



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

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;

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

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.

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.