



Disclosure ref: 58 Sent: 11<sup>th</sup> November 2019

## Freedom of Information Act 2000 Request

***What the CPS's policies and protocols are when considering whether a current or former member of the government's cabinet is to be prosecuted***

### Request

- 1. I am interested to know what are the CPS's policies and applicable protocols when considering whether a current or former member of the government's cabinet is to be prosecuted.***
- 2. In such politically sensitive and, probably, very contentious cases, how is 'the public interest' defined? Do you have a Code for Crown Prosecutors that specifically applies when considering such prosecutions?***

### Response

The Crown Prosecution Service (CPS) holds a Memorandum of Understanding (MoU) setting out the principles of liaison between the CPS and the Metropolitan Police Service (MPS) in respect of allegations including, but not limited to, the Westminster environment. This document is withheld under section 31 of the Freedom of Information Act – Law enforcement. For an explanation of this exemption please see the attached section 17 notice.

The Code for Crown Prosecutors gives guidance on the general principles to be applied when deciding whether or a not a suspect should be charged with a criminal offence and when making ancillary decisions, such as whether to offer the suspect an out of court disposal. The Code is used when making decisions on all potential charges against all suspects. It therefore applies to any decision that may be made in respect of a current or former member of the Cabinet.

The Code is periodically revised so that it reflects legal and social developments, as well as changes in prosecution policy and practice. The latest edition of the Code, the eighth, was published in October 2018 and can be accessed on our website. For ease of access, I have provided a link [here](#).



Under section 16 we have an obligation to advise what, if any, information may assist you with your request. Beneath the Code for Crown Prosecutors sits a body of legal guidance and policies, which provide further detailed assistance to prosecutors on specific offences and topics.

Guidance, in relation to specific offences may be relevant to such decisions, depending on the nature of the allegation. For instance, we have guidance on Misconduct in a Public Office, which can be accessed on our website. For ease of access, I have provided a link to this guidance [here](#) , and a link to the legal guidance section of the CPS website [here](#).

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