



Home Office

Police Leadership and Powers Unit

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Mr I Wilson

Code A

Our Ref PLP 02 0003/0013/021

Your Ref

Date 28th May 2002

Dear Mr Wilson,

Thank you for your letter dated 18th May to the Home Secretary, which has been passed to this unit for a reply.

Please accept my apologies regarding the death of your father. The actions and decisions taken by police officers in the course of their duties are operational matters and, as such, are the responsibility of the chief officer of the force concerned. The investigation of alleged crime, and the decision as to whether, on the evidence which is available, charges should be preferred, are also matters for the chief officer.

I should explain that the investigation and prosecution of offences, including decisions on whether specific charges will be brought against an individual, are matters for the discretion of the police and the Crown Prosecution Service, based on the evidence and circumstances of the individual case. During the course of proceedings, the Crown Prosecution Service must continuously review the evidence against the defendant and must be satisfied at all stages that there is enough evidence to provide a realistic prospect of conviction on the charge in question. Where the nature of the evidence against a defendant changes or becomes clearer, there may be cause to change the charge accordingly. Ministers have no role in such matters.

In deciding whether to prefer charges, the police will take into consideration that the evidence will be reviewed by the independent Crown Prosecution Service (CPS) who decide whether or not a prosecution should proceed. The Code for Crown Prosecutors lays down that a prosecution should only take place where there is enough evidence for a realistic prospect of conviction. A "realistic prospect of conviction" means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged.

If the case does not pass the evidential test, it must not go ahead, no matter how

important or serious it may be. If the case does pass the evidential test, the Crown Prosecutor, must then consider the second stage test to decide whether a prosecution is in the public interest.

The Home Secretary has a general duty to promote efficiency in the police service. His role is to set key national targets for policing which currently concentrate on the detection and reduction of crime and protecting the public, but he has no responsibility for the handling of operational matters. Therefore he cannot intervene in the matters that you raise.

I regret that I cannot be of further assistance and can only suggest that you continue to pursue your concerns with the force direct.

Yours sincerely

Code A

L N Rosun (Miss)
Police Conduct and Complaints Section