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Sent: Tue 05/03/2013 5:59:39 PM (UTC)
To: John M Scott [GRO] Jarnail A Singh [GRO]
Susan Crichton [GRO] Alwen Lyons [GRO]
Subject: New Draft Criminal Enforcement & Prosecution Policy EPP
Attachment: POL - Enforcement and Prosecution Policy 040313 HF comments.doc

Redraft attached following our last meeting on it.

Have taken on board comments from John's team plus those made at the meeting. Some further explanation of changes below:

1. **Deterrence** – there was previous reference in the "focussed" section of the EPP but has been amended.
2. **Cover criminal activity against POL** – the policy does cover any type of criminal activity against POL which it then decides to prosecute.
3. **Can the investigation be handed over to the Police?** – This is possible and is discussed in the Internal Protocol. A couple of additions to this EPP made to also reflect this.
4. **Human Rights** – in investigating and prosecuting POL is exercising what would generally be considered a public function. Whilst it may not strictly be required to comply with the Human Rights Act (see previous advice from Stephen Hocking), previous criticism around the way in which POL is perceived to manage enforcement and prosecution (and questions in Parliament) has driven this exercise of looking at systems/ procedures and transparency and Beachcrofts therefore suggest the spirit of Art 6 HRA (i.e. due process/ fair trial) should be followed so as to avoid future criticism (and indeed prevent CPS terminating a private prosecution as they are entitled to do). In order to comply with the spirit of the HRA, having a clear and transparent policy and internal protocol is the first step. The next step is of course following it and of course following other requirements on prosecution such as CPIA disclosure, PACE etc. These Acts/ Regs are referenced in the EPP.
5. **Departure from Policy** – Amended in line with discussions.

Any more comments plse or does everyone now agree with this draft?

Kind regards
hugh

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