



Case File Preparation Submission and Management (Interim) Standard Operating Procedure

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CASE FILE PREPARATION SUBMISSION AND MANAGEMENT STANDARD OPERATING PROCEDURE

1 INTRODUCTION

- 1.1 This document sets out the BTP case file management policy, which should be read in conjunction with the Directors (DPP) Guidance on charging and the Streamlined Process, and the National Manual of Guidance (MOG) for the preparation and submission of prosecution files.
- 1.2 This procedure applies to England and Wales.
- 1.3 This procedure applies to all police officers and police staff.

2 KNOWLEDGE

2.1 Terms and Definitions

List of terms and definitions used throughout this document that might not be known to the casual reader.

TERM	DEFINITION
AS	PNC Arrest Summons number which is defendant specific
CR	Crime Reference number (on the BTP CRIME system)
CRC	BTP Crime Reporting Centre at Cardiff
CTO	Central Ticket Office based at BTP FHQ
CMS	CPS electronic case management system
CuCase	BTP custody and case management system
Disposal	The method by which an offender is processed – charged, reported for summons or diverted (see diversions below).
Diversion Case	An offender diverted from prosecution, such as an adult caution, youth reprimand or final warning, NFA or drugs warning.
DDM	Area Dedicated Decision Maker
ECF	Electronic version of a Case File (stored on CuCase system)
ERO	BTP Area Evidence Review Officer
HOPO	Home Office Production Order for producing prisoners at court
LMO	Electronic message sent to the CPS system
MG	National Manual of Guidance form



TERM	DEFINITION
OIC	Officer In Charge of the case
PPO	Prolific and Priority Offender
QA	Police supervisors case file Quality Assurance review
STL	Six month statutory time limit that applies to summary offences
URN	Unique Reference Number which is case specific

2.1.1 This SOP applies to

- Charge, reported and diversion cases.
- Both adult and youth cases.
- Investigations where no offender has been identified.

2.1.2 This SOP does not explain the role and responsibilities of any other agency.

3 PURPOSE

3.1 Introduction

3.1.1 This SOP was developed to establish a BTP national model for the preparation, submission and management of case files, including case file supervision and the role responsibilities of the key personnel.

3.1.2 When viewed electronically certain items in this SOP appear in *italic capitals*, underlined and highlighted **BLUE**, these provide an electronic hyper link to the document or contents of the specified item.

3.1.3 The BTP custody and case IT system (CuCase) is the main operating apparatus in this process. The system provides, for the OIC, their supervisor and AJUs:

- An electronic file build and supervisory quality assurance
- The linking and auto population of internal Force IT systems
- A reduction in double keying
- A file format and supervisory matrix
- A direct link between BTP custody and case IT systems



- Electronic links with the IT systems used by CPS, court and YOTs
- A compulsory case file Quality Assurance (QA) process
- A potential reduction in need to prepare, store and transfer paper file documents

3.1.4 Until such time as current legislation is amended or renewed and BTP's justice partners have fully integrated electronic systems that accept an electronic file transfer, the paper document file will remain the principal case file mechanism.

3.2 Aim

3.2.1 Provide clear guidance, with an overall objective to improve case file quality and timeliness, improve the service provided to victims and witnesses and raise public confidence in the criminal justice service through an increased number of cases resulting in a positive outcome.

3.3 Contingency

3.3.1 Throughout this SOP very nearly all the activities concerning case file preparation and submission are associated with the CuCase system, including the upload (scanning) of specific documents into the system. However, if SOP publication occurs prior to CuCase 'role out' or scanner availability, officers must continue to prepare and submit case files in accordance with the guidelines issued prior to SOP implementation.

3.3.2 Following CuCase deployment, in the event of system or network failure, or scanner non-availability officers (OIC and supervisor) must ensure that the CHARGE case process is not hindered or delayed and all key actions expedited. A copy of the Charge and Bail sheet (MG4) must be faxed to the court and to the BTP AJU, the case file must be prepared and (where possible) reviewed by a police supervisor, and delivered to their dedicated location for the first court hearing in accordance with section nine (9) of this SOP.



- 3.3.3 Upon receipt of the faxed (MG4) charge sheet, providing the MG4 is received before the first court hearing, the justice unit will examine the court system (Libra), to ensure the case is registered. Where a case is identified as not listed, the justice unit will take the steps necessary to register the case with the court.
- 3.3.4 As soon as systems are restored the charge file information and documents must be entered onto the CuCase system. The responsibility for this action will be determined by the location of the original case documents. If systems are restored prior to AJU submission the OIC will complete the task, if the original documents are with the AJU, the justice unit staff will add the additional case information and documents to the record.
- 3.3.5 Where scanner availability (or malfunction) is an issue, in CHARGE cases the key MG documents must be faxed to the BTP AJU, ahead of the main paper file submission. The aim of this process is to give the AJU early sight of the file and enable them to commence their file duties. However, officers must avoid faxing large files or unnecessary documents, only key documents will be needed by the AJU at this stage (i.e. MG2, 3, 4, 5, 6, 7, 9, 10, 11 – victim and arresting officer).
- 3.3.6 Upon receipt of a **faxed** charge file, the justice unit staff will conduct a case file content review and commence their case file responsibilities, including confirming or booking the court slot. Once the **original** paper file is received, the justice unit will scan the case file documents into the CuCase record and create the ECF.
- 3.3.7 The contingency process for REPORTED and DIVERSION cases, providing the problem is not likely to be prolonged, is a delay in case file submission and the normal processes completed once the system functionality has returned. Where a serious system failure occurs (or scanner non-availability), the original paper file (after QA)



should be submitted to the AJU, upon receipt of the original paper file the justice unit will scan the file documents into the CuCase record.

3.4 Unique Reference Number (URN)

3.4.1 URNs are case specific; the URN system is used by every police force and CPS office as the primary distinguishing factor when undertaking case file management or communicating information about a specified case to another organisation.

3.4.2 URN numbers are distinctive to each Force; they are generated from internal force systems to prevent duplication and have ELEVEN digits, which must be given in full.

Example:

93	LT	00112	10
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3.4.3 A URN obtained from another police force must NOT be used on a BTP case and officers must NOT invent their own URNs.

3.4.4 Officers needing a new BTP case URN for a Home-office police charge sheet or a CPS Direct consultation must contact the Crime Recording Centre (CRC) at Cardiff. The CRC will require offender details, to allow the creation of an offender record (against the crime report), but will then ask - '*Do you require a new URN*'? If a URN is required, a 'yes' response, will cause the CRC to generate a new URN. Where additional offenders are added to a case (the URN having been previously obtained), a 'no' response will prevent URN duplication.

3.4.5 A BTP case URN must be added to charge and bail sheets (MG4) and all other relevant case documentation, such as the MG5 (police report).

3.4.6 All correspondence or case documentation transmitted (faxed/emailed/sent) to another agency (CPS and court) must display the BTP case URN in the specified format.



3.5 Arrest Summons (AS) Number

- 3.5.1 The AS number is offender offence specific and crucial for case administration. AS numbers are issued for recordable offences when a new offence is entered onto a defendant's PNC record.
- 3.5.2 The AS number allows the electronic transfer of offender information (such as court results) between the justice agencies and PNC. The AS number is a TWENTY digit number, which must contain all twenty digits and be recorded in the specified format; example – **10 0000 00 00000156234P**. All prosecution files, relating to recordable offences, must incorporate the defendant's offence AS number in the specified format.
- 3.5.3 Officers must NOT invent their own AS number. All AS numbers must be obtained from CRC or the custody system if offender is taken to a BTP custody suite.
- 3.5.4 Offenders charged with a recordable offence must have the BTP AS number entered onto the charge and bail sheet(s), in the specified format.
- 3.5.5 In cases where a BTP AS number is obtained for a recordable offence after arrest, but the offender is later charged with an alternative offence, the OIC must submit a Source Input Document (SID) update document to the CRC to ensure the offender's PNC record is accurately maintained.

3.6 Court Room Information

- 3.6.1 Now that police and court systems are linked electronically, in charge cases it is imperative that in addition to the court date and location, for courts where more than one court-room operate, the actual **court-room number** is recorded. Without the court-room number, cases are likely to be listed incorrectly, resulting in case discharge.



3.6.2 When persons are charged at a BTP custody suite, the custody officer must enter the court room number onto the charge and bail sheet.

3.6.3 Before leaving a Home-office custody suite, after completing the charging process, the OIC must obtain (from the custody officer) the correct court-room number and ensure the number is entered onto the charge and bail sheet.

4 MONITORING AND COMPLIANCE

4.1 This SOP defines Force policy for the preparation, submission and management of case files; breaches will likely lead to unnecessary delays and possible case failure. All personnel involved in case management are responsible for ensuring compliance with this SOP, but appropriate action will be considered if negligence is identified.

5 KEY PERSONNEL

5.1 Introduction

5.1.1 There are six key roles identified in this SOP; they are the principle contributors and their role is fundamental for good quality case file management:

- Officer in the case (OIC)
- Evidence review officer (ERO)
- Police supervisor
- Area justice unit
- Witness care unit
- BTP custody officer

5.1.2 Where special arrangements are in place on an Area or at a police station or at a squad or department level to share the OIC role, the unit may assume the OIC responsibilities identified in this SOP, but an officer must be identified (by the unit) as the nominated OIC, responsible for dealing with requests and outstanding matters.



5.2 Officer In the Case (OIC)

- 5.2.1 The police officer identified as having overall responsibility for the investigation is recognised in the criminal justice service as the Officer In the Case (OIC).
- 5.2.2 From the moment an investigation is allocated the OIC responsibilities commence and do not cease until the case has reached its conclusion. This might be the submission of a diversion file, if the case is cleared by way of an alternative disposal, such as caution or NFA, but in prosecution cases that responsibility will not be complete until the court case is concluded.
- 5.2.3 The OIC must comply with the force minimum standards of investigation.
- 5.2.4 Where a case is transferred to another officer the original OIC must update the crime report, to show the new OIC details, and (where the case is being prosecuted) notify their AJU.
- 5.2.5 The OIC must (in all cases) obtain a supervisor's endorsement prior to the paper document case file submission. For charge cases, where submission time scales will be critical, officers must comply with directions shown at section nine (9) of this SOP, including the requirement for a police supervisor QA review.
- 5.2.6 When a witness statement is obtained and added to the case the OIC must ensure the back of the MG11 (witness details and assessment) is fully completed.
- 5.2.7 Where the victim or witness evidence is recorded as an ABE video the OIC must complete an MG11, showing the victim/witness name on the front page and fully complete the back page, giving the persons contact details and witness assessment.



5.2.8 Keeping the victim(s) and witnesses informed is an OIC responsibility until such time as the case file is received in the AJU.

5.3 Evidence Review Officer (ERO)

5.3.1 In most instances the ERO will be a police supervisor, but any officer appointed by their area as an evidence review officer (ERO) can advise the OIC in file completion and, in 'police charge cases', authorise charge. They may also act as an interface with CPS when authority is required prior to charge, ensuring the directions contained in the BTP National modernising charging [SERVICE LEVEL AGREEMENT](#) is applied.

5.3.2 When reviewing a charge case the ERO must comply with the Directors (DPP) Guidance on Charging and the Streamline Process.

5.3.3 In cases where a person is reported, for possible prosecution, an ERO will examine the file and make the disposal decision (prosecution or diversion), based upon the Code for Crown Prosecutors (evidence & public interest) tests and Gravity Factors.

5.3.4 The ERO disposal decision and rationale must be entered onto an MG3 or (in summons or diversion cases) a case file submission front sheet.

5.3.5 In cases where the ERO feels a conditional caution is appropriate the OIC must comply with the Directors Guidance for Conditional Cautions and obtain authority (for the conditional caution) from the CPS.

5.4 Police Supervisor

5.4.1 Police supervisors have a duty to assist and support officers under their direct line of command, which may require intervention during the investigation to ensure evidence is gathered and the case file is submitted correctly first time. But, even after case file submission, the supervisor must monitor case progress to ensure the OIC complies with directions and, in the absence of the OIC, outstanding work is completed.



- 5.4.2 For the purpose of this SOP, the supervisor is the sergeant or inspector with direct responsibility for the OIC, although when that person is not available another nominated police supervisor might be required to provide support.
- 5.4.3 A key aspect of the supervisory role is the case file Quality Assurance (QA) review, particularly important for charge files as there is normally insufficient time for any remedial work after file submission; early guilty pleas at first appearance mean that the opportunity for file upgrades or additions are greatly reduced.
- 5.4.4 The QA review is best described as an appraisal of the file content and an assessment of the legal aspects (evidential test) to ensure the case contains sufficient evidence to support prosecution.
- 5.4.5 The supervisor must ensure that all relevant MG forms are signed by the OIC and, in addition, those requiring a supervisory endorsement (MG3, MG5, MG7 and MG20) are signed by them prior to the paper document case file submission.
- 5.4.6 When undertaking a QA review the supervisor must satisfy themselves that:
- The correct file type and contents are being submitted
 - All the relevant MG forms, including the MG10 in charge cases, are attached
 - Minimum standards of investigation have been met
 - Victim and witnesses have been kept informed
 - BTP case URN and offender BTP AS number is displayed on the relevant MG forms, in the specified format.
 - A DP has authorised prosecution (CPS authority cases)
 - In charge cases ensure delivery of the First Hearing Bundle (for first hearing), see 8.4.1



- In a charge case, the OIC has checked to ensure the case is listed at the relevant court and has the correct court-room number
- Original papers are sent to the AJU
- Officers handwriting is legible
- The witness details (on the back of the MG11) are fully completed
- In prosecution cases, where a victim or witness is identified as vulnerable or intimidated, an MG2 (initial witness assessment) is submitted as part of the file
- Sufficient evidential material on the file to support the prosecution case
- Prosecution is in the public interest
- Acknowledge officers good work and address case file training issues

5.4.7 In **overnight charge cases**, the police supervisor that completes the case file QA review must ensure an LMO1 message (see section 9) is transmitted to CPS.

5.4.8 In reported cases, not only will the supervisor examine the case file content and add their endorsement, but they are required to evaluate the evidence and make a disposal decision (prosecution or diversion) based upon the Code for Crown Prosecutors (evidence & public interest) test and the offence gravity score; although offences requiring CPS authority must be submitted for their approval.

5.4.9 Where a supervisor makes a case disposal decision, in respect of a youth offender, they must ensure an on-line youth offender form (on the Force intranet) is completed and submitted (via email), within 12hrs of the disposal, to their AJU.

5.4.10 Because case file supervision is now considered such an important aspect of casework, along with the short timescales that apply to some cases, any on duty supervisor (irrespective of location) may be expected to assist officers requiring case file support or authorisation prior to submission. The OIC should not be allowed to



bypass their own supervisor but, in urgent situations, where that is not practicable, the most accessible supervisor must (if requested) accept responsibility.

5.5 Area Justice Units

5.5.1 The Force Area Justice Units (AJUs) are located at four locations, Birmingham, Liverpool, London and Newcastle. They are a support service for front line officers and are the main interface between the OIC and the other criminal justice agencies (CPS, courts, probation service, HMP service, the witness service and victim support teams).

5.5.2 Once a new case file is received at the AJU, the unit will:

- Acknowledge receipt of the case file and inform OIC and their supervisor of any file issues
- Confirm court (Libra) case listing
- Monitor court hearings
- Cases issued with an AS number, if a new court date becomes known or is made available amend the PNC AS record
- Ensure all case file activity is recorded on the URN record
- Where LMO messages are required ensure they are transmitted to CPS
- Manage administration file processes
- Upgrade the file to a trial or committal standard (when necessary)
- Identify case document typing requirements

5.5.3 AJUs will make summons applications, for reported cases authorised for prosecution, process and manage warrants issued for court non-attendance, undertake witness court warnings and result IT systems once the case is finalised.

5.5.4 If, at some point, future legislation changes allow 'Requisition Charging' to replace the summons process, when an officer requires a court date, the AJU will register the case



on the court system (Libra) and book a court slot. The AJU will also assist the OIC with the preparation and submission of the CPS papers for the first hearing.

5.5.5 Tasks associated with the investigation such as obtaining statements, seizing and viewing CCTV evidence, management of unused material and the storage of exhibits are functions outside the AJU role and remain with the OIC.

5.5.6 The management and long-term storage of case files (charge, reported and diversion), including their recall (when necessary), is an AJU responsibility, but this does not include case exhibits or unused material, which are an OIC responsibility.

5.6 Witness Care Unit

5.6.1 Force instructions concerning victim and witness care can be found in the BTP [VICTIM & WITNESS SOP](#) (this link will be available once the SOP is published).

5.6.2 Victim & witness care provisions are in place in the justice units (JU) at Birmingham, Liverpool, London and Newcastle, outside of London each JU has a dedicated Witness Care Unit and in London the Central Justice Unit (CJU) has a specialist witness care role. However, the care responsibilities, for victim & witnesses, are an OIC role until a paper document case file is received in the JU, when the undertaking is transferred to the JU along with the associated responsibilities.

5.7 BTP Custody Officers

5.7.1 Where BTP custody facilities are used, the custody officer must comply with the charging directions set out in this SOP.

5.7.2 The custody officer must ensure the BTP case URN and offender BTP AS number is entered onto the custody record (including the charge and bail sheet), in the specified format.



5.7.3 The custody officer must comply with [DIRECTORS GUIDANCE ON CHARGING](#) and the [DIRECTORS GUIDANCE ON STREAMLINE PROCESS](#).

5.7.4 In cases where the custody officer feels that a conditional caution is appropriate they must comply with the [DIRECTORS GUIDANCE FOR CONDITIONAL CAUTIONS](#).

6 CUSTODY AND CASE SYSTEM

6.1 Functionality

6.1.1 The BTP custody and case (CuCase) system was developed as part of a national strategy to align the IT systems used by the police, CPS and courts in a way that would allow the electronic transfer of case file information and court results.

6.1.2 CuCase also has an internal interface with other BTP systems, such as CRIME and POINTS that allows the auto population (of certain data) between the systems.

6.1.3 When case files are being compiled the system offers a capability to create and store the case file documents electronically.

6.1.4 The system provides an electronic notification function, alerting a police supervisor or the AJU to a new case file that requires their attention.

6.2 Electronic Case File (ECF)

6.2.1 The ECF is a key component of the CuCase system that allows officers to prepare and store the case file MG forms. Based upon the file type choice, made by the OIC, CuCase will calculate the correct MG forms that make up the case file, with an option to append additional (non-mandatory) MG forms and the electronic storage (after scanning) of paper documents, such as Home-office police station computer generated charge sheets and hand written statements.



6.2.2 Once the OIC has compiled the ECF the MG forms (stored on the ECF) can be viewed and some, such as the MG5, can be compiled and edited.

6.2.3 The ECF **does not replace the need for a paper document file** (see 8.3). The main purpose of the ECF is to provide the OIC with the ability to create and store the case MG forms, give the supervisor a platform to undertake the QA review and (after QA) the means to alert the AJU to the presence of a new case file.

6.3 LMO messages

One of the main functions of CuCase is to send case information electronically to the CPS Case Management System (CMS), activating case registration and providing key case information to the CPS lawyers and admin staff. The electronic notices, sent to CPS, are known as a LMO messages. There are seven (unique) LMO messages, although not every one will need to be sent in every case. CuCase will generate and configure the LMO messages, but their transmission is activated manually. A list of each LMO message, their activation point and the person or unit responsible for the transmission is identified in the LMO chart displayed in Appendix A.

6.4 Application

6.4.1 When an arrested person is brought into a BTP custody suite the custody officer will open and maintain the person's custody record in the CuCase custody application. The custody officer will ensure the BTP case URN and BTP AS number are added to the record.

6.4.2 At the point of charge the custody officer will obtain, from the court diary (where there is an electronic link) or local Home-office police station, a court slot and courtroom number, which will be recorded on the charge and bail sheet.



6.4.3 Once a case has a disposal decision (charge, reported or diversion) or during the course of an investigation (i.e. offender on bail), within the CuCase URN record, the OIC will undertake case file preparation, create an ECF and append the MG forms; any paper documents (e.g. hand written statements) will be scanned into the system.

NB: Where scanner availability (or malfunction) is an issue, the **contingency instructions, as set out in Section 3.3**, must be followed.

6.4.4 During file preparation the CuCase system will allow the OIC to select the file type and (in response) the system will calculate the correct (mandatory) MG forms needed for that file type, with an option to add extra (non-mandatory) MG forms when required.

6.4.5 Once an OIC has prepared the ECF they must ensure it is quality assured (QA) by a supervisor. The process of obtaining a QA review is described in each of the dedicated case disposal sections – 9 (charge), 10 (summons) and 12 (diversion).

6.4.6 CuCase is accessed via the Force intranet.

6.5 Automatic System Time Out

6.5.1 To safe guard system integrity, the CuCase system has an automated timing mechanism. If no action is detected by the system, within a specified period, the user will be automatically 'logged out'. When this occurs, any new detail added to a case record that is not 'saved', before the system times out, will be lost. It is imperative that officer's continually 'save' their work so, in the event of a call away from their workstation, new data or information is retained.

7 PROTOCOLS AND NATIONAL AGREEMENTS

7.1 Introduction

7.1.1 The Force is determined that the best interests of justice are served and BTP cases are dealt with accordingly. For this reason the Force has signed a number of criminal



justice protocols (with the other justice bodies) and agreed to observe national guidelines. It is important that officers are familiar and comply with them.

7.2 Manual of Guidance (MOG)

7.2.1 The [MANUAL OF GUIDANCE \(MOG\)](#) is a national guide for case file document (MG forms) preparation, supervision and submission.

7.3 Directors Guidance on Charging

7.3.1 When considering prosecution (in particular charge cases) officers must comply with the [DIRECTORS GUIDANCE ON CHARGING](#); this sets out the offence charging matrix.

7.4 BTP National CJSSS Protocol

7.4.1 An agreed [BTP NATIONAL PROTOCOL](#) with the other justice bodies for the processing of CJSSS charge cases.

7.5 Director's Guidance Streamlined Process

7.5.1 The [DIRECTORS FOR STREAMLINED PROCESS](#) is a national agreement for proportionate file build.

7.6 Modernising Charging

7.6.1 The National BTP modernising charging [SERVICE LEVEL AGREEMENT](#) provides the agreed protocol for obtaining a CPS charging authority.

7.7 Conditional Cautions

7.6.1 The [DIRECTORS GUIDANCE FOR CONDITIONAL CAUTION](#) explains the procedure and rules.

8 GENERAL FILE RULES

8.1 Case File Type

8.1.1 The case disposal method (charge, reported or diversion) and the Directors Guidance for Streamline process (charge cases only), will determine [CASE FILE CONTENT](#).



8.1.2 In cases where a defendant is suspected of multiple offences, but one or more offences are given a different disposal or multiple defendants (on the same case) are given different disposals, the case file will be prepared and submitted, under the same URN, in accordance with the highest disposal (1. Charge, 2. Reported, 3 Diversion). The disposal method for each defendant and each offence must be clearly shown; disposal supporting documentation (charge sheet or caution form etc) must be scanned into the ECF and included in the paper document file.

8.1.3 Where scanner availability (or malfunction) is an issue, in CHARGE cases the key MG documents must be faxed to the BTP AJU, ahead of the main paper file submission. The aim of this process is to give the AJU early sight of the file and enable them to commence their case file and witness obligations. However, officers must avoid faxing large files or unnecessary documents, only key documents will be needed by the AJU at this stage (i.e. MG2, 3, 4, 5, 6, 7, 9, 10, 11 – victim and arresting officer). Upon receipt of a faxed charge file, the AJU staff will commence their charge file responsibilities and, upon receipt of the original paper file, scan the file documents into the CuCase record.

8.2 Submission and File Quality Assurance

8.2.1 All case file preparation will be undertaken in the CuCase system, unless the **contingency instructions** (see 3.3) apply.

8.2.2 Once an OIC has prepared the ECF they will identify a supervisor (to undertake a QA review) and activate the electronic supervisory QA request button. The supervisors QA review must be completed before any paper document file is submitted.

8.2.3 As a rule the officer's first line supervisor will conduct all case file QA reviews, but in urgent cases, requiring an immediate QA review, if that supervisor is not on duty or is



unavailable the OIC must select an alternative (on duty) supervisor to complete the QA review.

8.2.4 Upon receipt of the supervisor's endorsement the OIC must submit the original paper document file to the AJU and (in charge cases) complete the First Hearing Bundle delivery process for the first court hearing.

8.2.5 In cases where the QA review results in file rejection, the supervisor must add their comments and identify the remedial work needed, prior to activating file rejection.

8.2.6 Once the OIC has implemented the instructions, issued by the supervisor, the OIC will send a new request to the supervisor for a fresh QA review.

8.3 Paper Document File

8.3.1 A paper document case file will be required in EVERY case.

8.3.2 At some future date the electronic file will replace the paper document file, but (until the law changes) in all cases a paper file must be produced.

8.3.3 Once the ECF supervisors QA review is complete and file considered 'fit for purpose', the supervisor will activate the supervisors 'Accept' tab, triggering an endorsement notice to the OIC. Upon receipt the OIC will comply with the case file delivery instructions as shown in the relevant sections of this SOP (see section 9 charge case, 10-reported case or 12 for diversion case).

8.3.4 The MG5 (paper document) and any other paper MG form (e.g. MG7), requiring a signature, must be signed by the OIC and a supervisor, before the paper document file and First Hearing Bundle are delivered. At remote locations or scanner non-availability, where time scales are a crucial factor, the OIC will make contact with a



supervisor (on duty) and explain that their QA and signature is required. The documents for signature can then be faxed, or (in appropriate cases) the supervisor can examine the document within the CuCase ECF. The supervisor, if satisfied with composition, will sign a paper copy of the document and return it (by fax) to the OIC.

8.3.5 Upon receipt of the paper document file the AJU will update the URN record to show papers have been received in the unit.

8.4 First Hearing Bundle

8.4.1 Wherever the phrase 'First Hearing Bundle' is used in this SOP, it will refer to a charge case and is the term used to describe the three case file packages required by the CPS and court at the first court hearing:

- CPS copy file
- Defence advance information
- Judiciary report

The content of each package can be found at [FIRST HEARING BUNDLE](#).

8.5 Court Issues

8.5.1 The witness care unit personnel (based in the AJU) are responsible for the warning of all witnesses that are required to attend court.

8.5.2 Following a court warning, an officer's court attendance is a duty commitment.

8.5.3 Once a case is set down for trial the OIC will not (in every case) be listed as a fully bound witness (i.e. required to attend court). But, nevertheless, the OIC will be informed of the trial date by the witness care personnel. The OIC must ensure the case exhibits are taken to court and (on the day of the trial) a fresh defendant PNC check is conducted. The purpose of this PNC check is to ensure there is no new important information recently added to the offender's record, such as a 'wanted marker', bail



conditions for another case or an impending prosecution for a breach of a court order. In cases where such information is identified it must be conveyed to the court and prosecuting lawyer or other police officers warned to attend the trial.

8.5.4 Where a court or CPS makes a request for an up to date offenders PNC court print, the AJU will undertake the request.

8.5.5 Witness care personnel will endeavour to keep the OIC informed of all new court dates, but when a case is transferred or is committed to a crown court the OIC will be informed of every court hearing.

8.5.6 When a defendant is released by a court on conditional bail the AJU will notify the OIC, within 24hrs of receipt of the bail notice, and update the defendants PNC record to show the bail conditions.

9 CHARGE CASE PROCEDURE

9.1 Introduction

9.1.1 A charge case is where a person is taken into custody, charged and given a date to attend court or is kept in custody to appear before the next court.

9.2 Charging Process BTP custody suite

9.2.1 The custody officer will ensure the case URN and defendant AS number is entered onto the custody record.

9.2.2 In police charge cases, once the investigation is complete the custody officer, ERO or police supervisor will determine the charge and record their decision on an MG3. In those cases requiring CPS authority the OIC will be referred to a duty prosecutor or CPS direct (outside of hours).



9.2.3 Once a charge is authorised the custody officer will examine the court diary (where CuCase provides a direct link) or contact the court local Home-office police station and obtain a court slot. With the exception of defendant's kept in custody for court, defendants should be charged to appear at court **ten–fourteen** days after charge, an offender identified as a PPO should be charged to appear at court within five days.

9.2.4 The custody officer will ensure the case URN, defendant AS number and court room number are entered onto the charge and bail sheets.

9.3 Charging at a Home-Office custody suite

9.3.1 Once an investigation is complete, but prior to charge, the OIC will obtain a BTP case URN and the defendants BTP AS number from the CRC at Cardiff (see 3.4 & 3.5). These two numbers must be passed to the custody officer and entered onto the charge and bail sheet in the specified format.

9.3.2 Although the court date and location will be set by the custody officer the OIC **must obtain the courtroom number (from the custody officer) and enter it onto the charge and bail sheet (MG4).**

9.3.3 Following charge the OIC must obtain a paper copy of the charge and bail sheet (MG4).

9.4 Charge File Preparation and Submission

9.4.1 Following charge the OIC must log onto the CuCase system and commence case file preparation. The case input tab should be selected and the CR number entered.

- Locating the record in this way (as apposed to locating the record via the URN) will activate an electronic link with the crime system; limiting the need to double key certain information.



- 9.4.2 In the case history tree, in the left hand panel, the CR number and URN will appear, along with the name of the offender(s) and victim (if relevant), their details having been transferred automatically from the CR to the URN record - additional witnesses will need to be added manually.
- If the URN record is created prior to the crime report on CRIME the OIC will have to add the defendant, offence and victim information manually.
- 9.4.3 Any subsequent offence(s) must now be added, to the record, for each offender; the offence input tab is located under the offender's name (in the case history tree).
- 9.4.4 All information transferred from CRIME must be checked, to ensure there are no data errors. Mandatory fields must be completed and any other relevant information added.
- 9.4.5 If the OIC is satisfied that all case data is accurate the correct case 'file type' must be selected; the file type options are shown on the case screen under 'category'.
- 9.4.6 Once the file type choice has been made the ECF tab in the case history tree can be selected. This will activate the case file screen where case preparation will take place. Based upon the file type choice, the system will calculate the correct MG forms for the file; they are shown under the 'mandatory forms' tab. The OIC must ensure that each one of the mandatory MG forms is appended to the file; once appended they will appear as a case item on the screen.
- 9.4.7 In cases where other (non-mandatory) MG forms are relevant to the case they can be found in the 'optional forms' list and appended to the file as required.
- 9.4.8 Where paper MG forms (such as a charge sheet or hand written statement) exist they must be scanned into the file as an electronic document, via the upload button.



NB: Where scanner availability (or malfunction) is an issue, the **contingency instructions as set in Section 3.3** must be followed.

9.4.9 Once the OIC has assembled a list of the MG forms in the ECF, the forms can be viewed or amended. Others, such as the MG5, can be compiled and edited.

9.4.10 The ECF does not replace the need for a paper document file (see 8.3). The main purpose of the ECF is to provide the OIC with the ability to create the MG forms in the CuCase record, reduce double keying, give supervisors a platform to undertake the QA review, the means to notify the AJU of a new case file and enable the auto population of court results when transmitted by court systems.

9.5 Timescales – Paper Document File

9.5.1 Although CuCase provides the electronic transfer of a case file, the submission of the paper file containing the original documents, to the AJU, is compulsory (see 8.3). Officers must ensure the paper document file is delivered to the AJU as soon as is practicably possible; for charge and bail cases delivery must occur at least four working days prior to the first hearing.

9.6 Quality Assurance (QA) Review

9.6.1 Once an OIC has prepared the ECF they must ensure it is quality assured (QA) by a supervisor. Under no circumstances is the First Hearing Bundle to be delivered to CPS or the original paper document file sent to the AJU before a QA review is completed. However, the OIC must be mindful of case file [SUBMISSION TIMESCALES](#).

NB: Where scanner availability (or malfunction) is an issue, the **contingency instructions, as set out in Section 3.3**

9.6.2 On the 'case screen', beneath the OIC details, there are two supervisory boxes. The box labelled '**First Line Supervisor**' must be completed in every case, with details of



the OICs immediate supervisor. When the supervisory request button is activated, on the ECF screen, an electronic notice will be sent to the supervisor to warn them that a case is awaiting their inspection. The supervisor will then conduct a QA review via the documents stored in the ECF.

9.6.3 As a rule the officer's first line supervisor will conduct all their QA reviews. However, in urgent cases, requiring an immediate QA review, if the OICs supervisor is not on duty or is unavailable the OIC must select an alternative (on duty) supervisor to complete the review. This can be a supervisor, the OIC knows to be on duty or another identified on NSPIS. However, the OIC **must** make contact with the chosen supervisor (i.e. radio or telephone) and notify them of the need for an urgent QA review. In these circumstances, the OIC will enter the QA supervisor details into the box (on the case screen) beneath the '*First Line Supervisor*', labelled '**QA Supervisor**'. When the supervisory request button is activated, on the ECF screen, an electronic QA notice will be sent to both supervisors. This is to ensure that the officer's first line supervisor is kept informed of new cases being investigated.

9.6.4 Once a supervisor has completed a QA review, from the 'drop down' box, they must select their file categorisation (Accept or Reject) and activate the 'supervisors reply' tab, triggering a message to the OIC. Where the supervisor has selected 'Reject', the supervisor must add their comments and identify the remedial work required in the free text below the reply tab. When a case is rejected, the OIC must complete the remedial work identified and re-submit the ECF for a further supervisor QA review. Once a case has passed the QA review, the supervisor will select 'Accept' and activate the supervisors reply tab, triggering a notice to the OIC, confirming file fitness and instructing the OIC to submit the paper file documentation.



9.6.5 An activation, by the supervisor, of the 'supervisors reply' tab, also sends notification to the AJU, advising them of a new ECF for their attention.

9.6.6 Supervisory documents, such as the MG5, must be printed and signed by the supervisor, then faxed (or passed) to the OIC for inclusion on the paper file.

9.6.7 When the offender charged is a youth, the supervisor must ensure an on-line youth offender form (on the Force intranet) is completed and submitted (via email), within 12hrs of the charge, to their AJU.

9.6.8 Upon receipt of the endorsement notice (confirming file is satisfactory) the OIC will:

- Except in a SPECIFIED COURT AREA; prepare the First Hearing Bundle, ensuring the MG5 and other relevant MG forms are signed by them and a supervisor
- Except in the specified court area; arrange delivery of the First Hearing Bundle to the agreed CPS 'drop off point', within the scheduled timeframe
- Send the original paper file documents to the AJU
- Notify victim(s) and any other witness (who has asked to be kept informed) of the charge and first court date

9.6.9 Upon receipt of the ECF notification (or the faxed copy if scanners are unavailable) the AJU or WCU will:

- Acknowledge receipt
- Ensure all case file activity is recorded on the URN record
- Complete a preliminary case file inspection and provide feedback to the OIC and supervisor when file issues are identified
- Where LMO messages are required ensure they are submitted to CPS
- Ensure the case is correctly listed at court, including the court room number



- For courts within the specified court area, prepare the First Hearing Bundle and arrange delivery within the agreed timeframe
- For courts outside the specified court area, contact the local CPS office, prior to first hearing, and ensure they have received the First Hearing Bundle; where this has not happened the AJU will (time permitting) first liaise with the OIC to establish the reason, but (nevertheless) ensure the CPS do receive the documents they require for the first hearing
- Act as a single point of contact for all parties, (CPS, OIC, court, Victim and witnesses)

9.7 LMO Messages

One of the main functions of CuCase is to send case information electronically to the CPS Case Management System (CMS), activating case registration and providing key case information to the CPS lawyers and admin staff. The electronic notices, known as LMO messages, need to be generated and submitted via the CuCase Omega interface 'tab', which is located on the case file screen.

9.7.1 A chart for LMO message transmission is displayed at Appendix A.

9.7.2 In **overnight custody** charge cases the police supervisor, completing the QA review, must ensure an LMO1 message is transmitted to CPS. In cases where the defendant is charged and released on bail, for court, the AJU will submit the LMO1.

9.8 Expediency and Remote Locations

9.8.1 In some charge cases (such as overnight custody), submission time scales will be critical and delaying file submission will not be possible. In these cases, if the supervisor identifies errors during the QA process, they must (in all but the extreme cases) ensure that any remedial work is expedited and the First Hearing Bundle is



amended before the case is presented at the first court hearing. The ECF and the original paper file (for the AJU) will also need to be amended.

9.8.2 Officers that deal with an overnight charge case, at a Home-office police station, in a remote location must prepare the First Hearing Bundle, for the first court hearing, and deposit a **copy** for CPS in the CPS basket at the Home-office police station (or in accordance with local arrangements) prior to leaving. An officer must then return to their home station with the ORIGINAL case documents, scan them into the CuCase record and activate the supervisors QA review request (as previously stated).

NB: Where scanner availability (or malfunction) is an issue, the **contingency instructions, as set out in section 3.3** must be followed.

9.8.3 The supervisor, having examined the EFC, if they identify any errors, requiring urgent remedial action, and the OIC has booked off duty, the supervisor will take the appropriate action to correct the error(s) before the case is presented at court. But, when dealing with overnight cases, it is important that the supervisor (on the ECF screen) selects 'Accept' and activates the supervisors reply tab, even though adjustments to the file might be needed.

9.8.4 An activation, by the supervisor, of the 'supervisors reply' tab, also sends notification to the AJU, advising them of a new ECF for their attention.

9.8.5 Upon receipt of the ECF notice the AJU will ensure the case is listed at court and contact CPS to ensure they have received a copy of the first hearing papers.

9.9 Post First Hearing

9.9.1 The AJU will establish the outcome of the first hearing.

9.9.2 Dependant on the outcome of the first hearing, the AJU or witness care unit will:



- Inform victim(s) and witnesses of first hearing outcome
- In guilty plea cases, advise OIC and result IT systems, including PNC
- For cases adjourned for trial or committal, instigate victim and witness care duties, commence file upgrade and update IT systems
- In cases with an AS number, where there is a requirement to update IT systems, monitor court hearings and amend the PNC AS record if a new court date becomes known or is made available
- Request any additional material required, for the file upgrade, from the OIC
- If defendant(s) is released on conditional bail; advise the OIC of the conditions and duration, and update relevant IT systems
- Where a defendant fails to attend court; obtain the electronic warrant notification and commence the warrant management duties
- Warn witnesses for trial (and de warn when trials are adjourned)
- On case conclusion; advise OIC, notify victim and witnesses, update IT systems and make the storage arrangements for the case papers.

9.10 Case Failure

9.10.1 Where a charged case, containing a notifiable offence, does not reach a conclusion because CPS has:

- discontinued
- withdrawn
- offered no evidence

The AJU will arrange for an Area DDM review, to establish whether the detection is sustainable.

9.10.2 Some failed prosecutions (mainly DISCHARGED cases), providing CPS give their authority, may be re-prosecuted (reinstated). When such a case occurs, the AJU will notify the OIC. The OIC must review the reason for case failure and decide whether a



new prosecution is suitable. Where re-prosecution is considered appropriate, once the reason for the failure is resolved, the OIC will inform the AJU who will make a formal application to CPS. Where permission to instigate new proceedings is granted, the OIC will be informed and a decision made (between OIC and the AJU) on the most effective method to commence the prosecution process.

9.10.3 AJUs will examine PTPM data, provided by CPS, to identify cases where (according to CPS) a case failed due to 'essential legal element missing' and take the action considered appropriate.

9.11 Disposal of Exhibits

9.11.1 Upon receipt of the final case disposal notice (court result) from the AJU, but at least one month after the appeal period (28 days), the OIC must make the necessary arrangements for the disposal of the case exhibits in accordance with current Force instructions.

10 REPORTED CASE PROCEDURE

10.1 Introduction

10.1.1 A reported case is where an offence is investigated and the suspected person(s) is informed that they are being reported and may be prosecuted (by summons).

10.2 Initial Process

10.2.1 Once the offender has been reported the OIC must (unless exceptional circumstances prevent it) contact the CRC. The CRC will enter the offence details onto CRIME and (where appropriate) generate a BTP case URN (see 3.4) and, if one of the offences being investigated is a recordable matter, issue a BTP AS number (see 3.5).



10.2.2 Using the reference numbers provided by the CRC the OIC must log onto the CuCase system and begin case file preparation, this process should commence by selecting the case input tab and entering CR number.

- Locating the record in this way (as apposed to locating the record via the URN) will activate the crime system to transmit the CR information; limiting the double keying of case information.

10.2.3 In the case history tree, in the left hand panel, the CR number and URN will appear, along with the name of the offender(s) and victim (if relevant), their details having been transferred automatically from the CR to the URN record - additional witnesses will need to be added manually.

- If the URN record is created prior to the crime report on CRIME the OIC will have to add the defendant, offence and victim information manually.

10.2.4 Any subsequent offence(s) must now be added, to the record, for each offender; the offence input tab is located under the offender's name (in the case history tree). The relevant offence(s) must now be added to each offender; the offence input screen can be found under the offender's name in the case history tree.

10.2.5 All information transferred from CRIME must be checked, to ensure there are no data errors, the mandatory fields must be completed and any other relevant information added.

10.3 Electronic Case File (ECF)

10.3.1 If the OIC is satisfied that all case data is accurate the correct case 'file type' must be selected, the file type options are shown on the case screen under 'category'.

10.3.2 Once the file type choice is made, the ECF tab in the case history tree can be selected. This will activate the case file screen where case preparation will take place.



Based upon the file type choice, the system will calculate the correct MG forms for the file; they are shown under the 'mandatory forms' tab. The OIC must ensure that each one of the mandatory MG forms is appended to the file; once appended they will appear as a case item on the screen.

10.3.3 In cases where other (non-mandatory) MG forms are relevant to the case they can be found in the 'optional forms' list and appended to the ECF, as required.

10.3.4 Where paper MG forms (such as a hand written statement) exist, they must be scanned into the file as an electronic document, via the upload button.

NB: Where scanner availability (or malfunction) is an issue, the **contingency instructions** shown in **Section 3.3** must be followed.

10.3.5 Once the OIC has compiled the list of MG forms in the ECF, the forms can be viewed, or completed. Others, such as the MG5, can be compiled and edited.

10.3.6 The ECF does not replace the need for a paper document file (see 8.3). The main purpose of the ECF is to provide the OIC with the ability to create the MG forms in the CuCase record, reduce double keying, give supervisors a platform to undertake the QA review, the means to notify the AJU of a new case file and enable the auto population of court results when transmitted by court systems.

10.4 Timescales

10.4.1 Although CuCase provides the electronic transfer of a case file, the submission of the paper file containing the original documents, to the AJU, is compulsory (see 8.3). Ordinarily in reported cases, the paper document file must (unless circumstances prevent it) be submitted to the BTP AJU within **fourteen (14) days** of the offender being reported. However, where Road Traffic Offences are being investigated and the OIC is awaiting a response to:



- notice of Intended Prosecution
- driver detail request form

OR the offender has been sent an invite for an alternative disposal (i.e. caution), the fourteen-day rule will apply from the date of the offender's response or the date a decision is made to prosecute without a response (a reasonable response time having elapsed).

10.5 Quality Assurance (QA) Review

10.5.1 The primary purpose of the QA review is for the supervisor to:

- Ensure the case file is 'fit for purpose' and
- Decide the case disposal method: – prosecute, simple or conditional caution (adult), reprimand or final warning (youth offender), no further action (NFA), PND or Cannabis Warning.

10.5.2 The disposal decision, made by a supervisor (or ERO) must be primarily based on the [CODE FOR CROWN PROSECUTORS](#) (evidence & public interest) tests and the offence [GRAVITY FACTORS](#), a supervisor's decision and rationale must be recorded on an MG3, case file submission front sheet or an MG6; offences requiring CPS authority must be submitted for their approval.

10.5.3 Once an OIC has prepared the ECF they must ensure it is quality assured (QA) by a supervisor. Under no circumstances is the ECF to be transferred to the AJU before a QA review is completed. On the 'case screen', beneath the OIC details, there are two supervisory boxes. The box labelled '**First Line Supervisor**' must be completed in every case, with details of the OICs immediate supervisor. When the supervisory request button is activated, on the ECF screen, an electronic notice will be sent to the supervisor to warn them that a case is awaiting their inspection. The supervisor will then conduct a QA review via the documents stored in the ECF.



10.5.4 As a rule, the officer's first line supervisor will conduct all their QA reviews. However, in urgent cases, where statutory time limit rules might apply, if the OICs supervisor is unavailable the OIC must select an alternative (on duty) supervisor to complete the QA review. This can be a supervisor, the OIC knows to be on duty or another identified on NSPIS. However, the OIC **must** make contact with the chosen supervisor (i.e. radio or telephone) and notify them of the need for an urgent QA review. In these circumstances, the OIC will enter QA supervisor details into the box (on the case screen) beneath the '*First Line Supervisor*', labelled '**QA Supervisor**'. When the supervisory request button is activated, on the ECF screen, an electronic QA notice will be sent to both supervisors. This is to ensure that the officer's first line supervisor is kept informed of new cases being investigated.

10.5.5 Once a supervisor has completed a QA review, from the 'drop down' box, they must select their file categorisation (Accept or Reject) and activate the 'supervisors reply' tab, triggering a message to the OIC and AJU. Where the supervisor has selected 'Reject', they must add their comments and identify the remedial work required in the free text below the reply tab. When a case is rejected, the OIC must complete the remedial work identified and re-submit the ECF for a further supervisor QA review.

10.5.6 Cases that pass the QA review and are recommended for prosecution, the supervisor will add their decision (and rationale) to an MG3 and appended it to the ECF, prior to activating the supervisors reply tab. This will trigger a notice to the AJU and to the OIC, confirming file fitness and instructing the OIC to submit the paper file documentation to the AJU.

10.5.7 Where the disposal decision (made by the supervisor or ERO) is something other than prosecution, the supervisors must direct the OIC on the appropriate course of action required to finalise the disposal (i.e. arrange the caution or notify offender of NFA).



Once the diversion disposal is completed, a further supervisor QA review will be required as described in the DIVERSION process (see 12).

10.5.8 Where a supervisor makes a case disposal decision, in respect of a youth offender, they must ensure an on-line youth offender form (on the Force intranet) is completed and submitted (via email), within 12hrs of the decision, to their AJU.

10.5.9 Cases recommended by a supervisor or ERO for prosecution will be supported by the AJU, unless critical factors (identified by the AJU) dictate an alternative course of action.

10.6 Submission

10.6.1 Upon receipt of the supervisors QA endorsement the OIC will ensure all paper MG forms are correctly signed and submitted with the paper file to the AJU.

10.6.2 The OIC must ensure the victim(s) and witnesses are given the case disposal decision.

10.7 CPS Authority Required

10.7.1 Some reported cases will require CPS authority, prior to prosecution. After a police supervisor or ERO has examined the ECF and completed the QA review, providing the ECF is 'fit for purpose', the supervisor must inform the OIC to complete an MG3 and arrange a CPS (DP) appointment. The supervisor/ERO can do this by activating the ECF 'Reject' tab and adding their instructions in the 'comments & directions' box, creating an electronic message to the OIC.

10.7.2 In the CPS authority cases the police supervisor or ERO, completing the QA review, must ensure an LMO1 message is transmitted to CPS via the CuCase Omega interface 'tab', which is located on the case file screen. A chart for LMO message transmission is displayed at Appendix A.



10.7.3 Once the CPS disposal decision has been made, the OIC must scan the CPS decision (MG3) into the ECF and activate the electronic message send button, on the case file screen, to the supervisor.

10.7.4 The supervisor's response will depend on the CPS decision. If CPS have authorised prosecution, the supervisor should activate the endorsement tab (for OIC to send the original paper file documents to the AJU).

10.7.5 In cases where CPS has directed some other course of action, such as a caution, the supervisor must direct the OIC on the action needed to finalise the disposal process (i.e. arrange caution or notify offender of NFA). Once the disposal process is complete, a further QA review is required as described in the DIVERSION process (see 12).

10.7.6 Where the case disposal decision, made by CPS, relate to a youth offender, the supervisor must ensure an on-line youth case disposal form (Force intranet) is completed and submitted to the AJU (via email) within 12hrs of the disposal decision.

10.8 Area Justice Unit

10.8.1 Upon receipt of the ECF, the AJU or WCU will:

- Acknowledge receipt
- Complete a preliminary case file inspection. Provide feedback to the OIC and supervisor when file issues are identified
- Where LMO messages are required ensure they are submitted to CPS
- Evaluate the disposal decision
- Act as a single point of contact for all parties (CPS, OIC, court, victim and witnesses)
- Inform victim(s) and witnesses of first hearing outcome
- Ensure all case file activity is recorded on the URN record
- Undertake the summons application process



- Ensure all IT systems correctly finalised and make the storage arrangements for the case papers

10.9 Post First Hearing

10.9.1 The AJU will establish the outcome of the first hearing and dependant on the outcome of the first hearing, the AJU or WCU will:

- Inform victim(s) and witnesses
- In guilty plea cases, advise OIC and result IT systems
- For cases adjourned for trial, instigate victim and witness care duties, commence file upgrade and update IT systems
- In cases with an AS number, where there us a requirement to update IT systems, monitor court hearings and amend the PNC AS record if a new court date becomes known or is made available
- Request any additional material required, for the file upgrade, from the OIC
- Where a defendant fails to attend court; obtain the electronic warrant notification and commence the warrant management duties
- Warn witnesses for trial (and de warn when trials are adjourned)
- On case conclusion; advise OIC and inform victim and witnesses, update IT systems and make the storage arrangements for the case papers.

10.10 Case Failure

10.10.1 Where a prosecution case does not reach a conclusion and CPS decide to:

- discontinue
- withdraw
- offer no evidence

The AJU will consider an Area DDM review, dependant on the nature of the offence prosecuted, to establish whether the detection is sustainable.



10.10.2 A case that is DISCHARGED may, if CPS are agreeable, be reinstated; however for minor low-level case this is extremely unlikely unless there exceptional reasons to do so. A case deemed suitable for re-prosecution, the AJU will notify the OIC of the discharge. The OIC must review the reason for the discharge and establish whether it is appropriate to consult CPS for permission to re-instigate the prosecution. Where re-prosecution is considered appropriate, once the reason for the discharge is resolved, the OIC will inform the AJU who will make a formal application to CPS. Where permission to instigate new proceedings is granted, by CPS, the OIC will be informed and the AJU will commence new summons proceedings.

10.10.3 AJUs will examine PTPM data, provided by CPS, to identify cases where (according to CPS) a case failed due to 'essential legal element missing' and take the action considered appropriate.

10.11 Disposal of Exhibits

10.11.1 Upon receipt of the final case disposal notice (court result), but after the appeal period, from the AJU, the OIC must dispose of the case exhibits in accordance with current Force instructions.

11 ADVICE FILE PROCEDURE

11.1 Introduction

11.1.1 Some cases are so serious, complex, difficult or unusual, they will not be appropriate for a simple CPS duty prosecutor review, mainly because of the time required for the review or the offence needs a specialist lawyer to conduct the review. In such cases, the OIC must prepare an advice file.

11.2 Advice Required

11.2.2 CPS will provide advice in respect to:

- whether there is sufficient evidence to commence proceedings



- whether a prosecution is in the public interest
- the choice of charge(s)
- any other matter where it is considered that legal advice should be sought before proceeding further

11.3 Advice File Process

11.3.1 An investigating officer must first obtain a BTP case URN and (if the offence details are recorded on PNC) a BTP AS number, from the CRC at Cardiff. A case file must then be prepared with as much content and detail as is relevant to the case. An MG3, displaying the BTP case URN, must form part of the file, clearly setting out the exact advice being sought.

11.3.2 Once the advice file is complete, an officer must contact the local CPS branch office (according to the offence location) so that the advice file delivery method can be agreed and (if deemed appropriate) arrangements made for a face-to-face case consultation. There is no need to contact the National CPS daytime contact centre, which, according to modernised charging, is the normal process for obtaining standard charging advice.

11.3.3 A process of relaying the outcome of the CPS advice (back to the officer) also needs to be agreed with the local CPS branch office.

11.3.4 If case papers are to be deposited or left at the local CPS branch office this **must not** include the ORIGINAL case file documents, which are to be retained by the officer.

12 DIVERSION CASE (OUT OF COURT DISPOSAL) PROCEDURE

12.1 Introduction

12.1.1 A diversion case file is required when a suspected person (or persons) is informed that no further action (NFA) will be taken against them or where the offender has admitted



the offence (recorded in writing) and an out of court disposal is issued (in place of prosecution); Force policy explains each process:

- [ADULT SIMPLE CAUTION](#)
- [ADULT CONDITIONAL CAUTION](#)
- [YOUTH RESTORATIVE JUSTICE \(REPRIMAND OR FINAL WARNING\)](#)
- [CANNABIS DRUGS WARNING](#)

12.1.2 In REPORTED cases where the OIC has completed the investigation, but believes an out of court disposal is more appropriate than prosecution, the OIC must follow the REPORTED case path (see 10.2 & 10.5.7), but adding an MG6 to the ECF with their personal recommendation and rationale for the NFA or out of court disposal. The supervisor or ERO, that conducts the QA review, will consider the content of the MG6 before making their disposal decision.

12.2 Diversion File Process

12.2.1 In cases where the alternative disposal process is complete, the OIC must (unless exceptional circumstances prevent it) contact the CRC. The CRC will enter the offence details onto CRIME, generate a BTP case URN (see 3.4) if not previously issued, and if the offence is PNC recordable provide a BTP AS number.

12.2.2 Having logged into the CuCase system; the OIC must select the case input tab and enter the CR to locate the case URN record.

- Locating the record in this way (as apposed to locating the record via the BTP case URN) will activate the CRIME system to transmit the CR information; limiting the need to double key information.

12.2.3 Once the URN record is located the CR number will appear in the left hand panel, on the case record history tree, along with the name of the offender(s) and victim (if



relevant), having been transferred automatically from the CR. Additional key witnesses will need to be added manually.

- If the URN record is created prior to the crime report the OIC will have to add all case information to the record manually.

12.2.4 The relevant offence(s) must now be added to each offender; the offence input screen can be found under the offender's name in the case history tree.

12.2.5 The information transferred from CRIME must be checked, to ensure there are no data errors, the mandatory fields must be completed and any other relevant information added.

12.3 Electronic Case File (ECF)

12.3.1 If the OIC is satisfied that all case data is accurate the correct case 'file type' must be selected, the file type options are shown on the case screen under 'category'.

12.3.2 Once the file type choice has been made, the ECF tab in the case history tree can be selected. This will activate the case file screen where case preparation will take place. Based upon the file type choice, the system will calculate the correct MG forms for the file; they are shown under the 'mandatory forms' tab. The OIC must ensure that each one of the mandatory MG forms is appended to the file; once appended they will appear as a case item on the screen.

12.3.3 In cases where other (non-mandatory) MG forms are relevant to the case they can be found in the 'optional forms' list and appended to the ECF, as required.

12.3.4 Where paper MG forms (such as a hand written statement) exist they must be scanned into the file as an electronic document, via the upload button.



NB: Where scanner availability (or malfunction) is an issue, the **contingency instructions** shown in **Section 3.3** must be followed.

12.3.5 Once the OIC has compiled the list of MG forms in the ECF, the forms can be viewed, or completed. Others, such as the MG5, can be compiled and edited.

12.3.6 The ECF does not replace the need for a paper document file (see 8.3). The main purpose of the ECF is to provide the OIC with the ability to create their MG forms in the CuCase record, reduce double keying, give supervisors a platform to undertake a QA review, the means to notify the AJU of a new case file and enable the auto population of court results when transmitted by court systems.

12.4 Timescales

12.4.1 Although CuCase provides the electronic transfer of a case file, the submission of the paper file containing the original documents, to the AJU, is compulsory (see 8.3). Diversion case files must be submitted, to the AJU, within **fourteen (14) days** of the disposal having been completed.

12.5 Quality Assurance (QA) Review

12.5.1 Once an OIC has prepared the ECF they must ensure it is quality assured (QA) by a supervisor. On the 'case screen', beneath the OIC details, there are two supervisory boxes. The box labelled '**First Line Supervisor**' must be completed in every case, with details of the OICs immediate supervisor. When the supervisory request button is activated, on the ECF screen, an electronic notice will be sent to the supervisor to warn them that a case is awaiting their inspection. The supervisor will then conduct a QA review via the documents stored in the ECF.

12.5.2 As a rule supervisors will conduct all of their own officers QA reviews. However, if for some reason that supervisor is unavailable and that will cause an unacceptable delay, the OIC must select an alternative (on duty) supervisor to complete the QA review.



This can be a supervisor, the OIC knows to be on duty or another identified on NSPIS. However, the OIC **must** make contact with the chosen supervisor (i.e. radio or telephone) and notify them of the need for an urgent QA review. In these circumstances, the OIC will enter QA supervisor details into the box (on the case screen) beneath the '*First Line Supervisor*', labelled '**QA Supervisor**'. When the supervisory request button is activated, on the ECF screen, an electronic QA notice will be sent to both supervisors. This is to ensure that the officer's first line supervisor is kept informed of new cases being investigated.

12.5.3 Once a supervisor has completed a QA review, from the 'drop down' box, they must select their file categorisation (Accept or Reject) and activate the 'supervisors reply' tab, triggering a message to the OIC. Where the supervisor has selected 'Reject', they must add their comments and identify the remedial work required in the free text below the reply tab. When a case is rejected, the OIC must complete the remedial work identified and re-submit the ECF for a further supervisor QA review. Cases that pass a QA review, the supervisor will select 'Accept' and activate the supervisors reply tab, triggering a notice to the AJU, advising them of a new ECF for their attention and to the OIC, confirming file fitness and instructing the OIC to submit the paper file documentation.

12.6 Submission

12.6.1 Upon receipt of the supervisor's endorsement, the OIC will attach the DIVERSION CASE assessment form, to the front of the original paper file, and submit the case papers.

12.6.2 Where the case disposal relates to a youth offender, the supervisor must ensure an on-line youth offender form (on the Force intranet) is completed and submitted (via email), within 12hrs of the decision, to the AJU.



12.6.3 The OIC must ensure the victim(s) and witnesses are given the case disposal decision and the CRIME is updated to show the case disposal method.

12.7 Conditional Caution

12.7.1 Where a conditional caution is issued to an offender, the original paper document file should be received in the area justice **within 48hrs of the caution**.

12.7.2 In cases where a financial payment is one of the conditions, upon receipt of the case file, the AJU will monitor payment.

12.7.3 The AJU will monitor caution (condition) compliance.

12.7.4 Should the OIC be notified by the AJU that a person, issued with a conditional caution, has failed to comply with any part of a condition the OIC will speak with their supervisor and liaise with the AJU to agree the most appropriate course of action, including a further CPS lawyer review.

12.8 Area Justice Unit

12.8.1 Upon receipt of the ECF, the AJU will:

- Acknowledge receipt electronically
- Complete a preliminary case file inspection and provide feedback to the OIC and supervisor when file errors or weaknesses are identified
- Ensure all IT systems are updated and correctly finalised
- For conditional caution cases, if financial compensation is a condition, monitor compliance. And, if any part of a condition is not met, notify the OIC and CPS
- Connect the paper document file (once received) and make the storage arrangements



12.9 Disposal of Exhibits

12.8.1 Once a case has been finally disposed the OIC must dispose of the case exhibits in accordance with current Force instructions.

13 RELATED CASE FILE ISSUES

13.1 Introduction

13.1.1 Related case file issues are those that will not affect every case, but do have an influence on some cases and affect the criminal justice process in some way.

13.2 Penalty Notice for Disorder (PND)

13.2.1 Once a PND has been handed out, to an offender, the issuing officer must submit the carbonated copy of the PND and any connecting documentation to their nominated Area PND champion, for a QA review. Providing the PND documentation is satisfactory, they will be submitted to the Central Ticket Office (CTO), based at FHQ, who monitor and manage PND tickets.

13.2.2 Should the defendant contest the PND the CTO will notify the AJU who will enter the case information onto the CuCase system, create a URN, and arrange for the nominated Area ERO or DDM to conduct a disposal review; establish whether prosecution is suitable.

13.2.3 At this stage the OIC may be required to provide additional information or documentation (to support a prosecution). The OIC must respond, obtain the material needed and submit them to the ERO/DDM or provide a reason why such material cannot be obtained.

13.2.4 Case authorised, by the ERO/DDM, for prosecution will be returned to the AJU and the summons process commenced.



13.2.5 At the conclusion of the case, or if a decision is taken by the ERO/DDM to NFA, the AJU will update all IT systems and record the outcome.

13.3 Submission of Additional Evidence

13.3.1 At some point in proceedings, when asked by the AJU, the OIC might be required to submit additional case material. Paper documents (i.e. additional statements) are to be scanned into the ECF and following a supervisor QA review submitted to the area justice under the cover of an MG20.

NB: Where scanner availability (or malfunction) is an issue, the **contingency instructions** shown at **Section 3.3** must be followed.

13.3.2 If a delay or problem is likely (obtaining the additional material) the OIC must inform the AJU.

13.3.3 Supervisors must monitor requests sent to their officers for additional material to ensure prompt compliance.

13.3.4 All additional material submitted must bear the case URN.

13.4 Offences to be Taken Into Consideration (TIC)

13.4.1 When an OIC wants to include other offences, which the defendant(s) is asking to have taken into consideration (TIC), on a prosecution file, the OIC must ensure the TIC offences comply with Force instructions ([DDM CHECK LIST FOR OFFENCES TAKEN INTO CONSIDERATION](#)), the MG5 is endorsed (re the TIC application) and the TIC form (MG18) is prepared in accordance with the national [MANUAL OF GUIDANCE](#).

13.4.2 If an offence is to be cleared as a TIC matter the victim must be contacted and advised by the OIC.



13.4.3 Where BTP TIC offences (listed on an MG18) are to be submitted as part of a Home-office police prosecution, the BTP OIC must make the arrangements to achieve this. The Home-office police URN, case court location and sentence date will be needed.

13.4.4 Once the MG18 has been added to Home-office police prosecution, a copy of the MG18 with an MG20 (giving a brief note about TIC submission - with court date and location) must be submitted to the BTP AJU.

13.4.5 Upon receipt of the MG20 and MG18 the AJU will create a specimen URN (for the TIC offences) and monitor the court result.

13.5 Interpreters – First Hearing

13.5.1 In charge cases where an interpreter is required (for the defendant) at the first court hearing, it is the responsibility of the OIC to make the necessary arrangements to secure an interpreters court attendance. This is especially important for overnight custody cases. In most cases the interpreter attending the police station (for the defendant) should be asked to act at the first hearing. Although this interpreter will not be allowed to facilitate at later hearings, their attendance at the first hearing is permissible.

13.5.2 The case papers must be clearly marked as 'INTERPRETER REQUIRED' (on the MG5) including the arrangements made by the OIC to secure their attendance.

13.5.3 Where it has not been possible for the OIC to arrange an interpreter, in time for the first hearing. The OIC must add this information to the MG5 and (on the original paper file sent to the AJU) add a covering memo stating – 'INTERPRETER REQUIRED', give the offenders preferred language and the reason why it has not been possible to arrange an interpreter.



13.5.4 Provided the AJU is made aware and is given sufficient time, in cases where the OIC has not be able to obtain the services of an interpreter, the AJU will expedite the action needed to secure an interpreters court attendance and inform the court as to whether or not they have been successful.

13.6 Home Office Production Orders (HOPO)

13.6.1 All visits or requests, concerning a prisoner detained at one of Her Majesty Prisons (HMP) or a Young Offenders Institutes (YOI), prior to charge, must be conducted via the Force Intelligence Bureau (FIB) at FHQ.

13.6.2 After CHARGE, to secure a prisoner's attendance at court for the first hearing, the prisoner must be identified in a formal application, made to the institution concerned. The application, known as a Home Office Production Order (HOPO), is the agreed protocol – charging a prisoner and giving the prison the court date is NOT sufficient.

13.6.3 Where a defendant is taken from prison and charged, the first court hearing date should be set at least **fourteen (14) working days** after charge.

13.6.4 Following charge, the OIC must deliver the original paper file to their AJU at least **ten (10) working days** prior to the first hearing date. The prison information (prison name and prisoner ID number) must be entered on the MG6 and across the front of the file add the words (in bold capitals) – 'HOPO REQUIRED'.

13.6.5 Upon receipt of the paper file, providing the above time scales have been met, the AJU will undertake HOPO preparation and application, for the first court hearing.

13.7 Warrant – Issued for Court Non-attendance

13.7.1 The process, management and control of an arrest warrant issued by a court, currently varies throughout the Force. Because of this, a National BTP Warrant SOP is under



consideration. Prior to the publication of that SOP, officers will continue to observe local area instructions in relation to their responsibilities and the Area warrant process.

13.7.2 Where, due to the age of a case (or some other relevant reason), the warrant is to be considered for weeding (withdrawal) and the offences closed as NFA the BTP [WARRANT WITHDRAWAL SOP](#) will determine the correct process.

13.8 Warrant of the 1st Instance

13.8.1 A 1st instance warrant can be issued, by a court, in a summons case (if a defendant fails to answer the summons), but are more usually issued following a personal application to the court by a police officer.

13.8.2 As described above, in section 13.7 above, the process, management and control of an arrest warrant issued by a court, currently varies throughout the Force. Because of this, a National BTP Warrant SOP is under consideration. Prior to the publication of that SOP, officers will continue to observe local area instructions in relation to their responsibilities and the Area warrant process.

13.8.3 Where, due to the age of a case (or some other relevant reason), the warrant is to be considered for weeding (withdrawal) and the offences closed as NFA the BTP [WARRANT WITHDRAWAL SOP](#) will determine the correct process.

13.9 Offender Wanted for Questioning or Charging

13.9.1 If, during an investigation, an offender is to be circulated on the PNC as wanted for either questioning or charging, the OIC needs to comply with their area instructions. Such circulations are not an AJU responsibility, the investigation needs to be closely monitored by the investigating officer and their supervisor to ensure the offenders wanted circulation is still relevant and their arrest is still necessary.



13.10 Offences Detected on other Police Force Areas

13.10.1 When a BTP officer has arrested a person for an offence which has occurred in another police force area (e.g. driving m/v with excess alcohol) the officer should assist the local force, with the investigation, but only in the initial stages (e.g. first day). The offender should be taken to a local Home-office custody suite, arrest statements completed and (if requested) the other early stage enquiries completed, such as offender interview. But, once the 'first day' enquiries are complete the case must be handed over to the local police for them to adopt and deal. Under no circumstances should an officer accept BTP responsibility for the case. Where conflict arises between the BTP officer and the custody personnel, re case adoption, the officer should contact the BTP Area duty inspector and request their intervention.

13.10.2 In these cases the OIC must **NOT** obtain a BTP case URN or BTP AS number, there is no need to submit any documentation to the BTP AJU.

13.10.3 An NSPIS record should be created or updated to show the transfer of the investigation to the local police.

13.10.4 The **ONLY** exception to this part of the SOP is where the offences detected are very closely linked to a BTP investigation and it is considered to be in the best interest of justice that the investigations are joined and kept together.

13.10.5 In reported cases (for an offence on another police area), the BTP officer must liaise with the local Home-office police station and arrange case document submission via their police station procedures. A BTP case URN is not required and there is no need to undertake any document submission to the BTP area justice.



13.11 Application for Court Orders

13.11.1 In cases where the OIC is considering an application for an anti-social behaviour order or a football banning order, the officer should consult Force policy and seek guidance from the area specialist or department. The application should be made on an MG13, but the MG5 must also be endorsed (re application).

13.12 Major Crime and Large Scale Investigations

13.12.1 Where a Superintendent (or above) decides that, in the interest of an investigation, a case will be recorded and managed outside of the CuCase system, an officer involved in the investigation will contact the AJU and pass across minimal case details, but sufficient to allow the creation of a URN. The CuCase URN record will be updated (and then closed) to show where the case papers are held, the name of the appointed senior investigating officer (SIO) and contact numbers where the investigating team can be contacted. This will ensure that any enquiry about the case, received at the AJU, is directed to the correct location or investigation team.

13.13 Postal Statements

13.13.1 Under the CJSSS program (proportionate file build) it is permitted to obtain statements across the telephone, although this process should be reserved for cases where timeliness is a key factor or the witness cannot not be easily visited.

13.13.2 The statement taker should start by explaining the purpose of the call, ascertain whether the person is willing to provide a statement and for it to be recorded by telephone. It would not be appropriate for a statement to be taken in this way for anyone who is under 18.

13.13.3 The declaration at the head of the statement regarding the truth of its contents should be read verbatim to the maker and a clear understanding of its meaning given. The



statement will then be recorded and (when concluded) read back to the maker so agreement to the content can be agreed, including any alteration required.

13.13.4 The officer completing the statement must remember to complete the witness details on the back of page one.

13.13.5 Once completed, the MG11 statement must be dispatched (postal/email/fax) to the maker for signature and return. An unsigned statement will not meet the s9 Criminal Justice Act 1967 requirements, but progress in the case should not be delayed pending receipt of the signed statement; the unsigned copy can be submitted as part of an initial file bundle (and the signed copy added later).

13.13.6 Officers may find it advantageous to retain a copy of the statement and sign it as their own contemporaneous notes of a witness interview.

14 CONFLICT RESOLUTION MODEL

14.1 Introduction

14.1.1 From time to time disagreement or dissatisfaction will occur between those involved in the criminal justice process (OIC, AJU, CPS or courts). In such a case, it is extremely important that the correct protocol is observed, to ensure the matter is investigated properly and the issue addressed.

14.1.2 Any complaint relating to a breach of the Force conduct regulations must be dealt with in accordance with the Force 'Standards of Professional Behaviour regulations 2008'.

14.2 Complaint by Police Officer

14.2.1 Where a police officer has an issue or criticism (concerning the AJU, CPS or court), which they require to be examined, the officer must first discuss the matter with their



first line supervisor. If the supervisor is in agreement with the officer, but is below the rank of Inspector the supervisor must take the matter to an Inspector.

14.2.2 An officer of Inspector rank or above will access the matter and, if appropriate, set out the issue in writing and address it to the head of the AJU.

14.2.3 The justice unit head will acknowledge receipt, have the issue examined, determine the most appropriate course of action and advise the Inspector (in writing) of their decision.

14.2.4 If, after this process, the matter has not been resolved in a satisfactory manner the issue is to be passed, by the Inspector, to an Area Superintendent for resolution.

14.3 Area Justice Unit Complaint

14.3.1 Any criticism (from the AJU, CPS or court), concerning AJU staff or a police officer must first be examined by the justice unit head.

14.3.2 Matters concerning police officers, which the justice unit head wishes to be raised with an officer of supervisory rank, the justice unit head will set out the issue (in writing) and send it to the head of the police post where the officer is based.

14.3.3 The police post head will acknowledge receipt, have the issue examined, determine the most appropriate course of action and reply (in writing) to the justice unit head.

14.3.4 If, after this process, the matter has not be resolved in a satisfactory manner the issue is to be passed, by the AJU head, to an Area Superintendent for resolution.



APPENDICES

APPENDIX A

LMO MESSAGE TRANSMISSION

APPENDIX B

CASE FILE PROCESS MAPS:

1. CHARGE – BTP CUSTODY SUITE
2. CHARGE – HOME OFFICE CUSTODY SUITE
3. REPORTED CASE
4. AREA JUSTICE UNIT PROCESS

APPENDIX C

SPECIFIC KEY PERSONNEL RESPONSIBILITIES:

1. OFFICER IN THE CASE (OIC)
2. EVIDENCE REVIEW OFFICER (ERO)
3. POLICE SUPERVISOR
4. AREA JUSTICE UNIT
5. WITNESS CARE UNIT / PERSONNEL
6. BTP CUSTODY OFFICER