



The Attorney General of the
Falkland Islands

AGG15

PROSECUTION TEAM FILE MANAGEMENT STANDARDS

Foreword

The criminal justice system of the Falkland Islands has undergone an extensive review of its process and practices. This has included the updating and consolidation of the criminal law of practice and procedure as well as criminal offences.

As part of that review the joint working processes of investigating departments and Government Legal Services have been examined and a number of initiatives developed in order to improve the efficiency and resource use of both organisations.

This document sets out the File Standard. All case files which are sent an investigating department to Government Legal Services are expected to conform to this standard.

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Attorney General

Introduction

In order to maximise efficiency and effectiveness in the preparation and submission of case files by the Royal Falkland Islands Police to Government Legal Services, the following standards will apply. All police officers preparing files for submission to Government Legal Services are expected to follow these standards. Any deviation from the standards must be clearly explained on the file otherwise the file will be returned to the officer concerned to rectify any shortcomings before the file is submitted to Government Legal Services. Any such returns will build delay into the process and must be avoided.

The setting of Prosecution Team Standards has a number of advantages:

- It ensures consistency in the quality of files.
- It acts as a benchmark by which file standards can be judged.
- It provides guidance to officers as to what is required in a file.
- It creates certainty as to what a file must contain.
- It embeds good practice and ensures that officers can become familiar with all aspects of file-building and ensures that skills are not lost over time.

File Standards

**Contents of file submitted to Crown Counsel where
the case is ready for a decision as to charge**

Mandatory Requirements for Files

All files must include:

- MG1:** File Front Sheet.
- MG3:** Report to Crown Counsel which must also contain review and recommendation from officer's supervisor.
- MG6C, D and E:** Schedules of Unused Material and Disclosure Officer's Declaration.
- Unused material:** Each item to be labelled on top right hand corner in accordance with entry number on MG6C or D Schedules.
- MG9:** List of Witnesses.
- MG10:** Witness non-availability.
- MG11(s):** Witness statement(s).
- MG12:** List of Exhibits.
- Copies of exhibits:** Original exhibits MUST NOT be left on the police file and must not be sent to Government Legal Services unless specifically requested by Crown Counsel.
- MG15:** Interview Record: this will consist of a full transcript or accurate summary depending upon nature of case and whether the officer feels that Crown Counsel needs to read the full interview, or a copy of any prepared statement.

Previous Convictions: Falkland Islands Criminal Record Office print out for all suspects and prosecution witnesses.

Additional Material to be included where applicable:

MG2: Special Measures Assessment.

MG3A: Further Report to Crown Counsel where a file has been returned previously by Crown Counsel for further work.

MG6B: Completed by officer to whom the MG6B relates in a sealed envelope addressed to Crown Counsel and this is to be sent directly to the Government Legal Services with the envelope endorsed with name of the suspect and the case Unique Reference Number.

MG16: Bad Character information

Record of Visual Evidence: Transcript of Achieving Best Evidence recording if a witness has been subject to such an interview.

ABE: One copy of any Achieving Best Evidence DVD(s).

Drink Drive: Drink drive aide-memoire.

Other key evidence: One copy of visually recorded evidence (such as CCTV), medical or scientific reports, one copy of bound photographs, documentary exhibits, etc.

Any other material considered relevant for charging decision.

Additional Items for Post-Charge File for First Court Hearing

Once a charge has been authorised the following are mandatory requirements for file in addition to the items on the file at the pre-charge stage:

- MG4:** Charge Sheet or summons (with certificate of service on rear of summons fully completed).
- MG5:** Case Summary (best practice will be to provide this pre-charge)
- MG6:** Case File Evidence and Information.

Additional Material to be included where applicable

- MG4A/B/C:** Bail Sheet/Vary/Security/Surety.
- MG7:** Remand Application.
- MG8:** Breach of bail conditions.
- MG18:** Offences to be Taken Into Consideration.
- MG19:** This should also be accompanied by any compensation documentation such as estimates or invoices together with a witness statement exhibiting such documents.
- MG21/21A:** Forensic science submissions.

Details of any Forfeiture Applications: This request should be included on the MG6 and should clearly list the items sought for forfeiture and the reasons why.

Draft terms for Ancillary Orders such as Restraining Order, Sexual Offences Prevention Orders etc

File Standards: The Use of the MG20

An MG20 will be used to cover all material submitted to Government Legal Services at any stage AFTER the pre-charge submissions. This document will then be retained on the Government Legal Services file as proof of receipt of the attached material.

Further copies of this document and information about alternative languages and formats are available from the Law and Regulation Directorate.

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This Document is also available online at: <http://www.fig.gov.fk/legal/>

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