

The Charging Decision

Criminal Justice

The tests applied before a case is ever put before a court.

A decision with its own thresholds, taken by prosecutors not courts.

1

File review

The investigator submits evidence and the prosecutor reviews sufficiency.

2

Evidential test

Is there a realistic prospect of conviction on admissible evidence?

3

Public interest test

Even where provable, is prosecution the right response here?

4

Charge selection

Charges should reflect the conduct and give adequate sentencing power.

5

Continuing review

The decision is revisited as the evidence changes.

Educational reference. Test names and thresholds vary by jurisdiction; declining to charge is a decision of equal weight.