

Prosecution and Case Management

Reference Number: P15

The Authorised Professional Practice (APP) has been approved by the College of Policing as the official and most up-to-date source of professional practice on policing. South Yorkshire Police have adopted APP as their Statement of Agreed Policy. This is the agreed policy on **Prosecution and Case Management** and you may wish to refer to the APP section now.

South Yorkshire Police will seek to operate within agreed National APP guidance unless exceptional circumstances exist.

This policy is supported by the subsequent procedural instructions.

- **Pi15.1 - Adoption of the Minimum Standards of Investigation for Prolific and Priority Offenders – Instructions**
- **Pi15.2 - Community Resolution (Incorporating Restorative Justice)**
- **Pi15.3 - Interpreters and Language Line**
- **Pi15.4 - Revocation of Breach or Prison Licence**
- **Pi15.6 - Out of Court Disposals Framework**
- **Pi15.8 - Criminal Injuries Compensation Authority**
- **Pi9.17 - Offences Taken into Consideration (TIC's)**
- **Pi30.7 - Penalty Notices for Disorder**

Criminal Justice Department

The Criminal Justice Department meet their aims and objectives in the below areas therefore do not deviate from APP.

Community Safety Department

The Community Safety Department meet their aims and objectives in the below area therefore do not deviate from APP.

Additions

Requesting information from Healthcare Professionals

South Yorkshire Police will only request medical evidence where there is evidence of a bone injury or likelihood of permanent or long-term damage. In these cases the medical evidence should be submitted prior to a decision on venue being made or if the case is to be heard in a Crown Court.

Pi15.5 – Requesting Information from Healthcare Professionals including Liaison with Hospitals (victims)

File Preparation

There is a local agreement in place between South Yorkshire Police and the Crown Prosecution Service regarding the style and content of a prosecution file. Police officers will adhere to the guidance/requirements clearly stating what the content of a file should be upon the first submission and provide all the appropriate key evidence.

- **Pi15.9 – File Preparation/ Processing/ Submission/ Time Limits**

Breach of Orders

When South Yorkshire Police make an arrest for a breach of a Non-Molestation Order, the officer will clearly inform the suspect of the power under which the arrest is made. Police systems will be updated with the relevant details and the appropriate Court will be notified. If the suspect is charged then a file will be prepared and advice will be sought from the Crown Prosecution Service.

- **Pi15.7 – Breach of Non-Molestation Orders**

Equality Act 2010

The Act creates a statutory requirement for all Functions and Policies (Including Procedural Instructions) to be analysed for their effect on equality, diversity and human rights, with due regard to the **General Equality Duty**.

In principle, this document has been assessed for discrimination, which cannot be justified, among other diverse groups.

The **Code of Ethics** published in 2014 by the College of Policing requires us all to do the right thing in the right way. It also recognises that the use of discretion in Policing is necessary but in using discretion, states that you should, "*take into account any relevant policing codes, guidance, policies and procedures*."

Human Rights/Discretion

The purpose of providing policy is to give an indication to staff of the expected course of action. However it is not possible to cater for every possible combination of factors that would justify a departure from stated policy. The Human Rights Act 1998 requires the proper use of discretion at all times and nothing within this policy and associated procedural instructions prohibits the proper use of discretion in appropriate circumstances.

Where action is taken that has the potential to interfere with an individual's Human Rights, the reasons behind the making of the decision to act in that way should be recorded on the appropriate forms, or where this is not practicable, in pocket books or policy logs.

Rights of redress for members of the public:

Anyone who feels that a member of staff has behaved incorrectly or unfairly, or who is dissatisfied with organisational matters, service delivery or other operational policing issues, has the right to **make a complaint**.

Initial action should be taken in one of the following ways:

- Complain in writing or in person to the Senior Officer at the appropriate police station or to the Chief Constable of the force concerned.
- Visit a local Citizens' Advice Bureau
- Contact a Solicitor

Rights of redress for South Yorkshire Police personnel:

South Yorkshire Police personnel who feel they have grounds for concern in relation to the implementation of policies may, as appropriate:

- Pursue concerns through their line manager.
- Contact a First Contact Advisor.
- Pursue a grievance formally through the South Yorkshire Police Grievance Resolution Procedure.
- Seek advice from their staff association or trades union.

Use procedural instruction [Pi23.11 - Management of Complaints](#), in the section entitled Handling Complaints relating to Direction and Control.

Start Date: 12/01/2018

Review:

This statement of agreed policy is managed by Superintendent, Criminal Justice Department.

This policy and its Equality Analysis were last reviewed on: 19/06/2020

The date for the next review of this policy and Equality Analysis is: 19/06/2022