

**LEGAL BUNDLE TEMPLATE &
INSTRUCTING LEGAL SERVICES PROCEDURE**

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Introduction

The purpose of this policy and procedure is to help and guide officers on instructing legal services by giving a clear and thought out process to be followed, ensuring that all considerations have been made in a case before legal action is sought.

It has been designed to ensure that if followed the correct action will be taken, and the anti social behaviour will be moderated or the offender will be successfully prosecuted for the offence committed.

The policy sections of this document are to help officers think through all of the considerations of the case, again if followed and documented will ensure the right outcome is delivered, and our action can be understood and defended. **It is not meant to add delay in taking action against individuals or delaying giving the community protection.**

When instructing legal services it is important to make it very clear who will be responsible for what tasks. The general principal for our service is that we will undertake writing to witnesses, taking statements, serving notices and arranging for witnesses to attend court.

It is also a requirement that the Investigating Officer creates a case plan which is sent to legal services and then updated if things change in the case. It is very important that you keep legal services informed of any developments in the case, good or bad, and that you give them copies of all related documents as soon as they become available.

Ask legal services for advice if you do not understand the process, they are there to support you and to follow your reasonable instructions.

When should legal action be taken?

Legal action should be taken in **all** cases where the community needs to be protected, in particular when a case involves violence, threats of violence or other serious forms of anti social behaviour. Action may also be necessary where anti social behaviour is low level but persistent and where informal action has failed to stop the problem and where it would be inappropriate not to escalate our involvement to further action.

Before instructing legal services

Before you use the procedure to give legal services formal instructions you need to think about what you want, and can achieve.

The following questions may help: -

- Are the allegations serious enough to warrant legal action?
- Do we need to secure urgent protection for the complainant or other witnesses?
- Are you clear about the circumstances of the case?
- Have you thought about the desirable outcome?
- Is the case complete and ready for instructions to be issued?
- Do you have the right information / evidence?
- Do you need to work with the complainant or others to secure better information / evidence?
- Is there other action that needs to be taken at the same time?
- Have you consulted colleagues within the service or looked in Your system to see if there any other relevant factors to this case?
- Have we already obtained a legal remedy which adequately protects the complainant / public, is it proportionate and reasonable?

To help Investigating Officers answer some of these questions, the following guidance **must** be considered.

Remember – This is about thinking through the case, and is not about producing reams of paperwork or delaying taking action.

Human Rights

The preamble to the Human Rights Act 1998 describes it as 'an Act to give greater effect to rights and freedoms guaranteed under the European Convention on Human Rights'.

Not all the rights set out in the Convention and its Protocols are incorporated into British law by the Human Rights Act 1998. The act only incorporates the rights in Articles 2 to 12 and in Article 14 of the Convention, plus those in the First and Sixth Protocols. The incorporated rights are set out in the First Schedule to the act and are referred to as 'Convention rights'.

- Article 2: Right to Life
- Article 3: Prohibition on Torture
- Article 4: Prohibition on slavery and forced labour
- Article 5: Right to liberty and security
- **Article 6: Right to a fair trial**
- Article 7: No punishment without law
- **Article 8: Right to respect for private and family life**
- Article 9: Freedom of thought, conscience and religion
- Article 10: Right to freedom of expression
- Article 11: Freedom of assembly and association
- Article 12: Right to marry and found a family

Therefore the Human Rights Act 1998 is UK legislation that adopts parts of the European Convention of Human Rights into British law.

Before legal instructions are issued consideration and knowledge of Articles 6 and 8 are paramount.

Article 6: Right to a fair trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law. Everyone charged with a criminal offence has the following minimum rights: -

- To be informed promptly, in a language which he or she understands and in detail, of the nature and cause of the accusation against him;
- To have adequate time and facilities for the preparation of his defence;
- To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 6 guarantees the right to a fair trial in **civil** and **criminal** proceedings. It sets standards for the way that proceedings are run. Although you may feel that you have not had a fair trial if you lose your case, there will only be a breach of Article 6 if these standards have not been met.

Article 8: Right to respect for private and family life

The main right under Article 8 is that *'Everyone has the right to respect for his private and family life, his home and his correspondence'*.

Part 2 of that right goes on to say *'There shall be no interference by a public authority with the exercise of this right'*

However this right is not absolute, Part 2 of the Article goes on to say ‘*except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, **public safety** or the economic well-being of the country, **for the prevention of disorder or crime**, for the protection of health or morals, or for the protection of the rights and freedoms of others*’.

The most important test when considering legal action is that of the rights of the individual against the rights of the community. To help you apply this test a simple mnemonic has been developed called JAPAN. It’s a thought process to show that you have considered carefully the human rights of individuals before you have taken action.

	Test Question	Example Answer	Question	Example Answer
J	Is the action Justified ?	Amount of complaints, or severity of behaviour	Its justified because	The behaviour is violent or we have had numerous complaints
A	Is the action Authorised ?	Instructing legal papers need authorisation.	Its authorised because	The Senior Investigating Officer has signed the Instruction.
P	Is the action Proportionate ?	Proposed action is tailored to moderate the behaviour only or to prosecute an offence.	Its proportionate because	The court action will help to moderate anti social behaviour, where other methods have not worked or are inappropriate or punish an offence.
A	Is the action Audited ?	Primary evidence obtained.	Its audited because	All primary evidence is documented in case file.
N	Is the action Necessary ?	Behaviour or actions been assessed as unacceptable	Its necessary because	Protection or action required.

Enforcement Concordat (Criminal cases)

The primary function of our enforcement work is to protect the public, the environment and groups such as residents, visitors and businesses. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving local economy.

The effectiveness of legislation in protecting the community depends crucially on the compliance of those regulated. We recognise that most people want to comply with the law. We will, therefore, take care to help the community and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice, and safety.

Most Enforcement Agencies has therefore adopted the central and local government Concordat on Good Enforcement. By adopting the concordat we commit ourselves to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

Principles of Good Enforcement

Standards

In consultation with the community and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.

Openness

We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting the community, business, voluntary organisations and charities. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

Helpfulness

We believe that prevention is better than cure and that our role therefore involves actively working with the community to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage the community to seek advice /information from us.

Complaints about service

We will provide well-publicised, effective and timely complaints procedures easily accessible to our service users. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

Proportionality

We will minimise the costs of compliance for the community by ensuring that any action we require is proportionate to the aim to be achieved and necessary. As far as the law allows, we will take account of the circumstances of the case and the attitude of the accused when considering action.

Consistency

We will carry out our duties in a fair, equitable and consistent manner. Whilst officers are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities.

The Code for Crown Prosecutors (Criminal cases)

When deciding whether or not to prosecute an alleged offender it is worth considering the criteria used in the Code for Crown Prosecutors.

The criterion is applied to all public prosecutions and is based on the common sense ideas of:

- Not prosecuting cases, which are likely to fail in Court
- Not prosecuting cases, which it is not in the public interest to prosecute.

Investigating Officers should consider as an aid the two tests to any prospective prosecution.

Is there sufficient evidence?

Investigators must be satisfied that there is sufficient evidence to provide a 'realistic prospect of conviction'. In criminal courts it has to be proved beyond reasonable doubt. (I.e. is the Court more likely to convict than not, on the basis of the evidence heard in Court.)

Evidence must be sufficient to provide a realistic prospect of conviction

Is prosecution in the public interest?

When the evidence is deemed sufficient Investigating Officers should consider the public interest test before a decision is made to prosecute.

Public interest factors in favour of prosecution include:

- Seriousness of offence
- Likelihood of continuance of offence or repeat offences
- Widespread commission, in the area, of less serious offences
- Premeditation
- Conviction likely to result in a significant sentence
- Defendant in a position of authority or trust.
- Offences carried out by a group
- Defendant's previous convictions/cautions

Public interest factors against prosecution include:

- Minor offence committed as genuine mistake
- Minor loss or harm resulting from a single incident offence
- The wrong has been put right
- Long delay between offence and trial unless:

- a) Serious offence,
- b) Delay caused in part by defendant,
- c) Offence only recently came to light,
- d) Complex offence involving long investigation

Note: Many criminal offences will become time barred if no proceedings are issued within 6 months of the date of the offence.

Case Planning

The case plan is a simple report that notifies legal services in a timely manner, so they can pre-plan their workload when a case has reached the stage when legal action of some kind is being seriously considered. Once sent to legal services it is vital that the Investigating Officer keeps the case plan up to date.

The case plan will contain the case name, Investigating and Senior Investigating Officers, defendant's details, case reference numbers, the offences committed or an outline of the anti social behaviour, a summary position statement of the case to date, any timescales for action known or being considered and the powers / legislation being considered to resolve the case.

A case plan template can be found in the procedures section of this document.

Instructing Counsel

When is Legal Counsel consulted?

Where considered appropriate e.g. in cases of complexity, your legal team may consult with Counsel (A Barrister) to obtain their opinion, guidance and advice on the technicalities of a case being considered for prosecution.

What papers should be sent to legal services for instructing Counsel?

An important general point to bear in mind is that while an investigating officer may have many letters and documents relating to a case legal services will only require relevant correspondence and documents and not everything from the case file.

Useful Legal Remedies

Injunctions

An injunction is a court order, which tells a person to either do something specific (mandatory – compulsory and binding), or to stop doing something (prohibits – exclude or forbid). Injunctions are made at the Court's discretion – they are **not** granted automatically.

Without notice Injunctions

A without notice injunction is only appropriate in the **most severe cases**. Examples would include assault on people and property. The incident must have happened recently. Without notice Injunctions are normally only granted for a period of no more than 1 week, so it is essential that other options be pursued at the same time. A judge can also attach a power of arrest to the Injunction if he/she is convinced that the perpetrator has used or threatened to use violence.

Anti social behaviour Injunctions

This relates to conduct which is capable of causing nuisance, or annoyance to any person, and which directly or indirectly relates to or affects the housing management functions of a relevant landlord.

In order for a relevant landlord to obtain an ASBI it is necessary to show first, that the defendant is engaging, has engaged, or threatens to engage in conduct detailed above.

Anti Social Behaviour Order

ASBO's are civil orders made by a court, which prohibit the perpetrator from specific anti social acts and from entering defined areas on a map (exclusion zones). An order lasts for a minimum of 2 years. The purpose of an order is to protect the public from behaviour that causes, or is likely to cause, harassment, alarm or distress, but **not** to punish the perpetrator. An anti-social behaviour order may be

- A **stand-alone order**, unrelated to other legal proceedings. These are usually made by a magistrates' court, acting in its civil capacity.

- An **Interim anti social behaviour order. These** can be made by the magistrates' court and by the county court at an initial court hearing in advance of a full hearing of an application for an ASBO. Interim orders can be made without notice to the defendant, they enable the court to order an immediate stop to the anti social behaviour and so protect the public more quickly. An Interim order must be served within 7 days otherwise the order lapses.
- Made under substantive proceedings brought in the y **county court** against a defendant, e.g. possession / demotion of tenancy.
- Made **after conviction in criminal proceedings**. These are made in the Criminal courts, namely the magistrates' court, the crown court and the youth court all of which can make an order against an individual who has been convicted of a criminal offence.

Useful Legislation and Powers

The Morgan report in 1991 defined community safety as being the concept of community-based action to inhibit and remedy the causes and consequences of criminal, intimidating and other anti-social behaviour. Its purpose is to secure a sustainable reduction in crime and the fear of crime in local communities.

Its approach is based on the formation of partnerships between the community, public, private and voluntary sectors (including local business) to formulate and introduce community-based measures against crime. Useful legislation and powers include:

Crime & Disorder Act 1998

The Crime & Disorder Act 1998 introduced formal responsibilities for local authorities and the police for developing community safety activities in their areas.

Section 17 of the act requires Local Authorities and Police Authorities with others to consider the public safety Implications of all their activities. It passes a testing challenge to the designated 'authorities' and to local government in particular.

Section 17 of the Crime & Disorder Act 1998: 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.'

The Crime & Disorder Act 1998 also introduced a raft of practical measures to tackle anti social behaviour on the ground. These included ASBO's and parenting orders. The act has also been amended as follows: -

Police Reform Act 2002

The Act gives chief constables of all 43 Forces in England & Wales, and the British Transport Police, after consultation with their police authority and relevant local authorities, the power to establish a system of accreditation for the purposes of contributing to community safety and security.

These schemes are called community safety accreditation schemes. The Police Reform Act 2002 links in to the Anti Social Behaviour Act 2003 by extending these powers to include: Dispersal of groups causing a nuisance and removal of persons under 16 off the streets and back to their homes. There are also a range of fixed penalty offences that can be issued by these officers involving for insulting or abusive behaviour & consumption of alcohol in a designated public place.

Anti Social Behaviour Act 2003

The act extends the powers around anti social behaviour orders, places new requirements and extends powers to social landlords, which includes new injunction powers for anti social behaviour and the demotion of tenancies.

The Act gives the Secretary of State the power to issue guidance on how the Environmental Protection Act should be enforced. The guidance will also give new categories of waste that should be prioritised. The Secretary will also have the power to request information from local authorities to address the lack of national data on fly tipping. Waste collection authorities will also be given the same powers as the environment agency to investigate incidents of fly tipping.

The Act gives new powers to local authorities to issue fixed penalty notices for graffiti / fly posting and makes it an offence to sell aerosol paints to anyone under the age of 16.

The Act extends powers to include: Dispersal of groups causing a nuisance and removal of persons under 16 off the streets and back to their homes. 2) There is also a range of fixed penalty offences that can be issued by police officers involving insulting or abusive behaviour & consumption of alcohol in a designated public place.

Local Government Act 1972

Section 222 gives local authorities the general power to institute civil legal proceedings to promote or protect the rights of residents of the area.

London Local Authorities Act 2004

This act gives London authorities additional powers to tackle abandoned vehicles, public health and nuisance, further fixed penalty powers, street trading, soliciting and the control of advertisements.

Housing Act 1996

Deals with Houses of multiple occupations, power of entry, termination of tenancies and repossession, injunctions for anti social behaviour and homelessness, as well as general housing duties and responsibilities.

Environmental Protection Legislation

The Environmental Protection Act 1990 act is the main piece of environmental legislation used by the service. It brought together controls, which were contained in older legislation and introduced new powers to local authorities. The Council has duties under various parts of the act.

In addition to the Environmental Protection Act there are a number of other pieces of legislation, which are also used. These are(most of this is superseded by subsequent legislation.) Prevention of Damage by Pests Act 1949, Clean Air Act 1993, Building Act 1984, Public Health Control of Disease Act 1984, Noise Act 1996, Local Government Miscellaneous Provisions Acts 1982, Refuse Disposal Amenity Act 1978, Dogs (Fouling of Land) Act 1996.

Criminal Justice & Police Act 2001

Allows the Council to control public alcohol consumption in designated places, and can enforce the closure of unlicensed premises, and amends local child curfew schemes as set out in the Crime & Disorder Act 1998.

Clean Neighbourhoods and Environment Act 2005.

The act amends the Crime and Disorder Act 1998, s 6; make provision for the gating of certain minor highways; make provision in relation to vehicles parked on roads that are exposed for sale or being repaired; make provision in relation to abandoned vehicles and the removal and disposal of vehicles; make provision relating to litter and refuse, graffiti, fly-posting and the display of advertisements; make provision relating to the transportation, collection, disposal and management of waste; make provision relating to the control of dogs and to amend

the law relating to stray dogs; make provision in relation to noise; provide for the Commission for Architecture and the Built Environment and for the making of grants relating to the quality of the built environment; amend the law relating to abandoned shopping and luggage trolleys; amend the law relating to statutory nuisances; amend the Environmental Protection Act 1990, s 78; amend the law relating to offences under the Pollution Prevention and Control Act 1999, Sch 1; and for connected purposes.

Serious Organised Crime and Police Act 2005

The act includes a radical overhaul of the powers of police officers contained in the Police and Criminal Evidence Act 1984, streamlining police powers of arrest and search. The Act also extends the powers of community support officers to require the name and address of individuals for relevant specified offences within a designation (see Police Reform Act 2002 as amended).

It also improves the effectiveness of the arrangements for the civil recovery of the proceeds of crime and creates a new offence of incitement to religious hatred.

The legislation removes automatic reporting restrictions in youth courts when a juvenile is convicted of breaching an anti-social behaviour order.

Unused Information - Disclosure

The Criminal Procedure and Investigations Act 1996 (CPIA) applies to the disclosure of unused material in criminal proceedings.

Types of Disclosure

- **Primary prosecution disclosure.** This requires the prosecution to disclose any unused material which might undermine the prosecution case or assist the defence;
- **Defence “disclosure”.** This is made by a Defence Statement" which is mandatory in Crown Court cases, although voluntary in magistrates' court cases. Strict requirements regarding Defence Statements have been introduced by the Criminal Justice Act 2003.

- **Secondary prosecution disclosure.** This requires the prosecution to disclose material which might reasonably undermine the prosecution or assist the defence upon receipt of the Defence Statement. Specific disclosure may be requested by the defence even if a Defence Statement is served or where the case is proceeding in the Magistrates Court.
- **NOTE:** The duty of disclosure is an ongoing one until the conclusion of the proceedings.

Information Sharing

Why share information?

Tackling anti-social behaviour depends upon robust information exchange between all agencies involved; sharing information should not therefore be seen as a barrier to successful action in this area.

Through the use of our information sharing protocol, information can be shared with confidence and within the framework of existing legislation.

Categories of information

There are two main categories of information that agencies may need to share or exchange.

De-personalised information is that which does not specifically identify an individual. There are a number of occasions where Crime and Disorder Reduction Partnerships (CDRPs) and other partnerships require de-personalised information – these include obtaining the information required for the Crime and Disorder Audit, ‘hotspot mapping’ and trends analysis regarding crime and disorder rates.

Personal information identifies a specific individual or individuals, i.e it is information that is of a private nature. There are a number of circumstances where the obtaining of personal information by agencies may be appropriate when tackling anti-social behaviour. For example when targeting those at risk of committing crime or anti-social behaviour such as through Youth Inclusion and Support Panels and Youth Inclusion Programmes or to enable effective enforcement action to be taken.

Legislation

There are a number of areas of legislation that relate to the sharing (“processing”) personal information:

– **Data Protection Act 1998 (Section 29)** – allows for the exchange of information without the data subject’s consent where it is for the purposes of the prevention or detection of crime, apprehension or prosecution of offenders and where failure to disclose would be likely to prejudice those objectives.

– **Freedom of Information Act 2000** – allows the public to see information that is held about them e.g. paper or computer records.

– **Human Rights Act 1998** – a number of Articles of the European Convention on Human Rights may affect information sharing, in particular Article 8 – ‘everyone has the right to respect for his private and family life, his home and his correspondence’. This right is not absolute – interference can be justified in the interests of the prevention of disorder or crime.

– **Crime and Disorder Act 1998 (Section 115)** – allows for the exchange of information where the disclosure is necessary or expedient for the purposes of any provision of the Crime and Disorder Act 1998 as amended. e. g. by the Police Reform Act 2002, Anti Social Behaviour Act 2003, Clean Neighbourhood and Environment Act 2005, and Serious Organised Crime and Police Act 2005.

In November 2003 the Department of Constitutional Affairs published ‘Public Sector Data Sharing: Guidance on the Law’. The guidance sets out the legal framework which applies to data sharing – in particular the use of personal data by the public sector – across organisational boundaries to achieve better policies and deliver better services.

Information sharing protocol

In working to our protocol there are a number of steps that need to be considered:

Nominated Officers – there are a number of named officers in our service who have responsibility for obtaining and ensuring the security of information obtained.

Audit Trail and Documentation – all requests for information should be made in writing by the id designated officers with the response also clearly documented.

Justification – there must be justification for seeking information. Requests for information should clearly state the reason for the request.

Informed Consent – the obtaining of personalised data can be simplified if the subject has given their informed consent. This is always the preferred route but there will obviously be situations where it is not appropriate to obtain consent, for example the prevention and detection of crime and disorder and for the protection of young and vulnerable people. In those cases the lack of consent should not be seen as a barrier to action. All victim information should be shared with consent.

Accuracy of information – the designated officers should be responsible for ensuring that all partners are notified of any inaccuracies in information and amendments made.

Retention of Records – the protocol stipulates the retention and weeding policy of information held and at what stage documents are destroyed. Generally information must not be retained once it has been used for the purpose it was obtained or used for any other purpose without written consent.

Sharing information with the community

When action has been taken to tackle anti-social behaviour it is extremely important that feedback is provided to the victims and community.

Pre-court action

Where we take action that is not court action (such as a warning or agreement) there is not any reason why we can not disclose to the victim or witnesses that an action has been completed, this is a proportionate and justifiable course of action. If this is not done the victim will not know that anything is being done to address the problem. It would not normally be appropriate to discuss the terms of the warning or agreement with the victim and witnesses.

It is also important to inform the wider community about work that has been undertaken to give warnings to perpetrators of anti-social behaviour. Although it would not be appropriate or necessary to identify those involved, it is still possible to communicate a message that action has been taken.

PRE-PROSECUTION DECISION CHECK LIST

Question	YES	NO
Is the offence(s) serious enough?		
Do you have the right quality of evidence?		
Are we likely to be successful in court?		
Does the alleged perpetrator have previous history?		
Has there been any previous advice?		
Does the case show perpetrators attitude including intention or negligence?		
Has alternative measures or interventions been tried?		
Is this action proportionate and reasonable?		
Will this action have a positive community impact?		
Is the action in the public interest?		
Have you already obtained a legal remedy which adequately protects the complainant/public		

Note: If you have more No's than Yes's discuss the case with the Senior Investigation Officer

PROCEDURE

Guidance

Excluding the case plan template all of the other documents listed below make up the legal bundle required for legal services to act on our behalf and undertake legal proceedings. All collated evidence must also be submitted with the legal bundle.

Case Plan

A case plan should be submitted, if possible at the point of an investigation when the Investigating Officer is starting to consider using powers or legal action as a possible solution to the case, or when prosecuting an offence.

The case plan is simply to give legal services notice that the Investigating Officer in a case thinks that legal action of some kind is likely.

If action is either required urgently or further legal advice is needed before the Investigating officer can make a decision on what action is required this stage can be by[passed by issuing the full instructing legal services bundle.

Note: *The case plan should give very brief details only of what is being considered thus giving legal services advance notice that some legal action may be required. This will help legal services plan their workload.*

Instruction for Legal Services

This form acts as the service's formal written instructions to legal services and **must** be completed and authorised in **all** cases that are referred to legal services for court action.

If for any reason the case changes or additional work is required a new Instruction for Legal Services **must** be issued.

Case Summary

This form should be used as a front executive summary of the main aspects of the case and should simply and briefly explain the main facts.

Note: *The case plan can be used, if up to date, instead of the case summary.*

Indexes of Statements, Documents and Exhibits

A chronological list of all witness statements, other documents relating to the case and any exhibits relevant to the case.

Witness Statement

In order to achieve a consistent approach the witness statement template should always be used.

Disbursements

If it is appropriate for the service to try and recoup its costs associated with a case the disbursement form should be completed. Costs incurred in carrying out investigations may be allowed at the discretion of the court.

Unavailable Dates

This form should be submitted with each witness statement on all occasions showing clearly dates the witness is not available to attend court.

Schedule of unused information

This schedule must be completed for all cases. (See policy notes)

**Crime & Anti Social Behaviour Service
CASE PLAN**

Case Name
Investigating Officer
Senior Investigating Officer
Alleged perpetrators details
Alleged Offences committed or outline of anti social behaviour
Summary position statement of case to date
Known or planned timescales
Powers or Legislation being considered at this stage

From:	Senior Investigating Officer	Name	
Tel:		Name of case:	
TO:	Legal Services	Ref:	
		Date:	

INSTRUCTION FOR LEGAL SERVICES WORK

Description of work required: (Include details of powers to be used)	
Documents enclosed:	
Expenditure Code:	
SIGNED: Investigating Officer	AUTHORISED: Senior Investigating Officer

Case Summary

Date:

Case: Your Organisation -V-

Re: Prosecution case summary

Offence:

Defendant: Surname.
First Names
Address

Case Summary

INDEXES

-V-

INDEX OF STATEMENTS

TITLE	SURNAME	FIRST NAMES	TYPE OF DUCUMENT	PAGE

INDEX OF OTHER DOCUMENTS

TITLE	SURNAME	FIRST NAMES	TYPE OF DUCUMENT	PAGE

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION	FROM WHOM	PAGE

Witness Statements

For Criminal cases:

Witness Statement
(CJ Act 1967, s.9 MC Act 1980, s102 MC Rules 1981, r.70)

Statement of

Age of witness (If over 18 enter "over 18 ") _____

Occupation _____

Address and telephone _____

This statement consisting of _____ page(s) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Dated:

Signature

Signature witnessed by:

Signature:

IN THE COUNTY COURT
BETWEEN

Claim:XXXXXX
Claimants
insert initial and surname of witness
First Statement
Insert date
Insert Exhibit Ref (if applicable)

YOUR ORGANISATION

Claimants

- and -

Name of Defendant(s)

Defendant

WITNESS STATEMENT OF XXXXXXXXX

I, **XXXXXX**, of **insert address**, will say:

1. I have lived at insert address since XXXXXXX

2 I make this statement from my own knowledge, unless otherwise stated, in which case I identify the source of the information and the reason why I believe such information to be true.

I believe that the facts stated in this witness statement are true

Signed:

Insert Name of witness

DATED this day of May 2005

Claim.: XXXXXXXXX

IN THE

COUNTY COURT

BETWEEN

YOUR ORGANISATION

Claimants

- and -

XXXXXXXXXX

Defendant

WITNESS STATEMENT OF

XXXXXXXXXXXXX

Your Organisations Address

DISBURSEMENTS

YOUR ORGANISATION v

To: Legal Services

OUR REF:

LEGAL REF:

Could the following claim be made to the court for the costs detailed below: -

Investigating Officer

Assisted by

	Hours	Costs (£)
Number of witnesses: Council staff		
Number of witnesses: Private		
Number of statements taken		
Surveillance - number of hours		
Number of visits to defendant(s)		
Interviews		
Preparation of case papers		
Companies House / Land Registry Search fees		
Travelling expenses		
Any other expenses		
Any other necessary actions that incurred officer time or expense		
Total		
Officers required to attend court will be charged at £0.00 per hour in addition		
All Hours Charged At £0 Per Hour. (Do Not Include Vat)		

Signed (Investigating Officer)

Date

Approved (Senior Investigating Officer) Date

Witness Statement unavailable dates (Indicate month and date)

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