

**REPORT TO CROWN PROSECUTOR FOR CHARGING DECISION
DECISION LOG & ACTION PLAN**



Compass ID: 12794095

Not Disclosable

URN: 01KW0501514

REPORT TO CROWN PROSECUTOR (FOR POLICE COMPLETION)

Suspect 1: PPO/PYO/YO/Both PPO & PYO◆ Surname: PORT Forename: Stephen DOB: 22/02/1975 Ethnicity Code (Self Defined): W1 British Seriously Dangerous Offender:	Proposed Charge(s):
Officer seeking advice: DC Parish..... Authorising Supervisor's details:	
Authorising Supervisor's Comments:	
Material provided to CPS (indicate if attached)	
<MaterialProvided>	

Outline of circumstances and decision/advice sought (A verbal report may be sufficient for early legal advice)

(Consider (1) Any time limit on Proceedings (if applicable) (2) Strengths and Weaknesses of case (3) Possible lines of Defence (4) Witness Assessment (5) Public Safety/Bail Issues (6) Disclosure (7) Any Proceeds of Crime Issues (8) Orders on Conviction (9) Danger provision)

Continue on a separate sheet if necessary

<CaseOutline>

Is the Custody Officer considering:

RIC BAIL with conditions BAIL without conditions

CONTACT DETAILS

Officer, Rank and Collar no: Force:

Telephone: Fax No: Mobile:

E-Mail address:@..... .pnn.police.uk

CHARGING DECISION/ADVICE & CASE ACTION PLAN (FOR CPS COMPLETION)

URN: 01KW0501514

Review Type:

Full Code Test

Charging decision and advice, specifying or attaching charges (*refer to documents/evidence seen, decision on offences*)

Evidential Criteria

I am asked to advise as to whether the suspect is charged with perverting the course of public justice or some other criminal offence.

I have considered the following material:

The police MG3
 The MG11s of Port
 A summary of the interview
 The full pathology report

I have also had regard to the CPS's guidance on Public Justice Offences, incorporating the Charging Standard.

I have applied the Full Code Test as all the key evidence has been gathered.

In brief, the facts are as follows:

1. The deceased, a male prostitute, died in the suspect's bed from an overdose of GHB;
2. The suspect moved the body outside his block of flats.
3. He misled the police by claiming that he discovered the body in the street when he came from the work.
4. The police became suspicious of the suspect and arrested him.
5. In interview, the suspect eventually admitted that he had moved the corpse.
6. The full pathology report confirms that the deceased died of a drugs overdose.

Without a doubt, the conduct of the suspect was unedifying. However, I must determine whether he can be charged with a criminal offence.

The suspect cannot be charged with murder or manslaughter as there is no evidence that he killed the deceased. There is also no evidence that he administered a noxious substance.

The suspect cannot be charged with obstruct PC or wasting police time as the limitation period for the prosecution of summary only matters has expired.

I consider that the only criminal offence with which the suspect could potentially be charged is perverting the course of public justice.

This common law offence is committed where a person or persons:

- a) acts or embarks upon a course of conduct;

- b) which has a tendency to; and
- c) is intended to pervert,
- d) the course of public justice: (R v Vreones [1891]).

The suspect certainly carried out a number of acts, namely the moving of the body and the making of a false statement to the police.

I am satisfied that the suspect's acts occurred after a course of justice had been embarked upon. The suspect's initial act of moving the body occurred after an event from which it could reasonably be expected that an investigation would follow, namely the suspicious death of the deceased (see R v Rafique). His subsequent acts were after the start of the police investigation into the death.

Even if, as in this case, the police investigation has established that no substantive offence has been committed, the inquiry is still part of the administration of justice (R v Kiffin).

I am also satisfied that the suspect's act had a tendency to pervert the course of justice. His movement of the body, interference with a potential crime scene and making of false statements clearly had a tendency to pervert an investigation in that they deflected it from its proper course. The finding of the body in the street gave rise to the suspicion that a homicide had occurred. Accordingly, a Major Investigation Team (MIT) became involved. In addition, an urgent special post mortem was organised. Numerous items were sent to laboratories for forensic analysis. If the suspect had told the truth initially, most of these enquiries would not have been necessary.

His conduct also had a tendency to pervert in that, had the defendant not eventually told the truth, it might have misled the coroner as to the circumstances of the deceased's death.

Did the suspect intend to pervert?

The defendant carried out a series of acts which had a tendency to pervert. They were deliberate and I cannot see what else the suspect intended.

I consider that there is enough evidence to provide a realistic prospect of conviction. I advise that the suspect is charged with perverting the course of public justice.

Public Interest

Yes

I have consulted the CPS guidance on Public Justice Offences, which, inter alia, deals with charging practice.

There are a number of factors militating against prosecution:

- his actions were unplanned
- he probably did not intend to cause serious harm to the administration of justice
- he eventually told the truth to the police.

However, these are outweighed by a number of factors in favour of a prosecution:

- his actions led to serious harm in that they caused a police investigation to take a wrong course (wasting a large amount of time and money)
- a coroner could have been misled

Mode of Trial

Indictable only

ECHR

No issues apparent

DPP Consent

Not Relevant

Continue on separate sheet if necessary

Prosecutor to indicate general nature of decision and advice *(Tick one box only)*

Suspect	Code	Advice	If 'K', enter Evidential reason code	If 'C, D, D2, D5, E, F or L', enter Public Interest code
1. PORT, Stephen	A	Charge + Request Evidential File		

FURTHER ACTION AGREED for codes A, B, B2, H, I, J

<ActionPI an>

Return bail date: <BailDate>

Charging review/action date: <ActionReviewDate>

Further consultation needed pre-charge: Y/N* *(If further consultation necessary, use continuation sheet MG3 A)*

Prosecutor name *(print)*: Andrew Held

Contact details:

Date: 14/01/2015

Investigation stage at which advice sought:

Bail for Charging Decision

How Advice Delivered:

Electronic

RESTRICTED (When complete)

CHARGE(S) DRAFTED/SPECIFIED BY CROWN PROSECUTOR

14th January 2015

URN 01KW0501514
Local Reference Number <LocalReferenceNumber>



Compass ID: 12794095

Suspect PORT, Stephen

DoB 22/02/1975

Charge(s) 1. Code:

COML030

Offence:

Commit an act / series of acts with intent to pervert the course of public justice (19/06/2014 - 26/06/2014)

Particulars:

Authorised by Andrew Held

Crown Prosecutor

Outline of Circumstances and Decision/Advice Sought

1. KEY EVIDENCE.

- List Key witnesses & the evidence they provide
- Tell the story of the offence
- Cover the points to prove
- Use full names for all persons

Date of Offence: 19/06/2014

List of Key Witnesses and their roles DC YOUNG (Obtaining Initial Statement), DC DESAI (interviewing Officer)

Facts of offence On Thursday 19.06.2014 police were called to outside 59 COOK STREET, BARKING, ESSEX, IG11 7AF by a member of the public. Mr Stephen PORT of 62 COOK STREET, BARKING, ESSEX, IG11 7AF stated that he came home from work in the early hours of the morning; saw a male slumped against the entrance to his block of flats. To gain entry he moved him, subsequently called the London Ambulance Service and then went to bed.

PORT did not leave his details.

At the location was a deceased male - Mr Anthony Patrick WALGATE Date of Birth; 08.05.1991 of DPA DPA LONDON, DPA He was found propped up against a bin cupboard in an open pedestrian area. Life was pronounced extinct at 07:51 a.m. Mr WALGATE had no visible injuries.

The initial informant (PORT) was not present upon the arrival of police. Whilst a crime scene was put in place and enquiries were being made, another person made themselves known to police. Glenn ALDWINCKLE. He stated that his flatmate (PORT) worked night duty and may not be inside the home address. The phone number used by the original informant was traced back to the same address of PORT. ALDWINCKLE escorted police to the address where PORT was asleep inside.

PORT was spoken to by DC Young and a statement was obtained. PORT gave the following account in his statement:

He stated that he had left work on the 18th June 2014 at about 20:30 hours. He stated that he worked at a Stage Coach depot in West Ham, where he works the 21:00-03:45 shift.

He stated that when he returned home from work at 04:00 he noticed that there was a male slumped by the entrance to the entrance to the block. He stated that the male had his head pointing towards the door with his body curved. He stated that he could not get into his block.

He stated due to this that he slapped the male in the face to try and wake him up. He states that he did not wake up but that he made a gurgling noise. PORT states that he lifted him up by putting his hands underneath his armpits. PORT states that he lent him against the wall by the post box.

he stated that he then called 999 and told the operator about a young boy who appeared to have a seizure. The operator asked if the male had a pulse and PORT stated that he did not know, and went inside his address when he saw the blue lights coming. He stated that he did not wait for police.

A number of enquiries were subsequently conducted in regards to this incident. Murder Investigation Teams were called to attend the scene, and an urgent Special Post Mortem was organised in regards to the deceased male. Officers spent days processing exhibits from the body and also the scene.

A number of items were sent for testing at a various forensic laboratories to try to ascertain the circumstances around and what had caused the death of Mr WALGATE. This has been at considerable cost, and also extreme anguish of the family of the deceased, as his body was not able to be returned for burial.

The Murder Investigation Teams were consulted over a period of weeks regarding the investigation, this then had the impact of taking them away from other duties, to provide assistance and advice in regards to this matter.

A number of applications were made in regards to the telephone number belonging to the deceased male over a number of weeks, to try and put together a timeline of his movements. A number of dedicated officers spent time analysing the data retrieved to try to assist working out where he had been, and where he may have been going.

The deceased's mobile phone has still not been recovered.

The friends of the deceased reported him as being missing, and were spoken to by officers to gain a picture of his lifestyle as this was not known.

They stated that he was a male prostitute who would regularly meet clients. One of his friends stated that the day before he was found, that he was travelling to meet a client in the BARKING area, and provided her with a post code (which is the same as PORTS). He also provided her with a picture of the male that he was going to meet. She stated that this was something that he would often do when he went to meet a client as a safety measure. He stated that he was concerned about the client that he was going to meet as he did not query the fee of £800 for the evening. She stated that the male whom the deceased was due to meet was an IC1 male with fair hair. She went on to give a description which matched that of PORT.

She was shown a custody image of PORT by police officers and she confirmed that this was the male who the deceased stated that he was going to meet.

At this point PORT was arrested on suspicion of theft of the deceased mobile phone and Perverting the Course of Justice. He was interviewed over a period of two days in regards to the deceased male.

2. DEFENDANT INTERVIEW.

- Identify all those present
- Record verbatim Q & A's for the points to prove questions
- The above also applies to 'No Comment' interviews
- Record verbatim special warnings & responses

Date: 26/06/14 Location: Freshwharf Patrol Base Interviewing officer: DC DESAI

Persons

present: Stephen PORT

Start: 17:48 Finish: 19:30 Counter reference for relevant admissions/statements:

Summary Thursday the 26th of June 2014

Interview of Stephan Port DOB 22/02/1975

Custody number 01KW/5015/14

Start 1748 finish 1930 hours master tape D0420495V exhibit NAD/1

No one else present

Stephen Port started the interview by saying that he resides at 62 Cook Street, Barking IG11 7AF, the property is a one bedroom flat and Stephen Port purchased the property 8 years ago in August 2014. The flat was purchased under part buy part rent scheme, and Stephen Port states that he currently has a Ben Artwinkle living at the property, and that Ben Artwinkle is the brother in law of his boyfriend. The property is a block of flats that has three floors, and 4 flats on each floor.

Ben Artwinkle was only supposed to be at the property for a few weeks but he has been staying there for a few months and hopefully this is coming to end soon. He stated that Ben Artwinkle is only staying there as he has problems with his girlfriend. Ben Artwinkle is currently employed by Tesco working 10pm until 6am and he has had this job for the last few weeks.

Stephen Port states that he works for a catering company called OCS and they are hired by stagecoach to manage the canteen at West Ham bus garage. Stephen Port has been working for OCS for the last 16 years, and stated that he has worked at West Ham bus garage since it opened which was about 3 years ago.

Stephen Port works on a rota basis and the shift are 6am- 2pm and 2pm - 10pm, and on some occasions he has to work nights so that they can deep clean the kitchen when they have impending inspections visits.

Stephen Port stated that he owns a Peugeot RCZ index [DPA] and that this is a 2 door sports car that he purchased in March this year. He states that he purchased the vehicle with Toyota Finance and pays £252 a month. Stephen Port has his own parking space which is C4 which is located at the rear of the property.

Stephen Port then confirmed his original account, he stated that on Wednesday he had been at work 0845pm to 0345am on Thursday morning and that he finished work and that he was at home by 4am. Port parked his car in his parking bay and that he came around to the front of the house and that he saw the young boy in the door way and that his head was leaning against the door.

Stephen Port picked up the body and moved it slightly to the side and moved the body to the fence so that the deceased was leaning against his fence, Stephen Port has then moved the body to the raised pavement area where the ambulance staff found him.

Stephen Port called LAS and then when he saw the car ambulance lights in Cook Street He went inside his flat and that he did not want to get involved. Port then went to sleep and was woken up the next day by Ben Artwinkle who had police officers with him who interviewed Stephen Port.

Stephen Port states that his current partner is [X1] aged 21 years of age, and he has been in a relationship with him for 3 years on and off. When they have broken up Stephen Port states he had a relationship with a [X10] aged 22 years of age, and that Ben Artwinkle is the brother in law of [X10]

Before [X1] there had been no real partner but he had had casual relationships. Stephen Port stated that he does take drugs and that he takes light meth. Stephen Port explained that it is what is given to Athletes and that it gives a high and has a side effect that it makes sex last longer.

Port explained that Light Meth is a white powder that he buys, about 20 grams and it cost £20 and that he would crush the Light meth and snort it. Stephen Port states that sex would last for 12 hours normally.

Stephen Port would also take legal poppers during sex as well as Light meth and that you can purchase poppers from sex shops. Stephen Port then explained that on Tuesday the 17th of June 2014 he met a man called Anthony on a website called Fit Lad. Stephen Port described Anthony as having blonde hair, blue eyes and was cute.

Stephen Port stated that they got to know each other and that they got on and that they agreed to meet. He stated that they had sex and that Anthony had left after 2 hours. Stephen Port stated that on Wednesday the he got up at about 1100 hours and that he went to work for 2pm and that he finished at 10pm and that he watched TV and went to bed.

Stephen Port stated that on Thursday he woke up at about midday and that he pottered about and that he did some cleaning, shopping and then went to work at 845pm.

Stephen Port was asked if he knew Anthony Walgate, and he sated that the only Anthony he knew was the person that he met on Tuesday. Stephen Port also stated that he has used male Prostitutes in the past and that he was previously a male Prostitute in the past. Stephen Port stated that when he was at college he was a male prostitute and that he still has clients but he has not had a client for over a year.

Stephen Port stated that he used to charge £150 an hour or £300 for the night. Port stated that he owns a Samsung Galaxy Pocket phone which is on a contract for 16 months and that the contract expires in December 2014. He stated that he had just upgraded his phone when he needed it and that this is the first time he has had a mobile phone with internet access.

He described Anthony as F510-slim build, blonde hair, blue eyes, spoke very nicely, he seemed very intelligent and that Anthony informed him that he wanted to be a designer and that he wanted to finish university and that he wanted to start his own clothing business.

Stephen Port stated that he picked up Anthony from Barking station outside KFC at 1015pm, and that they went straight to Ports flat. When they were at the flat they had a cuddle on the sofa, and that Anthony asked Stephen Port if he wanted to take anything and Stephen Port replied no.

Anthony asked Stephen Port if he minded if he took something to make him high. Stephen Port said no and Anthony took out a bottle and placed a powder in a glass and asked Stephen Port for water. Anthony drank the water and the drugs which were added to the water.

Stephen Port and Anthony had then gone to the bedroom and they had sex and the session lasted for about 45 minutes. Anthony then felt sick on the bed and Stephen Port asked Anthony if he was okay and that Anthony my replied "yes" and that this was a side effect to taking the drugs.

Port stated that he cleaned up the sick and told Anthony that there was blood in the sick. Anthony stated that he was okay, and went into the bathroom and had a shower. Port then cleaned up the sick and washed the blanket and out, and put it back on the bed.

Anthony got dressed and left at 1210 hours and stated that he had a friend in Barking that he was going to visit. Anthony had a dark blue/black sports bag which he took with him and Anthony left the property. Stephen Port went to sleep and did not think anything of it.

Stephen Port stated that he was wearing Black trousers and shirt. Port stated that he moved the body as he

wanted to the person to be comfortable. Port stated that he did not look at the body and did not realise that the body was dead.

Stephen Port does not know anything about the mobile phone belonging to Anthony and, stated that he had asked Anthony to switch his mobile phone off prior to having sex as he did not want to be disturbed during sex.

Stephen Port stated that he did not pay any money to Anthony and that Anthony was not going to charge him any money as they got on so well.

Stephen Port was pressed on his account, and stated that the fact that he was the last person to speak and touch Anthony, made it look suspicious. Stephen Port then asked what if it was an accident, what trouble would he be in.

Stephen Port then stated that he did meet Anthony on Tuesday as previously mentioned and that they had sex on Tuesday night. Port stated that instead of leaving Anthony stated that he was not feeling well. Stephen Port said to Anthony if you are not feeling well then stay and sleep here and that Port would take Anthony home in the morning.

Port states that when he woke up on Wednesday, that Anthony was still sleeping and that he was breathing. Port thought nothing of it as when his partner had taken drugs before, he had been out of it for hours before.

Stephen Port came home on Wednesday night after finishing work at 10pm and Anthony was still in bed. Port thought this was not right. Port thought that Anthony was in a deep sleep and did not realise that he was dead. Stephen Port then took the body out and as described earlier Stephen Port placed the body by the door and then by the fence and then eventually on the pavement where ambulance staff found him.

Stephen Port stated that he went back inside the flat and got Anthony's Bag and took the bag out to the body and that he moved the body as he was unsure where to leave Anthony.

Stephen Port stated that he did not assault or kill Anthony and that the reason he did not leave him in the bed as it would look suspicious just like last time.

The second interview with PORT was conducted the following day. This has been transcribed onto an MG15, which is 64 pages long. Please see attached typed ROTI.

CCTV N/A

Interview Tape/Disc Served

Yes / No

3. NON KEY EVIDENCE.

- List the witnesses not summarised in section 1
- Record address and contact details of all witnesses on form MG9
- Record dates to avoid on MG10.

List of Non-Key Witnesses and their roles N/A

4. VISUALLY RECORDED EVIDENCE.

- CCTV, photos, photocopies if any.
- State if 'Key' and give a brief summary of what it shows, attach a copy (identifying play back format for discs).
- If no visual evidence or not key, give reasons.

Summary N/A

Start: Finish: Counter reference for relevant admissions/statements: [Insert text here]

5. INJURIES.

- Describe injuries
- Include photographs where possible
- If no photographs state why not

N/A

6. FINGERPRINT/ FORENSIC/ DRUGS EVIDENCE.

- Weight of drugs, number of wraps. Include details that are essential for sentencing information such as the street value and purity, if known.
- State if drugs field tested and by whom.
- State timescales for a full statement if required.

SFR Yes No If Yes MUST be included in file in all cases.

7. ORDERS ON CONVICTION.

- State how much compensation is sought (if an estimate say so), attach estimates/receipts.
- An address for compensation must be provided to the prosecutor on form MG6.
- Consider confiscation, forfeiture and destruction of drugs/weapons or forfeiture of motor vehicle on driving offences.
- State if ASBO/SOPO/Football banning/restraining/non-molestation order required.

N/A

8. EARLY DISCLOSURE TEST.

(Mandatory). I have considered, at this early stage of the investigation, all material in my possession including the CRIS report, Custody Record and CAD that could either undermine the prosecution case or assist the defence in the making of a bail application. (Sign declaration below that you have complied with this).

If any material falls into this category at this stage complete an MG6E detailing how it undermines the prosecution case or assists the defence.

Name:

Signature:

Pre-cons / cautions Yes No

If Yes: Attached Yes No

Name of Supervisor (Police Decision Maker).

Line Supervisor E - Mail address: . @met.pnn.police.uk

Name: (Print) (Signature)

Date:

B. Pre Charge Decision / Case Rationale /CPS Referral

(Police Decision Maker to complete)

Cautions: CPS must authorise cautions for indictable only offences and conditional cautions for race hate and DV crime.

Decisions to caution must be made after consulting the Ministry of Justice guidance on simple cautions which can be found at: <http://www.justice.gov.uk/downloads/cocd/adult-simple-caution-guidance-oocd.pdf>

For police authorised cautions include start and finish points after referral to gravity matrix including aggravating and mitigating factors and reference to previous offending history and disposals. Decisions to caution must be made by Inspectors or authorised Sergeants.

Where 'No Further Action' is advised the suspect must be informed that the CPS may re-review this decision upon receipt of further evidence or information. The officer is reminded of the obligation imposed by the Code of Practice for Victims of Crime to notify vulnerable or intimidated victims of this decision within one working day and all other victims within five working days.

Decision: Charge Postal Charge & requisition
 Simple Caution Conditional Caution
 PND NFA
 CPS Referral

Offence(s): Perverting the Course of Justice - Common Law

Anticipated Plea: Guilty Not Guilty

Evidential test applied & reason: Full code Test Threshold test

For CPS threshold cases an MG7 must be attached.

Evidential criteria (comment on evidential status of any witnesses ie key or non key,PACE interviews conducted with the Def(s), whether a Guilty or Not Guilty plea is anticipated):

Include rationale for above decision.

Text: In this instance the statement provided by the Defendant deliberately intended to divert the police's attention away from his involvement in the death of a young sex-worker. Although it is not the police assertion that he was responsible for the death (considering the evidence to-hand), he nevertheless frustrated the investigation and obstructed police in the extreme.

Were Port to give the true nature of events on initial contact, a considerable amount of resources could have been saved and the family of the victim could have been given a clearer picture of the circumstances surrounding his death. This would almost certainly have provided them with an amount of comfort that all the facts were known.

The Defendant eventually provided an account of the true circumstances once challenged with the information that it was known he arranged to meet the deceased for the purpose of having sex for payment. This information was gained through a number of witness and mobile phone enquiries.

Full Code Test met, realistic prospect of a conviction.