

**RESTRICTED
FOR POLICE AND PROSECUTION ONLY (when complete)**

MG3

**REPORT TO CROWN PROSECUTOR FOR CHARGING DECISION
DECISION LOG & ACTION PLAN
Not Disclosable**

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REPORT TO CROWN PROSECUTOR (FOR POLICE COMPLETION)

URN

DPA

<p>Suspect 1: PO/PYO/YO♦ M/F♦</p> <p>Surname: NO-F191</p> <p>Forename(s): NO-F191</p> <p>D.O.B: Custody Ref:</p> <p>Ethnicity code (self-defined):</p>	<p>Proposed charge(s):</p> <p>.....</p> <p>Incitement to commit an act of gross indecency</p> <p>.....</p> <p>.....</p>
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<p>Suspect 2: PO/PYO/YO♦ M/F♦</p> <p>Surname:</p> <p>Forename(s):</p> <p>D.O.B: Custody Ref:</p> <p>Ethnicity code (self-defined):</p>	<p>Proposed charge(s):</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
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Officer seeking advice: Supervisor's name: Consulted Y / N♦

Material provided to CPS (indicate if attached)

	Date of item		Date of item
Statement of: NO-A394 (video)		Pocket note book/Incident report book:	
Statement of:		Police incident log:	
Statement of:		Video/photographs:	
Interview record:		Previous convictions/disposals:	
Forensic/expert evidence:		Other: Summary, MG6, index of video i/v	

Outline of circumstances and decision/advice sought (unless verbal report given)
(Consider: time limit on proceedings (if applicable); strengths and weaknesses of case; possible lines of defence; witness assessment; public safety/bail issues; disclosure; any Proceeds of Crime Act issues; orders on conviction; public interest.)

Advice sought on charging, admissibility of evidence., course of the investigation and any additional evidence required

Continue on separate sheet if necessary

Officer completing: ...DS 640 Routledge.....Rank & No./Job title: Date:

Contact details (station, tel, mobile, e-mail).....Police Division CAIU, Mansfield.....Signature:.....

CHARGING DECISION/ADVICE & CASE ACTION PLAN (FOR CPS COMPLETION) URN:

Charging decision and advice, specifying or attaching charges (refer to documents/evidence seen, decision on offences)

Having carefully reviewed the file and watched the video interview, the appropriate charge in due course would be incitement to commit gross indecency on a date between 25/8/00 and 26/8/2001 regarding the one act where the victim was encouraged to masturbate in front of the accused.

However, there are certain matters that concern me and need to be clarified prior to the final decision to charge. The following action is required :-

1. Statement from the social worker who received the first complaint. How distressed was the victim? What was the context in which this came out?
2. Police and social worker statement re the video interview, arrest and interview.
3. Was NO-A394 upset about being moved on from the foster home? Could this be the motive for his complaint?
4. Inspection of Social Services and school records. Does the IP have problems of his own that may cause him to lie? Has he made previous false complaints? etc. etc.
5. Why was no action taken regarding the alleged assaults on the other children. Obviously, some of the problems are obvious, eg no marks were left, was it lawful chastisement? Such allegations may not have been confirmed by the children themselves.
6. The victim has confessed to abusing others. What is going on here? In what context did this confession come out? Does this victim have problems of his own that may cause him to make this complaint or is he the victim of abuse?

The victim comes across as credible in video interview but there is clearly background here and as it is the victim's word against the accused, we need to be sure that our victim will be a credible witness.

I have not advised that any other allegations be pursued as encouraging the victim to wash her back is more inappropriate than criminal as she did cover herself up. The allegation of smacking of the victim is vague and the offer to see the defendant's vagina did not actually lead to any sexual conduct. There is some supporting evidence regarding the masturbation incident as the defendant mention himself an incident where the victim exposes himself to her but in quite a different context.

Continue on separate sheet if necessary

Prosecutor to indicate general nature of decision and advice (Tick one box only)

Code	Advice	Suspect 1	Suspect 2	Code	Advice	Suspect 1	Suspect 2
A	Charge + request full file			H	Request evidential file		
B	Charge + request expedited file			I	Request expedited file		
C	Simple caution			J	Further investigation - resubmit	x	
D	Conditional caution			K	NFA – Evidential		
E	Reprimand			L	NFA – Public interest		
F	Final warning			M	Other (please specify)		
G	TIC						
If 'K', enter Evidential code:				If 'C, D, E, F or L', enter Public Interest code:			

Further action agreed:	Action date by:
1. Further investigations as above	1. 24/10/04
2.	2.
3.	3.
4.	4.
PYO Provisional trial date:	Charging review/action date:
Return bail date:	
Further consultation needed pre-charge: Y /N* <i>(If further consultation necessary, use continuation sheet MG3 A)</i>	
Prosecutor name (print): SK Matthews..... Contact details: DPA Date: 29/9/04	
Investigation stage at which advice sought:	
Pre arrest <input type="checkbox"/> Post Arrest <input type="checkbox"/> Post Interview <input type="checkbox"/> Post bail for further enqs <input type="checkbox"/> Bail for charging decision <input type="checkbox"/>	
How advice delivered:	
Face to Face <input type="checkbox"/> Video Conferencing <input type="checkbox"/> Telephone <input type="checkbox"/> CPS Direct <input type="checkbox"/> Written <input type="checkbox"/>	