



HM Senior Coroner, Greater Manchester South
1 Mottram Street
Mount Tabor
Stockport
SK1 3PA

Date 5 January 2021

Our ref: [REDACTED]

Dear Mrs Mutch,

Re: Regulation 28 Report following the Inquest touching upon the death of Alfie Gildea.

Thank you for your report sent by email dated 17 November 2020 in respect of Alfie Gildea (deceased) and pursuant to paragraph 7, Schedule 5 of the Coroners and Justice Act 2009 and Regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.

Having carefully considered your report and the matters relating to the Crown Prosecution Service therein, I reply as follows:

Extract from Regulation 28, point 2:

The inquest was told that the GMP/CPS definitions of a serious/serial domestic abuser perpetrator were different. It was unclear why this was the case. However, as a result there are different points at which an offender's background triggers the requirement to treat the suspect as a serial/serious DA perpetrator.

The CPS Domestic Abuse Guidelines describe a serial perpetrator as someone who 'has committed an act of domestic abuse against two or more different victims'. Therefore, had all available information been provided to the Crown Prosecution Service on 10 July 2018 then Gildea ought properly to have been identified as a serial perpetrator within the terms of the CPS definition. Had the prosecutor then followed the appropriate CPS Policy he would have been directed to think about building the case without the support of the victim and to consider whether or how to bring other potential victims on board.

By contrast, according to the College of Policing website:

*'A serial perpetrator is someone who **has been reported to the police** as having committed or threatened domestic abuse against two or more victims. This includes current or former intimate partners and family members.'*

Although broadly similar to the CPS definition it appears to specifically require there to have been reports to the police from or about two different victims. Via email correspondence with Greater Manchester Police's Public Protection and Serious Crime Directorate I have confirmed that this is the definition used by them in managing Domestic Abuse investigations.

I am not able to say how different descriptions have been developed. There is obvious sense in the police and CPS definitions aligning so that it is clear for everyone involved in the management of criminal Domestic Abuse cases when a suspect should be regarded as a serial perpetrator.

Although the CPS definition is wider than that used by the police because it doesn't specifically require a report to the police to have been made, it ought to be acknowledged that, in reality, the most likely source of such information *will* be held by the police following a report by a victim or third party on their behalf.

I confirm that the disparity between the definitions has been highlighted to the Crown Prosecution Service's national policy team so that they may consider further.

Samuel Gildea clearly fitted the description of a 'serial DA perpetrator' on either of the CPS and Police's definitions of the term and therefore information relating to reports by previous victims ought properly to have been provided to the Crown Prosecution Service in July 2018.

Extract from Regulation 28, point 10:

(10) The evidence to the inquest was that although there is a clear policy regarding information sharing between the CPS and Police that was not followed. The file that was submitted omitted key information available to GMP that would have been important to the Decision Maker. The CPS Decision Maker did not follow CPS Guidance, set an Action Plan or document any detailed assessment of proceeding without the direct evidence of the victim. The inquest was told it was likely that there was a conversation between the officer and the CPS Decision Maker. This was not documented by either of them and there was no evidence that such conversations are routinely documented despite the fact that they may contain key information.

As part of the evidence to the inquest the Crown Prosecution Service acknowledged that the prosecutor (a) failed to consider or apply their Guidance (b) should have set an action plan and (c) gave no proper consideration to whether this was a case capable of being built as a victimless prosecution.

All CPS Direct prosecutors have been recently trained on 'Case Analysis and Strategy'. This training focussed on the importance of recording the rationale for decisions and the selection of charge. It included a detailed case study on a coercive and controlling case involving a serial Domestic Abuse perpetrator. The training also involved a comprehensive analysis of available evidence and the suspect's previous Domestic Abuse history with other partners and emphasised the importance of setting a detailed action plan to ensure early and effective case progression from the outset. This training took place from December 2019 to June 2020 and is part of the induction program for new lawyers joining CPS Direct.

CPS Direct have also trained all prosecutors on 'Domestic Abuse Evidence Led Prosecutions'. This built on the Case Analysis and Strategy training focussing on the importance of case-building DA cases from the very start, where possible strengthening the case to ensure that it could proceed without the victim. It also gave refresher guidance on the available legislation and gateways for the admission of evidence without calling the victim, stressing the need to ensure scrupulous policy compliance before an 'NFA' decision is reached. This training was completed between July-October 2020 and is also part of the induction program for new lawyers joining CPS Direct.

In CPS North West over the course of August and September 2020 prosecutors underwent training about the structure and content of a good review which included a specific section on the need to carefully record decision making in Domestic Abuse cases and to think about whether it is possible to proceed without the support of the victim. The Evidence Led Prosecutions course which has been delivered by CPS Direct will also be rolled out locally to Magistrates', Crown Court and RASSO prosecutors as soon as we are able to do so. I am not able to commit to a date at the present time because of other national training commitments which are required to be delivered first. I have held a preliminary meeting with Detective Superintendent [REDACTED] and confirmed with him that a number of GMP officers involved in Domestic Abuse investigations will also be invited to attend so that they can deliver similar training in force.

We also take on board the importance of a consistent and transparent approach to recording whether there has been a telephone call with the police as part of the charging decision. Senior managers within CPS Direct have confirmed that guidance has been re-issued to all of their prosecutors on the need to include within the MG3 details of any conversation relevant to an issue in the case, where it is not already included within the documentation submitted.

Finally, although not a formal recommendation, I would like to comment on the reference within Section 4 paragraph 7 concerning reasonable lines of enquiry especially in the light of the newly issued Director Guidance 6 which comes into force on 31 December 2020.

Within my original witness statement I explained the role of the prosecutor in relation to the identification of reasonable lines of enquiry. It remains the case, however, that there is no power for a prosecutor to formally direct the police to undertake such enquiries and their role in this is advisory. From the Director's Guidance on Charging 6th Edition:

Paragraph 3.1 (concerning the responsibility of the police):

- *Complying with the decision of the prosecutor to charge, caution, obtain additional material or information or take no action, with appropriate expedition, unless the case is escalated for review. The police will notify the prosecutor if the case cannot so proceed, explaining why; and*
- *Complying with action plans and providing any further evidence, material, or other information within agreed time periods.*

The process therefore ought to be that where there are identifiable outstanding reasonable lines of enquiry these should be included in an action plan by the prosecutor. Where the police do not comply with the action plan then consideration needs to be given to any reason for such failure (for example where the material is not capable of being obtained by them or where they refuse to carry out such enquiry). Prosecutors are expected to be proactive in their use of locally agreed escalation processes in order to obtain the requested material so as to give the best possible chance to build a case to the point of charge.

I hope that this response is helpful in outlining the actions that we are taking to address the issues that were raised by the tragic death of Alfie Gildea and in demonstrating our commitment to learning lessons so that we can do our utmost to prevent such incidents from occurring in future.

Yours faithfully,



Deputy Chief Crown Prosecutor
CPS North West