



Criminal Appeals Procedure

This document is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

Statement

The Criminal Cases Review Commission (CCRC) was created under the Criminal Appeal Act 1995 and was formally established on 1st January 1997. The Commission has the responsibility for reviewing suspected miscarriages of justice.

The Commission's main responsibilities under the Act are to:

- review suspected miscarriages of justice, and to refer a conviction, verdict, finding or sentence to the appropriate court of appeal when the Commission considers that there is a real possibility it would not be upheld
- investigate and report to the Court of Appeal on any matter referred to the Commission by the Court, and
- consider and report to the Secretary of State on any matter referred to the Commission arising from consideration of whether to recommend exercise of Her Majesty's prerogative in relation to a conviction

Once a case becomes subject of investigation by the Commission, the Force receives notification. North Yorkshire Police (NYP) is then required to collate the available evidence, to allow the Commission to carry out their duties. This policy document is intended to provide clear guidance on the procedures to be followed in these circumstances.

This procedure details NYP's role within the criminal appeals procedure. By promptly and efficiently collating the relevant documentation and exhibits, NYP assists the Commission and enables them to carry out their duties. Full co-operation with the Commission ensures an independent review of alleged miscarriages of justice. Such safeguards and transparency help maintain public confidence in the criminal justice system.

Other Documents:

Code of Practice for Victims of Crime in England and Wales (Victims' Code) - GOV.UK

Process

When the Force is notified of a case that the CCRC intends to review, then the following procedures will apply:

Collation, retention, and disposal of material

- a) The NYP Criminal Justice Chief Inspector (Operations) is the initial point of contact for the CCRC. Upon service of the initial section 17 preservation notice to the police by the CCRC, the Criminal Justice Chief Inspector (Operations) will notify the local policing command area that dealt with the case and inform the Head of Criminal of Justice Department that a notice has been received. They will also notify the Prosecution Team Manager of the notice.
- b) The Prosecution Team Manager will identify all electronic file references. They will collate all the electronic case papers and associated documentation. If the papers are not already held within the Prosecution Team, any exhibited non documentary evidence will remain in one of the organisations designated property stores (specific to area).
- c) The Prosecution Team Manager will contact the relevant Force Exhibits Lead or Deputy. They will arrange for all non-documentary exhibits, forensic materials, photo negatives and any other relevant materials to be stored and retained under special notice and URN. This evidence will remain in one of the organisations designated property stores (specific to area). This will include both unused and used material. This may involve contacting other departments/organisations such as Scenes of Crime etc.
- d) The Prosecution Team Manager will contact the Forces Authorising Officer (Detective Superintendent, HQ) responsible for the informant register to preserve relevant information and any informant text relevant to the case.
- e) All material will be securely stored either electronically and clearly marked with the case reference, CCRC reference and the special notice, "UNDER REVIEW BY CRIMINAL CASES REVIEW COMMISSION – DO NOT DESTROY". If the material is still in paper record format this will be endorsed accordingly.
- f) The Prosecution Team Manager will write to the CCRC to advise the action that has been taken and the location to which future correspondence should be addressed.
- g) An electronic correspondence file will be maintained on the case file(s) under the relevant URN(s) by the Prosecution Team Manager and subsequent actions will be initiated from that office, dependant on further directions by the CCRC.
- h) There will be cases, such as frauds, in which the volume of documentation will make storage within a Prosecution Team's accommodation impractical. These cases will be individually considered, and special arrangements will be made following liaison between the Prosecution Team Manager and the Criminal Justice Chief Inspector (Operations).
- i) To prevent automatic deletion of records, on receipt of the appeal notice from the CCRC the Prosecution Team Manager will enter an appeal disposal on the court file schedule. Once the

case has concluded, the Prosecution Team Manager will update the schedule to reflect the outcome.

Notification to victims

Under the Code of Practice for Victims of Crime, the CCRC and the Police have notification responsibilities to the victim and the relevant sections of the Code below must be consulted. A copy of the Code can be accessed on the NYP Intranet victims and witness sub-site.

The CCRC does not routinely inform victims of crime that a review is underway. Many reviews carried out do not result in a referral to the relevant appeal court and so try to minimise the potential distress caused to victims by the knowledge that a case is being reviewed. However, under the code the CCRC has a responsibility to inform victims, or families of victims, where a referral is imminent or where news of the review is likely to come to their attention or enter the public domain.

It is important to note that the CCRC serve section 17 notices on the Police to preserve material at the point of an application being received. However, the review may not commence for some considerable time and receipt of the section 17 notice should NOT therefore be taken by the Police as an indication that a review has commenced.

The Police will not always be aware of when the CCRC has commenced the review so, for the Police to meet their obligations under the code, the Police will be informed of any case where:

- the CCRC believes that there is a likelihood of the review coming to the attention of the victim;
- the commission contacts the victim;
- the case is referred to the appropriate appeal court or
- where the victim is already aware of the review and a decision is made not to refer the case.

If the Police at any stage are considering making the victim aware in accordance with the Code, this must be discussed with the CCRC in advance.

If a conviction or sentence in respect of relevant criminal conduct is being reviewed by the CCRC and, taking all the circumstances of the case into account, it is likely that the review will come to the victim's attention, the Police must notify the victim, or the victim's family, no later than 10 working days after the day the Police receive notification of the review.

If the CCRC decides not to refer a conviction or sentence in respect of relevant criminal conduct to the Court of Appeal or the Crown Court, and the victim has already been informed of the review, the Police must notify the victim, or the victim's family, no later than two working days after the day the Police receive notification of the decision.

If the Criminal cases review Commission decides to refer a conviction or sentence in respect of relevant criminal conduct to the Court of Appeal or the Crown Court, the police must notify the victim, or the victim's family, no later than 10 working days after the day the Police receive notification of the decision.

The Prosecution Team Manager is responsible for liaising with the CCRC in respect of the appropriate victim contact agreements, and undertaking/initiating appropriate contact, as required, in partnership with the OIC/Family Liaison Officer/Senior Investigator. These will be retained digitally under the URN(s).

The Prosecution Team Manager will inform the Witness Care Unit of the case if it is to be referred to the Court of Appeal or the Crown Court to invoke the victim and witness contact and support requirements under the Victim Code.

The Witness Care Unit will contact the relevant Appeal Court/Criminal Appeals Office to obtain details of the appeal and inform them of the relevant point of contact for the case and associated reference numbers for subsequent case updates, bail, and case outcomes.

The Witness Care Unit will ensure the Prosecution Team Manager, and Investigating Officers are kept fully updated throughout the process and maintain records of all contact with victims and witnesses in accordance with usual procedures.

It is essential that extreme urgency is applied to this process.

Responsibilities

Criminal Justice Chief Inspector (Operations)

- Point of contact for the CCRC
- Notification to Prosecution Team Manager and referral of section 17 notice
- Notification to Head of the Criminal Justice Department
- Point of contact for advice

Prosecution Team Manager

- Identification of all file references
- Digital collation of case papers and associated documentation
- Secure storage within the Digital case file or designated property store
- Contact the relevant Force Exhibits Lead
- Contact the Forces Authorising Officer
- Write to CCRC to advise them of action taken and point of contact
- Establishment of a digital correspondence folder
- Initiate further actions, as per instructions from CCRC
- Initiate arrangements for storage if there are large volumes of documentation
- Notification to victim, or victim's family, in line with appropriate timelines, which can be in liaison with relevant Family Liaison Officers/Senior Investigators and/or the OIC as appropriate. Full audit record to be made of contact
- Referral to the Witness Care Unit where a case has been referred
- Finalisation and archive of case papers as required

Witness Care Unit

- Upon notification of a referral, maintain contact with victims and witnesses and the Court Service as instructed by the Prosecution Team Manager in accordance with current policies and procedures

Forces Exhibits Lead or Deputy

- Arrangements for all non-documentary evidence to be retained and stored

Forces Authorising Officer

- Preservation of any relevant information

Definition of Special Terms N/A