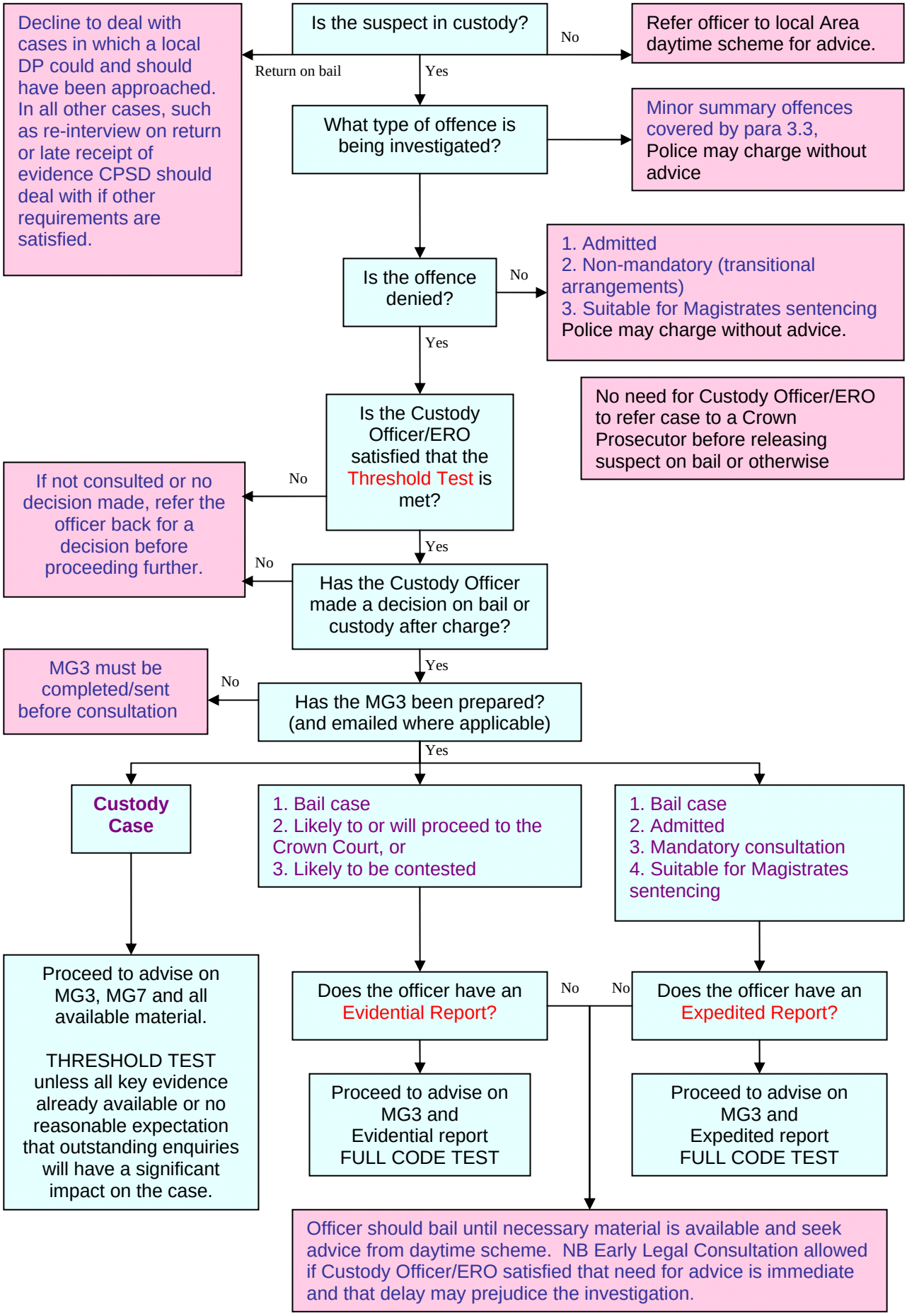
Is the suspect in custody?
No
Refer officer to local Area daytime scheme for advice.
Return on bail
Yes
Decline to deal with cases in which a local DP could and should have been approached. In all other cases, such as re-interview on return or late receipt of evidence CPSD should deal with if other requirements are satisfied.
What type of offence is being investigated?
Minor summary offences covered by para 3.3, Police may charge without advice
Is the offence denied?
No
1. Admitted
2. Non-mandatory (transitional arrangements)
3. Suitable for Magistrates sentencing
Police may charge without advice.
Yes
No need for Custody Officer/ERO to refer case to a Crown Prosecutor before releasing suspect on bail or otherwise
Is the Custody Officer/ERO satisfied that the Threshold Test is met?
No
If not consulted or no decision made, refer the officer back for a decision before proceeding further.
Yes
No
Has the Custody Officer made a decision on bail or custody after charge?
Yes
MG3 must be completed/sent before consultation
No
Has the MG3 been prepared? (and emailed where applicable)
Yes
Custody Case
1. Bail case
2. Likely to or will proceed to the Crown Court, or
3. Likely to be contested
1. Bail case
2. Admitted
3. Mandatory consultation
4. Suitable for Magistrates sentencing
Proceed to advise on MG3, MG7 and all available material.
THRESHOLD TEST unless all key evidence already available or no reasonable expectation that outstanding enquiries will have a significant impact on the case.
Does the officer have an Evidential Report?
No
No
Does the officer have an Expedited Report?
Proceed to advise on MG3 and Evidential report FULL CODE TEST
Proceed to advise on MG3 and Expedited report FULL CODE TEST
Officer should bail until necessary material is available and seek advice from daytime scheme. NB Early Legal Consultation allowed if Custody Officer/ERO satisfied that need for advice is immediate and that delay may prejudice the investigation.