

THE CROWN PROSECUTION SERVICE

ROLE

The main role of the CPS is the prosecution of alleged criminal offenders in England and Wales. This role includes four main functions:

- advising the police on possible prosecutions;
- reviewing prosecutions started by the police to ensure that the right defendants are prosecuted on the right charges;
- preparing cases for court; and
- prosecuting cases at the magistrates' court and instructing counsel to prosecute, or prosecuting since April 2000 itself, in the Crown Court and higher courts.

HOW DO THE CPS DECIDE WHETHER TO PROSECUTE?

After the police have investigated a crime and passed the papers to the CPS, one of their lawyers – called a Crown Prosecutor – carefully reviews the papers to decide whether or not to go ahead with the case. The prosecutor's decision is based on the tests set out in the Code for Crown Prosecutors:

- Is there enough evidence?
- Is it in the 'public interest' to prosecute?

A case has to pass both these tests before the CPS can start or continue a prosecution. The prosecutor reviews the case to see if there is enough evidence to provide a 'realistic prospect of conviction'. If there is not and the police say that there is no more evidence or any real prospect of more becoming available, the case will be stopped. If a prosecutor thinks that there is enough evidence to start or continue a prosecution, he or she will then consider whether a prosecution is needed 'in the public interest'. This means that the prosecutor must think carefully about all the factors for and against a prosecution, and assess in each case whether a prosecution should go ahead.

PRESENTING CASES IN COURT

If the prosecutor thinks that there is enough evidence, and that a prosecution is needed in the public interest, the case is then presented in the magistrates' court. The CPS lawyer will present the facts to the court.

When cases go on to the Crown Court, the CPS instructs a barrister (often known as 'counsel'), or a solicitor-advocate so that he or she can present the prosecution for the CPS. CPS lawyers have only been able to present cases themselves since April 2000, under s37 Access to Justice Act 1999.