



PUBLIC
PROSECUTION
SERVICE



The Role of the Public Prosecution Service



Independent, Fair and Effective

The role of the Public Prosecution Service (PPS)

The PPS decides whether or not to prosecute people for committing criminal offences. It decides what the correct charges should be and is also responsible for prosecuting the case at court.

Does the PPS investigate crimes?

No. Crimes are investigated by the Police Service of Northern Ireland (PSNI). When the PSNI investigate a crime, they send a file to the PPS to decide who is to be prosecuted and for what offences.

What offences does the PPS prosecute?

The PPS prosecutes all offences investigated by the PSNI and some offences investigated by Government Departments such as the DSD Benefit Investigation Service.

Where are cases prosecuted?

The most serious offences are heard before a judge and jury in the Crown Court and the less serious cases are heard before a Magistrates' Court. Cases involving young offenders are heard before a Youth Court.



Is the PPS independent?

Yes. The PPS is independent of government and the PSNI when carrying out its functions. No-one can make the PPS prosecute a particular case, nor stop it from doing so.

Where are the PPS offices?

The PPS is a regionally-based organisation, with offices in Belfast, Lisburn, Ballymena, Londonderry, Omagh and Newry.

How does the PPS reach a decision to prosecute?

When the PSNI complete their investigation, they send a file to the PPS. The prosecutor must decide whether there is sufficient evidence to put a person on trial. The Test for Prosecution is met if:

- the evidence which can be adduced in court is sufficient to provide a reasonable prospect of conviction – the Evidential Test; and
- prosecution is required in the public interest – the Public Interest Test.

Each aspect of the test must be separately considered and passed before a decision to prosecute can be taken.

In order to convict, the judge or jury have to be satisfied that they are sure that a person is guilty. It is not enough for them to think that the accused might be or probably is guilty.

Even where the victim's account is credible, the evidence may simply not be strong enough to prosecute anyone. For this reason it is important to know if there is independent evidence that supports the victim's account. This could be evidence from a witness or forensic evidence such as fingerprints or bloodstains. Independent evidence can make a stronger case than a case based on one person's word against another's.

The decision to prosecute or not to prosecute is very important. If someone is prosecuted and later found not guilty, they are likely to suffer disruption and worry. On the other hand, a decision not to prosecute can cause great distress and upset to a victim. So the PPS must carefully consider whether or not to prosecute.

Why might the PPS decide not to prosecute a case?

Lack of sufficient evidence is the most common reason for decisions not to prosecute.

In a smaller number of cases, even though the evidence may be strong enough to prosecute, the PPS may decide not to prosecute for other reasons, for example:

- where the offender is under 18 years of age and the case could be dealt with through a Youth Conference;



- where an adult could be cautioned under the Adult Caution Scheme for minor offences; or
- where, in the public interest, it is better not to prosecute, for example if the offender is elderly or very ill.

Code for Prosecutors

The above explanations are a simplified version of the Code for Prosecutors. Full details are available on the PPS website www.ppsni.gov.uk

Who makes the decision for or against prosecution?

All decisions are made by public prosecutors who are qualified lawyers of appropriate experience.

Does the PPS prosecute cases on behalf of victims?

The PPS prosecutes cases on behalf of the whole community, not on behalf of any one individual. For this reason, the views of the victim, while important and fully taken into account, cannot be the only consideration when deciding whether or not to prosecute.



What can a victim of crime expect from the PPS?

The PPS will treat all victims of crime and other witnesses with courtesy and respect. We will make every effort to keep them informed of the progress of their case but this may not be possible in every instance. However, if the victim or witness contacts us, we will make every effort to address their query.

The PPS will inform a victim in general terms why it has decided not to prosecute a case. In a range of serious cases the PPS will provide to the victim or the victim's family detailed reasons for not prosecuting.

If a victim or the family still has concerns about a no-prosecution decision, a review of the decision can be requested. The review process is set out in full in the Code for Prosecutors. A request for a review should be sent to the Regional Prosecutor at your local PPS regional office.

What measures are available to help Victims and Witnesses?

In appropriate cases the PPS can apply for special measures to assist with giving evidence, for example by live TV link. The PPS also works closely with our partner agencies, including the Northern Ireland Court Service, Victim Support and NSPCC to help provide support at court.

Victims and Witnesses Policy

Further information can be found in the PPS Victims and Witnesses Policy, which can be downloaded from the PPS website, www.ppsni.gov.uk

Complaining about the PPS

Any person who has had contact with the PPS can make a complaint. A complaint may be made directly by an individual or through a nominated representative (for example, a family member or public representative). A complaint should be sent to the Departmental Records and Information Manager, at the address below.

Getting in touch

For further information, copies of PPS policies or to get in touch, please contact

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Regional Offices:

Eastern Region

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Northern Region

Ballymena Chambers
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Western Region

Omagh Chambers
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Southern Region

Newry Chambers
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NEWRY, BT34 1FD
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Belfast Region

Belfast Chambers
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