

Crown Prosecution Service



# Justice after acquittal

## National standards of support



# **JUSTICE AFTER ACQUITTAL - NATIONAL STANDARDS OF SUPPORT (NSS)**

## **PURPOSE OF NATIONAL STANDARDS OF SUPPORT**

In all murder cases involving an acquittal, the National Standards of Support (NSS) agreed between Justice After Acquittal (JAA), the police and CPS will be followed.

The purpose of the National Standards of Support is to ensure that:

- the police and CPS comply with the agreed processes set out below and that there is openness and transparency in all communications with the family and/or their representative;
- the family and/or their representative is/are given every opportunity to discuss any issues they may have throughout the process; and
- JAA are involved in the process if this is what the family chooses

Attached to this document is a flowchart which outlines the agreed standards in diagram form.

## **NATIONAL STANDARDS OF SUPPORT**

### **CPS offers a post acquittal meeting (PAM)**

The CPS will offer to meet with the victim's family and/or their representative following an acquittal. The offer will be made approximately 3 weeks after the acquittal, which will give the family the opportunity to consider any points they wish to raise at the meeting. This does not preclude any discussion which may take place with the family at court at the time the defendant is acquitted.

At the PAM, the prosecutor will:

- check the family has received a copy of the NSS document from the police (text and the flowchart); if not provide them with a copy;
- deal with any questions that the family may have about the process, including the trial and verdict;
- provide an explanation as to the high level of proof necessary to trigger an application to quash an acquittal – this is to manage any expectations raised in the minds of the family;
- draw attention to the support available to the family through victim support groups including JAA; and
- offer to act as a contact point for any queries up to three months after the verdict.

The meeting will also provide the family with an opportunity to put forward their views about the proceedings and/or possible future actions.

### **CPS and police reviews**

Following acquittal, both the CPS and the police will each conduct a case review. In some circumstances, they may conduct a joint review but this will be decided on a case by case basis.

These reviews will consider the evidence in the case, how the evidence was presented during the trial and whether anything could have been done differently.

The victim's family and/or their representative will not be present during the review stage but they will be kept informed throughout, in line with ACPO Authorised Professional Practice guidance (police reviews) and in accordance with CPS Casework Quality Standards.

It is also important that the family and/or their representative are given the opportunity to put forward their views and to raise any additional issues not yet discussed. This may be via the Family Liaison Officer (FLO), the Senior Investigating Officer (SIO), the family's representative or following the PAM with the CPS.

### **Case review meeting**

The purpose of this meeting is for the police and CPS to share their review findings with the victim's family and/or their representative and where appropriate, identify further actions. The meeting will be jointly chaired by the police (SIO) and CPS and may include the FLO and a representative from JAA if the family so desire. A record of the meeting will be taken.

The case review meeting will include:

- an explanation to the family, (if relevant), in relation to the law in respect of 'double jeopardy' legislation and whether any evidence from the case review may provide opportunity for a further trial;
- a reference to the requirement for and availability of new and compelling evidence to support any subsequent proceedings;
- where appropriate, identification of how new and compelling evidence will be obtained in this case; and
- a discussion to establish the needs of the victim's family in relation to further contact and to identify and maintain, if possible, a specific point of contact.

The meeting will also give the victim's family and/or their representative a further opportunity to ask any questions they may have and to express their views/opinions. It will also establish the needs of the victim's family and/ or representative in relation to further contact and to identify and maintain, if possible, a specific point of contact.

### **Meeting following consideration of a case after acquittal ('double jeopardy')**

The CPS will offer to meet with the bereaved family where, following an acquittal, the case has been re-referred to the CPS for consideration of applying to the Court of Appeal to retry the defendant under Part 10 of the Criminal Justice Act 2003 ('double

jeopardy' cases). In exceptional circumstances the meeting may be conducted personally by the Director of Public Prosecutions.

### **Ongoing Review**

A police review of these cases will be held every 2 years with new evidence/developments being submitted to the CPS as appropriate.

There will also be an obligation on the police (or other single point of contact as agreed) to keep the family informed where there is new evidence or developments in the case progress. This does not prevent the family asking to be specifically informed every time there is a review, even if there is no update.

### **Review and Monitoring**

Both the police and CPS will monitor compliance with the NSS in accordance with agreed local and national arrangements.

Performance data on the number of joint police/CPS case review meetings held under the NSS will be presented to the JAA Steering Group meetings. Both the police and CPS are represented at these meetings.

