

The Prosecution Process

A: Linking words join one idea to another and help the reader see how your report is organised. Read this report about the CJS in England and Wales and underline linking words or phrases as you go e.g. *firstly*.

1. Introduction

This report describes the prosecution process in the Criminal Justice System in England and Scotland.

2. The Prosecution Process

Figure 1.2 shows the whole process from the time the crime is reported to the successful prosecution of the criminal.

2.1 The Crime

Firstly the police either issue a caution or charge the suspect, depending on the seriousness of the crime. Assuming the crime warrants further investigation, the case will typically proceed to the Crown Prosecution Service.

2.2 CPS

After that, it is the responsibility of the CPS to decide if it is necessary to proceed with the prosecution. Two factors must be considered – is it ‘in the public interest’ to continue and is there enough evidence? For example victims of rape are often unwilling to testify and hence the case will be dropped.

2.3 Magistrate’s Court Hearing

The final hearing is in the magistrate’s court. Magistrates are actually lay-people who listen to opposing presentations of the case and decide on the seriousness of the offence. However the Court Clerk advises on legal questions. A serious offence will automatically go to the Crown Court while a minor crime can be tried in a magistrate’s court.

2.4 Triable-either-way offences

For some offences the accused can choose trial by jury. Often these cases get to the first day in the Crown Court but the accused change their plea from not guilty to guilty as a result, wasting time and money.

2.5 Trial

The trial is a criminal or civil court case heard before a judge. Obviously, if the accused is found guilty, they are free to go home. If found not guilty, a legal punishment will be given by the court in the form of a sentence. The jury decides if the person is guilty or not guilty based on evidence heard in court while the judge decides upon the sentence.

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B: Now complete the table with the words you underlined. Can you think of other linking words or phrases?

Showing a sequence	<i>Firstly</i>
Talking generally	<i>In general</i>
Making a contrast	<i>Nevertheless</i>
Adding another point	
Giving an example	

C: Match each word or phrase from the left with one from the right.

- In fact *Therefore*
- i.e. *Actually*
- As a result *That is to say*
- In particular *Of course*
- Obviously *Above all*

Now complete the table by adding the ten words.

Giving real/true/surprising info	<i>As a matter of fact</i>
Saying something is obvious	<i>Clearly</i>
Giving the most important example	<i>Especially</i>
Rephrasing in a different way	<i>In other words</i>
Giving a result/consequence	<i>For this reason</i>

D: Work with a partner and develop a diagram representing the prosecution process in your country.

Homework: Write a report supporting your diagram using the above text as a model.

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Teacher's Notes

Summary: To provide a template for writing a report with specific language focus on linking words in order to provide structure and guidance.

Preparation: Photocopy and cut up enough copies of stages of the prosecution process in England and Wales for Sts (working in pairs).
Copy Figure 1.2 which is taken from a UK Home Office Report 'A Guide to the Criminal Justice System of England and Wales'.

Procedure:

1. Ask Sts what happens in their country from the moment a crime is reported. Elicit stages in prosecution process.
2. Give out cut up copies of diagram. Ask Sts to reconstruct. Circulate and provide assistance.
3. Compare with original text on OHT. Hold feedback stage.
4. Sts read text. There are **3** deliberate mistakes: 1) line 2 - ...England and **Scotland**; 2) line 17 ...the **initial** hearing; 3) ...if **not guilty** they are free to go home...if **guilty**, a legal punishment will be given...
5. Give out worksheet. Refer to instructions for section A. Sts read text and underline any examples of linking words and phrases from the report.
6. Refer Sts to instructions for section B. Sts compare texts in pairs and complete subsequent diagram. Suggested answers:

Showing a sequence	<i>Firstly Secondly Next After that</i>
Talking generally	<i>In general Typically</i>
Making a contrast	<i>Nevertheless On the other hand</i>
Adding another point	<i>In addition Furthermore</i>
Giving an example	<i>For example e.g. For instance</i>

7. Refer Sts to instructions for section C. Sts match words and phrases and add to table. Suggested answers:
Matching task: *In fact=Actually; i.e.=That is to say; As a result=Therefore; In particular=Above all; Obviously=Of course*

Giving real/true/surprising info	<i>As a matter of fact In fact/Actually</i>
Saying something is obvious	<i>Clearly Obviously/Of course</i>
Giving the most important example	<i>Especially In particular/Above all</i>
Rephrasing in a different way	<i>In other words i.e./ That is to say</i>
Giving a result/consequence	<i>For this reason As a result/Therefore</i>

8. Refer Sts to instructions for section D. In pairs or groups, Sts attempt to develop a diagram of the prosecution process in their country. This is a complex task which may overrun. Also specialist knowledge is required.
9. Sts develop a report based on the model provided.

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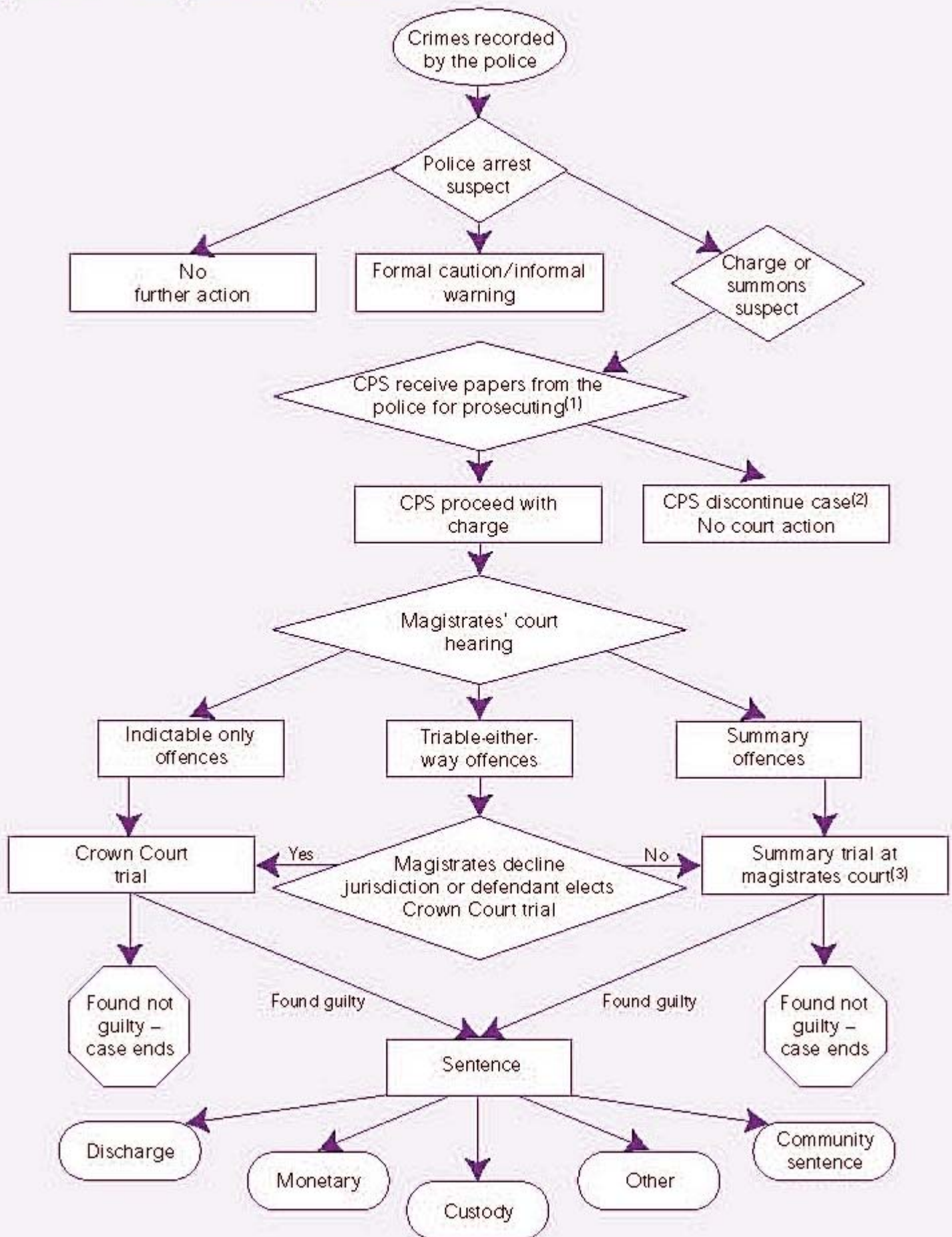
Cards for stage 2 of lesson

Crimes recorded by the police	Police arrest suspect
No further action	Formal caution/ Informal warning
Charge or summons suspect	CPS receive papers from the police for prosecuting
CPS proceed with charge	CPS discontinue case. No court action
Magistrate's Court hearing	Indictable only offences
Triable-either way offences	Summary offences

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Crown Court trial	Magistrates decline jurisdiction or defendant elects Crown Court trial
Summary trial at magistrate's court	Found not guilty – case ends
Discharge	Monetary
Custody	Other
Community Service	Sentence
Found not guilty – case ends	

Figure 1.2: The prosecution process



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