

CONTENTS OF NATIONAL FILE STANDARD (NFS) MAY 2015

PRE-CHARGE REPORT FOR CPS CHARGING DECISION	FOR 1st MAGISTRATES COURT HEARING		POST 1st MAGISTRATES COURT HEARING	
1. To Police Supervisor, CPSD or CPS Area Based Prosecutor	2. ANTICIPATED GUILTY PLEA (GAP) CASES - TSJ	3. ANTICIPATED NOT GUILTY PLEA (TSJ NGAP) CASES & CROWN COURT CASES (Irrespective of Plea)	4. Magistrates Court Cases	5. Crown Court Cases
<p>MUST INCLUDE:</p> <p>MG3/MG3A ** - Report/further report to Crown Prosecutor (include any DV checklists, hate crime incident reports)</p> <p>Previous Convictions of suspect and key prosecution witnesses</p> <p>MG11(s) – <u>Key</u> witness statement(s) or ROVI</p> <p>Any material that undermines the prosecution case or assists the defence case. Disclosure schedules are NOT required at this stage</p>	<p>MUST INCLUDE:</p> <p>MG4/ 4A Charge Sheet and bail/variation <i>or</i> MG4D/DPG/E –postal/written charge (where Digital Case File (DCF) not in use)</p> <p>MG5 (DCF where in use) Case Summary including Common Law Certification on Disclosure</p> <p>MG6** - Case File Evidence and Information</p> <p>Previous Convictions - print of defendant</p>	<p>MUST INCLUDE:</p> <p>MG3 /3A**- Report/further report to Crown Prosecutor</p> <p>MG4/ 4A Charge Sheet and bail/variation <i>or</i> MG4D/DPG/E – postal/written charge (where DCF not in use)</p> <p>MG5 (DCF where in use) Case Summary including Common Law Certification on Disclosure</p> <p>MG6** - Case File Evidence and Information</p> <p>MG9** - List of Witnesses</p> <p>MG10** - Witness non-availability</p> <p>MG11(s) - All key witness statement(s) or ROVI</p> <p>Streamlined Disclosure Certificate (NGAP only)</p> <p>Previous Convictions- print of defendant and key prosecution witnesses</p>	<p>NO FURTHER FILE BUILD AND SUBMISSION REQUIRED</p> <p><i>Except any further material</i></p> <p>identified, prior to or at the Case Management Hearing, as being necessary for trial (e.g. updated medical report, or MG15 interview record).</p> <p>or</p> <p>that may come into police possession post 1st hearing.</p>	<p>MUST INCLUDE:</p> <p>All initial NGAP/Crown Court case material</p> <p><i>plus</i></p> <p>Full MG6 disclosure series</p> <p>MG11 - All other statements (including corroborative, continuity etc.) and material identified on an MG3/3A action plan and not yet provided.</p> <p>MG15 - Interview Record</p> <p><u>unless specifically advised that any less material is required for early guilty plea or following initial case management</u></p>
<p>Where applicable also include:</p> <p>MG6** - Case File Evidence and Information</p> <p>MG7** - Remand Application(where DCF not in use)</p> <p>MG11 – VPS (or ISB, CIS)</p> <p>MGDD Drink/Drive forms</p> <p>Indication of: Special Measures, Hearsay, Bad Character, Video-Link evidence to be applied for</p> <p>Other key evidence: CCTV* (where the CCTV is of evidential value and to be relied upon at any trial. If not available, summarise content & ID offender and/or offence), medical or forensic reports, photographs, documentary exhibits, 999 tapes etc. If not available indicate on the MG6 the date requested and timescales for results to be returned/available.</p>	<p>Where applicable also include:</p> <p>MG2** - Special Measures Assessment</p> <p>MG3 /3A** Both to include any DV checklists and hate crime incident reports</p> <p>MG4A/B/C- Bail Conditional/ Vary/Security/Surety</p> <p>MG7** - Remand Application (where DCF not in use)</p> <p>MG8** - Breach of bail conditions(where DCF not in use)</p> <p>MG11 – VPS (or ISB, CIS where appropriate)</p> <p>MG11 – <u>key</u> witness statement /evidence e.g. CCTV*, only if necessary to explain or supplement the case summary or where viewing may have an impact on sentence</p> <p>MG18 - Offences TIC</p> <p>MG19** or Compensation documentation e.g. estimates or invoices. Only use MG19 if cannot be incorporated on MG5/DCF.</p>	<p>Where applicable also include:</p> <p>MG2** - Special Measures Assessment</p> <p>MG4A/B/C - Bail Conditional/Vary/Security/Surety</p> <p>MG6B** - Police officer/staff misconduct record (NGAP only)</p> <p>MG6D** - Schedule of relevant sensitive material (NGAP only)</p> <p>MGDD - Drink/Drive forms</p> <p>MG7** - Remand Application(where DCF not in use)</p> <p>MG8** - Breach of bail conditions (where DCF not in use)</p> <p>MG11 – VPS (or ISB, CIS where appropriate)</p> <p>MG12 –Exhibits list</p> <p>MG16** - Bad Character/Dangerous Offender</p> <p>MG18 - Offences TIC</p> <p>MG19** - Compensation form and details</p> <p>[MG] SFR - Forensic Submissions/results series of forms</p> <p>Other key evidence: CCTV* (where the CCTV is of evidential value and to be relied upon at any trial and/or sentence), medical or forensic reports, photographs, documentary exhibits, 999 tapes etc. If any of the above are not available must indicate on the MG6 the date requested and timescales for results to be returned/available</p>		
<p><i>*CCTV and any other visual/multimedia not listed</i></p> <p>**Not Discloseable to all parties</p>	<p><i>*CCTV and any other visual/multimedia not listed</i></p> <p>**Not Discloseable to all parties</p>	<p><i>*CCTV and any other visual/multimedia not listed</i></p> <p>**Not Discloseable to all parties</p>		

THE NATIONAL FILE STANDARD (NFS) MAY 2015

The NFS involves the preparation of the prosecution case by;

- The production of an accurate, fair and balanced outline of the offence(s) /case.
- The provision of sufficient information for sentencing of an admitted offence or for the progression of the case following the entry of a not guilty plea and the identification of trial issues (at a case management hearing).
- The taking of the essential (key/eye) witness statements only and,
- The removal of any avoidable bureaucracy in the preparation of the (digital) case file.

SIMPLE, STRAIGHTFORWARD ANTICIPATED GUILTY PLEA CASES

- In simple, straightforward cases where the officer can see no obvious challenges to the evidence then a case summary will be sufficient, provided it contains the details of what the defendant said in interview and the effect of the offence on the victim.
- Where the officer considers that the prosecutor may require additional information either to properly review the case and/or to elicit a guilty plea at the first hearing then any statement or exhibit gathered in the course of the investigation which will assist should also be served.

KEY EVIDENCE AND STATEMENTS

Key evidence is that evidence which either alone (the evidence of one witness) or taken together with other evidence (further witnesses or exhibits) establishes;

- the points to prove for each offence and,
- the person(s) to be charged committed the offence with any necessary criminal intent.

Key evidence is usually available at the point of charge. It would usually include **statements** from;

- **Civilian Witnesses** in the course of the investigation unless they have no bearing on the case.
- **Police Officers** who have witnessed any aspect of the offence.

It may also include **expert witnesses** e.g. forensic scientists whose evidence establishes one or more of the points to prove.

Where numerous witnesses provide differing evidence relating to the same events, MG11 witness statements should be provided in respect of each witness.

Key statements would **not usually include** police statements that **deal solely** with

- Arrest.
- Continuity of an exhibit or procedure.
- Exhibiting items whose provenance is unlikely to be in dispute.
- Corroboration of another officer's account.

Other forms of key evidence include:

- **CCTV (and other visual/multi-media)** – where there is evidential value and to be relied upon.(e.g. if it shows or proves the offence)
- **Streamlined Forensic Reports**
- **Other documents or forms**, e.g. drink drive forms (MGDD).
- **Medical evidence** - even if the required evidential material is not yet available, an indication of the medical position should be given.

DETERMINING WHETHER A CASE IS A GAP OR AN NGAP CASE

A **guilty plea** may be **anticipated** where either;

- the suspect has made a clear and unambiguous admission to the offence and has said nothing that could be used as a defence. (e.g. “I hit him first because I thought he was going to hit me” or “I did walk out of the shop without paying but I just forgot. I did not mean to”, etc.),

or

- the suspect has made no admission but has not denied the offence or otherwise indicated it will be contested and the commission of the offence and identification of the offender can be established by reliable evidence (e.g. of a police officer or another reliable independent witness) or the suspect can be seen clearly committing the offence on a good quality visual recording.

ASSESSING WHETHER A CASE IS SUITABLE FOR SENTENCE IN THE MAGISTRATES' COURT

A case may be **suitable** for **sentence in the magistrates' court** **UNLESS**

- The overall circumstances of the offence are so serious that a sentence of more than six months imprisonment justifies sending the case to the Crown Court, or
- The offence has been committed whilst the suspect was subject to a Crown Court order.