

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);

(b) On conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both).

All MG Forms are Managed under Guidance From: -

All mg forms are managed under guidance from the home office, so for the evidential and authenticity standards to be complied with, so for all associated tools required to create, transport and store a Digital Witness Statement (DWS) is completed with sufficient evidential authenticity and integrity.

The Key Requirements of Digital Witness Statements are: -

1. The witness must be fully aware of the implications of signing.
2. The mechanism for proving a document must be agreed by the National Prosecution Team.
3. Where vector representations of signatures are used, these shall use open standards and must also include a simple image of the signature.

Criminal Procedure and Investigations Act 1996, places a duty on investigators to pursue all reasonable lines of enquiry and to record and retain all relevant material.

Supervisors must check that the file complies with the National File Standard content as per the Director's Guidance.

All cases charged by police will be notified to the CPS through an amended MG5, to be known as the 'Police Report'. It is crucial that the content of the MG5, including the case and interview summaries, are objective, fair and balanced and are of the highest quality. This is because all the stakeholders (e.g. prosecutors, court and defence) rely upon its contents. A poor quality MG5 is likely to lead to wasted time, increased costs and delayed proceedings. In all cases the supervisor must complete the 'Supervisor's Certification'. This certifies that the information in parts 1 to 7 of the Police Report is an accurate summary of the available evidence in the case. It also ensures that the file has been built to the required standard. If it has not been possible to obtain all necessary information to ensure the file has reached the required standard, an MG6 must be completed to indicate why and when missing information/evidence will be available.

The MG6 should also record the information necessary for common law disclosure in accordance with R v DPP, ex parte LEE. It should also take account of all reasonable lines of enquiry and confirm that relevant agreed targets for the capture/submission of evidence have been identified correctly.

R v DPP, ex parte LEE (1999) 2 Cr App. R 304, DC 2.2.11

Following the decision in LEE, the prosecutor should consider disclosing the following, at pre-committal stage, in the interests of justice:

- (i) Previous convictions of the victim, or any material that might assist an application for bail;
- (ii) Anything that may assist the defence to argue that there should be no committal at all, or committal on a lesser charge;
- (iii) Anything that may assist an argument for abuse of process;
- (iv) Information that may assist the defence to prepare for trial where delay may affect such preparation (i.e. witnesses police officers have spoken to that they do not intend to rely upon).
- (v) This information is not always going to be disclosed to the defence since Justice Kennedy said this would depend very much on what the defendant chose to reveal about the nature of his case.

These are only examples and must not be construed as a definitive list of categories.

In all cases the prosecutor must consider disclosing in the interests of justice any material that is relevant to sentence (e.g. information that might mitigate the seriousness of the offence or assist the accused to lay blame in whole or in part upon a co-accused or another person).

There are Three Types of Witness Statement: -