

# FOREWORD

## THE PROSECUTION TEAM MANUAL OF GUIDANCE INCORPORATING THE JOPI

The 2004/05 Manual of Guidance represents the most significant re-write since its introduction. Changes have been made as a consequence of new legislation and in recognition that many police forces operate with a disproportionately high number of probationary officers. In undertaking the re-writing process, the Manual of Guidance Editorial Board has sought to produce this manual so that it can be understood easily by practitioners who may have limited experience in case file preparation.

The Manual of Guidance Editorial Board has endeavoured to remove all unnecessary bureaucracy, whilst simultaneously providing MG forms that contain sufficient detail. Once completed, each of the forms will contain all of the detail necessary to enable the case to be prosecuted successfully.

Many of the changes to this edition of the manual have been made as a consequence of new legislation or national policy initiatives. In particular, Section Two in its entirety, and form **MG3**, have been created to take account of provisions contained within the Criminal Justice Act 2003. Once guidance issued by the Director of Public Prosecutions is in force, decisions to charge will move from the police to the Crown Prosecution Service in all but minor or some guilty plea cases. This manual contains detailed advice and guidance to police officers and Crown Prosecutors concerning arrangements for early legal advice, charging decisions and completion of form **MG3**.

This manual also contains changes relating to the "No Witness, No Justice" programme to ensure victims and witnesses receive the service to which they are entitled; Orders on Conviction that allow, in appropriate cases, Anti-Social Behaviour Orders (ASBO) to be used as a part of the sentencing process; and reference numbering to enable cases, offences and defendants to be tracked within the Criminal Justice System (CJS).

The Manual will continue to evolve in response to future developments within the CJS as they are introduced. This current work includes the introduction of conditional cautioning, with the creation of a new **MG14**, and written charges that will replace the summons process thus extending the set of **MG4** forms.

The Manual of Guidance Editorial Board held another extremely useful two day Workshop in April 2004. Police and Crown Prosecution Service 'champions' from each of the forty-two criminal justice areas engaged in discussion with members of the Editorial Board and made practical suggestions for improvements, most of which have been included in this Manual.

In producing this 2004/05 Manual, the Editorial Board has worked closely with PITO (Police Information Technology Organisation) and the Crown Prosecution Service COMPASS team to ensure a seamless transition from the traditional 'hard copy' case file to allow for computerised storage and transmission of case file information.

This Manual needs to be studied carefully and understood by those who use it. Opportunities to improve efficiency and reduce administrative burdens will not be realised if old procedures or forms continue to be used.

We therefore commend this 2004/5 edition of the Manual to you.

Chris Fox  
President, Association of Chief Police Officers

Ken Macdonald  
Director of Public Prosecutions

# INTRODUCTION

## HOW TO USE THIS MANUAL

This manual has been prepared for use by members of the Prosecution Team, police officers and Crown Prosecutors concerned with the preparation, processing and submission of prosecution files. It is intended to be “user friendly”, and contains advice and guidance about how to complete each of the constituent MG forms, along with a description of each type of prosecution file and its application in practice.

**Section 1** should be read by those completing a case file for the first time, those in their probationary period, and those who are returning to the completion of case files following a period of absence. The section sets out, clearly and concisely, an overview of the case file building process from beginning to end.

The Criminal Justice Act 2003 moves charging decisions, in other than minor or guilty plea cases, from the police to the Crown Prosecution Service.

**Section 2** of this manual sets out early advice and charging decision arrangements available through Duty Prosecutors working at police stations. It sets out clearly when advice and charging decisions should be sought and their relevance to different file types and the file building process. Adherence to this section will be of great assistance in the production of good quality case files that contain all the evidence necessary to prove the charge. Early discussions between Investigating Officers and Duty Prosecutors can remove unnecessary work and prevent duplication of effort.

**Section 3** sets out each of the MG forms in chronological sequence, with a description of the form's purpose, a copy of the form, annotated to assist completion, and, where needed, detailed guidance. Each of the forms has been set out in such a way as to enable successful completion using only the Guidance Notes, with little or no prior knowledge. Attention is drawn to sections that must be completed, examples of appropriate wording, and an explanation of what information is required within each section of the form. This section can be studied in its entirety to gain a detailed understanding or used as a reference when completing particular forms.

**Section 4** sets out detailed guidance for supervisors and those involved in managing cases as they progress through the criminal justice system. It outlines the responsibilities supervisors have in endorsing specific MG forms. This is to ensure correct and accurate data is recorded in order to discharge the police obligations on the quality of evidence, and in particular disclosure issues. Also included is a section on case files involving the combination of multiple offences and multiple offenders, together with some practical examples to illustrate the variations.

The appendices include the Director of Public Prosecutions' Guidance and the Joint Operational Instructions (JOPI) for the disclosure of unused material.

The final two sections set out a complete glossary of terms and abbreviations, along with an index.

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A Guide to Case File building

## **Section 2**

Pre-charge consultation between Investigators and Duty Prosecutors

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MG Forms and Guidance Notes

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Prosecution Team Supervision and Case Management

## **Appendices**

Appendix 'A' – Guidance to Police Officers and Crown Prosecutors in respect of making charging decisions (issued by the Director of Public Prosecutions)

Appendix 'B' – Joint Operational Instructions for Disclosure of Unused Material (JOPI)

Appendix 'C' – ACPO Guidance on Bail with Conditions, Criminal Justice Act 2003

## **Glossary of Terms**

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