



## **The Code for Crown Prosecutors**

The RSPCA's approach to prosecution reflects the principles of **The Code for Crown Prosecutors**.

The Code is a public document issued by the Crown Prosecution Service (CPS) that sets out the general principles to be applied when making decisions about prosecutions.

You can read the Code in full at: [www.cps.gov.uk](http://www.cps.gov.uk)

**There are two stages to the Code.**

**1. Evidential test**

Is there sufficient evidence 'to provide a realistic prospect of conviction against each defendant and on each charge'?

**2. Public interest test**

Where there is enough evidence, is it in the public interest to prosecute?

### **Weighing up the evidence**

The evidential test is separate from the one the criminal court must apply before convicting a person.

A court has to be satisfied beyond reasonable doubt that the defendant is guilty in order to convict. When deciding if there is enough evidence to prosecute, we have to consider whether the evidence can be used.

The evidence must be reliable and robust enough to prove each of the evidential points the prosecution must overcome in order to secure a conviction.

### **Balancing the public interest factors**

If the evidential test is passed, we then consider if it is in the public interest to prosecute. Although there may be public interest factors for and against prosecution, they do not always hold equal weight.

We must balance these factors for and against prosecution. And in doing so, we also take into consideration details such as:

- the seriousness of the offence
- the circumstances of the defendant, for example their age and health
- the likely penalties that might be imposed.

**If a case file does not meet these tests, then the RSPCA will not prosecute.**