



Disclosure ref: 40 Sent: 17 July 2020

Freedom of Information Act 2000 Request

Request for the reasons why there are lower prosecution and conviction rates against Police Officers.

Request & Responses

According to a Freedom of Information-request response from IOPC, there were 309 police officers whose cases were referred to CPS by IOPC between 2015/16 and 2018/19. Out of those 43 individuals were prosecuted and 11 convicted. (The response can be accessed here: <https://www.whatdotheyknow.com/request/622849/response/1493447/attach/html/2/1008068%20James%20Marcus%20final%20response.pdf.html>)

In the financial year of 2019/20, CPS charged 75% of all referred cases and out of these 84% were followed by a conviction. However, comparing this to the cases against police officers, only 13.92% were prosecuted and out of these individuals, only 25.58% were convicted.

Firstly, could you please tell me why the rate is so much lower in the cases against police officers?

In any case referred to the Crown Prosecution Service (CPS) by the police, a decision to prosecute is made in accordance with the Code for Crown Prosecutors, and a case must meet the evidential and public interest stages of the Code Test. Each case is considered on its own merits, and no distinction is made in cases involving police officers. Further, it is not the function of the CPS to decide whether a person is guilty of a criminal offence, but to make assessments about whether it is appropriate to present charges for the criminal court to consider. I attach a link for your reference regarding the Code for Crown Prosecutors:

<https://www.cps.gov.uk/publication/code-crown-prosecutors>

Secondly, if there is a suspicion that a police officer has committed a crime, are they investigated by their own force? If so, who decides whether the case is referred to the CPS or not?

Allegations of criminal offences involving police officers are referred to the Independent Office for Police Conduct (IOPC). They will then decide whether the matter requires an investigation and the type of investigation.



Under section 16 of the FOI Act we have an obligation to advise what, if any, information may assist you with your request; more information is available on their website and I attach that link:

<https://policeconduct.gov.uk/investigations/what-we-investigate-and-next-steps>

It is then for the IOPC to take forward and decide whether the case should be referred to the CPS for a decision to prosecute.

Can the fellow officers decline to give information against the accused and therefore stop the case from proceeding to CPS?

As in any case, any witness can decline to provide information during an investigation. It is possible this will impact upon the evidential merits of a case, depending on the circumstances of the case. While the CPS can offer early investigative advice to the police, including on lines of enquiry, any decision to refer a case to the CPS for a charging decision is one for the IOPC or police.

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