

A Crown Prosecutor is a legal professional who is responsible for representing the state or government in criminal cases. The Crown Prosecution Service, also known as the CPS, prosecutes offenders that have been accused of committing crimes and have criminal cases being investigated by the Police and other investigative organisations in England and Wales. It is also vital that the Crown Prosecutors prosecute the correct offender for the right offence, to provide justice to the offender when possible. "The CPS is independent, and we make our decisions independently of the police and government". ([cps.gov.uk](https://www.cps.gov.uk)) The Crown Prosecutors must be neutral and fair when it comes to the decision of prosecuting an offender, the solicitors have to follow the 'Code for Crown Prosecutors.' So, for a person to be charged with a criminal offence the prosecutors must be content with all evidence gathered and believe it will be sufficient enough to give a practical and realistic expectation of conviction. ([cps.gov.uk, decisions](https://www.cps.gov.uk/decisions))

In England and Wales, the Crown Prosecutors use their two fundamental, legal tests when making charging decisions, and this is set within their 'Code for Crown Prosecutors.' The tests are the evidential test and the public interest test. The tests provided serve as a guide, ensuring that the decision to prosecute is fixed in a thorough evaluation of the available evidence and the broader societal implications. If the provided evidence is not strong, reliable or credible enough, it will not pass this stage and the prosecution will not proceed, even if the case is deemed important or, even how robust the public interest is in favour of prosecution. ([hse.gov.uk, evidential](https://www.hse.gov.uk/evidential)) Before any stages are taken into placement, a substantial amount of the evidence that will be used would have been gathered during the police investigation. The police will investigate and be responsible for taking any statements, or gathering information about any possible offences. The police investigation is a huge benefit to any case as the police can retrieve very important and credible information, and also be the first to assist any offence that has taken place. However, the police investigations can take a substantial amount of time until they agree it is ready to be passed on to the CPS. It can take months until you may hear anything regarding the case. ([cps.gov.uk, investigation](https://www.cps.gov.uk/investigation))

The first stage is the evidential test. The evidential stage is where the CPS gather all provided evidence and assess whether it is robust enough to support and secure a successful prosecution, based on the evidence at hand. It will involve a careful examination of the quality and quantity of the evidence, as well as its credibility and reliability. If the evidence is deemed to be weak, inconsistent, or unreliable, the evidence may not meet the requirements of the test provided and this could result in the case not being able to proceed.

All evidence gathered by the police will be ready for the Crown Prosecutor to review. This will again involve examining the quality and strength of the evidence available, including witness statements, forensic evidence, CCTV footage, and any other relevant information. The Crown Prosecutors are most likely to also add additional evidence if necessary, and interview witnesses that will help support the case. The prosecutors will also suggest countless times whether the evidence against the offender is a realistic prospect for conviction. This means that the prosecutor will contemplate whether there is anything that could undermine the case against the defendant, so it is important that the evidence is credible and reliable to convince a jury beyond a reasonable doubt. It is again, important that it is taken into consideration as this will show whether the court will more

likely than not find the defendant guilty when it's been provided with and heard all evidence. ([cps.gov.uk, decisions](https://www.cps.gov.uk/decisions)) Once the Crown Prosecutors have reviewed the provided evidence they will decide whether there is sufficient evidence to proceed with a criminal charge against the offender.

There are cases where the evidence is weak or insufficient, the Crown Court may decide not to proceed with the case, and this means it will not progress onto the next stage and the offender will not be prosecuted. This is to avoid wasting resources on cases with little chance of success, or that it may not meet the legal threshold for prosecution. However, the prosecutor will consider whether the police may have any further evidence, which will help build the case stronger. If so, the police will continue the investigation to provide more evidence, then pass the case back over to the CPS, for them to make another decision about the prosecution. ([cps.gov.uk, decisions](https://www.cps.gov.uk/decisions)) If the evidence is deemed strong enough, the prosecutor moves onto the public interest stage.

The second stage is the public interest stage, this takes place once the evidential stage is satisfied. The prosecutor will evaluate all evidence and suggest whether it is in the public's interest to prosecute. ([cps.gov.uk, decisions](https://www.cps.gov.uk/decisions)) The public interest test can be equally crucial, as it ensures that cases pursued by the state align with societal values and priorities. A wide range of factors are considered when determining whether it is in the public's interest to prosecute. These factors can include the seriousness of the offence, any harm or impact which the victim suffered, the offender's criminal history and culpability, any effects on the community, and any mitigating or aggravating circumstances. The decision also must be fair of any personal views on ethnic or national origin, gender, age, religion or belief, political views, sexual orientation or gender identity of the suspect, victim or any witness. "The decision must not be affected by improper or undue pressure from any source." ([hse.gov.uk, public interest](https://www.hse.gov.uk/public-interest)) This test emphasises the principle that justice must not only be served but also be seen to be served, fostering public confidence in the criminal justice system. A prosecutor would proceed with the prosecution unless the prosecutor decides that the public interest factors against a prosecution override those in favour of a prosecution. Each decision made will depend on the conditions of each case. ([cps.gov.uk, decisions](https://www.cps.gov.uk/decisions))

After the evidential and public interest stage has been completed and reviewed, the CPS will decide whether they will or not be prosecuting the defendant. If the prosecutor decides that the case does not pass the legal tests required, the offender will not be prosecuted for their accused crimes. However, in a case like this the defendant has the right to ask the prosecutor to review their decision again. Normally, another prosecutor will review the gathered evidence and decide whether the original decision was an accurate decision, and if it should be reconsidered. If the victim asks the prosecutor to review their decision, the prosecutor will then write to the offender once the evidence has been examined again, explaining the reasoning for their final decision of the case. If the case has successfully passed the two stage test the CPS will approve and authorise the police to charge the suspect with the crime they were accused of and then the prosecutor will then decide what charges are most suitable and fitting with the evidence available to them. The police would then charge the offender of the crimes and the case will be listed for a first hearing. ([cps.gov.uk, decisions](https://www.cps.gov.uk/decisions))

To conclude, The Crown Prosecutors in England and Wales play a vital role in the criminal justice system, when making charging decisions based upon the evidential and public interest tests. The tests provided ensure that the cases brought to court are supported by credible and robust evidence and are aligned with the societal interest in upholding the rule by law. By the prosecutors following the established guidelines and taking into account various legal and ethical considerations, the Crown Prosecutors maintain a fair balance between justice, fairness and the preservation of individual rights.

Reference list

1. Health and Safety Executive, (HSE), [Evidential stage - Investigation - Enforcement Guide \(England & Wales\) \(hse.gov.uk\)](https://www.hse.gov.uk/evidential-stage-investigation-enforcement-guide-england-wales/)
2. Health and Safety Executive, (HSE), [Public interest stage - Investigation - Enforcement Guide \(England & Wales\) \(hse.gov.uk\)](https://www.hse.gov.uk/public-interest-stage-investigation-enforcement-guide-england-wales/)
3. The Crown Prosecution Service, (CPS), <https://www.cps.gov.uk/>
4. The Crown Prosecution Service, (CPS), [Investigation | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/investigation/)
5. The Crown Prosecution Service,(CPS), <https://www.cps.gov.uk/about-cps/how-we-make-our-decisions>