needs to be collected centrally, used to inform the local approaches to race hate crime and target CPS activity and activity with CJS partners. There was public criticism that even though the Knowsley multi-agency group, of which CPS is a member, knew of racist attacks prior to Anthony’s killing, that it was still said that the killing was an “isolated incident of racism”.**
- **CPS Areas need to have existing relationships with community groups to develop a foundation of trust before cases such as this occur; this would allow for immediate partnership working e.g. as part of the Project Team.**
- **CPS Areas need experienced leads on race crime and race issues in the Area, who are capable of developing a strategy for all aspects of case handling with local knowledge and relationships with local community stakeholders in the event of a sensitive case.**
- **Direction needs to be given to RARA Coordinators in respect of interpreting their roles and responsibilities, especially regarding internal monitoring, casework support, multi-agency working and community engagement. Consideration should be given to appropriate time release for Coordinators, to enable them to effectively undertake this role.**
- **Where LCJB race/confidence coordinator roles exist, there needs to be clarity of the relationship between them and the Area in devising joined-up working before, during and after cases of this nature occur.**
- **When a case is identified as one which needs to be handled by a centralised team such as Organised & Complex Crime, consideration should be given at an early stage as to how the local prosecutors working with the district in which the offence took place are involved and kept informed of developments so as to be capable of maintaining confidence in local community and CJS partners. For example, if it is appropriate, a local prosecutor could be co-opted onto the Prosecution Team — this would also address covering for any eventualities such as illness or annual leave.**
- **A mechanism is needed for CPS Areas to share experiences on case handling from Area to Area, to utilise and learn from others’ knowledge and experience.**
- **In sensitive hate crimes, CPS Areas should call upon experience and expertise in staff networks, such as National Black Crown Prosecution Association (NBCPA), Enable (Disabled staff network) and Lesbian, Gay, Bisexual and Transgender (LGBT) Network, especially if there are no local community organisations or Area resources to call upon.**
- **The public and the media are not always clear about decision-making processes in the CPS, and often ask questions of their local CPS Area on CPS decisions made in different Areas or nationally. When there is awareness that decisions on ‘race’ cases of national significance,**

especially cases which may impact negatively on public confidence are about to be publicly released, there is a need for an advance national internal communication strategy. This could relay relevant detail to CPS Areas to enable them to effectively handle any media enquiries or develop a media and community engagement strategy that reflects the issues likely to be raised. This is of particular importance for CPS Areas dealing with sensitive race hate crime at the time.

Initial Contact with the Walker Family

Good Practice

- Early informal contact was made with the family so that the role of CPS was introduced, in a way that appreciated the family's grief. This allowed for the family to think about what information they needed from CPS and the CCP to be prepared for questions and concerns prior to the formal meeting.
- The condolence letter was a small gesture that helped to maintain family confidence that CPS took the case seriously, especially at the anxious time when the suspects had left the country. This also allowed for the family to have written information on the CPS role and contact details for the CCP.

Lesson Learnt

- **Each case has to be assessed to see whether early contact in this way is appropriate. Initial contact could be made by the Witness Care Unit in conjunction with the Police Family Liaison Officers, but alongside an early letter from the CCP which reinforces the seriousness with which the case is being treated.**

Pre-Charge Activity

Good Practice

- Due to the Prosecution Team approach being established from the outset, advice was sought at an early stage regarding the legal issues in appealing for Taylor & Barton to return from The Netherlands.
- Daily contact with the Police Senior Investigating Officer ensured that the CPS prosecutor was completely up to date on all developments leading up to the arrests.

Lessons Learnt

- **CPS Areas should particularly consider the local demographics of where an incident takes place and be proactive in considerations about preventing victim and witness intimidation through pre-charge bail conditions for released suspects.**
(Stephen Lawrence Inquiry Report Recommendation 44)
- **The involvement of a caseworker or prosecutor with working knowledge of the district where an incident takes place and the local CJS partners, in the Prosecution Team may have been of particular benefit at this stage for background information.**
- **In addition to early development of the Prosecution Team dealing with investigation and prosecution issues, Area Communications/Community Engagement staff needs to be simultaneously informed of every aspect of the case and have a joined up approach with police communications and community relations teams. This is especially important for handling press queries and ensuring appropriate representation of CPS in the Prosecution Team at police led community meetings pre and post-charge.**

Charging the Suspects

Good Practice

- There was immediate involvement of the CPS prosecutor to prepare for the suspects' return. The prosecutor briefed the Police Investigation Team before the interviews and was present throughout; this allowed for a full appreciation of the legal issues and was crucial in securing evidence of racial motivation.
- Even though suspects were likely to be charged out of hours, CPS Merseyside retained the case. This maintained continuity of advice and decision-making, appropriate in this sensitive serious case.

- The involvement of the prosecutor during the investigation contributed significantly to the Area being able to considerably reduce the time taken to reach the charging decision and ultimately progress the case to trial quickly; bolstering family and community confidence.

Lesson Learnt

- **Real benefits were added to the prosecution of this case by the early involvement of the prosecutor and particular attendance at the police station during 20 hours of questioning of the suspects. In aiming to achieve this particular standard on charging decisions, the local management of this must take into consideration any equality and diversity issues for staff.**

First Hearing

Good Practice

- The prosecutor met the family after the hearing and this allowed them to know who the exact person was managing the prosecution; he had observed the interviews with suspects, made the charging decision and presented the case at this hearing. This increased family confidence to ask questions and develop a relationship with the prosecutor which was maintained and developed throughout the case.

Lessons Learnt

- **If possible, the prosecutor meeting the family before the first hearing would introduce the prosecution process to them and address their expectations about what would happen on the day.**
- **Liaison with and/or involvement of a prosecutor or caseworker who works in the local district where an incident occurs may prevent confusion in communication issues e.g. regarding the first hearing, and avoid giving a negative impression to local CJS and community partners.**

First Meeting of the Walker Family and Merseyside CCP

Good Practice

- The family make-up and circumstances were acknowledged by CPS Merseyside, and meetings were offered appropriately.
- The CCP was adequately briefed before the meeting and so prepared for the questions asked, which included explanation of the charges and how the racist motivation would be addressed.
- The family were more at ease due to having met the staff informally before the meeting.
- The family were reassured by meeting with the CCP that the case was being given appropriate regard

Lessons Learnt

- **There are benefits to promoting the Prosecution Team, but at this sensitive stage of an investigation it is best practice for the CCP to meet the family alone rather than jointly with police.**
- **CPS Areas should explain to victims and their families at the very earliest stage how any racist motivation is appreciated in the charging process. Family and community confidence will be maintained by the investigation clearly stating that an incident is racist, but when the charges laid against suspects do not or cannot have an explicit racially aggravated element there is potential for this confidence to dissipate.**

Case Preparation and Management toward Trial

Good Practice

- The early established Prosecution Team and the Court Service worked collectively around the Court's available timetable
- The prosecutor was involved at the earliest stage regarding decisions and considerations against other suspects.
- Counsel was identified and appointed early on but was unable to continue with the case. A change of Counsel was unavoidable and happened early enough so as not to adversely impact preparation of the case. Continuity was maintained by having the same Junior Counsel.

- The Prosecution Team worked closely with both Counsel and ensured they were confident about relevant CPS policies.
- The aspect of a group attack on Anthony, Marcus and Louise, was not lost in the prosecution of Taylor and Barton. This reinforced feelings of confidence in “being believed” for the young victims.
- Meetings with the prosecutor took place with the Walker family throughout the case and family members were prepared for defendants not being physically present at some hearings.
- The meeting of the CPS Project Team (CCP, Prosecutor, Caseworker, ACM and PPA) allowed members to be aware of all aspects of case progression, community engagement and media issues and disseminate this information appropriately.

Lessons Learnt

- **It is essential that the purpose of a Project Team is clear. The team should meet at the earliest stage of the case and regularly throughout the period leading up to the trial; roles and responsibilities should be established, relationships with external partners clarified and members’ roles at Trial understood.**
- **Prior to the meeting of the Project Team, communications between the prosecutor, ACM and PPA in particular were less formalised, resulting in not all parties feeling fully apprised of key developments.**
- **The Area was understandably cautious in communicating with the community leading up to and during the trial, but it was of benefit to have an insight into what public events/rallies were planned and to develop an appropriate method of communicating concerns regarding activity that could be prejudicial. In Merseyside, this opened the way for longer term engaging with a key campaign group. CPS Areas should have a local strategy for attendance at public events for cases such as this, which is clear about the role of attendees and addresses potential media presence.**
- **Communication methods with the victims, witnesses and their families, especially for trial dates, even as preliminary dates need to be clear and agreed between CPS and police — this needs to be addressed as WCUs develop.**
- **The victims, victims’ families and the wider communities did not differentiate between the murder case and other cases relating to the murder e.g. offensive website, and often asked questions relating to all. It is necessary to have good communication between investigators and prosecutors working on all related cases; an optimum situation would be a Prosecution Team which brings together all staff dealing with the linked cases.**

Pre-Trial Victim and Witness Care

Good Practice

- The Area was proactive in trying to establish if the family and the other victims were in receipt of Victim Support, and also tried to identify alternative support agencies in the community.
- Special measures, including screening the victims from the defendants, were applied for at an early stage for the two young surviving victims who were both aged 17 at the time. At the beginning of the trial, another young witness came forward to give evidence and special measures were applied for and granted.
- The family were prepared for potentially upsetting evidence before trial and this helped them to make informed decisions about e.g. children attending court.
- CPS Merseyside took into consideration the expressed desire of the family for the trial to remain on Merseyside, in its successful argument to the presiding judge. The compromise of a jury from another circuit sitting at Liverpool Crown Court was one that avoided additional stress and anguishes for the victims and their families, witnesses and defendants' families, whilst still addressing concerns raised by the Defence.
- Prosecuting Counsel was introduced to the family before the trial began, to the Junior Barrister at the preliminary hearing and the lead Counsel, due to a change of Counsel, shortly before the trial began. The role of Counsel was explained so as to avoid any misunderstandings.
- There was initial reluctance on behalf of the victims to have a court familiarisation visit; the CPS caseworker worked closely with Witness Service to ensure that the young victims understood the benefit a visit could bring.

Lessons Learnt

- **In cases where there is a death, WCUs need to ensure there is an equal balance of support for surviving victims and families of the deceased, including ensuring formalised individual communication methods are established that are appropriate for individual circumstances.**
- **CPS Areas, in particular through the work of the WCU, should ensure that (surviving) victims' roles, experiences and needs are not unintentionally minimised and be mindful of safeguarding against re-victimisation by the criminal justice process.**
- **It is appreciated that there are communication and practical challenges posed by victims and witnesses in cases living elsewhere in the country, however WCUs should ensure that support is offered to victims and witnesses throughout the duration of a case, coordinating inter-Area WCU work if necessary.**

- **WCUs should ensure that victims and witnesses thoroughly understand what support can be provided by other agencies, such as Victim Support, and it is clear to them that these agencies are independent of police and CPS.**
- **Community based specialist support organisations have a lot to offer in terms of knowledge and expertise for victim and witness care services. However, if there is to be growing dependence on the community/voluntary sector to support victims and witnesses and/or build the capacity of Criminal Justice System agencies to support victims and witnesses, there needs to be an acknowledgement of the lack of resources in this sector and a cross-CJS approach to support their development and growth.**
(Stephen Lawrence Inquiry Report Recommendation 70)
- **WCUs should ensure that victims, witnesses and their families fully understand the purpose of pre-trial court visits. The young victims, secure in the knowledge that special measures had already been granted, were able to make an informed decision to reject screens at trial after undertaking a pre-trial visit to court.**
- **In the week prior to the trial the police SIO met some family members to address all of the evidence in the case, which included showing them photographs of the murder weapon. However, this did not prepare other members of the family for what would be shown and said in court and in the media during trial. CPS Areas should be proactive in ensuring that all family members, especially the immediate family of a deceased victim, who want to attend court, are prepared as fully as possible for this type of distressing evidence. This may mean re-visiting and reviewing the agreed communication methods at various stages of the case.**

Trial

Good Practice

- The prosecution case as outlined in the opening speech clearly expressed the racial motivation for the murder, and this was reinforced throughout the trial.
- The CCP, ACM and PPA attended trial most days and the prosecutor attended every day; this reassured the family to see CPS representatives they had met previously. This also meant that there was continuity of CPS representation at meetings at court with the family.
- The presence of police and CPS press and communication officers at court enabled information to be quickly and clearly relayed between the Prosecution Team, victims, victims' families and the media, including arranging joint media interviews and briefings.
- Meetings were held with the family at almost every end of session, to explain proceedings and prepare them for the next session, including any distressing evidence. The family were also able to request meetings when they needed events explaining. These meetings were essential in maintaining their confidence and thus the confidence of the other two victims. The impact on

victims and family confidence of certain events was managed through these meetings including the late guilty plea from Taylor and the attempt to remove the racial motivation element by the defendants.

- Informing the victims and their families of the likely sentencing range for both offenders was vital in maintaining their confidence, especially when the media were calling for unachievable sentences to be passed.
- CPS and police knew that Taylor's previous convictions had the potential to impact negatively on public confidence in the CJS and so were proactive in making contact with Probation Service to make a statement to the press when this came out in court, although unfortunately this did not happen.
- The case was concluded within four months of the tragic killing. This is exceptionally quick for a case of this complexity and sensitivity and gives a positive message to the victims, their families, defendants and communities.

Lessons Learnt

- **Lack of representation of Black and Minority Ethnic communities and women at every stage of the criminal justice process, including an ostensibly all-white courtroom, made the families and communities anxious about whether justice would be served. CPS Areas need to acknowledge this and work together with other CJS agencies to address this through actions to aim to become more reflective of the communities served. Whilst this lack of diversity did not impact on the ultimate outcome of this case, it can impact significantly on community confidence and lead to exclusive or insensitive organisational behaviours and practices developing.**
- **Reliance on Family Liaison Officers to relay information to family members can come with its challenges, especially if there is a large family or if family members are not completely confident in the police — these issues need to be addressed in the development and reviews of agreed methods of communication with victims and their families.**
- **In addition to holding meetings with the family at court, there needs to be clarity about how family concerns or questions about the prosecution process will be dealt with outside of this cycle of meetings e.g. in the time when the verdict is awaited.**
- **Victims, witnesses and their families should have information about how they can raise concerns about the behaviour of defendants and their families at court.**
- **In considering the physical layout of the court, CPS Areas should liaise with the Court Service and Witness Service to try and ensure that procedures are in place to keep defendant and victims' families separate.**
- **Multi-agency working is essential in preparing for trial, especially for managing issues at court and in the media, and working together to look at post-trial lessons learned.**

- **CPS Areas should work in partnership to promote awareness of the public gallery, as this is the most accessible way for communities to see justice in action and improve their confidence in the CJS. Community groups were concerned that they did not get the opportunity to be present because they didn't understand how this worked and were further confused by the trial opening in Preston.**
- **In referring to the impact of the offence on the community as part of CPS role in sentencing, it is important to acknowledge the impact of a racist offence, especially a killing, on the wider Black and Minority Ethnic Community and not just the geographical community where the offence took place.**
(Attorney General's Guidelines on the Acceptance of Pleas and the Prosecutor's Role in the Sentencing Exercise 2005)
- **When a verdict is returned, especially in a case with high community tensions, the Prosecution Team must be alert to the impact of their actions on victims, their families, the families of the defendants/offenders and the wider community.**
- **CPS could work with the police, Courts Service and Probation Service to put in place exit strategies out of and away from the immediate vicinity of the court on the day of the verdict for defendants' family members, victims, witnesses and their families, to try and avoid any confrontation or distress.**
- **The staff involved in this case handled extremely graphic forensic material, disturbing racist material and moving emotional testimonies that could not fail to affect them; had those staff belonged to Black or minority ethnic communities the impact of this would likely to have been amplified. This highlights the need for CPS Areas to address supporting and debriefing staff during and after all cases including evidence of this nature.**

Community Engagement and Managing the Media

Good Practice

- Key community stakeholders were identified and liaised with at an early stage of the case, and invited to bridge gaps in knowledge for CPS
- A single point of contact for community groups and organisations was identified at the outset.
- All staff involved knew of the local person responsible for media queries and redirected these promptly to the ACM who jointly with CPS HQ Press Office handled all national and local media.
- All racist crime was closely monitored in the immediate time after the murder, using community and police information to double check accurate recording of cases.

Handling Sensitive Race Hate Crime

- Consideration was given to accommodating extended family and community members at court; the limited space at court was compensated for by working with the court to have a video link facility.
- Early established relationship by the ACM with Police Press Office was beneficial before, during and after trial.
- The joint Police and CPS media strategy which included specialised media training enabled staff to feel confident in their ability to deal with the media and come across professionally. The approach to media briefings and embargoed releases maintained media confidence and resulted in CPS and Police being seen to be working in partnership in an open and accountable way.
- CPS was initially cautious about being involved in the pre-trial preparation of a BBC documentary which was following the experience of the Walker family from the time that Anthony was killed. However, following close working to gain the confidence of all parties, CPS involvement prevented legal issues arising (e.g. interviewing witnesses before trial) and created an opportunity for the CPS role in the case, particularly on charging, to be fully presented to the public.
- CPS HQ Press Office appreciated the gravity of the case and provided as much support and guidance to CPS Merseyside as possible within existing resources, including making a special arrangement for a HQ Press Officer to attend part of the trial.

Lessons Learnt

- **CPS Areas should ensure that RARA crime coordinators are fully briefed on the progression of cases of importance to community confidence. This would enable coordinators to confidently field queries and maintain a professional reputation for the service in any of their individual engagement activities. This is absolutely essential for coordinators who work in the local geographical district in which the offence is committed.**
- **CPS Areas should identify which personnel will attend community meetings and events when a case such as this occurs, e.g. RARA lead and/or Community Engagement/Communications officers, and have a clear strategy for handling any media interest. This is an essential way to gauge family and community concerns to inform an Area approach to a case.**
- **Consideration should be given as to how information is relayed to community members at court, e.g. through a family member or independent third party, especially if it is sensitive or has the potential to impact on their confidence of how the case is being handled.**
- **An early meeting with Counsel to discuss and agree media protocols, separately or as part of the Project Team, can ensure a clear strategy for handling media issues prior to and during the trial.**
- **Press disclosure issues should be discussed, agreed and arranged with Counsel, the ACM, the Prosecution Team and the victims/victim's family prior to trial or as early as possible, to alleviate media pressure during the trial.**

- **A Local Criminal Justice Board media strategy would be useful to promote the feeling of a joined up Criminal Justice System in the community. A strategy and/or protocol may help to manage issues such as media communications at court by different agencies.**
- **A pro-active and joined up approach to engaging with marginalised communities with historically poor relations with the Criminal Justice System when sensitive cases such as this arise, before and during the prosecution process is crucial to increase and maintain confidence.**

Post-Trial CPS Activity

- CPS Merseyside is monitoring the progress of related cases including the investigation of racist graffiti at the murder site.
- Three other people have now been convicted and await sentence for their roles in assisting the offenders to leave the U.K. and stay in the Netherlands. The same prosecutor who handled the murder case is dealing with this to allow for continuity in terms of contact with the Walker family and expertise brought to these prosecutions from handling the murder case.
- The findings in this document have been shared with the Walker family before publication and their comments considered in the final version.
- A report on the handling of this case will be sent to all CPS Areas and relevant CPS HQ Directorates for them to locally implement improvements identified through the good practice and lessons learnt.
- CPS Merseyside RARA coordinators are being brought together by the Area Racist & Religious Crime lead, to look at standardising roles and methods of communication.
- CPS approached Merseyside Police to take a partner role in their planned national conference on race hate crime, to raise the profile of the Prosecution Team approach to cases.
- CPS Merseyside organised a session for managers with Carefirst (CPS counselling and support service), which highlighted the support available for those handling graphic and disturbing cases.
- CPS provided a CJS ministerial briefing on the handling of the case.
- CPS Merseyside is taking an active role in the Local Criminal Justice Board thematic review on race hate crime, with the RARA champion allocated to the review team to devise an “optimum service” vision.
- CPS Merseyside Community Engagement Audit 2006 has identified a need for an explicit focus on the role of hate crime coordinators and targeted work with young people at risk of offending and of becoming victims in the Community Engagement Strategy 2006.
- CPS Merseyside is embarking on intensive engagement with Black and Minority Ethnic communities on RARA crime, starting with their most vocal critics. The Area appreciates that care needs to be taken in engaging after the case; community perception could be that there is complacency in CPS now just because this prosecution was successful. The purpose of engagement will be to improve community confidence and CPS handling of all race hate crime in future.

Conclusion

The speed, sensitivity and rigour with which this case was brought to justice are a reflection of how much CPS and CJS partners have learned and progressed since the Stephen Lawrence Inquiry Report in 1999.

The lessons learnt in the handling of this case should be acknowledged and addressed by CPS, and good practice issues disseminated throughout the Service and the CJS.

The principles of how this case was handled are equally applicable across the whole spectrum of hate crime. The findings do not just highlight good practice and learning points for case handling, but also identifies how CPS as a whole can begin to play its part in tackling and preventing hate crimes; becoming more proactive in improving community confidence to report these crimes and improving victim and witness confidence to support the prosecution process.

Absolutely crucial to a successful outcome in sensitive hate crime is the development of an effective Prosecution Team from the earliest possible stage, with Proactive Prosecutors working closely together with police to ensure that legal aspects are secured and victim, witness, family and community confidence is maintained. These are key elements in driving up performance on hate crimes and the cornerstones of a world class prosecuting authority.

The Stephen Lawrence Inquiry was a watershed in highlighting systemic failures in the criminal justice process. This case has equal potential to be a watershed in hate crime, illustrating and identifying where and how the system can work effectively and fairly, and restore community trust and confidence.

There is immense power in one case being brought to justice to increase community confidence, especially when those communities have historically come to expect injustice at every turn in the CJS.

However, it has to be the experience of communities hereafter that CPS has applied the principles of what has been learnt from the handling of this case to improve the next.

This is the beginning of a process of learning with and from the community and other partners. Not only do communities have to see and experience that CPS is actively learning to improve, they have to be an essential component of meaningful partnerships to assist CPS Areas to locally implement the lessons learnt and monitor how effectively change is delivered.

Glossary of terms

CPS	Independent public prosecution service covering England & Wales created in 1985. Headed by a Director of Public Prosecutions & governed by a board of executive and non-executive directors. CPS is under the Parliamentary responsibility of the Attorney General. Operates under a structure of 42 geographical "Areas", e.g. CPS Merseyside, with Headquarters in London, Birmingham and York.
CPS Direct	Charging and advice service provided by CPS Lawyers over the telephone to Police, out of hours and at weekends.
Statutory Charging	Introduced by the Criminal Justice Act 2003, making CPS prosecutors responsible for charging decisions in all but the most routine and straight-forward of cases.
Code for Crown Prosecutors	Code that guides all charging and prosecution decisions. It sets out a two stage test of evidence and public interest.
Prosecution Team	The team forged at the earliest stage of a case to include police investigators and CPS prosecutors
Witness Care Units	Established by the No Witness No Justice project, WCUs bring together police and CPS to provide a single point of contact for victims and witnesses throughout a case to address any issues that may prevent a victim or witness from supporting a prosecution.
Local Criminal Justice Board	LCJBs bring together criminal justice agencies locally to address Public Service Agreement Targets and provide a joined up criminal justice approach
Special Measures	Special Measures such as e.g. screens, giving evidence in private, giving evidence by video link, are provided for under the Youth Justice & Criminal Evidence Act 1999.
Prosecuting Counsel & Junior Counsel	Independent Barristers instructed by the CPS to prosecute cases at court.

Related documents

The Stephen Lawrence Inquiry Report by Sir William Macpherson, 1999; available from The Stationery Office www.archive.official-documents.co.uk

www.cps.gov.uk

Code for Crown Prosecutors

Prosecutor's Pledge

Public Policy on Racial & Religious Crime (2003)

Race for Justice Report (2003)

Statement on the Treatment of Victims & Witnesses

Achieving Best Evidence in Criminal Proceedings; Guidance for Vulnerable or Intimidated Witnesses, including Children

Attorney General's Guidelines on the Acceptance of Pleas and the Prosecutor's Role in the Sentencing Exercise 2005

www.cjsonline.gov.uk

The Code of Practice for Victims of Crime, 2006

www.homeoffice.gov.uk

Home Office Citizenship Survey 2005

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