

The Code for Crown Prosecutors

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EasyRead version



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Some words are in **bold**. There is a list of what they mean on the last page.



What this paper is about

The **Crown Prosecution Service (CPS)** wrote this paper.



We work in England and Wales.



We decide if someone should go to court when the police or other organisations think they have done a crime.



We also decide what crime the person should be **charged** with.



We give information and support to **victims** and **witnesses**.

RULES

1. —
2. —
3. —

This **Code** is a set of rules to help **prosecutors** decide if they should **prosecute** someone.



It helps them think about:

- If there is enough **evidence** to **prosecute**.



- If it is in the **public interest** to take the **case** to court.

What we do



- **Prosecutors** are independent. This means they are not part of the police or parliament and they make their own decisions.



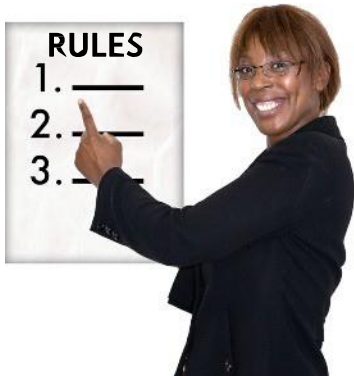
- **Prosecutors** can decide if a **case** should go to court. But they cannot decide if a person is guilty or not.



- If a **prosecutor** decides not to **charge** someone, it does not mean there was no crime.



- Deciding if there should be a **prosecution** or not is an important decision. It affects **suspects**, **victims** and **witnesses**.



- Every **case** is different. But **prosecutors** think about general rules to use the law properly.



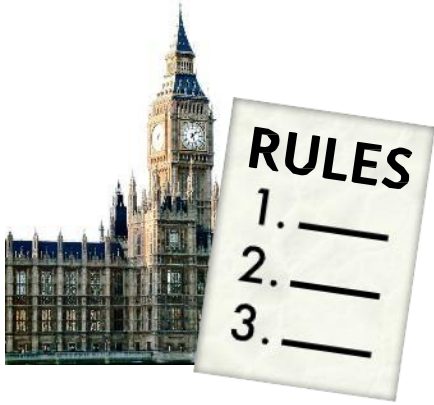
- **Prosecutors** must be fair to everyone and not let their own feelings or ideas affect their decisions.



- **Prosecutors** protect the rights of **suspects** as well as **victims**.



- Public organisations like the **CPS** must not **discriminate**. We must also keep to international laws and agreements about **Human Rights**.



- When we **prosecute** for other government departments, we must think about their rules.



- If the law is different in England and Wales, **prosecutors** must also think about other **CPS** rules on Welsh law.



Deciding if we should prosecute

Prosecutors decide about serious or complicated crimes.



The **Code** helps them decide if we should **charge** the person and which crime to **charge** them with.



The police think about the same things when they decide about less serious crimes.



The police decide if they should start or stop **investigating** a crime. **Prosecutors** should give them advice to help them collect all the information they need.



Prosecutors cannot tell the police or other organisations if they should **investigate** a crime or how to **investigate**. But they can think about what the police have failed to do when deciding if there should be a **prosecution**.



Prosecutors look at every **case** that the police or other organisations send them.



They keep checking whether anything has changed that might make it easier or more difficult to prove the **defendant** did the crime.



If the **CPS** decide to stop a **case** they must think carefully and and they should try to speak with the police before the case is stopped. This is because it can affect the **victim's** rights.



Parliament says some **cases** can only go to court if the **Attorney General** or someone in charge of a government department agrees. The **Attorney General** advises the government about the law.



The Full Code Test

The **CPS** must only start or carry on with a **prosecution** if it passes the 2 parts of the Full **Code** Test:

Part 1. Is there enough evidence to prosecute the person for the crime?:



- There is enough **evidence** if it is more likely than not that the person will be convicted in court.



- Can the **evidence** be used in court?



- Is there any reason not to believe or trust the **evidence**?



- Is there any other material or information that the **prosecutor** should think about when deciding if there is enough **evidence**?



Part 2. Is it is in the public interest to charge the person?:

- If the **CPS** prosecute the crime is this good for the public or the rest of society?



- Could they deal with it in a better way without going to court?



Prosecutors must think about:

- How serious the crime was.



- How much the **suspect** is to blame for the crime.



- If the **suspect** planned the crime.



- If they might keep doing crimes or do more serious crimes.



- How the crime affected the **victim**.



- How old and grown-up the **suspect** was - younger **suspects** are less likely to be **prosecuted**.

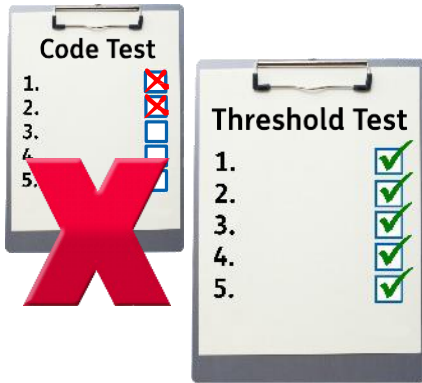


- How the crime affected the community.



- If it might harm other persons or **investigations** if the public knew information about this **case**.

The Threshold Test



If a prosecution does not pass the Full **Code Test**, the **prosecutor** can sometimes use the **Threshold Test**.



A **prosecution** has to pass all 5 parts of this test:

1. Is there enough **evidence** to show the person might have done the crime?



2. Can you get more **evidence** so that it is more likely than not that the person will be **convicted** in court.



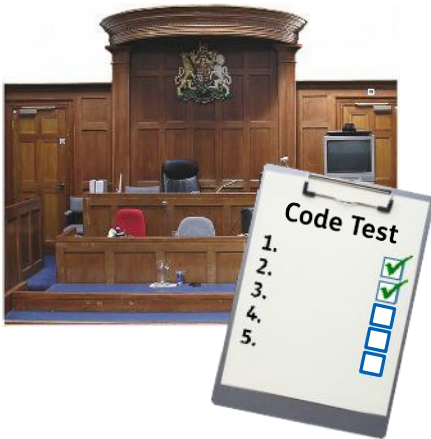
3. Is the **case** so serious that you need to decide straight away whether to **charge** or not?



4. Is the person someone who should not be given **bail**?



5. Is it in the **public interest** to **charge** the person?



A **prosecutor** can use this test to decide to take a **case** to court. But they must use the Full **Code** Test as soon as they have the extra **evidence** they need.

Deciding which crime to charge someone with



A **charge** is when the police or **CPS** say which crime they think the person did.



They can **charge** someone with more than one crime.



The **charge** must:

- Match what the person did.



- Help the court to give the right **sentence** or punishment for what the person did.



- Make it easy to see if the person did the crime.



This might mean they sometimes choose a less serious **charge** if it means the **suspect** will still be given the right **sentence** or **punishment** for what they did.



Prosecutors should not use lots of **charges** to get someone to say they did some of them.



They should not **charge** a **suspect** with a more serious crime just to make them say they are guilty of something less serious.

Dealing with cases without going to court



The **CPS** can deal with less serious crimes without going to court.



This is called an out-of-court disposal. The crime is written down and can be used against the person if they do another crime in the future.



We can only use some out-of-court disposals if the person says they are guilty of a crime.



When deciding if we should use an out-of-court disposal, we think about the person who did the crime and how serious the crime was.

Deciding which court to use



Different types of courts have different powers.



Prosecutors must tell the judge which court they think should deal with each **case**.



They must think about how it could affect the **victim** and **witnesses** if choosing a higher court takes longer.



Children and young people under 18 should usually be sent to the youth court. This court is better at giving these people the support they need.



If someone says they are guilty

A **defendant** might want to say they are guilty of only some of the **charges** or a less serious crime.



Prosecutors must make sure this gives the court the powers they need to punish what the **defendant** did.



They should never let someone say they are guilty of only some charges or a less serious crime just because it makes things easier for them.



Prosecutors must think about what is good for the **victim**, when deciding if it is right to let the defendant say they are guilty of only some of the charges or a less serious crime.



They must tell the court what the **defendant** wants to say they are guilty of.



Changing a decision

People must be able to trust **CPS** decisions.

Once we decide not to **prosecute** things usually only change if:



- We look at things again and see that the decision was wrong, and decide to **prosecute** so people trust the police and **CPS**.



- We get more **evidence**.



Victims have the right to ask us to look again at our decision not to **prosecute** or to stop a **prosecution**.

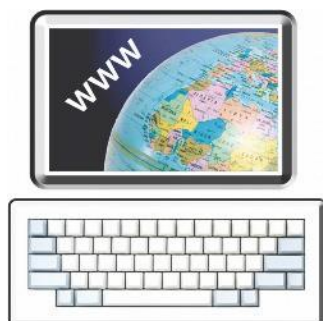
How to contact us



If you would like this information in a different format or would like to find out more, please contact us:



Email:
enquiries@cps.gov.uk



Our website is:
www.cps.gov.uk

What the words mean

Attorney General

The Attorney General advises the government about the law.

Bail

When you are arrested or prosecuted for a crime you might be able to go home as long as you promise to later turn up in court or go to a police station. This is called bail. Sometimes you can only get bail if you or someone else promises to pay money to the court if you do not turn up.

Case

A possible crime that has happened that the police are looking into or the CPS is prosecuting.

Charge

When the police or CPS accuse someone or say that they think they did a crime.

Code

A set of rules that tells people how to do something.

Criminal Justice System

The police, CPS, courts, probation service and prisons.

Crown Prosecution Service (CPS)

The organisation that decides whether someone should go to court after the police have looked into a crime.

They decide which crime the person should be charged with and get the information together to take the person to court.

They sometimes present the case in court.

Defendant

The person who is accused of doing a crime.

Discrimination

When someone treats you worse than other people because of who you are.

Evidence

Facts and information we use that prove that something has happened.

Human Rights

Things that everyone should have, like freedom and a trial that is fair.

Investigate

Look into a crime and try to find all the facts about what happened.

Prosecutor

Prosecutors work for the government and CPS. They decide what crime someone should be charged with and present cases at court.

Public interest

Good for the public or the rest of society.

Sentence

The punishment a court gives someone when they decide they are guilty of a crime.

Suspect

A person the police think might be guilty of a crime

Victim

Someone who is harmed, injured or killed because of a crime.

Witness

Someone who sees a crime happen.





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