

CPS Take Over Private Prosecutions and Shut Them Down

Written by Sally West

In theory any member of the public in the United Kingdom can issue criminal proceedings and prosecute a criminal case. This is a vital safeguard to protect society from inaction by the state. However, it is common practice for the Crown Prosecution Service, CPS, to take over any private criminal prosecution and willfully frustrate it. Thus, in practice, the public are denied this vital protection.

CPS has the power to take over any private criminal prosecution and the discretion to prosecute the case themselves, to discontinue any such proceedings without cause, or to just do nothing and let the case lie on file. However, they are abusing that power. They were given this considerable power to prevent criminals escaping justice as a consequence of inadequate prosecution by amateurs. Indeed, without such power, criminals could arrange for their accomplices to prosecute them and deliberately lose the case, thus providing their accomplices the protection of *autrefois acquit*. But CPS have chosen to abuse this considerable power. They routinely take over private prosecutions that they have absolutely no intention of ever prosecuting themselves. The reasons CPS gives for sabotaging these cases is either insufficient evidence or not in the public interest. However, it is often the case that rigorous evidence is available, and the only organizations that would suffer any reputational damage if the prosecution was allowed to continue are the Police or CPS themselves.

It should be left to the courts to decide if a case has merit. CPS should not be allowed to usurp the power of the courts to decide whether evidence is adequate in a case that they have no intention of ever prosecuting. Once CPS have decided that they do not want to prosecute a case they should stand aside and let the courts decide if the evidence is sufficient. Indeed, it speaks volumes that hardened criminals regularly approach CPS to defend them from private criminal prosecution. The incompetence and corruption of CPS is so well known that brutal criminals regard them as the best defence lawyers available to them. It is not in the public interest for CPS to abuse their power in order to protect ruthless sadistic criminals.

It has always been a premise that justice requires that both parties in a court trial are given equal treatment. There must be a level playing field. Giving CPS this power fundamentally changes their role from a party to a legal proceeding to a position of authority allowing them to control the judicial process. Would a boxing match be fair if one of the contenders was also the referee?

It is in the public interest to curtail the power of CPS. I ask that the law be changed so that CPS can only take over a case that they intend to prosecute. If they fail to enthusiastically prosecute

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the case within 90 days then the case should be taken away from CPS and control returned to the original private prosecutor.