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Our Reference:

Your Reference:

21st May 1996

Dear Councillor Goodman,

Re: Whiplash case at Southwark Crown Court - April 1996

Further to my letter dated 17th May, I am now able to respond to your earlier enquiry of 25th April.

It may be helpful if I explain the role of this Service. One of the most important tasks of the CPS is its review function. This means that we consider the evidence supplied by the police, and any other relevant information, and make a decision about the prosecution of the case in accordance with the Code for Crown Prosecutors. The Code is a public document, laid annually before Parliament, and copies of the Code are available from the CPS Publicity Office at 50 Ludgate Hill, London EC4M 7EX.

We also advise the police about the strength of the evidence against the suspect, or if the public interest requires a prosecution. At all times, we exercise an independent judgement about the case presented, on the basis of the tests set out in the Code.

The Code for Crown Prosecutors describes the principles and the tests which we apply when deciding if a person should be prosecuted. It sets out rules and guidance to promote fair, efficient and consistent decision making.

First, we review the evidence in accordance with the Code. We must be satisfied that there is sufficient substantial, admissible and reliable evidence that a criminal offence has been committed and that there is a realistic prospect of a conviction. If we are satisfied that the evidence provides a realistic prospect of conviction, we will then consider whether the public interest requires a prosecution. In cases of any seriousness, a prosecution will usually take place, unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour. We cannot continue a prosecution unless both criteria are met.

You have asked if I can justify the decision to prosecute in the public interest. I hope you will understand that the Crown Prosecution Service is an independent body, and the Service is accountable to Parliament through the Attorney General. As a member of public you are entitled to know the principles, and to be given a broad indication of the reasoning, which underlie our decisions. Our criteria are set out in detail in the Code to which I have referred you.

We cannot, however, provide details of decisions in individual cases - whether the decisions are to prosecute or not to prosecute. Any public discussion of a decision to prosecute would breach the confidentiality which those involved are entitled to expect.

I hope that this explanation of the CPS approach to cases assists you, and reassures you that, in not providing further details of individual cases, I am not ignoring public concern. Indeed, this Service has a clear philosophy which, amongst others, is that everyone is equal before the law. We fully support this principle, and accordingly we will not be improperly influenced by the following:-

- The sex, ethnic or national origin, religious belief, political association or sexual orientation of the victim, witness or defendant;
- Personal feelings concerning the defendant, the victim or the offence;
- Pressure from any individual or group of people, claiming to have an interest in particular areas of the criminal law or policy;

I hope the above is of assistance to you.

Yours sincerely,



Martin Haddon
Branch Crown Prosecutor