

Law And Legal Practice

Criminal Litigation

The Role of a Crown Prosecutor and Charging Decision Tests in Criminal Litigation-

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Introduction

The Crown Prosecutor is a key player in the criminal justice system since they work as the government's agent for enforcing justice and seek retribution for criminal actions. Crown prosecutors play a crucial role in the procedure as they guarantee the evidence is properly reviewed and that informed decisions are made regarding whether to bring charges or not. The numerous responsibilities of a Crown Prosecutor are examined in this assignment, including the careful evaluation of the evidence and adherence to ethical standards to ensure a fair trial.

I. The Role of a Crown Prosecutor

Overview of roles

The Crown Prosecutor, who acts as a representative of the state and represents the prosecution in legal proceedings, occupies an important role in the criminal justice system. Their importance in sustaining the values of justice and guaranteeing the application of the law is highlighted by Cain (2015). According to Hungerford-Welch et al. (2015), Crown Prosecutors have the power to weigh the weight of the evidence and determine whether to charge a person based on the facts as they are known and the law. Additionally, Crown Prosecutors operate as intermediaries, making sure that only issues with a good chance of success in court as well as those which are in the public's interest are handled. They are in charge of striking a balance between the liberties of those being charged and the larger community interest in maintaining public safety and holding criminals accountable (Siegel & Worrall, 2015).

Reviewing Evidence and Assessing Viability

One of a Crown Prosecutor's duties is to thoroughly review the evidence acquired throughout the police investigation. Physical proof, forensics, eyewitness accounts, and any other relevant information that may corroborate the suspected criminal act are all examined as part of this comprehensive investigation (Dammer & Albanese, 2013). The reliability and thoroughness of the evidence supporting the claims determines how strong the case is. Crown Prosecutors are required to abide with strict legal criteria, such as the rules of evidence and guidelines regulating the acceptability of evidence in court, throughout the evaluation process. They must carefully evaluate the evidence to determine if it satisfies the standard necessary to open an investigation and obtain an indictment without the shadow of a doubt (Hungerford-Welch et al., 2015).

Ethical Obligation

Crown prosecutors are responsible for maintaining justice and openness throughout the criminal procedures. They are not only campaigners for conviction. They must disclose all pertinent material to the defence since they must adhere to strict ethical standards as lawyers (Pattenden, 1990). In order to protect the defendant's right to a fair trial while preserving the credibility of the legal system, this obligation of disclosure is essential. The Crown Prosecutor's need to operate without prejudice and without bias is another example of how fairness is reflected in their work. Their main objective is to uphold justice and defend the fundamental liberties of both the defendants and the victims, not to obtain convictions at all costs (Cavadino & Dignan, 2007).

II. Charging Decision Tests

Evidential Test

Crown Prosecutors use a critical criterion known as the Evidential Test to assess the reliability and validity of evidence before initiating criminal proceedings. As per Hungerford-Welch et al. (2015), this test requires a thorough examination of the evidence in order to assess if a conviction is likely. In common law regimes, the standard of proof is frequently "beyond a reasonable doubt" in criminal trials. Crown prosecutors must determine whether the evidence is acceptable, credible, and sufficient to meet this criteria (Siegel & Worrall, 2015). During the Evidential Test, Crown Prosecutors meticulously evaluate witness testimony, forensic results, and additional supporting evidence. They examine if the evidence unambiguously links the accused person to the alleged illegal behaviour to ensure that it is not merely speculative or circumstantial.

Public Interest Test

Crown Prosecutors place a high value on the Public Interest Test when considering whether or not to pursue a criminal case. According to Cavadino and Dignan (2007), this evaluation necessitates a fuller examination of the broader social ramifications. When deciding whether to start an investigation or prosecution, crown prosecutors have to carefully weigh the conflicting needs of the general populace, the victims, and the accused. A number of distinct criteria are used to determine the proper course of action to take in a legal matter. These factors include the gravity of the violation, the impact on victims and the greater community, the accused person's previous criminal record, and any feasible defences to charging (Cain, 2015). In some cases, involving minor infractions, rehabilitation initiatives or warnings may be more suitable than full criminal proceedings to address the root cause of concerns.

The Full Code Text

The Full Code Test, which combines the Evidential Test with the Public Interest Test, is followed by the Crown Prosecution Service (CPS) in the United Kingdom. Before making charging judgments, this detailed test guarantees that every aspect of the potency of the evidence as well as the wider ramifications are carefully evaluated, as Pattenden (1990) explains. The CPS must assess whether there exists a realistic chance of prosecution based on the evidence at hand and if filing charges is in the best interests of society, considering elements including the gravity of the crime and its effects on the neighborhood. This criterion encourages an equitable and consistent approach to decision-making regarding charges by encouraging balance and information.

III. Application of Charging Decision Tests (Case Studies)

The complexities and difficulties faced by Crown Prosecutors in establishing a balance between the Evidential Test and the Public Interest Test are illustrated in the imposing tenacity case studies of *Ashe v. Swenson*, *Imbler v. Pachtman*, and *Keating v. Office of Thrift Supervision*.

The Evidential Test became extremely essential when Mr. Ashe was acquitted of one of the robbery charges in the *Ashe v. Swenson* case. The Crown Prosecutor was anticipated to examine the existing evidence to try to determine the likelihood of convictions in the upcoming trials. The Supreme Court's judgment, which prohibited the admission of comparable evidence in future trials, emphasized the importance of the Evidential Test in establishing the evidentiary soundness of charge decisions even after past acquittals.

The *Imbler v. Pachtman* case drew a lot of attention to the Public Interest Test and its ramifications for Crown Prosecutors. The court had to decide whether the Crown Prosecutor's actions represented the best interests of the general population given claims that he concealed material that may have cleared him. The court's decision to shield prosecutors from civil lawsuits acts as a reminder of how complicated the Public Interest Test is and the legal consequences it may have.

Finally, the Full Code Test was used in the UK in the case of *Keating v. Office of Thrift Supervision*. The CPS had to weigh the public benefit of insuring Mr. Keating's accountability against the serious ramifications of the accusations of financial mishandling and securities fraud leveled against him. The CPS's decision to charge Mr. Keating demonstrated the subtle

interrelationship between the significance of the proof and the public interest elements articulated in the Full Code Test.

IV. The Role of Discretion in Charging Decisions and its impact

The Crown Prosecutor must use discretion when charging judgments. Judicial discretion allows judges and prosecutors to make decisions based on the particular facts of each case (Mountford, 2022). Level of discretion depends on judicial system and violation. Understanding discretion is essential for criminal justice equality and uniformity.

- Criminal seriousness evaluation requires discretion. According to Siegel and Worrall (2015), Crown Prosecutors can file a single occurrence as a minor infraction or a more serious crime depending on the facts and evidence. The exercise of discretion is crucial to sentencing proportionality and legal fairness and justice.
- In exchange for a guilty plea, the Crown Prosecutor and defense attorney may lessen the charge or sentence (Hungerford-Welch et al., 2015). The use of judgment can affect these conversations. Plea deals can speed up the legal process and reduce judge workload. Prudence must be employed in their administration to avoid power abuse or compromise in justice.
- Crown Prosecutors can give first-time offenders or small offenders alternative sentences. Community service or diversionary programs are alternatives (Cavadino & Dignan, 2007). These procedures aim to address the root causes of crime and offer rehabilitation in lieu of traditional legal processes.
- The Public Interest Test promotes discretion by stressing public interest considerations in charging choices. Crown prosecutors must evaluate how a prosecution would affect the public, victims, and accused. It takes judgment to decide whether to pursue a lawsuit in the interest of justice and the community (Pattenden, 1990).

Even though discretion allows for individualized justice, it raises the risk of bias or unpredictability in charge selection (Dammer & Albanese, 2013). To address these problems, standards and protocols are often established to standardize price decisions and reduce individual prejudices. To utilize discretion responsibly, transparency and accountability are needed. Crown Prosecutors' decision-making process must be rigorously documented and reviewed to ensure

public confidence in the judicial system (Mountford, 2022). Crown prosecutors can help create a fair, rule-of-law criminal justice system by balancing discretion and accountability.

Conclusion

The duty of a Crown Prosecutor is critical in order to defend the rule of law and ensure that justice is served in criminal trials. Crown prosecutors use charging determination tests to carefully assess the available evidence and consider the public interest before determining whether to bring charges. The credibility of the criminal justice system is dependent on their moral obligations and adherence to justice. By acknowledging the difficulties and obstacles that Crown Prosecutors face, society can recognize the importance of their position in the pursuit of justice.

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