

Criminal justice and you

An essential guide for victims and witnesses

Crown Prosecution Service

By Suzie Butler

Hello, my name is Suzie Butler, and I'm here to tell you how the Crown Prosecution Service fits into your journey.

The Crown Prosecution Service, or CPS, prosecutes criminal cases that have been investigated by the police and other investigative organisations in England and Wales.

The CPS is independent and we make our decisions independently of the police and government. Our duty is to make sure that the right person is prosecuted for the right offence and to bring offenders to justice wherever possible.

The police investigate crimes. They gather evidence and take witness statements. They question the suspect or suspects and put together a file for charges to be considered by the CPS. Although in some less serious offences they are able to make a charging decision without referring to the CPS.

The CPS determines the appropriate charges in more serious or complex cases and advises the police during the early stages of investigations. The CPS prepares cases and presents them at court and provides information, assistance and support to victims and prosecution witnesses.

Prosecutors must be fair, objective and independent when deciding whether to prosecute a criminal case. Our lawyers must follow the Code of Crown Prosecutors in making a decision to prosecute. CPS does not make judgements on whether witnesses are telling the truth or whether someone is innocent or guilty.

It is for the CPS to decide whether the suspect should be prosecuted. We review all of the evidence and consider first, is there enough evidence to provide a realistic prospect of conviction? Or in other words, is the suspect more likely than not to be found guilty? Secondly, if there is enough evidence, is it in the public interest that the case goes ahead? In other words, we will weigh up the seriousness of the offence, the impact on

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the victim and other relevant factors. A prosecution will go ahead unless the factors against the prosecution outweigh those in favour. This legal test is set out in the Code for Crown Prosecutors. The code is available on our website.

If the case has to go to trial because there is a not guilty plea, some victims and witnesses are allowed a screen or to give evidence over a TV link. If appropriate, we will make an application on your behalf to the court for one of these special measures in some cases. It is now possible for some vulnerable witnesses, particularly children, to be recorded, giving their evidence and being questioned well in advance of the actual trial.

The police will ask you if you need any additional help in giving evidence. CPS will work out if these options can be offered and make the appropriate application, but will do so after consultation with police staff who would have spoken to you and gained your own views.

At court our staff will assist you if you intend to give evidence or if you come to see the offender sentenced. If your wish is to give a victim personal statement covering the impact the crime has had on you, that will be an opportunity to read this out to the judge at sentence or have the prosecution barrister read it for you.

What direct contact do we have with victims? This depends to some extent on the nature of the offence committed. We have a bereaved family scheme, which means where a charge involves a death we have a commitment to meet, write and speak with the victim's family at a number of key points throughout the life of the case, both pre-charge, and once the case is at court.

In relation to other serious cases such as rape or domestic abuse, the victim can meet with the CPS in advance of the trial to discuss special measures, special measures or support provisions designed to help vulnerable and intimidated witnesses give their best evidence in court and help to relieve some of the stress associated with giving evidence. For example, witnesses could give evidence from behind a screen.

In all cases, the CPS will write to a victim to explain any decision not to charge; where

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we have advised that the suspect should be cautioned; any decision to stop a case; or where we have altered the charges. As well as a letter in the circumstances I have set out some categories of case entitle the victim to a meeting with the prosecutor. Those categories are: cases involving a death, child abuse, sexual offences, the offence was aggravated by hostility based on disability, a racially or religiously aggravated offence, cases with a homophobic or transphobic or sexual orientation element, the offence was motivated by hostility based on age.

For CPS decisions not to charge, to discontinue proceedings or to offer no evidence, victims may be eligible to request a review of the decision. This would apply where there are no charges brought or no charges remain in respect of you as a victim.

There is guidance on our website on the Victim's Right to Review, which is also known as the VRR scheme. Where a victim is eligible for VRR, information of this entitlement should be included in the letter sent to the victim.

The CPS recognises that there is more we can do to support victims through the criminal justice process, and whilst we work closely with the police, courts, the judiciary and other partners to deliver justice, direct contact between the CPS and victims and witnesses is an area under review nationally at present. Options for increased direct communications at key stages, such as when we receive a file for a charging decision, when we advise charge, when the defendant enters a not guilty plea and a trial is fixed, are all being explored.

To assist, the CPS has commissioned in-depth research into victims' needs, the first of its kind for the CPS, to understand what victims need and want from us so that we can serve them better. We are committed to making significant changes and improvements in the way we engage with and support victims.

Thanks for watching and I hope this was helpful.

Useful links

[Victims' Right to Review](#)

[The Code for Crown Prosecutors](#)

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Criminal Justice System: working together for the public



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Glossary

Crown Prosecution Service (CPS) – the CPS prosecutes criminal cases that have been investigated by the police and other investigative organisations in England and Wales. The CPS is independent and make their decisions independently of the police and government.

Statement - A statement is a written or in certain circumstances a video-recorded account of what happened. A statement can be used as evidence in court.

Charging decision - Being charged with a criminal offence means legal proceedings have been initiated against you. The decision to charge you can be made either by the police or the CPS, depending on the specifics of the case. Typically, the charging decision is made after the police conduct an initial investigation.

CPS Prosecutor - decides which cases should be prosecuted; determines the appropriate charges in more serious or complex cases and advises the police during the early stages of investigations; prepares cases and presents them at court; and provides information, assistance and support to victims and prosecution witnesses.

Conviction – the act or process of finding a person guilty of a crime, especially in a court of law.

Not guilty plea - Pleading not guilty means that you say you didn't do the crime, or that you had a reasonable excuse for doing so. The court will then have a trial to decide whether you did.

Guilty plea - Pleading guilty means that you admit you did the crime. If you plead guilty, the court will decide what should happen next, which could be a fine or a prison sentence.

Legal test - A two-stage test, under the Code for Crown Prosecutions, applied by a prosecutor when determining whether an offender is to be charged with an offence. The first stage is consideration of the evidence. If the case does not pass the evidential

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stage it must not go ahead no matter how important or serious it may be.

Decision not to charge - If a CPS prosecutor decides the case doesn't pass the two-stage test, and there is no further evidence that the police could look for that would change this, they can't charge the suspect. This is also called a decision to advise 'no further action' (NFA).

Special measures - Generally, for a witness in criminal proceedings to be eligible for "special measures" as an "intimidated" witness, the court must be satisfied that the quality of the witness's evidence is likely to be diminished due to their fear or distress about testifying.

Victims' Right to Review (VRR) - VRR relates to a right for a victim to ask the police to review a decision not to prosecute a suspect.

Judiciary - The judiciary is made up of judges, magistrates, tribunal members, and coroners. Together, they uphold the rule of law.