

Public Prosecutor Domain Expert

Statement - Full

As a Public Prosecutor, my first job regarding a potentially new criminal case is to advise the Police regarding their ongoing investigations.

The Public Prosecution Service's (PPS) involvement begins when we receive a request for a "pre-charge-decision" from the Police. In this request the Police share the relevant details of their investigation: their current suspects plus the offences they are believed to have committed, the evidence (physical, lab, and digital), the statements they have collected (both witness and victim). In short, everything the Police think is required to secure convictions.

These investigation details will also include the id number of the investigation from the Police national computer (commonly called the "PNC") so we both know which investigation we're referring to. In fact the PNC Id is recorded against cases right through the Criminal Justice system.

I, as a Public Prosecutor, carefully read and consider all the provided case information. I mainly consider the offences the Police are proposing for each suspect and record any advice I have about alternatives which stand a better chance of conviction. I may also comment on the overall investigation strategy, highlighting aspects like potential further lines of inquiry.

I may also take the opportunity to remind them of evidential requirements, pre-charge procedures, and necessary disclosure management steps to be taken to ensure any future case can be taken safely to prosecution.

When I'm finished I collate all this and send it back as the PPS's "pre-charge decision". The Police then consider this advice, and act on none, part, or all of it.

At some point in the future, when the Police consider their inquiries to have gone as far as necessary, they will make a decision to pursue the case or not. If they do, they will make a decision about each suspect, formally charging them with one or more crimes, and from now on calling them "defendants". ("Dropping charges" is the term both we and the Police use for a charge that is no longer being pursued). Once this is finished they make up a single case file containing the relevant details of their investigation - the defendants and charges, the evidence, and all the statements. The Police then send this case file to us at the Public Prosecution Service.

We then have a criminal case on our hands. At the point the case file is accepted the ownership of the case transfers to us at the PPS.

We then begin the work of preparing the case for trial. We need to be able to answer “yes” to both these two questions:

- Is there enough evidence against the defendant? (to secure a conviction)
- Is it in the public interest for the PPS to bring the case to court?

If the answer to either of these is “no” then the prosecution of the case against a defendant will be stopped.

To achieve this we weigh up whether the evidence can be used in court and is reliable and credible, and there is no other material that might affect the sufficiency of evidence. We must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each defendant.

We also ensure that the correct information is shared with the correct parties in the appropriate ways within the appropriate timescales.

As the case makes its way through the courts, it remains under review. This review is a continuing process and we must take account of any change in circumstances that occurs as the case develops. This includes what becomes known of the defence case, any further reasonable lines of inquiry that should be pursued, and receipt of any unused material that may undermine the prosecution case or assist the defence case, to the extent that charges should be altered or discontinued or the prosecution should not proceed.

If it transpires that the case is to be stopped, care should be taken when choosing the method of termination, as this can affect the victim's position under the Victims' Right to Review scheme.

Information taken from:

- <https://www.cps.gov.uk/legal-guidance/police-and-cps-relations>
- <https://www.app.college.police.uk/app-content/prosecution-and-case-management/charging-and-case-preparation/>
- <https://www.defence-barrister.co.uk/barristers-and-solicitors>
- <https://www.cps.gov.uk/legal-guidance/termination-proceedings-including-discontinuance>
- <https://www.cps.gov.uk/publication/code-crown-prosecutors>
- <https://www.lawtonslaw.co.uk/resources/what-happens-if-assault-charges-are-dropped/>