

The MG5 document is the Police Report. It is disclosed to the Defence & Court

(For Niche Forces once completed and signed it **MUST** be locked by the supervisor signing section 12).

The purpose of this form is:

- To provide an objective, fair and balanced case and interview summary. It provides initial details of a case for first hearing at Court and must comply with the Criminal Procedure Rules.
- To ensure that the file has been built to the required standard, with the supervisor certifying that the contents of parts 1 to 7 are an accurate summary of the available evidence in the case.

A poor quality MG5 is likely to lead to wasted time, increased costs and delays in proceedings

Sections of the document

Guidance notes

HEADING SECTION

POLICE REPORT	
URN: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Defendant 1: <input type="text"/>	Anticipated plea: <input type="text" value="SELECT"/>
Defendant 2: <input type="text"/>	Anticipated plea: <input type="text" value="SELECT"/>

It is vital that the Anticipated Plea is correctly identified in line with the Directors Guidance on Charging (para 17 & 18). Guidance can also be found on the **National File Standard Guidelines document**. This will ensure the case is heard in the correct Court and reduce the time taken for the case to be dealt with.

SELECT – “Guilty” or “Not Guilty” - from the drop down list.

Remember all cases not suitable for summary trial (NSST) must go to the NGAP Court irrespective of plea.

1. Summary of the key evidence - ‘Key evidence’ establishes every element of the offence and that the defendant committed the offence with the necessary criminal intent.

- ◆ Set out the facts in chronological order, telling the story and covering the ‘points to prove’
- ◆ The summary must be balanced and fair
- ◆ Record address and contact details of civilian witnesses on MG9 (and *all dates to avoid on MG10*).

Key evidence:

Key witness(es) and their role (e.g. eye witness, person providing identity):

State value of property stolen or damaged (or recovered). See Sec 9 for recording compensation details):

Officers must carefully consider what material might be regarded as sensitive and the potential consequences of disclosing this to the defence. When in doubt, leave it out and make a note on the MG6 Case File Evidence and Information.

The summary must be accurate and balanced taking the Court through the offence in a chronological order, identifying the individual elements that need to be proved and the evidence that supports each element. It must also summarise what the defendant has actually done.

Consider using headings for example:

1. **Headline Summary** (one or two sentences highlighting what the case is about);
2. **Chronological summary of events** (not a history of the investigation)
3. **What the key witnesses say** - Particularly helpful to the Court are those summaries that list the Key witnesses and state their role – for example: “PC Smith – witnessed the driving and requested the blood specimen”. This helps all parties to identify very quickly the role of each witness. Be consistent in naming the parties e.g. the Defendant Smith/the Witness Jones

Do not include, your views or opinions unless you are an expert.

Whilst the summary in a GAP case can usually be brief it must still give enough information for the Court to identify any aggravating and mitigating circumstances so they can correctly apply the sentencing guidelines. A poor example of a GAP drink drive summary merely stated “he was stopped on the road and he was over the limit”. No information offered about the surrounding conditions or the manner of his driving.

The MG5 **must not** contain any **Sensitive Information** such as personal details about the Victim or Witness (other than their name and age), references to intelligence, mention of the defendant wishing to do a deal with the police and identification of police tactics.

Officers MUST NOT cut and paste from the MG3 into the MG5 as this often results in the revelation of Sensitive Information and /or misrepresent the evidence to charges authorised rather than those initially proposed. Remember the MG3 is subject to legal privilege between the police and CPS and must not be given to the defence or any third party.

2. Defendant interview

- ◆ Set out the explanation given by defendant as to **how/why offence happened**: include any mitigation/remorse put forward.
- ◆ Note any **Special Warnings** given.
- ◆ Include any evidence of bad character introduced.
- ◆ State if no comment made.
- ◆ Attach copy of CCTV if shown in the interview (to file).

Defendant: Date of interview: Audio Recorded interview duration: Interviewing officer(s): Other person(s) present: Summary of defendant explanation: Defendant's response/reaction to CCTV (if 'key evidence' and shown in IM): Relevant admissions and their start/finish counter reference times:

This is a Question & Answer format covering all points to prove and any mitigation. Where self-defence or mitigation is introduced the interviewing officer must fully explore this in order to allow CPS to discount this as a defence.

NO COMMENT INTERVIEWS AND SPECIAL WARNINGS

Where the suspect refuses to answer certain questions or to answer satisfactorily, after due warning, a court or jury may draw such inferences as appear proper under the Criminal Justice and Public Order Act 1994 sections 36 and 37.

In such circumstances this section should record that a no comment interview took place, special warnings were given and also record the questions that were asked following the warning.

The exact words used should be recorded rather than paraphrasing.

If the Defendant provides a pre-prepared statement this must be exhibited and attached to the file. (Consider cutting and pasting the content of the prepared statement into the MG5 if possible).

Where key evidential CCTV or other media is obtained, it must be played during interview and reactions and responses recorded.

Where the defendant has admitted to the offences charged, the actual wording of the admission must be shown as this will assist the parties in Court.

If present please include the name of the defence solicitor and their firm as this may assist the CPS and Court in future engagement

Officer collar numbers as well as names should be recorded. This assists the courts when looking at officer availability.

Include the VPS

CCTV evidence must be clearly described. This should include comment on the quality of the footage, any relevant counter times and a description of the defendant(s) and other parties. Where the CCTV has been obtained then provide details of location e.g. disk submitted to CPS. In cases where the Court would expect there to be CCTV and there is not, details of any investigations undertaken should be included to close down that line of enquiry at the first hearing. It could be enough to say that the officer checked the CCTV and it did not capture any of the incident. This information would need to be disclosed on the MG6, SDC or MG6C as appropriate.

This also includes reference to 999 calls.

3. Non-Key evidence – List witnesses present but not 'key'. State what evidence they contribute, e.g. additional eye witness, arresting officer, charging officer; officer seizing CCTV. Record contact details of civilian witnesses on MG9 and dates to avoid on MG10.Name of non-key witness(es) and their role: **4. Visually recorded evidence** – CCTV, BWV, photos, mobile phone(s). Attach a copy (*identify playback format*). Custody suite CCTV should be included as unused material unless 'key evidence'.Is there VRE? If 'Yes', does it provide 'key evidence'? Give details of what it shows (whether 'key' or not) and include tape counter reference times for relevant key sections (*i.e. defendant punching victim/kicking window*) .

<p>5. Injuries – A medical statement is NOT required unless needed to interpret x-rays or describe injuries not visible to the naked eye. Victim(s)/eye witness/police officer should describe any visible injuries, photos should be taken and attached (if not taken, attached, state why).</p> <p>Description of injuries: <input type="text"/></p>	<p>Medical Statements are not usually required for s39 assaults if the injuries are visible. These may be recorded on BWV or PDA Camera.</p> <p>Injuries must be described in detail where there are no photographs, footage or medical evidence</p> <p>Where Medical statements are required or have been requested provide details on the MG6 case management document including timescales.</p>
<p>6. Forensic evidence – Fingerprints, drugs evidence (weight, number of wraps, etc.). Include details such as street value and purity as this is essential for sentencing information. State if drugs field tested and by whom. State timescales for a full forensic statement (if required). <input type="text"/></p> <p>7. DIP testing – attach DT2 for prosecutor.</p> <p>Def. 1: Tested? <input type="checkbox"/> Trigger off.: <input type="checkbox"/> Result: (pos/neg) <input type="text"/> Drug: <input type="text"/></p> <p>Def. 2: Tested? <input type="checkbox"/> Trigger off.: <input type="checkbox"/> Result: (pos/neg) <input type="text"/> Drug: <input type="text"/></p>	<p>A very brief summary of the Forensic Evidence linked to the case is sufficient.</p> <p>A more detailed explanation of the key Forensic evidence should be referred to in the Case Summary at Section 1. Details should available on the Streamline Forensic Report.</p> <p>The MG6 MUST include details of any other lines of enquiry/requests made and target dates if forensics are outstanding.</p>
<p>8. Application for order(s) on conviction – Consider applying for an order on conviction, e.g compensation, forfeiture/destruction (see order list).</p> <p>Defendant: <input type="text"/></p> <p>Order(s) applied for: <input type="text"/> Additional order/information: <input type="text"/></p>	<p>Where an order on conviction is sought, police must supply sufficient details to the Prosecutor to justify application for the order sought and any documentation must be attached to the file. In cases of Domestic Abuse, Restraining Orders MUST be considered and if applicable the reasons why one is required fully explained.</p> <p>If a Restraining Order is not required the Officer MUST specifically state this and explain the reasons why one is not required.</p>
<p>9. Application for compensation – State if an estimate. Attach quotes/receipts if available. An address for compensation must be provided on MG6. (If more than one victim/defendant, list one after the other and give details in the description box).</p> <p>Defendant: <input type="text"/> Victim: <input type="text"/></p> <p>Description of injury/loss and or damage: <input type="text"/></p> <p>Amount of compensation applied for: <input type="text"/> Has an MG19 been sent to victim? <input type="text"/></p>	<p>This section MUST be completed if compensation is required irrespective of whether the person seeking compensation has been sent an MG19 or has completed it.</p> <p>This is because the MG19 may not have been returned in time for the first court hearing so the compensation awarded will be based on the MG5. If you don't have an exact value an estimate will suffice.</p>
<p>10. Other: MG18 (TICs)? <input type="checkbox"/> Pre-cons/cautions attached? <input type="checkbox"/> MG6? <input type="checkbox"/></p>	<p>It should not say “refer to the statements for compensation details” as these statements may not be attached to the Court file.</p>
<p>11. Reporting Officer's certification - In accordance with Common Law, I certify to the best of my knowledge and belief that there is no relevant unused material that might reasonably assist the defence with the early preparation of their case or at a bail hearing.</p> <p>Name: Reporting Officer Name and rank/job title: <input type="text"/></p> <p>Date: <input type="text"/></p> <p>Email address: <input type="text"/>@westyorkshire.pnn.police.uk</p>	<p>Common Law Certification MUST be completed by the OIC.</p>

12. Supervisor's certification: The information in parts 1 – 9 is an accurate summary of the available evidence and complies with the DPP's guidance for a Streamlined Process. The file has been built to the required standard.

Name and rank/job title:

Signature: Date:

Email address: @westyorkshire.pnn.police.uk

The supervisor who signs this is responsible for ensuring that the file has been completed to the correct standard.

YOU MUST ALWAYS COMPLETE CONDITIONAL CAUTIONING SECTION BELOW.

This is a Requirement under DPP guidance. ALL cases prosecuted to court MUST contain rationale to show that a Conditional Caution has been considered and the reasons why it was NOT deemed appropriate to the circumstances of the case.

If this is not completed it may result in extra work when cases are returned by court for consideration of a Caution.

This revised template contains more pertinent detail to inform Court and CPS why a Conditional Caution is NOT suitable. The drop down box contains a number of reasons why the CC is not suitable, some of these are *self-evident* others require evidence in support, details are given in the adjacent column of this guide.

It may be that some information is sensitive and not to be disclosed to the defence, in such cases the sensitive information should be recorded on the MG6.

Defendant: [REDACTED] (if more than one defendant, use additional page)

is NOT suitable for Conditional Caution because [SELECT] ↓

Unless self evident from the option selected, the OIC MUST include supporting evidence used to determine unsuitability (include at least ONE):

The offence of [SELECT] - [REDACTED] - has been reviewed by an Inspector who has determined NO exceptional circumstances exist to justify a Conditional Caution.

The offender is not expected to comply with conditions due to [SELECT] - [REDACTED] .

The Caution is not expected to be effective as the offender previously completed a Rehabilitation Course as part of a Caution for a similar offence on [REDACTED] .

The options available are:

Offence not admitted / partial defence raised: Should be *self-evident* from the entry in section 2 (defendant interview) of the document.

Conditional Caution offered but refused: Should be *self-evident* from the entry in section 2 (defendant interview) of the document.

Annex A offence; no exceptional circumstances: Utilised where an Annex A offence has failed the exceptional circumstance test, **Evidence for this MUST be recorded on the first subsequent line by selecting the offence type from the list provided.**

Unlikely to be completed: Utilised where an offender has either:

- had a previous OCD and failed to comply – regardless of whether the case was NFA or sent to court as a result. The offence MUST appear on the PNC precons report along with the relevant disposal.
- a record of failing to comply with Court Orders such as Community Orders – This MUST be evidenced by the presence of relevant Breach offences on the PNC precons report.
- stated in interview he has no intention of complying – MUST be supported by a relevant entry in the accompanying Interview record.

The relevant reason is selected from the drop down in the second subsequent line and evidence MUST be provided in the text field alongside.

Unlikely to be effective (previous disposals): Utilised where the offender has recently been given conditions to address offending behaviour and it is apparent that they have been ineffective due to the commission of the current offence. **Details MUST be entered on the third subsequent line.**

CPS advice was to prosecute: Will be *self-evident*. Utilised where CPS advice was sought for a prosecution and the advice was to prosecute, this is necessary as it will not be the same lawyer in court as gave the advice.

Liable for re-sentence of earlier offence: Will be *self-evident*. Utilised where the PNC precons report contains evidence that the offender is under a suspended sentence order, or awaits sentencing for other offences.

Offence whilst on bail / subject to prison recall: Will be *self-evident*. Utilised where the offender was, at the time the decision was made, either bailed to court for another offence or was on licence following early release from a previous custodial sentence.