

## **RSPCA Prosecution Oversight Panel**

**Meeting on 13 May 2019**

### **Summary Report**

#### **General observations**

It was noted that this meeting marked the end of the first 2 year tenure of the POP.

Members felt there should be some kind of formal report back to the Panel from the RSPCA reviewing the Panel reports over the past two years and advising as to what actions have been taken in response to POP feedback and recommendations.

Overall the Panel considered that the prosecution decisions reviewed at the meeting were fair and appropriate and there were a number of positive examples of good practice as highlighted below. It is evident that the standard of case documentation continues to improve, although there remain a number of outstanding issues to be addressed.

Panel members were concerned to note that training of inspectors which the Panel had previously advocated had not progressed. The Panel members expressed the view that such training was essential and urged the RSPCA to consider means of allowing it to take place as a priority notwithstanding cost constraints.

#### **Case reviews**

A total of 29 cases were provided to the Prosecution Oversight Panel (POP) in advance of the meeting held on 13 May 2019. Following the POP's pre-review procedure, 13 cases were selected for review by the 5 panel members.

The cases selected for review comprised:

- 1 caution;
- 4 No proceedings;
- 3 convicted after trial;
- 3 dismissed after trial and
- 1 complex case

The Panel also reviewed responses to 3 complaints.

Overall the Panel considered that the prosecution decisions were fair and appropriate and based on correct application of the CPS Code for Crown Prosecutors (Code) test, including the evidential stage and the public interest stage. The standard of case documentation continues to improve but there remain some persistent issues with the use of subjective and emotive language and analysis on occasions. The Panel also felt there was a need to better identify the types and numbers of animals involved in a case at the start of the preface reports. Some reports would also have benefitted from greater clarity on the individuals involved and their status in relation to responsibility for the animals

The Panel identified a number of examples of good practices in the cases reviewed, including:

- Use of a 'learning and development' note memo from a case manager to the inspector. This was not only of good tone and professional, but also provided a record of the advice given.
- Positive examples of reviewers identifying flaws in the gathering of evidence and making proper decisions not to prosecute.
- The instruction of an expert veterinary surgeon to undertake examinations in cases involving complex trauma events rather than relying on general practitioners.

Other areas of note:

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- (i) Complaints: All the complaints examined had received courteous responses that appeared to be factually correct. However the Panel felt that there was some scope for the adoption of a more empathetic and conciliatory tone in some of the responses which would not have detracted from challenging the basis of some of the complaints.

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  - (ii) Some of the cases involved ambiguity around the exercise by inspectors of powers of search and the conduct of formal interviews which led to questions about the admissibility of key evidence. The Panel members felt this underlined the need for inspectors to be comprehensively and regularly trained on their legal powers of investigation.

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  - (iii) Where members of the public were being called as witnesses, it is important that the RSPCA has robust contact arrangements and keep in touch with the witnesses to reduce the risk that they will fail to attend.

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  - (iiii) The preface reports could be better structured. For example, they should clearly state the animals involved and the ages / relationships of all suspects. The Panel members undertook to draft suggested revisions to the template preface report document.

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  - (v) Language: The Panel again noted some emotive use of language and analysis in the preface reports and also some inappropriate / unprofessional terminology used by inspectors. These reports should consistently be factual / objective,

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