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U.K.'s Crown Prosecution Service Launches Ambitious Economic Crime Strategy

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The U.K.'s Crown Prosecution Service ("CPS") has launched its first ever [Economic Crime Strategy](#) (the "**Strategy**") setting out its vision for what it intends to achieve with respect to tackling economic crime by 2025. The Strategy is a high-level document that builds on previous publications, such as the [2019 – 2022 Economic Crime Plan](#), and its content sheds light on the emphasis that the CPS expects to place on economic crime over the coming years.¹

The Strategy highlights that fraud is now one of the most common types of crime in England and Wales with around 800,000 people a year falling victim to economic crime and around 10,000 cases of fraud prosecuted in the last financial year alone. In addition, some £479 million was lost to scams in 2020 and 86% of fraud is now either online or enabled by technology. It is with this in mind that the CPS has developed its Strategy to ensure that greater focus is placed on economic crime specifically.

What Does the Strategy Say?

The Strategy sets out a number of high-level aims with respect to combatting economic crime, centring on the following five key areas:

- **People** – ensuring that CPS staff are trained properly and have access to the resources they need to prosecute increasingly complex economic crime cases;
- **Digital capabilities** – utilising digital tools (including AI) for case management, preparation, presentation and disclosure in economic crime cases and conducting virtual hearings where appropriate;
- **Strategic partnerships** – working with key partners (including international partners) to improve the U.K.'s response to economic crime, ensuring that the CPS is a key partner in delivering a whole system response to economic crime and ensuring that relevant legislative reforms and wider government objectives, strategies, and initiatives reflect the CPS's priorities and insights;
- **Casework quality** – using an innovative approach to cases to improve timely outcomes, including ensuring that the right structures and resources are in place at a local, regional, and national level, proactively shaping complex cases and providing early investigative advice, using international deployments to tackle economic crime where there is an impact on domestic casework and ensuring that asset recovery and ancillary orders are successfully considered and pursued in all economic crime cases where possible; and

- **Public confidence** – ensuring that victims and witnesses are at the heart of every case and are sufficiently supported so that they can give their best evidence, and ensuring that the proceeds of crime, both domestically and internationally, are recovered, depriving criminals of their 'ill-gotten gains' and compensating victims where possible.

Perhaps most notably, the CPS has also announced that the Strategy includes a range of commitments, including supporting the creation of the first ever economic crime court and the use of more Nightingale courts for fraud cases. These measures are aimed in part at helping to reduce the current backlog of criminal cases, which has grown even larger as a result of the COVID-19 pandemic, and to give victims and witnesses more efficient access to justice.

How Significant Are the Proposals?

The CPS will set out the significant steps taken over the previous 12 months towards implementing the Strategy in its annual action plan. However, whilst the Strategy contains laudable ambitions, it remains to be seen whether the measures outlined by the CPS will prove effective in achieving its aims in tackling economic crime or whether in fact the Strategy will create more issues than it solves. For example, it is possible that the introduction of a new economic crime court could inadvertently lead to a two-tier criminal justice system in which economic crime cases are dealt with differently to other criminal cases. If these proposals are to be followed, care will need to be taken to ensure that those accused of committing economic crimes are afforded the same legal rights and protections as suspects in any other criminal case.

It is also noteworthy that the Strategy does not provide any detail as to how the partnerships between enforcement agencies (whether internationally or nationally) will work in practice. There certainly will be (and already is) overlap between the work of the CPS, the National Crime Agency ("NCA") and the Serious Fraud Office ("SFO") and it remains to be seen how that will work in practice and whether the CPS will take ownership of cases that currently sit within the remit of other enforcement agencies.

In particular, as one of the CPS's aims under the Strategy includes working with international partners to tackle economic crime, it will be interesting to see where the distinction between SFO and CPS cases will be drawn. After years of speculation that the SFO would be subsumed into the NCA, a series of recent setbacks (including a dearth of new cases, the dropping of several large-scale investigations, the Eurasian Natural Resources Corp. litigation and recent allegations about its prosecutorial integrity) have led to questions once again being raised about what the future of the SFO is. The Strategy may be an indication that the low levels of activity by the SFO in recent years has left a vacuum in the enforcement of economic crime, and that some of this could be taken up by the CPS and other agencies.

Can the CPS Deliver on its Promises?

It remains to be seen whether the U.K. government will provide the CPS with sufficient resources to achieve its ambitious aims. Without funding the CPS properly, particularly in light of the cuts it has suffered over the last decade, the Strategy will likely remain nothing but an aspiration.

At this stage, therefore, it is too early to tell whether the CPS will be able to deliver on its Strategy. The devil will, of course, be in the detail and we wait to see exactly how the CPS goes about putting its Strategy into practice. However, what the Strategy does signal is that the enforcement trend toward the investigation and prosecution of economic crime in the U.K. is only set to continue.

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¹ In the Strategy, "economic crime" is deliberately broadly defined as any "activity involving money, finance or assets, the purpose of which is to unlawfully obtain a profit or advantage for the perpetrator or cause loss to others" which poses a threat to the economy and harm to society and individuals. This encompasses the following types of crime: fraud, terrorist financing, financial sanctions, market and regulatory abuse, bribery and corruption, and laundering the proceeds of crime.