

RESTRICTED (when complete)

Not disclosable

## REPORT TO CROWN PROSECUTOR FOR CHARGING DECISION, DECISION LOG AND ACTION PLAN

Report to Crown Prosecutor (For **Police** completion)

URN:

45

AA

02098

20

**Suspect 1**

Surname: MCLOVE

Forename(s): EOIN

Date of birth: 20/09/81

Sex: Male

Ethnicity code: (16+1) W1. White British

PPO: ☐ DYO: ☐ YO: ☐

Bad character evidence:

Dangerous offender:

Custody Ref: C

Return bail date: 20/06/2020

Proposed charges: COMMON ASSAULT, DRIVE OPL

**Suspect 2**

Surname:

Forename(s):

Date of birth:

Sex:

Ethnicity code: (16+1)

PPO: ☐ DYO: ☐ YO: ☐

Bad character evidence:

Dangerous offender:

Custody Ref:

Return bail date:

Proposed charges:

**Material provided to CPS** (indicate if attached)

	Date of item		Date of item
<b>MG2</b> Special Measures Assessment (VIW)	REQUESTED	<b>MG17</b> POCA Property or Financial gain:	
Statement of:	25/7/20	Pocket Note Book/Incident Report Book:	
Statement of: PC BLAYNEE PC JONES	1/6/20 1/6/20	Police incident log:	20200725-0161 20200725-0259
Statement of: SHELAGH MCLOVE	1/6/20	Video/photographs:	1/6/20
Interview record:	2/6/20	Previous convictions/disposals:	2/6/20
Forensic/expert evidence:		<b>Other (state, e.g. MG5 summary of key evidence)</b>	

**Contact details**

Officer completing: BYRNE

Rank/Job title: PC 2009

Station: NORTH MARSH

Tel:

Mobile No:

Email address: BYRNE@westyorkshire.police.uk

Officer in case (If different from above):

Date:



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Email address (if different from above): 

@westyorkshire.police.uk
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**Outline of circumstances and decision/advice sought** (unless verbal report given)

(Consider: Time limit on proceedings (if applicable); strengths and weaknesses of case; possible lines of defence; witness assessment; public safety/bail issues; disclosure; any financial or asset recovery issues; orders on conviction; public interest).

**Offences:** Common Assault, DRIVE OPL

**Suspect:** EOIN MCLOVE

**Victim:** SHELAGH MCLOVE

**Time and Date:** 01/06/2020

**Location:** NORTH MARSH , ,

**Witnesses:** SHELAGH MCLOVE, LUCY DOYLE

**CIRCUMSTANCES:**

At THE DEFENDANT WAS RELEASED FROM PRISON ON LICENCE ON THE 29TH MAY AND RETURNED TO LIVE WITH THE COMPLAINANT. HE HAD ASSURED THE COMPLAINANT THAT HE HAD GIVEN UP ALCOHOL AS THIS HAD BEEN AN ISSUE IN THEIR RELATIONSHIP PREVIOUSLY.

On the 1st JUNE THE DEFENDANT ARGUED WITH THE COMPLAINANT WHICH RESULTED IN THE DEFENDANT LEAVING THEIR HOUSE AT AROUND 11AM.

THE DEFENDANT RETURNED THAT EVENING AT AROUND 9PM AND HE WAS INTOXICATED. AN ARGUMENT STARTED BECAUSE THE DEFENDANT HAD BEEN DRINKING. THE COMPLAINANT ASKED THE DEFENDANT TO GO TO BED TO SLEEP THE ALCOHOL OFF, THE DEFENDANT REACTED BY PICKING UP A REMOTE CONTROL FROM THE LIVING ROOM AND STRIKING THE COMPLAINANT TWICE TO THE LEFT HAND SIDE OF THE FACE. THIS CAUSED THE COMPLAINANT TO FALL TO THE FLOOR INTO THE KITCHEN AND SUSTAIN A CUT TO THE SIDE OF HER HEAD.

ATTENDING POLICE OFFICERS SAW THE INJURY AND FRESH SWELLING.

THE DEFENDANT WAS ARRESTED BY ANOTHER OFFICER ON THE NEXT ROAD ALONG DRIVING A NISSAN CAR. HE WAS STOPPED, NOTED TO BE UNDER THE INFLUENCE OF ALCOHOL AND AS SUCH A ROAD SIDE TEST WAS OFFERED BY REFUSED.

THE DEFENDANT PROVIDED AN EVIDENTIAL SAMPLE AT THE POLICE STATION OF 112MG IN BREATH.

**VICTIM:**

**SHELAGH MCLOVE – provided a statement at the scene – refused medical treatment**

**PNC history attached**

**WITNESSES:**

**LUCY DOYLE**

DOYLE is a friend of the victim and lives nextdoor to MCLOVE – willing to attend court – hears screams from the property

**PC Blaynee**

Stopped defendant near to the scene. Arrested defendant. Conducted evidential breath test

**PC JAMES**





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At the scene- noted comp was intoxicated and noted the injuries.

**BWV**

PC JAMES – SWITCHED ON AT THE SCENE.

**999 CALLS**

The 999 calls to police have also been downloaded, at 01:45 minutes of the recording, a male's voice can be heard in the background shouting at the complainant

**SUSPECT INTERVIEW:**

No comment

**Supervisor's comments: *To address the following points:***

How the evidence gathered is aligned to the points to prove for the offence(s) requiring advice:

There appears to be enough evidence for the offence of common assault and an offence of driving whilst over the proscribed limit. One statement from the complainant, corrob for injuries from attending officers. Neighbour hears part of the incident. No reasonable lines of enquiry left to do.

If the investigation is not complete, the availability of other evidence:

Investigation is complete.

Why it is appropriate for CPS to be consulted (refer to DPP Guidance – Police and CPS Charging responsibilities):

DA offence - requires CPS advice.

Supporting comments as to why police believe it is in the public interest to prosecute:

D is a repeat DA offender

The recommended charges:

COMMON ASSULT AND OPL .

Is there any material which could undermine the prosecution case or assist the defence case?

COMP has a PNC history including dishonesty offences. - could undermine the credibility of the complainant.

**Approved for referral to CPS:**

Supervisor's name: BYRNE

Rank and No: PC 2009

Email address: byrne@westyorkshire.police.uk





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Charging decision/advice and Case Action Plan (For CPS completion) URN:

13

KD

04100

20

Full Code Test: ☐

Threshold Test: ☐

Investigative advice: ☐

Charging decision and advice, specifying or attaching charges (refer to documents/evidence seen, decision on offences)

Case analysis/Evidential issues:

Evidential criteria:

Public interest:

Mode of trial:

ECHR:

NWNJ: (Consider pre-trial interview with witness)

Instructions to Court Prosecutor:

Other case issues: (DPP consent, etc.)

Charge(s):

Prosecutor to indicate general nature of decision and advice (Tick one box only)

Code	Advice/Decision	Suspect 1	Suspect 2	Code	Advice/Decision	Suspect 1	Suspect 2
A	Charge + request Evidential file	<input type="checkbox"/>	<input type="checkbox"/>	G	TIC	<input type="checkbox"/>	<input type="checkbox"/>
B	Charge + request Expedited file	<input type="checkbox"/>	<input type="checkbox"/>	H	Request further evidence to complete Evidential Report	<input type="checkbox"/>	<input type="checkbox"/>
B2	CC non-compliance – charge+request Expedited File	<input type="checkbox"/>	<input type="checkbox"/>	I	Request further evidence to complete Expedited Report	<input type="checkbox"/>	<input type="checkbox"/>
C	Simple caution	<input type="checkbox"/>	<input type="checkbox"/>	J	Early advice further action necessary	<input type="checkbox"/>	<input type="checkbox"/>
D	Conditional caution	<input type="checkbox"/>	<input type="checkbox"/>	K	No prosecution - Evidential	<input type="checkbox"/>	<input type="checkbox"/>
D2	CC non-compliance – No prosecution	<input type="checkbox"/>	<input type="checkbox"/>	L	No prosecution – Public interest	<input type="checkbox"/>	<input type="checkbox"/>
E	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	M	Other	<input type="checkbox"/>	<input type="checkbox"/>
F	Final warning	<input type="checkbox"/>	<input type="checkbox"/>	N	Refer for POCA investigation	<input type="checkbox"/>	<input type="checkbox"/>
If 'K', enter Evidential Reason Code:				If 'C, D, E, F or L', enter Public Interest Code:			



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13	KD	04100	20
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<b>Further action agreed:</b>	<b>Action date by:</b>
1.	1.
2.	2.
3.	3.
4.	4.
POCA case ( <b>MG17</b> ):    SELECT	Charging review/action date:
Return bail date:	EFH:     DYO Provisional trial date:
Further consultation needed pre-charge?    SELECT      (If further consultation necessary, use Continuation Sheet <b>MG3a</b> )	
Prosecutor name: (Print)	Contact details:                          Date:
Investigation stage at which advice sought:	
Pre arrest: <input type="checkbox"/> Post arrest: <input type="checkbox"/> Post interview: <input type="checkbox"/> Post bail for further enqs: <input type="checkbox"/> Bail for charging decision: <input type="checkbox"/>	
How advice delivered:	
Face to face: <input type="checkbox"/> Video Conferencing: <input type="checkbox"/> Telephone: <input type="checkbox"/> CPS direct: <input type="checkbox"/> Written: <input type="checkbox"/>	

