



CPS

A CONSULTATION ON THE CPS POLICY FOR PROSECUTING CASES OF DOMESTIC VIOLENCE

Consultation Questions Response Sheet

Please use this response sheet to answer the questions for the consultation. This document is also available online, at the CPS website: www.cps.gov.uk. Click on Media Centre. Use a separate sheet for further comment if required.

The deadline for replies is 29 October 2008.

When completed, please return your reply by post to:

Domestic Violence Consultation
Crown Prosecution Service
Policy Directorate
50 Ludgate Hill
London
EC4M 7EX

Or send via email to: dvpolicy.consultation@cps.gsi.gov.uk

Please include below your contact details (*name, organisation (where applicable), postal address, email address, phone*)

Joanna Wilkinson, Assistant Secretary Family Justice Council, Room E201 Royal Courts of Justice, Strand, London WC2A 2LL fjc@hmcourts-service.gsi.gov.uk 0207 947 7333
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Remember to let us know about any confidentiality or disclaimer issues you may have

Questions

1. Does the introduction explain the purpose of the document clearly and give a good indication of the importance the CPS places on tackling domestic violence?

If not, please suggest how we could make this clearer.

The beginning of the introduction lacks impact. As it stands at the moment it is very bland. The message right from the beginning should emphasise the fact that the CPS takes DV cases very seriously and then go on to explain its role. In addition at 1.4 the expression "domestic nature" may be confusing. Perhaps "of a more personal nature" would be better. Also "aggravating" when referring to DV is more of a legal term and should be replaced by "more serious" and "mitigating" by "less serious".

2. Is the role of the CPS and the explanation of the tests under the Code for Crown Prosecutors clear?

If not, please suggest ways in which we could make these two sections clearer.

Par 3.4 last 2 sentences. Whilst the words are there they may not be believed. Perhaps some explanation of how and on what basis matters are referred to the CPS would assist. It is known that not all cases are referred to the CPS and many cases are concluded by way of police caution. Some further explanation is therefore required as to the CPS being involved in all cases. At para 3.6 there should be a time limit within which victims are told of decisions which materially affect them. At 4.2 there should be added words referring to the evidence e.g after the words 'with the law' the words 'provided the evidence supports the case' should be inserted. At 4.4 the word 'our' should be inserted before 'first'. The definition of public interest should be made more simple as it is difficult for a victim to understand why a crime may be reduced in content or proceeded with against her will.

3. Do you agree with the way in which we have tackled myths and stereotypes?

This question did not appear in the consultation that was read. It is doubtful, given the nature of the matter ie domestic violence and the continued mistrust of the system by victims, that these matters will ever be tackled completely. The paper, whilst explaining the CPS role, does not and will not dispel the myths and stereotypes. The only way these matters will be tackled is by putting the words into practice. perhaps there should be an emphasis on the CPS actually doing this.

4. Is any further explanation required of the things we consider in deciding to continue a prosecution against the victim's wishes; whether it is in the public interest to prosecute; or whether to accept pleas?

If so, which parts need to be explained further?

At 5.12 "investigate the background further" should be clarified as victims will want to know how that affects them. At 5.18 there should be some explanation at the 2nd bullet point as to how this is done. In addition it should be made clear that the use of witness summonses can assist victims who, whilst willing to go to court, want to appear to be doing so not of their own choice.

5. Does the section on support and safety of victims make clear how important these issues are to the CPS? Do they provide all of the relevant information in a way that is easy to understand?

If not, how should it be changed?

Whilst there is a section detailing what the courts can arrange and how other agencies assist, the beginning of this section should be more clear in its wording of the victims feelings. The word "worried" is very bland. The beginning should make mention of the fact that the CPS will be aware that the victims are frightened and want to be safe.

6. Do we give a clear indication of how we will deal with children as victims and witnesses?

If not, please state ways in which we could do so.

Yes.

7. Is the section on keeping victims informed clear?

If not, how could we make it clearer?

There should be more detail dealing with such matters as to what happens regarding bail. What conditions if any are attached to bail. What happens if someone is not charged or cautioned.

8. Do the sections on bail and sentencing contain the right level of detail?

If no, please explain your answer.

Yes.

9. Do the sections on community engagement and complaints provide useful information for those supporting victims?

If not, how could we make them more useful?

This section does not make clear what the community engagement is and should be further clarified to explain with whom the CPS will engage, at what level, and in the hope of achieving what?

10. Is the document inclusive of people from all communities?

If not, please explain how we could improve it.

This area needs further explanation as it is not at all clear. Perhaps consideration should be given to providing as many examples as possible.

11. Is there any part of the policy statement that you strongly disagree with?

If so, please identify which paragraph and provide a brief explanation as to why you disagree.

The policy statement itself is not disagreed with. The cause of concern relates to the extent of its likely implementation.

12. Have you any other comments about the document?

None other than those set out above.

Title: CPS Policy on prosecuting cases of domestic violence: consultation questionnaire.

Description: Questions to be addressed in public and targeted consultation.

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