

# **PROTOCOL BETWEEN THE COMMISSIONER OF POLICE AND THE ATTORNEY GENERAL REGARDING CONFIDENTIALITY AND DATA COLLECTION IN CRIMINAL INVESTIGATIONS AND PROSECUTIONS**

## **1. Introduction**

This Protocol concerns the co-operation, assistance and obligations between the Commissioner of Police of the Royal Anguilla Police Force ("RAPF") and the Attorney General of Anguilla ("A.G.") in respect of file handling, confidentiality and data collection in the investigation and prosecution of criminal offences.

## **2. File Handling**

2.1 The parties to this protocol share a common aim to ensure that prosecutions are conducted fairly, efficiently and within a reasonable time. The parties also share a common aim to increase the speed within prosecutions are concluded without compromising fairness. Finally, the parties share a common aim to reduce the number of cases dismissed for want of prosecution or in circumstances where the court refuses to grant prosecution applications for adjournments where files are not ready or prepared for court in time.

2.2 The Commissioner is to identify the timescale in which police files are to be provided to the Attorney General's chambers following charge (in cases where no pre-charge advice is sought). Police files should include all necessary and relevant evidence and information required for the stage that the prosecution has reached eg. Plea and mode of trial hearings, bail hearings, committals, preliminary inquiries or trial.

2.3 The Commissioner is to undertake that all files provided by police to Chambers are so done within a reasonable timescale prior to any court hearing. All police officers with conduct of cases are to use their best efforts to provide complete case files including all relevant and necessary evidence

2.4 If the Commissioner or any police officer is aware for any reason that a file will not be ready or prepared in time for any court hearing they are to inform the Attorney General's chambers within good time in advance of the hearing as to why the file is not ready, what material they can reasonably expect to obtain in the time available, how long an adjournment they seek and any other information so that chambers can make an application to court in good time.

2.5 Where Chambers considers there is a real risk that the request for an adjournment may be refused by the court and the case dismissed, it is so to inform the case officer / other responsible police officer so that they can take all reasonable steps to obtain such information or evidence as they can within a reasonable time which may allow the prosecution to continue.

### **3. Confidentiality**

3.1 The parties to this protocol share a common aim and recognize that appropriate sharing of information is essential to ensuring that informed decisions are made.

3.2 The parties to this agreement recognize the importance of sharing information confidentially knowing that it is reliable and protected. Information remains subject to statute and common law for example on legal professional privilege and duties of disclosure of unused material etc.

3.3 Furthermore the parties recognize that information security is essential to maintaining public confidence in criminal justice.

### **4. Data and statistics collection**

4.1 Data is to be obtained from the police, prison and the Magistrates Court and High Court which is to be collated by the Attorney General's chambers . The data is to include, but is not to be limited to the number of: prosecutions (by number of charges and informations laid and number of defendants); committals and preliminary inquiries of each type; adjournments of criminal hearings (together with the reason for such); summary trials; trials on indictments; guilty pleas (identifying at which stage of proceedings); convictions and acquittals (including juveniles); and number of investigations (resulting in no further action or charge).

If possible, each category of data is to include a sub-division for the types of offences committed.

4.2 The Commissioner of Police and the Attorney General's Chambers will ensure that data collected is shared to assist with planning, the measurement of performance and international requirements.

4.3 The Attorney General's Chambers shall have the responsibility of collating and ensuring the publication of such data and statistics (after consultation with the police) in a form that is accessible to the public (including on the Government of Anguilla's website).


## **5. Variation to this Protocol**

5.1 This protocol may be subject to change with the agreement of the parties.

5.2 This protocol will be reviewed after 6 months from the date beneath.

Signatories

Dated this *24* day of *July* 2015



Rupert Jones  
Attorney General



Amanda Stewart  
Commissioner of Police