

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY THE DEPUTY OF ST. JOHN  
ANSWER TO BE TABLED ON TUESDAY 10TH OCTOBER 2017**

**Question**

Will H.M. Attorney General advise what the policy of his Department is for corresponding with alleged victims of crime when it is decided that a case will no longer be pursued as a criminal matter?

**Answer**

Generally a decision not to pursue a criminal matter will be communicated to an alleged victim of crime by the States of Jersey Police. However, not all criminal offences are investigated by the States of Jersey Police. Some cases are investigated by other agencies, such as the Department for the Environment or the Department for Education, and in the same way as complaints are made to the States of Jersey Police, a complaint will need to be made to the relevant department and not directly to the Attorney General or the Law Officers' Department (Criminal Division). Where advice is sought by a particular agency from the Law Officers' Department a file containing relevant evidence will need to be provided. The decision whether or not to prosecute will be made by the Attorney General or a lawyer in the Criminal Division, in accordance with the Code to Prosecute. When the decision is reached that there will not be a prosecution this will be communicated by the Attorney General or a lawyer in the Criminal Division to the agency seeking the advice.

There are circumstances, however, when notification of such decision is made direct by the Attorney General to the complainant. In those circumstances the Attorney General will write to the complainant indicating that he has decided not to institute criminal proceedings against the person in question as he considers that there is insufficient evidence or, on rare occasions, that it is not in the public interest to do so. The Attorney General will then usually state that it is not his policy to give reasons for such decisions but will often provide a comprehensive note which explains the procedure followed when deciding whether or not to prosecute a criminal case so that the complainant understands the factors that have been taken into account.

The note sets out in some detail the process by which the Attorney General becomes involved in decisions in relation to criminal prosecutions; the way in which evidence is reviewed; the relevant criteria for making decisions under the Code to Prosecute and the policy reasons as to why the Attorney General (like the prosecuting authorities in the United Kingdom) does not generally give reasons for his decision in a case where he decides not to prosecute.

In respect of discontinuance of a case which has been prosecuted the Attorney General gave guidance in June 2016 which provides that witnesses who are victims of a violent or sexual offence should be informed of the decision to discontinue a case and of the reasons for discontinuance.