



By the end of the lesson learners will be able to:

1. Explain the skills required for effective case management
2. Identify types of information required to include in a file of evidence, when prosecuting a case at court
3. Identify different MG Forms and what each form is used for within a file of evidence
4. Demonstrate correct completion of a MG5 form

This session will cover the roles and responsibilities of the police and CPS prosecutors in relation to charging decisions and prosecution case files. On completion you will be aware of how to establish the current status of an investigation, distinguish between different types of case materials, compile files of evidence to the National File Standard and identify which materials are sensitive and non-sensitive. In addition, you will know how to record all relevant exhibits, notes and materials within a prosecution case file. You will also be aware of the different MG forms available for use when building prosecution case files and their individual purposes.

## Skills required for effective case management:

Communication

Time  
Management

Technical Skills

Organised

Honesty &  
Integrity

Knowledge

Critical thinker &  
Problem Solver

Writing



### **QTS - What skills are needed to manage a case effectively?**

Board blast

Discuss student answers

Reveal slide and discuss

#### **Communication**

Communicate any recognised discrepancies and gaps in the case file and evidence and ask questions to clarify the information. Be a good listener when advice is being given by external parties.

#### **Time Management**

Be organised with your time, to manage the evidence so it arrives with CPS and the defence within the given time periods

#### **Technical Skills**

Being able to use a variety of technology to build a case in preparation for court.

#### **Organised**

Prioritising their work

#### **Honesty & Integrity**

Must be honest, ethical and law abiding. Not to lie about any elements of an investigation, as this may prevent the suspect from being convicted.

**Knowledge of Law**

To know the laws surrounding the case. In addition, you must know what they are legally allowed to do in the course of the investigation. Otherwise, evidence you gather may not be admissible in court.

**Critical thinker & problem solver**

Piecing together the evidence obtained during an investigation, and being a good problem solver. In many cases, witness statements will be contradictory, so the investigator must use critical thinking and problem solving skills to figure out what really happened in a case. Critical thinking skills also allow the investigator to look past the obvious solutions and analyse evidence objectively.

**Writing**

Must be able to write clearly and concisely and submit written reports and documentation of their investigation in a timely manner. These reports must be clear the attorneys and judges should the case make it to court.

## How does a case get to court?

Initial Call to  
Police/Complaint of  
Crime/Police witness  
offence

Officers attendance and  
evidence gathering  
begins

Identify suspect and  
interview (Arrest/  
Voluntary Interview/  
Contemp. interview)

If necessary, consult CPS  
for charging advice.

**Charge or report  
suspect for Postal  
Charge Requisition  
(PCR)**

Complete file, submit to  
your Sergeant/Justice  
Admin. for review  
within the necessary  
timescales

Justice Admin Staff send  
file digitally to the CPS  
ready for them to  
review and prosecute in  
court.



### Trainer to explain how to successfully get a case to court

Click through slide.

1-3. An incident will be created – if a crime has been committed this incident will become a crime – officers will gather evidence and investigate, during this a suspect(s) will be identified and they will be interviewed.

4. The decision to charge will be made either by the CPS or Police – this will be discussed later in this lesson.

5. Charging Box - Charging will generally take place in custody, and dependant on the actual crime committed, the custody sergeant will take responsibility to authorise a charge which you will read out to the suspect. This could be on a full admission of guilt or a no comment interview. You may have needed to carry out further investigation to prove or disprove the suspects account e.g. alibi; other CCTV evidence etc. There are crimes, that even with a full admission of guilt, will need to go through CPS for their authorisation of charging e.g. pervert the course justice. Upon charging, you will read out the charge, and caution using the now caution.

6. Upon charging and either remanding or releasing the suspect to attend court, you will need to carry on with the file preparation before the end of your tour of duty (remand

cases) and this case file preparation will continue through the court process. Your Sergeant will review your case files to ensure that they are up to standard

7. Your file will be digitally submitted to the CPS to allow them to review and prosecute the case through either magistrates or crown court

## Who Decides to Charge/Prosecute?

**Police**

**Crown Prosecution  
Service  
(CPS)**

**Director of Public  
Prosecution  
(DPP)**



Under the Criminal Justice Act 2003, responsibility for determining the charge is split between the police and CPS. In general terms all indictable only offences, and contested either way offences must be referred to the CPS. For detailed guidance as to which offences must be referred to the CPS for a charging decision – see The Director’s Guidance on Charging – this will be covered later in this session.

Certain offences require authorisation of the Attorney General/Solicitor General or the DPP to charge – these will generally be more serious offences, for example; Kidnap and some terrorism offences.

In making charging decisions both custody officers and Crown Prosecutors take into account the provisions of the Code for Crown Prosecutors and the evidential tests therein, which need to be satisfied before a case can be properly charged- this will also be covered later in this session.

## When can the Police make the decision to Charge?

Any summary only offence (including criminal damage where the value of the loss or damage is less than £5000) irrespective of plea

Any offence of retail theft (shoplifting) or attempted retail theft irrespective of plea provided it is suitable for sentence in the magistrates' court.

Any either way offence anticipated as a guilty plea and suitable for sentence in a magistrates' court.

Except For –

1. A case requiring the consent of the DPP to prosecute
2. A case involving a death
3. Connected with terrorist activity or official secrets
4. Classified as Hate Crime or Domestic Violence
5. A case of harassment or stalking
6. An offence of Violent Disorder or Affray
7. Causing Grievous Bodily Harm or Wounding, or Actual Bodily Harm
8. A Sexual Offences Act offence committed by or upon a person under 18
9. An offence under the Licensing Act 2003



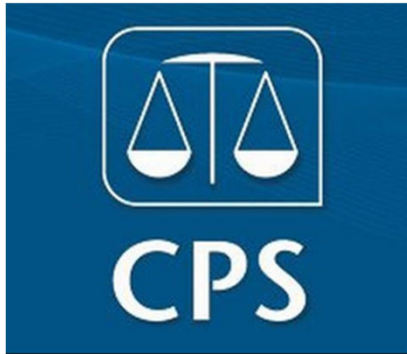
### QTS – Which offences do you think that the police make decision to charge?

Generally the Police can make charging decisions in simple cases, involving summary offences and lower level either way offences.

A charging decision must be made by at least a **Sergeant**.

Boxes 1 -3 – outline the offences/anticipated plea requirements for offences to be charge by Police.

## All other cases the Charging Authority is:



<https://youtu.be/8rRSZFcc25E>

Crown Prosecution Service  
Prosecutors will make charging  
decisions in all cases not  
allocated to the police

If multiple offences are under  
consideration, including an  
offence which must be referred  
to a prosecutor, then all related  
offences in the case will be  
referred to a prosecutor



The CPS was formed in 1986 under the Prosecution of Offences Act 1985 as an independent prosecuting authority for England and Wales. It is independent from the Police, to maintain fairness in the Criminal Justice System

The charging decision for more serious either way offences (those likely to be heard in Crown Court) and Triable on Indictment only will lie with the CPS. The CPS will also provide police with Early Investigative Advice earlier in the investigation process for serious and complex cases, this would include possible lines of investigation in terms of future charging decisions.

What does the CPS do?

### Role of the CPS

- Prosecutes criminal cases that have been investigated by the police and other investigative organisations in England and Wales.
- Are independent, and makes decisions independently of the police and government.
- 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.

**Video Link - produced by CPS Gwent, that is relevant throughout England and Wales about how the Crown Prosecution Service works, and what it is like going to court. (11mins)**

### **Liaising with Criminal Justice Partners**

Who are our partners?

- Crown Prosecution Service
- Her Majesty's Courts & Tribunals Service (HMCTS)
- Youth Offending Service (YOS)
- Probation Service
- Drug Intervention Programme
- Mental Health Services
- Witness Care Services

Many more .....

## The Full Code Test

Before a decision to charge is made, the **CPS** or a **Police Officer** of at least the rank of **Sergeant** should consider the **Full Code Test**.

That is:

The **evidential stage**; followed by

The **public interest** stage

**BOTH must be met**

If either or both of the criteria are not met then the police must make the decision to 'No Further Action' (NFA) and the case will not proceed either as a Police Charging Decision or referred to the CPS.



All Charging decision makers – Police or CPS must consider The Full Code Test when making a decision to charge or not.

The Full Code Test has two stages – firstly that the evidence is sufficient to provide a 'realistic prospect of conviction', and secondly that a prosecution is needed in the public interest. Only if these two tests are satisfied can a charge be laid.

### **Evidential Stage:**

Prosecutors must be satisfied there is sufficient evidence to provide a realistic prospect of conviction (RPOC), **on each charge**.

The Code clarifies that a realistic prospect of conviction means *"an objective, impartial and reasonable jury, bench of magistrates or a judge hearing a case alone, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge alleged."*<sup>51</sup> Prosecutors and police decision makers must therefore be in a position to explain why it "is more likely than not" that the court will convict.

A case which does not pass this stage must not proceed, no matter how serious or sensitive it may be.

### **Public Interest:**

Is a prosecution required in the public interest?

A prosecution will usually take place unless the prosecutor, or where appropriate the police decision maker, is satisfied that there are public interest factors tending against prosecution which outweigh those in favour. This includes considering **whether the public interest can be properly served by offering the offender the opportunity to have the matter dealt with by way of an out of court disposal rather than a prosecution.** Factors the decision maker could consider would include – age of the suspect, level of harm caused., community impact, etc

The Code not only sets out what the Full Code Test is but also the point at which it should be applied, namely

*(a) when all outstanding reasonable lines of inquiry have been pursued; or  
(b) prior to the investigation being completed, if the prosecutor is satisfied that any further evidence or material is unlikely to affect the application of the Full Code Test, whether in favour of or against a prosecution.*

## Threshold Test

The Threshold Test is intended to apply to a very limited range of cases where the Full Code Test cannot be met but the overall seriousness or circumstances of the case justify the making of an immediate charging decision, and there are substantial grounds to object to bail.

5 conditions must be met -

1. There are **reasonable grounds to suspect** that the person to be charged has committed the offence

2. Further evidence can be obtained to provide a realistic prospect of conviction

3. The seriousness or the circumstances of the case justifies the making of an **immediate charging decision**

4. There are continuing substantial grounds to **object to bail in accordance with the Bail Act 1976** and in all the circumstances of the case it is proper to do so

5. It is in the **public interest** to charge the suspect



In cases where a remand in custody will be applied for and it is not possible to apply the Full Code test at that time because all the evidence is not yet available, then the Threshold Test is applied by Crown Prosecutors. Firstly, the prosecutor must be satisfied that there is at least a reasonable suspicion that the person to be charged has committed the offence. Secondly, the prosecutor must be satisfied that there are reasonable grounds for believing that the continuing investigation will provide further evidence, within a reasonable period of time, so that all the evidence taken together is capable of establishing a realistic prospect of conviction in accordance with the Full Code Test.

The Threshold Test may only be applied where the prosecutor is satisfied that all the following four conditions are met:

- a) there is insufficient evidence currently available to apply the evidential stage of the Full Code Test; and
- b) there are reasonable grounds for believing that further evidence will become available within a reasonable period; and
- c) the seriousness of the circumstances of the case justify the making of an immediate charging decision; and
- d) there are continuing substantial grounds to object to bail in accordance with the Bail Act 1976 and in all the circumstances of the case an application to withhold bail may be properly made.

Where the investigator considers there is sufficient evidence to charge on either of the tests, the case should be referred to the CPS or custody officer as appropriate for a charging decision. Where the Crown Prosecutor or custody sergeant cannot make a decision immediately, the custody officer may decide that the suspect should be bailed, with or without conditions.

Conditions may now be imposed on bail pre-charge even where the Crown Prosecutor or custody officer considers there is insufficient evidence to charge at that time.

### **Applying the Threshold Test [57](#)**

*6.1 The Threshold Test is intended to apply to a very limited range of cases where the Full Code Test cannot be met but the overall seriousness or circumstances of the case justify the making of an immediate charging decision, and there are substantial grounds to object to bail.*

*6.2 The police must always endeavour to conclude all reasonable lines of inquiry during a suspect's period of detention [58](#) so that the Full Code Test can be applied. But where they cannot, and the suspect would present a substantial bail risk, consideration can be given to whether the conditions of the Threshold Test are met.*

*6.3 Prosecutors and police decision makers must be familiar with the five conditions that have to be met before a charging decision is made on the Threshold Test. [59](#)*

*6.4 There must be a rigorous examination of all five conditions of the Threshold Test. The request for a charging decision must provide sufficient information to enable a prosecutor to be satisfied that each of them is met. The five conditions of the Threshold Test*

*6.5 The five conditions [60](#) and supporting principles set out in the Code are repeated below, and must be adhered to.*

*6.6 First condition - There are reasonable grounds to suspect that the person to be charged has committed the offence.*

*•Prosecutors must be satisfied, on an objective assessment of the evidence, that there are reasonable grounds to suspect that the person to be charged has committed the offence. The assessment must consider the impact of any defence or information that the suspect has put forward or on which they might rely.*

*•In determining whether there are reasonable grounds to suspect, prosecutors must consider all of the material or information available, whether in evidential format or otherwise.*

*•Prosecutors must be satisfied that the material to be relied on at this stage is capable of being:*

- put into an admissible format for presentation in court;*
- reliable; and*
- credible.*

*6.7 Second condition - Further evidence can be obtained to provide a realistic prospect of conviction.*

*•Prosecutors must be satisfied that there are reasonable grounds to believe that the continuing investigation will provide further evidence, within a reasonable period of time, so that when all the evidence is considered together, including material which may point away from as well as towards a particular suspect, it is capable of establishing a realistic prospect of conviction in accordance with the Full Code Test.*

- The likely further evidence must be identifiable and not merely speculative.
- In reaching this decision prosecutors must consider:
  - the nature, extent and admissibility of any likely further evidence and the impact it will have on the case;
  - the charges that all the evidence will support;
  - other reasons why the evidence is not already available;
  - the time required to obtain the further evidence, including whether it could be obtained within any available detention period; and
  - whether the delay in applying the Full Code Test is reasonable in all the circumstances.

6.8 Third condition - The seriousness or the circumstances of the case justifies the making of an immediate charging decision.

- The seriousness and the circumstances of the case should be assessed in relation to the alleged offending and should be linked to the level of risk created by granting bail.

6.9 Fourth condition - There are continuing substantial grounds to object to bail in accordance with the Bail Act 1976 and in all the circumstances of the case it is proper to do so.

- This determination must be based on a proper risk assessment, which reveals that the suspect is not suitable to be bailed, even with substantial conditions. For example, a dangerous suspect who poses a serious risk of harm to a particular person or the public, or a suspect who poses a serious risk of absconding or interfering with witnesses.

Prosecutors should not accept, without careful inquiry, any unjustified or unsupported assertions about risk if release on bail were to take place.

6.10 Fifth condition - It is in the public interest to charge the suspect.

- Prosecutors must apply the public interest stage of the Full Code Test based on the information available at that time. Consequences if all five conditions of the Threshold Test are not met

6.11 If any condition of the Threshold Test is not met, the Threshold Test cannot be applied and the suspect cannot be charged. If there is no prospect of the case ever meeting the evidential stage of the Full Code Test, it must be the subject of no further action. If there are further reasonable lines of inquiry the police must then decide whether to:

- detain the suspect to allow the case to be investigated further;
- release the suspect under investigation or on bail.

#### **Police use of the Threshold Test/restrictions on the use of the Threshold Test**

6.12 The Threshold Test must only be applied where the seriousness or the circumstances of the case justify the making of an immediate charging decision. Such cases are usually charged by a prosecutor.

6.13 There are restrictions on the police use of the Threshold Test:

- the Threshold Test cannot be used to charge a summary only, non-imprisonable offence;
- where the Threshold Test is used to charge a summary only imprisonable offence, the police will record how each of the five conditions are met. This will enable the prosecutor to review whether the application of the Threshold Test is appropriate before the first hearing;
- the Threshold Test cannot be used for either way offences that are suitable for sentence in the magistrates' court and where a guilty plea is anticipated as the requirements of the Full Code Test should have been met in those circumstances. Application of the Threshold Test where there is more than one offender

6.14 Where the charges under consideration involve more than one offender and the prosecution would seek to have them tried together, if the prosecutor (or police decision maker) determines that it is appropriate to apply the Threshold Test to one or more of those offenders, it will be applied to all offenders charged with the joint or related offences, provided conditions [61](#) one, two and five of the Threshold Test are met for those other offenders. Review of the Threshold Test

6.15 The application of the Threshold Test must be kept under review. The following approach must be adopted in all Threshold Test cases:

- the identified additional material or information must be recorded in a shared action plan containing an agreed timetable;
- prosecutors must be proactive in securing all additional material from the police;
- the police must advise the prosecutor immediately if any part of the timetable is unlikely to be met or if the further material or information means the Threshold Test should no longer be applied;
- prosecutors must assess the material and information regularly to ensure the charge remains appropriate and that continued objection to bail is justified;
- the Full Code Test must be applied as soon as the anticipated further evidence or material is received. In Crown Court cases, its application must be considered before formal service of the prosecution case.

## Case File Building

Case file building potentially begins each time an incident occurs. You will be responsible for investigating offences and completing prosecution case files of evidence.

You will start to build a potential case file as soon as you seize potential evidence at a scene or search of a person, record a crime or take a statement at the beginning of an investigation and you will retain all the documents during the investigation.

Ultimately, if necessary, you will prepare a case file for submission to the CPS.



Any incident that you attend as a police officer could potentially result in court - if an offence has been committed, the investigation is likely to result in the gathering of evidence to put before a Court. As a response officer you will often be the first officer on scene at incidents, and it is important to remember that your actions at the scene, investigations immediately carried out and evidence gathered may form the basis of a court case several months or longer away.

The police undertake effective early investigations to ensure that the key evidence required to make informed decisions in cases is obtained as soon as possible. All reasonable lines of enquiry should be pursued to ensure that any evidence or material likely to undermine the prosecution case or assist the defence is provided to the prosecutor and taken into account during any referral for investigative advice or charging. This will enable relevant key evidence to be obtained, permitting the building of a proportionate file.

## Case File Building

The amount of information required for a full file of evidence is considerable, to compile this on every occasion, for low level and simple cases would be very time consuming. It would consist of up to 21 different forms to complete.

This carries a cost and time implication

Why would we complete all these if we expect the defendant to plead guilty at first hearing..... The case will never progress to a trial!

So a system called streamline is in place, - where if police anticipate a guilty plea we only submit certain forms. This saves time and money.



Effects on the case if the file is not of sufficient standard/lack of evidence/disclosure failures

- Case being discontinued, dismissed, adjourned.
- Victim let down, OR left at risk/harm
- Loss of confidence in police: victim(s) tell others, word spreads
- Cost to the public purse
- Being called to court to explain your lack of actions to the Judge
- Image of poor performance given to defence.
- Action Plan, Standards, feeling responsible
- Re-offending by defendant.

## Anticipated Plea

The anticipated plea of a suspect may dictate whether or not the case needs to be submitted to CPS for a charging decision

**GAP – Guilty  
Anticipated Plea**

**NGAP – Not  
Guilty  
Anticipated Plea**

Identifying the correct anticipated plea is crucial to the decision making processes and the subsequent type of file which will need to be prepared for court.



There are two sorts of files that will be produced by the police following charge.

1. Guilty Anticipated Plea
2. Not Guilty Anticipated Plea

Each file contain different forms, and we shall look at what these forms are later in the lesson.

Identifying GAP or NGAP will affect whether the police can make the charging decision or if the case needs to be referred to the CPS (as per previous slides), also after charge the number of forms that will need to be produced in the file of evidence of court.

## Anticipated Plea

A **guilty plea** may be anticipated where the suspect:

Has been interviewed **and**:

**has made a clear and unambiguous admission** to the offence **and** has **offered no explanation** that is capable of **being used as a defence**; or

**has not made a clear and unambiguous admission** of guilt **but has offered no explanation** that is **capable of being used as a defence** and either; the **commission of the offence** and the **identification of the offender** can be wholly established by **police witnesses** or there is **clear visually recorded evidence** of the **offence being committed** and of **the suspect being the offender**.

Has **not** been interviewed **but** either:

The **commission of the offence** and the **identification of the offender** can be wholly established by **police witnesses** or there is **clear visually recorded evidence** of the **offence being committed** and of **the suspect being the offender**.



A **guilty plea** may be anticipated where the suspect:

• Has been interviewed and

- has made a clear and unambiguous admission to the offence and has offered no explanation that is capable of being used as a defence; or
- has not made a clear and unambiguous admission of guilt but has offered no explanation that is capable of being used as a defence and either (i) the commission of the offence

• and the identification of the offender can be wholly established by police witnesses, or (ii) there is clear visually recorded evidence of the offence being committed and of the suspect being the offender.

• Has not been interviewed but either:

- the commission of the offence and the identification of the offender can be wholly established by police witnesses; or
- there is clear visually recorded evidence of the offence being committed and of the suspect being the offender.

More Simply - A **Not Guilty Plea** may be anticipated where the suspect has denied the offence or raised a defence in interview.

## Criminal Justice Process Map

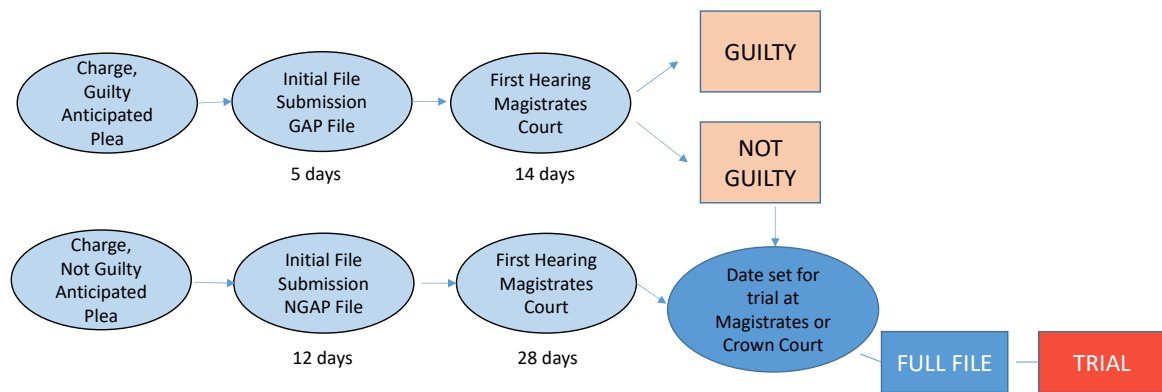


Diagram shows the process for cases to progress to court – both GAP and NGAP.

Timescales for each are different, as above.

The paperwork required for each will be different – this will be covered later in the session.

Once a court date is agreed and a case is to proceed, the prosecution file for the first hearing must be created proportionately to the requirements of that hearing, while at the same time providing the prosecutor with sufficient information to be able to conclude the case if the plea is guilty. It must also enable the prosecutor to conduct an effective plea and case management hearing to identify the contested issues if a not guilty plea is entered.

The national file standard (NFS) provides for a staged and proportionate approach to the preparation of case files. It specifies the material required for the first hearing and identifies how the file is to be developed at appropriate stages throughout the life of the case. The NFS provides the prosecutor, the defence and the court with information proportionate and necessary to progress the case. The standard should continue to be used to develop the file should it be required to proceed to summary trial, committal or sending to the crown court for jury trial.

## Group Task

You have been asked to submit a file of evidence in respect of an assault & criminal damage arrest you have made.

What information do you think CPS would need to prosecute your case?



### GROUP TASK/Board Blast

Possible answers:

Statements

Victim/witnesses/Police officers/Expert –(medical/forensic), Victim personal statement, Witness special measures request, Exhibits/CCTV

Account of interview/ suspects account, Copies of EPNB, Custody Records

Compensation Requests, Witness list, witness availability, charge Sheet

Previous convictions of defendant and key witnesses, photographs, body Cam footage

Evidence of police officer disciplinary issues/criminal convictions

**TRAINER to discuss items brought up.**

Now lets look some of the main MG Forms that you will complete for files of evidence.

# MG5 – Police Report - Introduction

The MG5 (Police report) is the form you use to summarise the details of a case for a first hearing at court.

The MG5 in simple terms allows:

- The CPS to prosecute
- The defence to enter a plea
- The court to deal with the case where a guilty plea is entered
- The court to agree a timetable for the management of a case where a not guilty plea has been entered

Annex B

MG5  
Page 1 of 10

## DIRECTOR'S GUIDANCE STREAMLINED PROCESS

| Police Report |                      | URN                                              |
|---------------|----------------------|--------------------------------------------------|
| Defendant 1.  | <input type="text"/> | Anticipated Plea <a href="#">Click to Select</a> |
| Solicitor:    | <input type="text"/> | Telephone Number <input type="text"/>            |
| Address       | <input type="text"/> |                                                  |
| Defendant 2.  | <input type="text"/> | Anticipated Plea <a href="#">Click to Select</a> |
| Solicitor:    | <input type="text"/> | Telephone Number <input type="text"/>            |
| Address       | <input type="text"/> |                                                  |
| Defendant 3.  | <input type="text"/> | Anticipated Plea <a href="#">Click to Select</a> |
| Solicitor:    | <input type="text"/> | Telephone Number <input type="text"/>            |
| Address       | <input type="text"/> |                                                  |



MG5 is a key form provided within all submitted files of evidence – this is the summary of the offence – it is read out in court to give an overview of the case.

Hand out of MG5 provided to students. Talk through each of the component sections. In conjunction with PowerPoint.

Front sheet must be completed in full – ESPECIALLY ANTICIPATED PLEA BOX for each defendant – drop down menu

Trainer to empathise:

IT IS VERY IMPORTANT THAT OFFICERS DO **NOT COPY AND PASTE** FROM STATEMENTS OR OTHER DOCUMENTATION ARE USED. THEY ARE WRITTEN IN A DIFFERENT TENSE AND DON'T MAKE SENSE WHEN READ OUT AT COURT. UNDER NO CIRCUMSTANCES SHOULD THIS BE DONE

THE MG05 SHOULD BE AN IMPARTIAL ACCOUNT OF THE CASE AND NOT BE BIASED TOWARDS PROSECUTION OR DEFENCE.

IT SHOULD CONTAIN ALL THE POINTS TO PROVE OF THE OFFENCE THAT IS BEING TRIED. IT IS NOT A NARRATIVE HOWEVER THIS DOES NEED TO BE PUT IN AROUND THE POINTS TO PROVE IN ORDER FOR THE CIRCUMSTANCES TO MAKE SENSE

# MG5 – Police Report 1: Summary of Key Evidence

Must be accurate and balanced

Clarifies the identity of the key witnesses whose evidence is providing the narrative

Provides a chronological account of the offence covering the points to prove

Contains any aggravating or mitigating circumstances

Includes verbatim any admissions at the scene, at arrest or charge.

Does not summarise the whole of the police investigation

The MG5 will need to be written in the 3<sup>rd</sup> person

Annex B RESTRICTED MG5  
Page 2 of 10

**DIRECTOR'S GUIDANCE STREAMLINED PROCESS**

**1. Summary of the Key Evidence** - 'Key evidence' establishes every element of the offence and that the defendant committed the offence with the necessary criminal intent.

- Set out the facts in chronological order, telling the story and covering the 'points to prove'
- The summary must be balanced and fair
- Record address and contact details of civilian witnesses on MG9 (and all dates to avoid on MG10).

Key evidence:

||

This file of evidence relates to a case of theft from store which occurred at 15:00hrs on Monday the 15<sup>th</sup> of June 2015 at Tesco's Stores, High Street, Cardiff. The defendant in this case is a David SMITH and the complainant in this matter is a Rachel JONES.

||

The Circumstances surrounding this matter are as follows:

||

The defendant SMITH entered Tesco's Store at 15:00hrs on the above date. SMITH appeared to be intoxicated and walked to the alcohol area. At this point complainant JONES was watching SMITH. SMITH stayed directly in front of the alcohol area for approximately 45 seconds, looking back and forth between the Till Attendant at the store and the exit. SMITH was then seen to select a bottle of Vodka from the Display and concealing it inside his Zipped Jacket. SMITH then immediately turned and walked briskly out of the store without making any offer of payment. Complainant JONES having seen this immediately ran out after the defendant and stopped him approximately 5 metres outside the store.



Definition of Key Evidence “ The evidence to be relied upon by the prosecution to establish the elements of the offence to be proved, including the identity of the offender and any relevant state of mind, together with any other evidence that can further strengthen the case by contradicting or otherwise undermining any explanation raised by the suspect”

MG5's need to be written in the 3<sup>rd</sup> person

Trainer to discuss points as per slide

## MG5 – Police Report 2: Defendant Interview

Contains any admissions made by the suspect in direct speech  
Sets out the explanation the suspect gave as to how and why the offence happened, including any mitigation or remorse in direct speech

Records the suspects response in direct speech to CCTV when shown in interview. Should be accompanied by the relevant times from the interview record

### 2 Defendant Interview

- Set out the explanation given by defendant as to **how/why offence happened**: include any **mitigation/remorse** put forward.
- Note any **Special Warnings** given.
- State if no comment made.
- Attach copy of CCTV if shown in the interview **(to file)**.

Defendant:  Date:  Interviewing Officer:  Other Person(s) present:

Counter reference for relevant admissions/statements:

Summary of defendant explanation

Defendants response/reaction to CCTV (if 'key evidence' and shown in interview:

Relevant admissions and their start/finish counter reference times: Yes/No

Should summarise the suspects explanation, in the case of 'no comment' interviews summarise the key questions asked and special warnings given (if any)



A summary of the defendants interview is placed on the MG5 in this section – this was previously on a separate form (MG15 – SDN)

The summary should include sufficient detail of the suspects account of the event/incident being investigated.

If a 'No Comment' interview an entry of - "The suspect answered NO COMMENT to all questions put to him/her" is NOT SUFFICIENT.

As per point 4 a summary of the questions put to the defendant must be included.

## MG5 – Police Report 2: Defendant Interview

In this section; identify the interviewing officers. defence solicitor, appropriate adult and any other persons present. Set out any explanation the defendant gave as to how and why the offence happened, including any mitigation and remorse put forward. Remember to use 'ACCURATE'

Admissions

Contradictions/Denials

CCTV (shown and response)

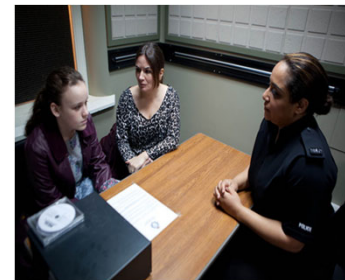
Underlying Reasons (mitigation)

Reliable (for CPS and defence)

Aggravating factors

Third Person (written in)

Explanation and Summarised at end



A summary of the defendants interview is placed on the MG5 in this section – this was previously on a separate form (MG15 – SDN)

The summary should include sufficient detail of the suspects account of the event/incident being investigated.

Use the acronym ACCURATE to identify things that should be covered in this section of the MG5.

## MG5 – Police Report 3-12: Other Sections

3. Non Key Evidence

4. Visually Recorded Evidence

5. Injuries

6. Forensic Evidence

7. DIP Testing

8. Application for Orders on Conviction

9. Application for Compensation

10. Other

11. Officer's Certification

12. Supervisor's Certification



Go through MG5 boxes with students – explaining the contents of each

**3. Non- Key evidence** – statements provided by those that are not providing 'KEY' evidence, could be supporting officers or non-eyewitness civilian witnesses.

**4. Visually recorded Evidence** – for example CCTV, BW Footage (also on MG0 – covered later) On MG5 should provide a narrative of what the footage shows.

**5. INJURIES** – attach photos to Niche and MG0. (If no photos taken explain why). No medical consent form needed in first instance.

**7. DIP TESTING - Drug Interventions Programme** - relates principally to Class A drug-misusing offenders. Under the [Police and Criminal Evidence Act 1984\(PACE\)](#), it had been possible for police to drug test Detained Prisoners since 1984. The Drugs Act 2005 introduced, at selected "intensive DIP area" police stations, a mandatory drug test for every individual who had been arrested for a specified list of "trigger offences." Trigger offences will constitute a list of offences known have a clear link to substance misuse (such as [Theft](#)).

Individuals who test positive under the "Test on Arrest" scheme are required to see a drug worker for a single appointment. Individuals who fail to attend either of these appointments could face up to three months in prison or a £2,500 fine. Restrictions on

**Bail** had been introduced under the [Criminal Justice Act 2003](#). This piece of [legislation](#) amended the [Bail Act 1976](#) by reversing the presumption of [bail](#) to anyone who had tested positive to a class A drug, unless they agreed to undergo assessment and treatment with their local DIP for the duration of their court bail.

Orders on conviction: CRASBO/Sexual Offences Prevention Orders, etc.

**8. Orders on Conviction** – eg CRASBO/ Sexual offences protection order.

11 & 12. After OIC and Sgt have signed the MG5 it is LOCKED And cannot be further edited – this should be the final action once MG5 is fully complete.

## MG5 – Police Report – Summary

MG5 forms will be viewed by the Magistrate/Judge, as well as the defence solicitors and barristers. It must present an **accurate**, **objective** and **balanced** account of the case. It will form part of the initial detail of the prosecution case.

MG5 must never contain any confidential information. This information will be included on the CM01 and MG6.



Remember that the MG5 that you write at 0300hrs on nights will be read in court a few months later. Ensure that simple things like spelling and grammar are correct.

## MG0 – Multi-Media Evidence

Used to document all multi-media evidence gathered; eg

- CCTV footage and/or stills
- Body Worn Footage
- Photographs
- Dash Cam footage
- Mobile phone footage

MG0 MME

OFFICIAL - SWYDDOOL

Gwent Police  
*Protecting and Reassuring*

South Wales Police  
*Keeping South Wales Safe*

This form is only to be used for **evidential multi-media material**

Defendants: [REDACTED] URN: 62EN0399220

Multi-Media Evidence (MME)

MME exhibited by: #SWP5638 KNEZEVIC, CRAIG  
Multimedia type: Phone call  
Exhibit reference: CK/1  
Description of what is contained in this MME:  
999 CALL - CK/1

\*\*\*EXAMPLE\*\*\*  
Duration of this MME: 12m 05s  
Secure link URL: [\[Click here to download\]](#)  
Sensitive Material: This MME does not contain any sensitive information

Contact Details  
Officer in the case: Constable SWP5638 C KNEZEVIC  
Telephone: [REDACTED]  
E-mail: [REDACTED]

PHOTOGRAPHS - Could be photos taken on Axon Capture (SWP mobile) or photos sent to you from witnesses

You will be taught how to create this form on your Niche Course

## MG2 – Initial Witness Assessment

Special measures  
consideration  
(if applicable)

**RESTRICTED (when complete)** MG 2

**INITIAL WITNESS ASSESSMENT**  
**YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999**  
In order to use the spell check function the document must remain protected

URN: **62CA101320**

Witness's Name: **Smithers, David**  
Age: **38yrs** Date of Birth: **21/10/71**

**Step 1 Identification of Witness**  
This Act aims to assist certain vulnerable groups of witnesses to give evidence at court with the assistance of 'Special Measures'. Ticks to show which of the group(s) below apply to this witness.

**Vulnerable**

a) Child under 17 ☐  
b) Witness with a mental disorder ☐  
c) Witness with learning disabilities ☐  
d) Witness with a physical disability/disorder ☐

**Intimidated**

e) Witness in fear or distress about giving evidence ☒  
f) Complainant in sexual case ☐

**Step 2 Eligibility for 'Special Measures'**  
a) and f) are automatically eligible for Special Measures. Go to Step 3.  
For b), c), d) and e), explain briefly below the nature of the vulnerability, fear or distress and show how this is likely to diminish the quality of their evidence in terms of their evidence being complete, coherent and accurate. Coherence refers to their ability to understand the questions put to them and to give an appropriate answer.  
Note guidance in respect of e).

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Nature of disorder/impairment or witness fear/distress and effect on evidence. (Expert advice may need to be sought.)</p> <p><b>The victim has expressed grave concerns about attending court to give evidence in the presence of the defendant. The defendant is a known criminal and has many associates who have already threatened the victim not to give evidence. The victim states that he will not attend court if he is to give evidence whilst the defendant and his associates are in the public gallery.</b></p> | <p><b>g) Consider and note these factors</b></p> <ul style="list-style-type: none"> <li>• The circumstances of the offence.</li> <li>• The age of the witness.</li> <li>• Their social and cultural background/ethnic origins.</li> <li>• Their domestic and employment circumstances.</li> <li>• Any religious beliefs or political opinions.</li> <li>• Any behaviour towards the Witness by the accused, his/her</li> </ul> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**MG2** -The investigator is required to make an initial assessment of a witness prior to conducting any interview to see if the witness might be eligible for special measures to assist them in giving evidence. This assessment will have determined whether the witness was deemed a vulnerable or intimidated witness. These measures are set out in the Youth Justice and Criminal Evidence Act 1999.

If you or another investigator, or interviewer, deemed the witness is vulnerable or intimidated then you will need to complete a form MG2 when building the file which is the Initial Witness assessment for special measures when building the case file. This covers those cases which require handling under the special measures procedures. Completion of this form ensures that the personal circumstances and views of each witness are documented, in order for the CPS to consider what application to make for special measures. Whether special measures are granted is at the discretion of the judge and there is no guarantee the victim/witness will get it in all circumstances.

**NO  
LONGER  
USED**

Report to CPS for Charging Decision  
(if applicable)

**MG3**

RESTRICTED (when complete)
MG3  
Page 1 of 7

NOT DISCLOSABLE

REPORT TO CROWN PROSECUTOR FOR CHARGING DECISION,  
DECISION LOG AND ACTION PLAN

URN 62 CA 1013 20

REPORT TO CROWN PROSECUTOR (FOR POLICE COMPLETION)

|                                    |                                                                                          |                                                                              |  |
|------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|--|
| <b>Suspect 1</b> Sex: <b>MALE</b>  |                                                                                          | Proposed charge(s):<br>1. Section 18 assault<br>2. Possession of a Class 'A' |  |
| Surname: OSWALD                    | Forename(s): JOHN                                                                        |                                                                              |  |
| Date of Birth: 21/08/1972          | Custody Ref: C12347856                                                                   |                                                                              |  |
| Ethnicity Code (self-defined): W2  | PPO: <input type="checkbox"/> PYO: <input type="checkbox"/> YO: <input type="checkbox"/> |                                                                              |  |
| Bad Character Evidence: <b>Yes</b> |                                                                                          | Dangerous Offender: <b>Yes</b> Return Bail Date: <b>N/A</b>                  |  |

Suspect 2

|                                                                                          |                                |                                                             |  |
|------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------|--|
| Surname: Sex:                                                                            |                                | Proposed charge(s):                                         |  |
| Forename(s):                                                                             | Date of Birth:                 |                                                             |  |
| Custody Ref:                                                                             | Ethnicity Code (self-defined): |                                                             |  |
| PPO: <input type="checkbox"/> PYO: <input type="checkbox"/> YO: <input type="checkbox"/> |                                |                                                             |  |
| Bad Character Evidence: <b>Select</b>                                                    |                                | Dangerous Offender: <b>Select</b> Return Bail Date: <b></b> |  |

Suspect 3

|                                                                                          |                                |                                                             |  |
|------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------|--|
| Surname: Sex:                                                                            |                                | Proposed charge(s):                                         |  |
| Forename(s):                                                                             | Date of Birth:                 |                                                             |  |
| Custody Ref:                                                                             | Ethnicity Code (self-defined): |                                                             |  |
| PPO: <input type="checkbox"/> PYO: <input type="checkbox"/> YO: <input type="checkbox"/> |                                |                                                             |  |
| Bad Character Evidence: <b>Select</b>                                                    |                                | Dangerous Offender: <b>Select</b> Return Bail Date: <b></b> |  |

Officer completing: JONES DC 1243



**MG3** – For the police to provide the CPS with proposed charges and outline the circumstances.

- List the material provided to the CPS
- For the CPS to record charging decision or advice
- For the CPS to agree an Action Plan

**MG3A** – Explain this is a further report to CPS for a Charging Decision or advice. For the Prosecutor to record the advice/decision and/or agree any further actions required by the police.

## CM01 – Report to the CPS for Charging Decision

The screenshot shows the NicheRMS interface for a 'Pre-charge decision request (CM01)'. The form includes a header with the title and a user profile for '#SWP2102 REVILL, BENJAMIN Administrator'. Below this, there is a section for 'Pre-charge decision request' with a summary card showing the URN: 62CL0072220, 2000260029; TWIF, TWNTY, Author: #SWP2102 REVILL, BENJAMIN, and Entered by: #SWP2102 REVILL, BENJAMIN Entered time: 10/08/2020 13:14. The form also has sections for 'Suspect (0)', 'Material (0)', and 'Outline of circumstances (0)', each with a plus icon to add information. At the bottom, there are two columns for 'Officer completing' and 'Supervisor', each with fields for 'User name', 'Password', 'Domain' (set to SEWNIC), and a 'Sign' button. Below these are fields for 'Name', 'Time', and 'Sig method'.

### CM01 -

For cases that require a CPS charging decision we complete a CM01. This form allows the police to share information on the case with the CPS.

Replaces MG3 Form –

For the police to provide the CPS with proposed charges and outline the circumstances.

- List the material provided to the CPS
- For the CPS to record charging decision or advice
- For the CPS to agree an Action Plan

DISCLOSABLE DOCUMENT – different to MG3 used to be.

The CM01 should be completed on the basis that there will be no discussion between you and the CPS Prosecutor. You must provide all information about the offence and the investigation otherwise an action plan is likely to be received.

When you submit your case to CPS, it will first be triaged and then allocated to the appropriate team and lawyer e.g. Magistrates, Crown Court or RASSO. The CM01 is a fielded report that replaces the Word Document Templates MG03 and MG03a. In the Niche Desktop App it is generated from the menu within the Documents tab of the casefile or when in Niche Universal App it is within the Casefile documents section.

Once you have generated the CM01 it is presented in the Niche Universal App view irrespective of the version of Niche which you are working in.

Throughout the CM01 yellow fields are mandatory however there is no requirement to complete the 'Advice Required By' field as we are a Digital Charging Pilot Force. Many of the fields within the CM01 will auto-populate.

CM01 is electronically submitted to CPS via TWFI (Two Way File Interface) via trained officers. If TWFI is down a MG3 can be found on Bob and submitted to CPS via email.

# MG4 – Charge Sheet

| RESTRICTED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | Mg4 -Summons                       |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------|--|
| <b>Case Classification:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                    |  |
| Surname: BATEMAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | Custody Number:                    |  |
| Forename(s): MARK                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | URN: 62HA0653115                   |  |
| Address: 354 WHEATLEY ROAD, NEATH;<br>NEATH PORT TALBOT United Kingdom SA11 2BL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | First Arrest Date:                 |  |
| Gender: Male                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | A/S No: 15/0000/00/68956C          |  |
| Contact Tel No: 01639414057                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | Internal A/S No:                   |  |
| YO <input type="checkbox"/> DYO <input type="checkbox"/> NG <input type="checkbox"/> PPO <input type="checkbox"/> NO <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | Date of birth: 21/10/1987          |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | Ethnicity Code (PNC): NS           |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | 16-point (self-determined) system: |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | Interpreter: language/dialect:     |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | Name of interpreter:               |  |
| <p>You are being reported for consideration of the question of prosecuting you for the offence(s) as shown. You do not have to say anything, but it may harm your defence if you do not mention now, something which you later rely on in court. Anything you do say may be given in evidence.</p> <p><i>If you are a personal licence holder with any local authority in the UK, authorising you to sell alcohol you must produce your personal licence at court. You commit a further offence if you fail to do so.</i></p> <p><i>If you have been reported with any offence(s) under the Road Traffic Act, you MUST take your driving licence to court</i></p> |  |                                    |  |
| <b>Offence(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                    |  |
| <p>(1) On 11/03/2015 at Windsor Road, Neath, in your possession 2 grams of cannabis, a controlled drug of class B in contravention of section 5(1) of the Misuse of Drugs Act 1971.</p> <p>— <b>LEGISLATION:</b> Contrary to section 5(1) of and Schedule 4 to the Misuse of Drugs Act 1971.</p> <p>  </p> <p>At 11/03/2015 yn Windsor Road, Neath, roeddi gennych yn eich seddiant 2 grams o garanbis, cyffwrdd rheoleddig dosbarth B, yn groes i adran 5(1) Deddf Camddefnyddio Cyffuriau 1971.</p> <p>— <b>LEGISLATION:</b> Yn groes i Adran 5(1) ac Atodiad 4 Deddf Camddefnyddio Cyffuriau 1971.</p>                                                         |  |                                    |  |
| Signed (person charged):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | Signed (appropriate adult):        |  |
| Officer charging: Constable SWP4513M                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | Station: WESTERN RE-ACTIVE TEAM 2  |  |
| Officer in case: Constable SWP4513M                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | Station: WESTERN RE-ACTIVE TEAM 2  |  |
| Charge accepted:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | Time:                              |  |
| <b>COURT APPEARANCE DETAIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                    |  |
| SWANSEA-NPT SUMMONS-PCR COURT - GUILTY ANTICIPATED PLEA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                    |  |
| at (full address) SWANSEA MAGISTRATES COURT, S GROVE PLACE, CITY CENTRE, SWANSEA,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                    |  |
| on (date) 19/05/2015 at (time) 10:00 Room 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                    |  |

**MG4** - Auto populated from their custody record. Details the exact charge and where and when they are to appear at court.

MG5

## Police Report

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------------|
| Annex B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | RESTRICTED | MG5<br>Page 2 of 10 |
| <b>DIRECTOR'S GUIDANCE STREAMLINED PROCESS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |            |                     |
| <b>1. Summary of the Key Evidence</b> - 'Key evidence' establishes every element of the offence and that the defendant committed the offence with the necessary criminal intent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                     |
| <ul style="list-style-type: none"><li>Set out the facts in chronological order, telling the story and covering the 'points to prove'</li><li>The summary must be balanced and fair</li><li>Record address and contact details of civilian witnesses on MG9 (and <i>all dates to avoid on MG10</i>).</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                          |            |                     |
| Key evidence:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |                     |
| This file of evidence relates to a case of theft from store which occurred at 15:00hrs on Monday the 15 <sup>th</sup> of June 2015 at Tesco's Stores, High Street, Cardiff. The defendant in this case is a David SMITH and the complainant in this matter is a Rachel JONES.                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |                     |
| The Circumstances surrounding this matter are as follows;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |            |                     |
| The defendant SMITH entered Tesco's Store at 15:00hrs on the above date. SMITH appeared to be intoxicated and walked to the alcohol area. At this point complainant JONES was watching SMITH. SMITH stayed directly in front of the alcohol area for approximately 45 seconds, looking back and forth between the Till Attendant at the store and the exit. SMITH was then seen to select a bottle of Vodka from the Display and concealing it inside his Zippered Jacket. SMITH then immediately turned and walked briskly out of the store without making any offer of payment. Complainant JONES having seen this immediately ran out after the defendant and stopped him approximately 5 metres outside the store. |            |                     |



Already covered in detail

## MG6 – Case file evidence and information

**RESTRICTED**

MG6

**CASE FILE EVIDENCE and INFORMATION**  
**Not Disclosable**

R. v. SMITH URN 62AA00222218

**This document is a communication between the police and CPS only.**

- Medical Evidence:** (Physical or psychiatric injuries of defendant / victim / witness): **N/A**  
If medical evidence is required in this case, what is the target date for obtaining it? **Medical notes obtained during investigation and will be part of unused material**
- Forensic evidence:** (attach copy of MG21 / MG21A): **N/A**  
If forensic evidence has been submitted for examination, what is the target date for the results?
- Visually recorded evidence (CCTV / Photographs etc.):** **N/A**  
a. Has all visually recorded material currently in police possession been viewed and copied? . If **No**, give a target date for when this will be completed:   
b. If there is additional visual material to be obtained, state what it is and give a target date for obtaining it:
- Disclosure:**  
a. Is there any relevant material that may undermine the prosecution case or assist the defence case?  
If **Yes**, provide details: **N/A**  
b. Is there any third party material\* in this case? **Yes**. If **Yes**, give brief details of what it is and who has it:  
**Medical notes**  
\*Third party material is that which belongs to people other than those in Prosecution Team, e.g. Social services, Local Authority, owners of CCTV material, forensic experts, police surgeons, GPs, hospital doctors
- Victim(s) / Witness(es):**  
a. Are there any outstanding witness statements to be obtained? **No**. If **Yes**, give a target date for completion:   
b. If this is an anticipated not-guilty plea case, are there any vulnerable/intimidated witnesses? **No**. If **Yes**, complete form MG2 Witness Assessment for Special Measures.  
c. Will a Special Measures meeting\* be required? **No**. \*consult with CPS if unsure  
d. If any witnesses have refused to give a statement, give their name and address and state their role/involvement: **N/A**
- Other offenders:**  
In relation to the incident leading to this case file, give the name, address and offence details of any others:

(Non Disclosable)



Document between CPS and police – not disclosable to defence.

This document will also list the CHARGING DECISION RATIONALE made by a Sergeant for a POLICE CHARGING DECISION.

We shall look at the 6 Series in more details later on... (Disclosure)

# MG7 – Remand Application

**RESTRICTED – FOR POLICE AND PROSECUTION ONLY**  
(when complete)

MG7  
Page 1 of 3

**REMAND APPLICATION**  
The document must remain protected in order to use the spell check function

(This form may be copied to the Probation Service)      URN 62CA101320

Name of Defendant: **Oswald, John**      Persistent Offender? **NO**  
(Surname first)

D.O.B **21/08/1972**  
YOT consulted (youth only) **Select Option** Vulnerable / intimidated victim **Yes**  
Time and date of arrest for breach of bail (if applicable): **N/A**

The recommendation is for a remand (check (x) one box only):

In custody ☒ Police custody ☐ Local Authority Accommodation / Secure Accommodation ☐

**Reason(s) for opposing bail**  
There are substantial grounds for believing that if granted bail this defendant is likely to:

|                                                                                                                              |                                     |                                                                      |                                     |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------------------------------------|-------------------------------------|
| Fail to surrender                                                                                                            | <input checked="" type="checkbox"/> | Commit offences on bail                                              | <input checked="" type="checkbox"/> |
| For the defendant's own protection or welfare                                                                                | <input type="checkbox"/>            | Interfere with witnesses or otherwise obstruct the course of justice | <input checked="" type="checkbox"/> |
| For the defendant's own welfare (Youth ONLY)                                                                                 | <input type="checkbox"/>            | The ONLY way to protect the public from serious harm (Youth ONLY)    | <input type="checkbox"/>            |
| Charged with or convicted of a violent offence equivalent to 14 plus years imprisonment in the case of an adult (Youth ONLY) | <input type="checkbox"/>            | To prevent the commission of imprisonable offences (Youth ONLY)      | <input type="checkbox"/>            |

Give full details to substantiate each ground for opposing bail or seeking a remand in custody or on conditional bail. Provide an estimated date by when a full file will be submitted.

**THE DEFENDANT HAS BEEN ARRESTED FOR 124 OFFENCES.**  
HE HAS 24 PREVIOUS CONVICTIONS.  
HIS CRIMINAL ACTIVITY DATES BACK TO 1984 WHEN HE WAS 12 YEARS OF AGE SHOWING HE IS A CAREER CRIMINAL.  
HE HAS 4 PREVIOUS CONVICTIONS FOR VIOLENCE RELATED OFFENCES.  
HE HAS 4 PREVIOUS CONVICTIONS FOR POSSESSING BLADED ARTICLES.  
HE HAS BEEN CHARGED TODAY FOR A SECTION 18 ASSAULT WITH A KNIFE FOR WHICH HE HAS A PREVIOUS CONVICTION.  
HIS MOST RECENT CONVICTION IS FOR POSSESSING BLADED ARTICLE IN JANUARY THIS YEAR.  
HE HAS 2 IMPENDING PROSECUTIONS SHOWING HE IS STILL COMMITTING OFFENCES WHILST ON BAIL.  
HE HAS COMMITTED 15 OFFENCES IN TOTAL WHILST ON BAIL THE MOST RECENT BEING IN JANUARY THIS YEAR.



## MG7

- For the police to ask the CPS to make an application at court for a remand in custody or on conditional bail
- Informs the CPS of the grounds for the remand where conditional bail is inappropriate

# MG8 – Breach of Bail Conditions

**RESTRICTED (when complete)**

MG8  
Page 1 of 1

**BREACH OF BAIL CONDITIONS**

The defendant **MUST** appear in court within 24 hours of arrest

01565 2391097      Insert fax number of originating CJU

URN:

Name of defendant: ,      (Surname first)

Date of Birth:      Persistent Offender? **NO**

Address (if not shown elsewhere):

Court/Police Station: **READING MAGISTRATES COURT**      Date of Appearance: **15/01/2010**

Time and date of arrest for breach of bail **01/04/2010 00:00**

Original URN (if different from above)      62      CA      10131      20

Appeared at: **Reading magistrates** Court/Police Station on: **15/01/2010** (date)

To reappear on **21/07/2010** (date)

Give the details of the original charge(s)/offence(s) and the circumstances of the offence(s) that led to Conditional Bail or where available include copies of MG4, MG5 and MG7 / the original file (tick if attached) ☐

**WAS CHARGED WITH POSSESSING A BLADED ARTICLE IN A PUBLIC PLACE AT SURREY STREET, READING ON 06/01/10. HE WAS BAILED AS A WITNESS DID NOT ATTEND COURT.**

List conditions - in full or where available include copies of MG4A / the original file (tick if attached) ☐

**NOT TO ENTER ANY PUBLIC HOUSES IN THE UK  
LIVE AND SLEEP EACH NIGHT AT 124 SWANSEA STREET, MERTHYR. HIS MOTHERS ADDRESS.**

Give details of the alleged breach / breaches:

**Officers have conducted checks on the above address and on four separate occasions were told by the defendants mother that he does not live there anymore. Defendant admitted in interview that he lives and sleeps at his girlfriends house in Cardiff**

**MG8** – This form is only used when looking at offence of Breach of Bail. It provides the CPS with details of the original charges, conditions imposed and evidence of how these have been breached.

## MG9 – Witness List

| <b>RESTRICTED (when complete)</b><br><b>FOR POLICE, PROSECUTION AND THE WITNESS SERVICE ONLY</b><br><small>The whole column marked * must be expunged before passing to a third party.</small> |                                                                                                                      |                  |                                     |   |          | MG9                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------|---|----------|-----------------------------------------------|
| <small>* Tick if statement attached</small>                                                                                                                                                    |                                                                                                                      |                  |                                     |   |          | <small>Date of completion: 01/04/2010</small> |
| <small>◆ Previous convictions? Enter Y or N</small>                                                                                                                                            |                                                                                                                      |                  |                                     |   |          |                                               |
| R v OSWALD, JOHN                                                                                                                                                                               |                                                                                                                      |                  |                                     |   | URN: [ ] |                                               |
| WITNESS LIST                                                                                                                                                                                   |                                                                                                                      |                  |                                     |   |          |                                               |
| Wit. No.                                                                                                                                                                                       | Witness Details<br>(In the 'Wit No.' column enter 'V' if the witness is a victim, 'Vu' if vulnerable or intimidated) | Statement Number | *                                   | ◆ |          |                                               |
| 1                                                                                                                                                                                              | Name: DAVID SMITHERS                                                                                                 | 1                | <input checked="" type="checkbox"/> | N |          |                                               |
| Vu                                                                                                                                                                                             | Address: 144, Meadowvale Road, Cardiff CF31UGG                                                                       | [ ]              | <input type="checkbox"/>            |   |          |                                               |
|                                                                                                                                                                                                | Occupation: CONSTRUCTION WORKER Date of Birth: 21/10/1971                                                            | [ ]              | <input type="checkbox"/>            |   |          |                                               |
|                                                                                                                                                                                                | Officer Rank [ ] Number [ ]                                                                                          | [ ]              | <input type="checkbox"/>            |   |          |                                               |
|                                                                                                                                                                                                | Telephone No. (Home): 02920 64523417 (Work): 02920 134 567821                                                        | [ ]              | <input type="checkbox"/>            |   |          |                                               |
|                                                                                                                                                                                                | Mobile/pager no.: [ ] E - mail address: [ ]                                                                          | [ ]              | <input type="checkbox"/>            |   |          |                                               |
|                                                                                                                                                                                                | DJSMITHERS@YAHOO.COM                                                                                                 | [ ]              | <input type="checkbox"/>            |   |          |                                               |
| 2                                                                                                                                                                                              | Name: CLAIRE WILLIAMS                                                                                                | 1                | <input checked="" type="checkbox"/> | N |          |                                               |
| Option                                                                                                                                                                                         | Address: 122, South Newport Street, Cardiff, CF71 12Y                                                                | [ ]              | <input type="checkbox"/>            |   |          |                                               |
|                                                                                                                                                                                                | Occupation: BAR MAID Date of Birth: 21/08/1950                                                                       | [ ]              | <input type="checkbox"/>            |   |          |                                               |
|                                                                                                                                                                                                | Officer Rank [ ] Number [ ]                                                                                          | [ ]              | <input type="checkbox"/>            |   |          |                                               |



**MG 9:** This is required for all NGAP files. It is a full list of all witnesses. The court will require this in order to properly plan a case. The CPS require this in order to establish further lines of enquiry.

Again this document can be found in the casefile and in the documents tab.

It is a self populated document and requires only a few clicks of a button to complete.

# MG10 – Witness Availability (Via Firms)

RESTRICTED - FOR POLICE PROSECUTION ONLY  
(when complete)

MG 10

## WITNESS NON-AVAILABILITY

Page No 1 of 3

|                 |     |    |        |    |
|-----------------|-----|----|--------|----|
| URN             | 62  | AA | 999999 | 21 |
| Crown Court No. | 411 |    |        |    |

R v Smith at: Cardiff Crown Court Magistrates Youth Crown Court

Witness (names) ( 1 ) 5046 PC Jones ( )  
( 2 ) 3514 PC Neil ( )  
( ) ( )

Mark dates where police and other witnesses are NOT available. Code for police non-availability  
R=Rest Day L=Leave C=Course N=Night Duty E=Early Duty S=Sickness O=Other F=Free Day

| D | Month        | D | Month         | D | Month         | D | Month        | D | Month         | D | Month       |
|---|--------------|---|---------------|---|---------------|---|--------------|---|---------------|---|-------------|
| A | October 2021 | A | November 2021 | A | December 2021 | A | January 2022 | A | February 2022 | A | March 2022  |
| T | Witness No.  | T | Witness No.   | T | Witness No.   | T | Witness No.  | T | Witness No.   | T | Witness No. |
| E | 1 2          | E | 1 2           | E | 1 2           | E | 1 2          | E | 1 2           | E | 1 2         |
| 1 |              | 1 | E E           | 1 | E L           | 1 | L L          | 1 | L E           | 1 | E E         |
| 2 |              | 2 | E E           | 2 | E L           | 2 | L R          | 2 | L E           | 2 | E E         |
| 3 |              | 3 | E E           | 3 | L L           | 3 | L L          | 3 | L E           | 3 | E E         |
| 4 |              | 4 | E E           | 4 | R R           | 4 | E E          | 4 | L E           | 4 | E E         |
| 5 |              | 5 | E E           | 5 | R R           | 5 | E E          | 5 | L R           | 5 | R R         |
| 6 |              | 6 | R R           | 6 | L E           | 6 | E E          | 6 | L R           | 6 | R R         |
| 7 |              | 7 | R R           | 7 | E E           | 7 | E E          | 7 | E E           | 7 | E E         |



## MG10

This goes hand in hand with the MG09 . As well as knowing WHO the witnesses are we also need to know WHEN they are available.

# MG11 – Witness Statement

| RESTRICTED (when complete)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                           | MG11                                   |                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------|---------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           | Page 2 of 4                            |                                 |
| <b>WITNESS STATEMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                           |                                        |                                 |
| <small>CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1</small>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                           |                                        |                                 |
| Occurrence Number:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>6202100</b>            | URN                                    | <b>62 CA 1013 20</b>            |
| Statement of:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>DC 1234 FRED JONES</b> |                                        |                                 |
| Age if under 18:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Over 18</b>            | Occupation:                            | <b>Detective Constable 1234</b> |
| <p>This statement (consisting of THREE page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                           |                                        |                                 |
| Wet Signature                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |                                        |                                 |
| Electronic Signature:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                           | Date: <b>1<sup>st</sup> April 2010</b> |                                 |
| <p>Tick if witness evidence is visually recorded <input type="checkbox"/> (supply witness details on rear)</p> <p>At 1820hrs on Saturday 10<sup>th</sup> March 2010 I attended at the Rose and Crown Public House on Clifton Street, Cardiff following a report of a stabbing.</p> <p>Upon arrival I could see a large crowd had gathered outside. Lying on the pavement I saw the victim David Smithers. He was bleeding heavily from his chest and face. I could see a large slash wound to his left cheek. He was unconscious and receiving 1<sup>st</sup> aid from a female who identified herself as an off duty paramedic. The crowd was dispersed and the scene was sealed only the victim and paramedic remaining within the cordon. A crime scene log was commenced.</p> <p>The witness CLAIRE WILLIAMS identified herself to me and explained that the person responsible was a black male called "Johnny" who had made off from the scene. He was accompanied by his girlfriend EMMA SAMPSON an ex- employee at the pub. As a result of this conversation I identified a second scene – being the Bar room of the Rose and Crown. This</p> |                           |                                        |                                 |



MG11's covered in detail in previous lessons

# MG12 – Exhibit List

MG 12  
Page 1 of 1

RESTRICTED (when complete)

| Exhibit List                                |                                                 |                       |                                                                                    |                          |
|---------------------------------------------|-------------------------------------------------|-----------------------|------------------------------------------------------------------------------------|--------------------------|
| R -v- OSWALD, JOHN                          |                                                 |                       |                                                                                    | URN                      |
| Date of completion: Thursday, 01 April 2010 |                                                 |                       | * Tick if exhibit attached                                                         |                          |
| Police Property Ref                         | Description as per label (Indicate if copy)     | Exhibit reference no. | Person producing and current location of exhibit                                   | *                        |
| B567095674                                  | Diagram of knife                                | DS/1                  | Person producing: David Smithers<br>Current location: Rumney Property Store        | <input type="checkbox"/> |
| B56 2170998                                 | Bloodstained Black Leather Jacket               | DS/2                  | Person producing: Daiuid Smithers<br>Current location: Rumney Property Store       | <input type="checkbox"/> |
| B56 2170998                                 | White Bloodstained T-Shirt                      | DS/3                  | Person producing: David Smithers<br>Current location: Rumney Property Store        | <input type="checkbox"/> |
| B562189056                                  | 8" Knife with black handle and silver blade     | CW/1                  | Person producing: Claire Williams<br>Current location: Rumney Property Store       | <input type="checkbox"/> |
| B562189056                                  | DVD of CCTV Footage                             | CW/2                  | Person producing: Claire Williams<br>Current location: Rumney Property Store       | <input type="checkbox"/> |
| B56 2176436                                 | Small clear plastic bag containing white powder | FJ/1                  | Person producing: Dc 1243 Jones<br>Current location: With Forensic Science Service | <input type="checkbox"/> |
| B56 4532189                                 | Plain white bloodstained vest                   | FJ/2                  | Person producing: Dc 1243 Jones<br>Current location: Rumney Property Store         | <input type="checkbox"/> |
| B561236745                                  | F.8 Premises Search Book                        | FJ/3                  | Person producing: Dc 1243 Jones<br>Current location: Rumney Property Store         | <input type="checkbox"/> |



## MG12 – Exhibit List

To inform the CPS of the exhibits that are to be produced and the location of the exhibits if a copy is not contained within the case file papers.

## MG15 – Record of Interview

Can be used for:

- ROVI – Record of Video Interview
- ROTI – Record of Taped Interview
- SDN – Short Descriptive Note
- Contemporaneous notes

**RESTRICTED**

**RECORD OF INTERVIEW**

MG15(1)

URN

**ROVI**

|                        |                                                |                                                                                                               |
|------------------------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| Person interviewed:    | <b>THOMAS, JAMES RHYS</b>                      | Police Exhibit No: <b>3R/2</b>                                                                                |
| Date of Birth:         | <b>14/10/1995</b>                              | Number of Pages: <b>15</b>                                                                                    |
| Place of Interview:    | <b>Swansea Central Police Station</b>          | Signature of interviewer/transcriber producing exhibit (click on pencil to sign)                              |
| Date of Interview:     | <b>Friday, 23<sup>rd</sup> September, 2016</b> |  <b>#SWP294 ROGERS, J.</b> |
|                        |                                                | Date <b>12/10/2016 14:17</b>                                                                                  |
| Time commenced:        | <b>13.44 hours</b>                             | Audio Tape Reference No: <b>C.1600323</b>                                                                     |
| Time concluded:        | <b>14.02 hours</b>                             | Visual Image Reference No: <input type="text" value="28"/>                                                    |
| Duration of Interview: | <b>18 minutes</b>                              |                                                                                                               |
| Interviewer(s):        | <b>D.C. 294 Jo ROGERS</b>                      | <b>D.C. 3800 Sue DAVIES</b>                                                                                   |
| Other persons present: | <b>Craig HARDING, Solicitor</b>                | <input type="text" value=""/>                                                                                 |

| Tape Counter Time | Person speaking | Text                                                                      |
|-------------------|-----------------|---------------------------------------------------------------------------|
|                   |                 | Introductions.                                                            |
|                   |                 | THOMAS confirmed that the four persons present had identified themselves. |
|                   |                 | Caution given, explained and understood.                                  |
|                   |                 | Legal entitlements explained.                                             |



**MG15** is now only used for full ROTI/ROVI – SDN is completed on **MG5**

# No longer used MG19

## Compensation Claim Form (if applicable)

MG19  
Page 1 of 4

**RESTRICTED – FOR POLICE, PROSECUTION AND COURT ONLY (when complete)**

**COMPENSATION CLAIM**

URN:

R v

Offence:

Date of offence:

**COMPENSATION FORM: NOTES FOR GUIDANCE**

If you have any queries regarding completion of this form, contact

The offence for which proceedings have been instituted may give rise to the question of compensation. The relevant sections of pages 1-4 of this form should be completed clearly in **BLOCK CAPITALS** and returned to the Crown Prosecution Service at the address on the accompanying letter.

It is very important that this form is completed as soon as possible. If sent to you by post it must be returned immediately. Failure to return this form on time may lead to the case proceeding without an application for compensation being made on your behalf. If you do find that you require extra time, please telephone the above number to see if an extension is possible.

**COMPLETE ONLY THE SECTIONS WHICH APPLY TO YOU. THIS FORM MUST BE SIGNED AND DATED ON PAGE 3.**

**PLEASE NOTE: the magistrate or judge will decide whether or not to order compensation. We have no authority over this decision.**

**Personal injury claims can also be pursued via the Criminal Injuries Compensation Authority - please refer to the enclosed victim of crime leaflet for details.**

**A. Property stolen (and not recovered) or damaged**

*(N.B. In the case of road traffic collisions, please complete section D)*

Relates to property stolen or damaged that has not been recovered by police. This section does not apply to damage caused in a road traffic collision - please use Section D.

It is important that you provide documentary evidence to support your claim. This means that copies of receipts, estimates or bills should be provided wherever possible. Property recovered by police but not yet returned to you (due to it being used in evidence) should not be claimed for, as this will be restored upon completion of the court case.

Costs of replacement or repair (incl VAT).

| Description of item(s) | Amount               |
|------------------------|----------------------|
| <input type="text"/>   | <input type="text"/> |



We no longer use these

## MG20 – Further Evidence/Information Report

| RESTRICTED (when complete)                                                                                                    |                                     | MG 20                                            |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------------------------------|
| <b>FURTHER EVIDENCE / INFORMATION REPORT</b><br><small>Document MUST remain protected to use the spell check function</small> |                                     |                                                  |
| To: Crown Prosecution Service <b>Cardiff</b>                                                                                  | URN <b>62CA101320</b>               |                                                  |
| Office: <b>Cardiff</b>                                                                                                        |                                     |                                                  |
| R v <b>OSWALD, JOHN</b>                                                                                                       |                                     |                                                  |
| Next Court date <b>01/05/2010</b> at: <b>CARDIFF Magistrates</b>                                                              |                                     |                                                  |
| Offence(s): <b>SECTION 18 ASSAULT, POSSESS CLASS 'A'</b>                                                                      |                                     |                                                  |
| <b>Submitted as indicated</b>                                                                                                 |                                     |                                                  |
| Bad Character / Dangerous Offender (MG16)                                                                                     | <input checked="" type="checkbox"/> | Order on Conviction Application (MG13)           |
| CSV – tapes / discs                                                                                                           | <input type="checkbox"/>            | Proceedings / investigations outstanding         |
| Case file information form                                                                                                    | <input type="checkbox"/>            | Proceeds of Crime Act (POCA) (MG17)              |
| Compensation – receipts / estimates (MG19)                                                                                    | <input checked="" type="checkbox"/> | Prisoner production copy order                   |
| Conviction memorandum (certified copy)                                                                                        | <input type="checkbox"/>            | Record(s) of interview (ROTI / ROVI, ETC) (MG15) |
| Custody record (copy) or updated copy                                                                                         | <input type="checkbox"/>            | Record(s) of interviews (video / tape DVD)       |
| DVLA printout                                                                                                                 | <input type="checkbox"/>            | Special Measures Assessment (MG2)                |
| Defendant previous convictions / cautions etc.                                                                                | <input type="checkbox"/>            | TIC schedule(s) (MG18)                           |
| Disclosure (MG6B / MG6C / MG6D / MG6E)                                                                                        | <input type="checkbox"/>            | Witness availability list updated (MG10)         |
| Drink drive forms roadside/hospital/station procedure                                                                         | <input type="checkbox"/>            | Witness list updated (MG9)                       |
| Exhibit (copy documents)                                                                                                      | <input checked="" type="checkbox"/> | Witness previous convictions / cautions          |
| Exhibit list (MG12)                                                                                                           | <input type="checkbox"/>            | Witness statement (copy) – witness (MG11)        |
| Forensic evidence (including MG21 / MG21A)                                                                                    | <input type="checkbox"/>            | Witness statement (original) – witness (MG11)    |
| Medical report/Surgeon's statement (copy)                                                                                     | <input type="checkbox"/>            |                                                  |
| Other – specify <b>Cardiff</b>                                                                                                | <input type="checkbox"/>            |                                                  |
| Further information / remarks (continued on separate sheets if necessary)                                                     |                                     |                                                  |
| (1) Please find attached, as requested a completed Form Mg16 and a copy of the Police Print from PNC                          |                                     |                                                  |
| (2) The mg19 is attached with a copy of the receipt regarding the purchase of the victims leather jacket from 'Next'.         |                                     |                                                  |



**MG20** – This is used for the police to inform the CPS of further evidence or information concerning the case, and/or to indicate to the CPS what forms are attached to the MG20.

## PNC – Previous Convictions

- Defendant
- Key Prosecution witnesses

09/05/17 22:06  
THIS PRINTOUT IS PRODUCED FOR THE USE OF PROSECUTORS ONLY AND MUST NOT  
BE DISCLOSED TO ANY OTHER PARTY

DATA PROTECTION LEGISLATION  
THESE PERSONAL DATA ARE PROVIDED TO YOU FOR THE AGREED SPECIFIED PURPOSE(S).  
KEEP THE DATA SECURE AND PROTECT THEM AGAINST LOSS OR UNAUTHORISED ACCESS.

PROSECUTORS PRINT

PRINT OF PNC RECORD - PNCID : 01/317874D

PRINT FOR : PC 1364 MORRIS.....

TOTAL NUMBER OF PAGES ATTACHED 14

PLEASE NOTE THAT IN THE ABSENCE OF FINGERPRINTS, IDENTITY  
CANNOT BE POSITIVELY CONFIRMED WITH THE SUBJECT OF YOUR ENQUIRY  
AND YOU SHOULD CONFIRM THE INFORMATION WITH THE PERSON



### PNC PROSECUTORS and DEFENCE

In order to make an effective decision as to sentencing the court will wish to know the offending history of the defendant.

There are two prints as the prosecutors print also contains impending prosecutions (this version would be requested for the defendant only and only for CPS eyes).

The defence have a watered down copy (provided to defence for defendant and any witnesses with previous convictions)

Therefore it is important when linking these documents to the case file they are linked correctly.

The PNC print out themselves can be obtained from front desk, PNC operators or phoning up the PNC department on 70666.

Again linking will be shown on the NC5 input

Dependant on whether a file is GAP or NGAP (QTS – What was each of these?) will affect how many of the above forms are submitted – we will now look at which of these forms form each type of file.

## Guilty Anticipated Plea

For all cases that are anticipated guilty pleas the file must contain the following for the first hearing at Magistrates court:

**CM01** – (if it is a CPS charge decision)

**MG4** – Charge Sheet

**MG5** – Police Report

**MG6** – Case file evidence and information (this contains charging rationale if a Police charging decision)

**Key MG11s** – Statements of key witnesses

**Previous convictions** of defendant(s)

An upgraded file will only be required if a NOT GUILTY plea is entered, or the case is sent to the Crown Court for trial.



A GAP file is the simplest/shortest form of file that you will submit, containing only the bare minimum number of forms

GAP can be assumed if –

Suspect makes a clear and unambiguous admission to the offence and has said nothing that could be used as a defence OR

Has not made a clear and unambiguous admission of guilt but has **offered no explanation that is capable of being used as a defence** and either

1. The commission of the offence and the identification of the offender can be wholly established by **police** witnesses or,
2. There is clear visually recorded evidence of the offence being committed and of the suspect being the offender

Other documents required in a GAP file may include:

MG2 – for vulnerable witnesses requiring special measures

MG6 - The purpose of this form is to:

- i) Inform the prosecutor of all relevant background information. (some of which

may be confidential) for an effective case review.

ii) Assist the prosecutor in considering both the evidential and public interest tests.

iii) Provide target dates for the supply of relevant types of evidence- e.g. drug analysis, forensic results.

iv) Set out the police charging rationale (in applicable cases)

v) Provide details of the VPS (if applicable)

MG11 – Victim statement (If not previously submitted)

VPS - Victim Personal Statement (If provided)

Please note – if you are completing a remand file then the OIC needs to complete the section on the MG6 relating to the defendant stipulating the persons they will not be allowed to contact if remanded to HMP. This is of particular importance in DA cases

## Not Guilty Anticipated Plea

For all Not Guilty Anticipated Pleas, and for all crown court cases (irrespective of plea) the file of evidence must contain the following:

MG2 (if applicable)

CM01 (if a CPS charging decision)

MG4

MG5

MG6

MG9

MG10

All MG11's

MG12

Streamline Disclosure Certificate

Routine Revelations

Previous Convictions – defendant and key prosecution witnesses



- MG2 (if applicable) – initial witness assessment – where we request Special Measures for witnesses if required
- CM01 – Report to CPS for charging decision
- MG4 – Charge Sheet
- MG5 – police report (to contain details of any restraining orders required) **MUST** be signed by supervisor
- MG6 – Case file evidence and information – this will contain details of charging decision if a POLICE CHARGE offence
- MG9 – witness list
- MG10 – Witness availability
- All MG11's - Statements
- MG12 – Exhibit list
- Actual exhibits (photographs, phone downloads)
- CCTV (if applicable)
- Streamlined Disclosure Certificate (SDC) – this MUST be detailed under the disclosure rules. **DO NOT COPY AND PASTE** from other documents – TO BE DISCUSSED TOMORROW
- Routine Revelations (TO BE DISCUSSED TOMORROW)

- Occurrence Report
- Control Works incident
- Custody record
- PPN
- EPNB's
- Hand-on document
- MG15 - SDN
- Pre-cons of witnesses
- Previous convictions of defendant and witnesses

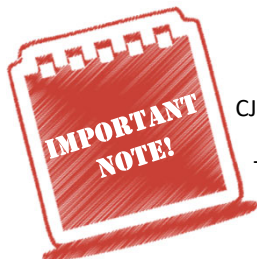
The following may also be required if requested or applicable

- *MG16 (only if requested by CPS) Bad Character/dangerous offences – this is usually completed by a specialist department in SWP*
- *MG17 Proceeds of Crime (if applicable)*
- *MG18 (if applicable) – offences TICs*
- *MG19 (if applicable) – Compensation form*
- *MG21's (if applicable)*
- *Copy of Restraining Order – if breach of RO*
- *DV History – If Domestic abuse case*
- *Forensic Reports (if applicable)*
- *MGDD/A or MGDD/B (if applicable) – Drink/drug drive forms*

## Contingency Process – MG3/3A

### MG3

For the police to provide the CPS with proposed charges and outline the circumstances



Only to be used in the occasions that Niche, CJIT/TWIF processes are down.

This Contingency is only for **RED** Files only

RESTRICTED (when complete) MG3 Page 1 of 7

NOT DISCLOSABLE

REPORT TO CROWN PROSECUTOR FOR CHARGING DECISION, DECISION LOG AND ACTION PLAN

URN 62 CA 1013 20

REPORT TO CROWN PROSECUTOR (FOR POLICE COMPLETION)

|                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Suspect 1</b><br>Sex: MALE<br>Surname: OSWALD<br>Forename(s): JOHN<br>Date of Birth: 21/08/1972<br>Custody Ref: 012347895<br>Ethnicity Code (self-defined): WZ<br>PPO: <input type="checkbox"/> PYO: <input type="checkbox"/> YO: <input type="checkbox"/><br>Bad Character Evidence: <input checked="" type="checkbox"/>                                                                               | Proposed charge(s):<br>1. Section 18 assault<br>2. Possession of a Class 'A'<br>Dangerous Offender: <input checked="" type="checkbox"/> Return Bail Date: N/A |
| <b>Suspect 2</b><br>Sex: <input type="checkbox"/><br>Surname: <input type="text"/><br>Forename(s): <input type="text"/><br>Date of Birth: <input type="text"/><br>Custody Ref: <input type="text"/><br>Ethnicity Code (self-defined): <input type="text"/><br>PPO: <input type="checkbox"/> PYO: <input type="checkbox"/> YO: <input type="checkbox"/><br>Bad Character Evidence: <input type="checkbox"/> | Proposed charge(s): <input type="text"/><br>Dangerous Offender: <input type="checkbox"/> Return Bail Date: <input type="text"/>                               |
| <b>Suspect 3</b><br>Sex: <input type="checkbox"/><br>Surname: <input type="text"/><br>Forename(s): <input type="text"/><br>Date of Birth: <input type="text"/><br>Custody Ref: <input type="text"/><br>Ethnicity Code (self-defined): <input type="text"/><br>PPO: <input type="checkbox"/> PYO: <input type="checkbox"/> YO: <input type="checkbox"/><br>Bad Character Evidence: <input type="checkbox"/> | Proposed charge(s): <input type="text"/><br>Dangerous Offender: <input type="checkbox"/> Return Bail Date: <input type="text"/>                               |

Officer completing: JONES DC 1243



In the occasions that Niche, CJIT/TWIF processes are down there is a contingency in place. This Contingency is only for RED Files only (seeking remand in custody)

The Contingency is as follows:

1. Complete an offline MG3/MG3A template, available on the Justice Services
2. E-mail the MG3/MG3A and associated case material to [CPS.ChargingContingency@cps.gov.uk](mailto:CPS.ChargingContingency@cps.gov.uk), with "RED – [case URN]" in the *Subject* line of the e-mail. The Casefile must satisfy the relevant Code Test, meet the National File Standard and be endorsed by a Supervisor. The MG3/MG3A must include full contact details for the OIC.
3. Following the outage, when the TWIF is available again, **the OIC must complete a CM01 retrospectively** and request digital transfer of the casefile, including CM01, by the Hub/IST. However, there is no requirement to submit a CM01 if an NFA decision has been received.
4. Green and EIA pre-charge files must be withheld until the TWIF is available again. They must NOT be e-mailed during contingency.

### SOUTH WALES

In South Wales this is called Operation MARS. Op MARS provides Officers with Blank Templates for the following:

MG3

MG3a  
MG5  
MG6  
MG7  
MG8  
All MG11's  
DV Checklist  
CPS Stalking and Harassment Checklist

The file path is: <https://bob.swp-rest.police.int/sorce/beacon/singlepageview.aspx?contentType=Folders&row=2372&SPVPrimaryMenu=5&SPVReferrer=CriminalJustice>

### **GWENT**

The process is the same as SWP. GWENT have a file building team who will build the files for officers investigating the incident. They will then use the MG3 to submit the advice file.

The current guidance is that when an officer is dealing with a crime and it is likely to go to CPS for advice on a red case they link in with a file builder who build the file whilst the officer is dealing in custody. Any issues with CJIT would be handled by the file team (who also have access to CPS).

GWENT Officers will need to know about MG3/3A as if the case is between 0200 to 0700 hours there would be no cover in the file build team and if they are up against the custody clock they may have to send it themselves. Blank MG3's are available on force forms on the beat.

### **MG3/MG3A – Only to be used as a Contingency for RED Files**

**MG3** – For the police to provide the CPS with proposed charges and outline the circumstances.

- List the material provided to the CPS
- For the CPS to record charging decision or advice
- For the CPS to agree an Action Plan

**MG3A** – Explain this is a further report to CPS for a Charging Decision or advice. For the Prosecutor to record the advice/decision and/or agree any further actions required by the police.

## Checking the quality and accuracy of the content of a file



The reports and files you submit will be checked, not only for accuracy but also for quality. You must ensure that the evidence is gathered in time and to the right standard, with the main aim being that case files are submitted correctly first time.

It is essential that an officer in the case or a single point of contact is clearly identified whilst the investigation is ongoing and a case file is being built. The arresting officer is not necessarily the person who deals with the detainee and compiles the case file from start to finish. For instance, an arresting officer may hand over to the hub. Either way, each individual has a responsibility for evidential accuracy and quality.

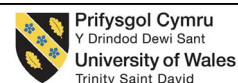
Should you be unable to complete your files or any associated actions that may arise on time, you must always inform your supervisors immediately, who will be able to advise you on the best course of action to take and offer you appropriate advice.

You must always read over your submissions and check each form systematically from top to bottom, checking for any mistakes or omissions. Check your spelling for inaccuracies, as first impressions count.

**\*\* Please refer to Sample File Build MG Forms bundle for guidance on how to fill out \*\***

## Compliance with the DPPG will depend on:

1. Thorough police investigations
2. An accurate, fair & balanced police report (MG5) in which the CJS agencies and defence can have confidence
3. Compliant case file preparation by the police and CPS
4. Fair, proactive and robust case management at court to identify the real issues for trial
5. Strong police supervision & quality assurance



For the police to comply with the Director of Public Prosecutions Guidance these points must be followed by the Police:

REVEAL and DISCUSS each point.

1. Officers must be thorough in their investigations –follow all lines of enquiry whether leading towards or away from the suspect, link in with CPIA, (see next lesson)
2. The police report must be fair, balanced and accurate. The Court, CPS and defence will view this document and it must show the facts of the case.
3. Time scales must be complied with and accuracy ensured when preparing files for court.
4. CPS to do this
5. Expect your supervisor to scrutinise your files – take pride in your paperwork.



Now it's time to practice...



MG5 writing exercise to be completed during afternoon of session.