

**CPS PROSECUTION STRATEGY
CONCERNING
CRIMINAL ACTIVITY TARGETING THE BIOTECHNOLOGY INDUSTRY
AND RELATED INTERESTS**

Introduction

1. This document sets out the approach of the Crown Prosecution Service (CPS) to the prosecution of criminal offences committed against the biotechnology industry and related lawful interests.
2. This is to be read alongside the relevant Police and Home Office strategy documents.

The context

3. Our Parliamentary democracy permits the biotechnology industry lawfully to use animals for scientific research. Such testing is subject to strict licensing and regulation. Within this framework, the biotechnology industry contributes significantly to the public health and economic well being of the United Kingdom. It is supported in part by other commercial industries lawfully supplying goods and services to the biotechnology industry and also by academics and academic institutions.
4. Our Parliamentary democracy also recognises the right of individuals lawfully to protest, including, in this context, the right to protest against the biotechnology industry's use of animals for scientific research. However the right to protest is not absolute but qualified in a manner prescribed by law for the protection of the rights of others, public safety, prevention of disorder or crime and protection of public health. Protests that infringe the law may amount to criminal offences.
5. There is clear evidence that to a significant degree some protests against the biotechnology industry have progressed into criminal activity that infringes on the rights of individuals in their private and business lives. This criminal activity ranges in character from:

- a. one-off criminal incidents to organised campaigns;
 - b. direct action to indirect action by encouraging others to take action;
 - c. overt action to covert action;
 - d. the use of harassment and violence, to the use of telephone, fax, IT and internet systems;
 - e. targeting biotechnology interests to targeting the interests of lawful supplier businesses and academic institutions;
 - f. targeting business processes to targeting the economic foundations of businesses; and
 - g. targeting employees, business property, and business interests, to targeting the families of employees, their private property and private interests.
6. Such criminal activity not only infringes the right of others to go about their lawful business, it causes very real harm to individuals, to private and business interests and to the national interest.

The CPS Response

7. The CPS respects the right of individuals lawfully to protest. However, in the exercise of its independent public interest function, the CPS takes seriously criminal activity targeting the biotechnology industry in the ways described above. Accordingly, the CPS will also play its part to enable those engaged in the biotechnology industry and related private and commercial interests to conduct their lawful activities free from criminal interference. When there is criminal activity, the CPS will, in accordance with the Code for Crown Prosecutors, play its part in bringing offenders to justice.

8. At a national, strategic level, the CPS will:
- a. engage as appropriate at Ministerial and official level to co-ordinate CPS operations with the operations of others, in particular with criminal justice system partners;
 - b. engage with the Police Service to provide strategic policy input on all aspects of criminal casework and related issues, including media handling, and input on casework issues that have a national dimension;
 - c. develop and support the role of the CPS Area co-ordinators;
 - d. engage with the biotechnology industry appropriately to inform the development of CPS policies, guidance and practices;
 - e. provide CPS Areas with appropriate support in terms of policies, guidance and the spread of best practice;
 - f. provide practitioner commentary on proposals for legislative or non-legislative reforms and initiatives aimed at tackling the sort of criminal activity described above; and
 - g. provide such data as can realistically be provided regarding the number, progress and result of advice cases and prosecutions.

9. At a local, tactical level, the CPS will:
- a. provide a national network of CPS co-ordinating prosecutors, one per Area, who will provide a strategic link for local police forces and support to other local prosecutors handling relevant cases;
 - b. encourage investigating police officers to seek, and CPS prosecutors to provide, pre-charge advice in individual cases. Such advice should cover:
 - evidential issues and possible further lines of inquiry;

- choice of charge and/or other disposal, and/or the use of TICs;
 - the prosecution stance to be adopted in relation to bail, conditional bail or remands in custody;
 - court orders that should be sought, including anti-social behaviour orders, forfeiture and destruction orders, asset restraint and confiscation; confiscation of cars and disqualification from driving;
 - victim / witness care and support before and at court;
 - co-ordination of any case-specific media coverage.
- c. support high quality decision-making by the courts in respect of bail decisions, pre-trial and trial processes (including the determination of guilt or innocence) and during sentencing, by the timely and accurate provision of all relevant information. This may include:
- in relation to bail, antecedent information, previous convictions, concurrent police or court proceedings; and
 - in relation to court proceedings and sentencing, the use of both Victim Personal Statements and information about the wider impact on the biotechnology industry or related industries or academic institutions.

This will also be achieved by independent CPS casework decision-making and the application of the Code for Crown Prosecutors, supporting fair and rigorous prosecutions.

Closing

10. The CPS, as an independent public prosecution service, recognises that it has a part to play in tackling criminal activity aimed against the biotechnology industry and related interests. It is committed to engaging with others to ensure that crime and the impact of crime is reduced and that offenders are brought to justice, and to raising the confidence of the public in general and the biotechnology industry in particular in the ability of the criminal justice system to support a peaceful, law-abiding, society.

**Crown Prosecution Service,
July 2004.**