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**ROYAL MAIL GROUP SECURITY – PROCEDURES & STANDARDS**

<b>COMMITTAL &amp; SUMMARY TRIAL PAPERS &amp; PROCESSES</b>	P&S Doc 9.5 V1 Jul 10
<b>1. PURPOSE</b>	
<p>The aim of this document is to provide Investigators within the Royal Mail Group Ltd, with clear guidance on what papers should be submitted to the Criminal Law Team in the event of a defendant electing trial at Magistrates or Crown Court, or offers no plea at the Magistrates Court and is committed to the Crown Court for trial.</p>	
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<b>3. INTRODUCTION</b>	
<p><b>3.1</b> These Procedures and Standards (P&amp;S) describe what documents are to be submitted when a defendant;</p> <ol style="list-style-type: none"> <li><b>1. Elects a trial at either the Magistrates or Crown Court, or,</b></li> <li><b>2. Is committed to stand trial at the Crown Court prior to entering a plea.</b></li> </ol> <p>These Committal/Trial Papers are commonly referred to as the Committal Bundle.</p> <p><b>3.2</b> If the case is to be committed to the Crown Court or there is to be a trial at the Magistrates Court then the Criminal Law Team (CLT), must serve the Committal/Trial papers on the defence at least 14 days prior to the hearing. In order to allow the CLT the necessary time to fulfil their obligations and comply with this deadline, Investigators must submit the Committal/Trial papers to them <b>21 days</b> before the hearing date.</p> <p><b>3.3</b> The following papers/documents should be submitted with the Committal/Trial papers;</p> <ol style="list-style-type: none"> <li><b>1. Original Witness Statements and a GS009.</b> All the original witness statements which are to be used to prove the case with a GS009 - Witness List associated, (<b>see section 4 below</b>).</li> <li><b>2. Typed Copy of the Witness Statements and a GS009A.</b> A typed copy of all the original witness statements, (with a copy of the GS009) and a GS009A - Confidential Witness List, associated, (<b>see section 5 below</b>).</li> <li><b>3. Witness Non-Availability on form GS010,</b> (<b>see section 6 below</b>).</li> <li><b>4. A Copy of the Exhibits and a GS012.</b> A copy of all the exhibits which are to be used to prove the case with a GS012 - Exhibit List associated, (<b>see section 7 below</b>).</li> <li><b>5. Self Disclosure GS006B.</b> A Self Disclosure GS006B should be completed by all Law Enforcement Officers in the case, (<b>see section 8 below</b>).</li> <li><b>6. Schedule of Non Sensitive Unused Material GS006C,</b> (<b>see section 9 below</b>).</li> </ol>	

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- 7. **Schedule of Sensitive Unused Material GS006D**, (see section 10 below).
- 8. **A Disclosure Officers Report GS006E**. This form lists material which could assist the defence or harm the

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prosecution and certifies that relevant information has been revealed to the CLT, (see section 11 below).

**9. Schedule of Other Offences Taken into Consideration GS018.** A schedule of all the Other Offences Taken Into Consideration, GS018 should be associated if relevant, (see section 12 below).

**10. The Defendant's Antecedents GS033 and PNC Previous Convictions, Caution etc.** Seven copies of the Defendant's Antecedents GS033 and their PNC Previous Conviction printout, (see Section 13 below).

Should the defendant indicate that they want to contest the case by way of having a trial then the following information will also have to be submitted to the Criminal Law Team.

**11. Details of Prosecution Witness-Previous Convictions Cautions, etc.,** (see section 14 below)

**3.4 Electronic Copies.** In order to prevent further duplication of work Investigators should also submit electronic copies of the following documents to the Criminal Law Team:

1. GS009 - Witness List.
2. GS009A - Confidential Witness List.
3. GS010 - Witness Non-Availability.
4. GS012 - Exhibit List.
5. GS006C - Schedule of Non Sensitive Unused Material.
6. GS006D - Schedule of Sensitive Unused Material.
7. GS018 - Schedule of Offences Taken into Consideration.

**3.5 Presentation.** When committal bundles are presented to the Criminal Law Team it is normal for them to take photocopies as such committal bundles must not contain pages stapled together.

#### 4. ORIGINAL WITNESS STATEMENTS & GS009

**4.1** If a prosecution case is to be contested at Court, or the defendant is to be committed to the Crown Court before entering a plea, the Criminal Law Team (CLT) will advise on what evidence is required and as a result what witness statements should be obtained. In addition to this advice the Investigator should record any other witness statement(s) that they consider relevant to the case.

**4.2** Once all the original witness statements, (which the prosecution intend to rely on), are obtained they should be placed in the chronological order, which best describes the evidence against the defendant. The order should be based on the categories below;

Category	Examples of the type of evidence provided
Witness who initiate enquiries.	Complaints from victims of crime. Eyewitness to criminal acts. Finders criminally mistreated property. Persons who analyse loss data. RMG Ltd Auditors.
Managers responsible for the suspect.	Details of the duties and attendance of the suspect, (including the completion of the P13 and training that they have received). Details of the introduction of tests items.
Expert/Professional witnesses.	Scientists providing forensic services. Fingerprint officers. Police officers. Accountants or professionally commissioned consultants. Professionals providing evidence re business arrangements or contracts.

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Investigation Managers.	Evidence of test items, surveillance and interviews.
Sender and Addressee.	Sender and addressee evidence.

4.3 Once the original statements have been placed in order a Witness List GS009 must be associated at the front, listing the order and the **full** name of the witnesses. The GS009 should be endorsed at the top with the words "**Original Statements**". Investigators should not enter the page number on the GS009 or paginate the original statements; this will be completed by the CLT.

**5. TYPED COPIES OF THE WITNESS STATEMENTS & GS009A**

5.1 A typed copy of all the original witness statements should be prepared. (The witness details on the rear of the original witness statement should not be reproduced on the rear of the typed copies). The line spacing on the typed copies should be set at 1.5 lines, (this enables lawyers to make clear notes on the statement thereby assisting the presentation of the case). The typed statements should be placed in the same order as the original statements and a copy of the GS009 Witness List should be associated at the front. Again the page number on the GS009 should **not** be completed and the typed statements should **not** be paginated.

5.2 A Confidential Witness List GS009A should also be completed and associated with the typed witness statements. It is important that the details on the GS009A are completed in full. This is so witnesses can be contacted, should a case be listed at court at relatively short notice. (This form is required as at this time the original statements, with witness contact details, will be with the Court). Investigators should keep a copy of the form, noting on it any special needs that the witnesses may have, (see 6.5 below on witnesses attending Court). Finally the information on the form is used to conduct "PNC" previous conviction checks on prosecution witness, (see section 14 below).

5.3 Witnesses should be listed on the GS009A in the same order as their witness statement appears in the bundle. On completing the form the witness is allocated a chronological number, this number should correspond to the witness number used on the Witness Non-Availability form GS010.

**6. WITNESS NON-AVALABILITY & GS010**

6.1 When witness statements are recorded the Investigator must ask the witness to provide details of any dates that they would not be available to attend Court. Investigators must also reinforce the message on the GS041 - Giving a Witness Statement - What Happens Next, which asks witnesses to inform the Investigator of any dates of non-availability which may be identified in the future. (This request is under the title "Is there anything else I can do").

6.2 When the Committal/Trial papers are submitted the Investigator in the case must complete Witness Non-Availability forms GS010. Each GS010 sheet allows for four witnesses, covering a period of six months. The names of **all** the witnesses in the case should be entered on to the GS010 in the chronological numerical order, as they appear on the Confidential Witness List GS009A. (The allocated number being placed in the brackets). As such witnesses 1 to 4 will be on sheet one, 5 to 8 on sheet two etc. Even if witnesses have not indicated any dates to avoid they should be entered onto the sheet in the appropriate order and the bottom of the GS010 should be annotated as follows - **...(name)... no dates to avoid**. This will prevent any witness being inadvertently overlooked.

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- 6.3 In cases committed to the Crown Court, dates of non availability should be confirmed with the witnesses one week before the Plea and Case Management Hearing (PCMH). Any changes to non-availability must be notified to the Criminal Law Team (CLT) as soon as practicable. Although Investigators are responsible for updating the CLT of dates of non-availability prior to the PCMH, in RML and PFWW cases, the PSO will undertake the process. Accordingly in such cases Investigators should send the PSO an electronic copy of the GS012 Dates of Non-Availability and the GS009A Confidential Witness List to prevent the duplication of work.
- 6.4 Investigators are responsible for ensuring their witnesses attend Court. This includes dealing with any special needs they have. In RML & PFWW cases the PSO will notify witness when and where they are to attend any "fixed" hearings and deal with any special needs. (If the PSO are to make arrangements then Investigators must ensure that they have a copy of the Confidential Witness List GS009A detailing any special needs). If however the hearing is not fixed, for example it is on a warned list, then the Investigator is responsible for informing the witnesses of when and where to attend. Of course the PSO may assist if requested to do so by the Investigator.

**7. COPIES OF THE EXHIBITS & GS012**

- 7.1 An exhibit is an item of evidence acquired or prepared (such as schedules or tape summaries) during the course of the investigation, which is relevant to proving the prosecution case. They are used to demonstrate a point or fact at Court. **Any exhibit that forms part of the case must be formally produced in a witness statement.** Investigators to note that **any items produced** in statements forming part of the witness bundle, but are not going to be used in evidence should not be copied or scheduled in the exhibit list. Such items should be treated as unused material.
- 7.2 **Copies of all black and white exhibits, that can be copied, should be prepared on one side of A4 paper and placed in a bundle in the order that they appear on the GS012.** (Double sided items should be reproduced on one side only). If it is not practicable (for example due to the number, size or type) to copy exhibits on A4 paper then a more comprehensive description of the exhibit should be given in the column "Short Description of Exhibits". In addition following the description a note to the effect that the item has not been copied and the reason why. **If exhibits, such as photographs or schedules, are in colour then Investigators should prepare 6 copies and associate these with the bundle. Investigators must ensure that the quality of photocopies is of a high standard.**
- 7.3 As with the witness bundle Investigators should not enter the page numbers on to the Exhibit List form GS012, or paginate the copies of exhibits in the exhibit bundle. Nor should Investigators complete the Court Exhibit Number. However to avoid confusion the relevant item identification number should be noted on the first page of each item and the number of pages forming it should be noted by annotating each sheet "Page ...of... pages". Investigators should note that there is no need to copy the item identification bags or labels or the actual audio tapes. Additionally Investigators should not copy money.
- 7.4 In all cases interview tapes and tape summaries should be produced as separate exhibits and copied in the exhibit bundle. Investigators should also include in the exhibit bundle the following documents if they have been generated/obtained in the case:
1. GS001 Legal Rights form
  2. GS003 Friends form
  3. GS004 & GS005 Search forms
  4. P13 Personal declaration

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5. Relevant Absence/Access analysis, if undertaken, along with the attendance duty sheets/evidence
6. Relevant Observation Logs
7. Any notebook entries pertaining to the defendant volunteering something of relevance outside of the interview which is important and a note is made of it. (Other notebook entries should be copied and placed in the unused material).

7.5 The GS012 should then be associated at the front of the copies of the exhibits. The **original** exhibits however should be **retained** by the Investigator in the case and taken to court for the trial.

**8. SELF DISCLOSURE, PREVIOUS CONVICTIONS & CAUTIONS ETC. GS006B**

8.1 **All** Investigators and Law Enforcement Officers\* (LEO) who may be called as prosecution witness must submit a Self Disclosure form GS006B or equivalent for their organisation. These should be submitted even if the person concerned has nothing to disclose. Police forces in England and Wales refer to their Self Disclosure form as a MG6B. \*This does not include employees of Banks/Building Societies involved in Security/Investigation.

8.2 Investigators and other LEO must disclose details of any of the following;

1. Disclosable disciplinary finding of guilt. (Disclosable disciplinary matters are detailed in the Guidance Notes on Side B of the GS006B).
2. If they have any criminal conviction, criminal caution or police reprimands or warnings.

3. If they have been charged with a disciplinary offence but the case has not yet been concluded.
4. If they have been charged with a criminal offence but the case has not yet been concluded.
5. If they have been the subject of an Adverse Judicial Finding. (Again the Guidance Notes on the rear of the GS006A give details of this requirement)

Any Investigator employed in Law Enforcement prior to joining RMG Ltd Security is obliged to disclose any previous relevant conduct which meets the disclosure criteria. If necessary advice should be sought from the CLT.

8.3 The Investigator in the case is responsible for ensuring that the relevant Self Disclosure forms are submitted to the Criminal Law Team (CLT). Normally they should be submitted with the Committal/Trial papers in a sealed envelope, bearing privacy markings. The envelope should indicate the contents and it will be withdrawn from the papers and retained by the CLT. Alternatively, should an Investigator or LEO prefer, their self disclosure can be sent directly to the relevant lawyer in the CLT.

**9. SCHEDULES OF NON-SENSITIVE UNUSED MATERIAL GS006C**

9.1 In accordance with the Criminal Procedure & Investigation Act 1996 CP&IA 1996 Investigators are required to **retain, record** and **reveal** to the prosecutor material obtained or generated in a criminal investigation which may be **relevant** to the investigation and related matters. Not all material retained during a criminal investigation will form part of the prosecution case and be presented in witness statements and produced as exhibits. This material is commonly referred to as "Unused Material".

9.2 All relevant "Non-Sensitive Unused Material", should be listed on the form

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GS006C. Each item should be scheduled separately and numbered consecutively. **Investigators must not detail on this schedule items containing sensitive unused material.**

- 9.3** Investigators should ensure that the description of items appearing on both this schedule the "Non Sensitive (GS006C)" and the "Sensitive (GS006D)" schedule, are **detailed, clear and accurate. If so described there is no requirement to provide a copy of the items scheduled to the Criminal Law team.**
- 9.4** The purpose of the unused schedules is to **disclose relevant material, which is not otherwise disclosed.** As such the unused schedules must not contain items (such as working tapes) or witness statements which have been produced in evidence. Additionally the correspondence between the Investigator and the Prosecutor (CLT) is protected by "**Legal Privilege**" and thus should not be disclosed on any schedule. Further details on the preparation of the Schedule of Non-Sensitive Unused Material, form GS006C can be found in Appendix 1 to these Procedures and Standards.

**10. SCHEDULES OF SENSITIVE UNUSED MATERIAL GS006D**

- 10.1** The GS006D should be used for sensitive material, which may be relevant to an investigation. Material should only be listed on the schedule if it is thought that **disclosure would give rise to a real risk of serious prejudice to an important public interest.** If there is no sensitive material in the case then the Investigator should endorse and sign a GS006D to this effect.
- 10.2 De-Sensitising Material.** Investigators should note that Sensitive Material can in effect become Non Sensitive by appropriate editing and by blanking out sensitive matters. Advice on this can always be sought from the Prosecutor (CLT). Further details on the preparation of the Schedule of Sensitive Unused Material, form GS006D can be found in Appendix 1 to these Procedures and Standards.

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**11. DISCLOSURE OFFICERS REPORT GS006E**

- 11.1** The purpose of the Disclosure Officers Report GS006E is two fold. Firstly to inform the Prosecutor (CLT) of any relevant material which the Investigator thinks meets the "Disclosure Test". That is to say **could the material be reasonably considered capable of undermining the case for the prosecution against the accused, or of assisting the case for the accused.** The second to certify that all relevant material in the case has been revealed to the CLT.
- 11.2** If items appearing on either the Schedule of Non Sensitive Unused Material GS006C or the Schedule of Sensitive Unused Material GS006D meet the "Disclosure Test" then the Disclosure Officers Report GS006E should include a full description and the reason why it could undermine the prosecution or assist the defence. Additionally a copy of the item concerned must be associated with the Disclosure Officers report.
- 11.3** The Investigator needs to sign a declaration to the effect that the unused material available to them has been revealed to the Prosecutor (CLT) in accordance with the CP&I Act 2005 CoP. Further details on the preparation of the Disclosure Officers Report, form GS006E can be found in Appendix 1 to these Procedures and Standards.

**12. OFFENCES TAKEN INTO CONSIDERATION GS018**

- 12.1** As part of the prosecution process the Prosecutor (CLT) will advise on what matters will be the subject of formal charges and what charges may be dealt with by means of "Taken Into Consideration" (TIC).
- 12.2** The other offences which are to be TIC should be scheduled by the Investigator on the "Other Offences Schedule" Form GS018. The wording of the other offences on the GS018 is to be similar to the wording of the charges prepared by the CLT on the Schedule of Charges. The Committal/Trial papers should include 6 copies of the Schedule of Other Offences form GS018.

**13. THE DEFENDANT'S ANTECEDENTS GS033 AND PNC PREVIOUS CONVICTIONS, CAUTION ETC**

- 13.1** The Investigator is required to produce antecedent history of the defendant by completing an Antecedents Form GS033. Often this form is completed by going through it with the defendant following their suspect interview.
- 13.2** Seven Copies of the Antecedents form, (which must be typed) should be submitted with the Committal/Trial papers. These copies should be accompanied by the defendants Police National Computer (PNC) previous convictions, caution etc. printout. The printout should be contained within a sealed envelope addressed to the relevant CLT Lawyer personally, with the envelope bearing privacy markings and indicating the contents.

**14. PREVIOUS CONVICTIONS AND CAUTIONS ETC. OF PROSECUTION WITNESSES**

- 14.1** If the case is to be contested it is important for the Criminal Law Team (CLT) to know if any of the prosecution witnesses have any previous convictions, caution etc. as this will have a bearing on how much weight can be given to their evidence. In addition, as mentioned above the defence are entitled to disclosure, if there is any material which is reasonably capable of assisting the case for the accused. This is especially so as the defence team are

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allowed, in certain circumstances, to introduce evidence of bad character of prosecution witnesses.

**14.2** Police National Computer (PNC) previous conviction checks are only required when the defendant enters a not guilty plea and there is to be a contested trial. Should this plea be entered at a Magistrate's Court then the prosecution witness previous conviction, caution etc PNC printout should be submitted with the Committal/Trial papers. Again they should be contained within a sealed envelope addressed to the relevant CLT Lawyer personally, with the envelope bearing privacy markings and indicating the contents.

**14.3** If however a plea is not entered until after the Committal Papers have been submitted then the Previous Conviction Etc. checks should be undertaken only if the defendant enters a not guilty plea and the case is to be contested. In Royal Mail Letter and Parcelforce Worldwide cases these checks will be obtained and submitted by the Prosecution Support Office. In Post Office Ltd cases the Investigator is responsible for obtaining the checks and forwarding them to the CLT as in paragraph 14.2 above.