

AC 1.4 – Examine the rights of Individuals in criminal investigations

The rights of individuals in criminal investigations are simply listed or may have limited description
(1-3)

The rights of individuals in criminal investigations are clearly examined.
(4-6)

SUSPECTS

SUSPECTS

- THE MOST DETAILED SECTION INVOLVES THE MOST CONTROVERSIAL GROUP IN TERMS OF RIGHTS WHICH IS...SUSPECTS
- SO SPEND THE MOST TIME ON THIS
- NEED TO INCLUDE CASE STUDIES

Suspects: Stop and Search (your rights)

1. WHAT MIGHT A POLICE OFFICER STOP AND ASK YOU?
2. CAN YOU REFUSE TO STOP OR ANSWER THEIR QUESTIONS?
3. WHEN CAN THEY STOP YOU AND WHAT ARE THE **POLICE POWERS** WITH REGARD TO STOP AND SEARCHES?
4. WHAT MUST HAPPEN BEFORE YOU ARE SEARCHED?
5. CAN THEY ASK YOU TO REMOVE AN ITEM OF CLOTHING? EXPLAIN YOUR ANSWER.

A CASE OF UNLAWFUL ARREST

- ONE CASE WHICH DEMONSTRATE UNLAWFUL ARREST IS SMITH V POLICE SERVICE FOR NORTHERN IRELAND (2019).
- THE CASE INVOLVED A WOMAN WHO WAS FOUND INURED BELOW A WINDOW AFTER A PARTY IN HER HOUSE; POLICE CONCLUDED SHE HAD BEEN PUSHED FROM THE WINDOW.
- 4 PEOPLE PRESENT AT THE SCENE WERE ARRESTED ON SUSPICION OF ATTEMPTED MURDER INCLUDING 'CONNOR' WHOSE NAME APPEARED IN TEXT MESSAGES ON HER MOBILE PHONE.
- IT TRANSPIRED THAT THE WOMAN HAD JUMPED FROM THE WINDOW HERSELF FOLLOWING A FIRE ALARM AND THAT CONNOR HAD NOTHING TO DO WITH THE CRIME (CONNOR IS A COMMON IN NORTHERN IRELAND).
- THE COURT CONCLUDED THAT THE POLICE DID NOT HAVE REASONABLE GROUNDS TO DETAIN THE SUSPECTS FOR A PERIOD OF 10 HOURS



Key legislation to use

- VARIOUS SECTIONS OF THE POLICE & CRIMINAL EVIDENCE ACT 1984 (PACE) WHICH IS REGULARLY REVISED (ADDED TO) WITH OTHER ACTS ALSO RELEVANT
 - YOU SHOULD INCLUDE IN YOUR NOTES DETAILS OF SECTION(S) 56 AND 58
 - AND BE AWARE THAT YOU HAVE THE RIGHT TO CONSULT THE CODE OF PRACTICE
-

Right to silence as a suspect? –

SUSPECTS HAVE THE RIGHT TO REMAIN SILENT

YOU DO NOT HAVE TO SAY ANYTHING WHICH MIGHT 'INCRIMINATE' YOU

HOWEVER

QUESTION– AS A SUSPECT IS THERE ANY PROBLEMS WITH MAKING A NO COMMENT INTERVIEW?

VICTIMS

Your Rights

VICTIMS –

- ARE COVERED BY DOMESTIC VIOLENCE, CRIME AND VICTIMS (2004)
- THE MINISTRY OF JUSTICE RELEASED A CODE OF PRACTICE THAT SHOULD BE FOLLOWED AFTER EVERY CASE (REVISED 2015)

VICTIMS – Your Rights

AS A VICTIM:

- YOU SHOULD BE KEPT INFORMED ABOUT THE PROGRESS OF YOUR CASE
- BE NOTIFIED WHEN A SUSPECT IS ARRESTED, CHARGE OR BAILED
- BE GIVEN HELP AS VULNERABLE WITNESS IF APPROPRIATE
- CAN APPLY FOR COMPENSATION
- MAKE A VICTIM IMPACT STATEMENT

Cases

- A report in the Guardian suggests that victims of Domestic abuse wait more than 2 years to get the compensation they are owed (the Guardian, Feb 2017)

Domestic abuse victims wait nearly two years for compensation

Criminal injuries payouts delayed by almost double the time advised by charter, Ministry of Justice data show



WITNESSES

YOUR RIGHTS

WITNESSES



- THERE IS A WITNESS CHARTER THAT CONTAINS KEY STANDARDS
- HAVING A POINT OF CONTACT TO FIND OUT ABOUT CASE
- GIVEN THE OPPORTUNITY TO CLAIM BACK EXPENSES FOR TRAVEL AND FOOD
- BEING GIVEN SPECIAL MEASURES IF YOU ARE VULNERABLE
- TO NEVER BE INTIMIDATED BY THE DEFENDANT

Case study - Witnesses rights: Barry Bennell

- HIGHLIGHT THE INTIMIDATION OF THE WITNESSES BY SERIAL PAEDOPHILE BARRY BENNELL FROM THE ARTICLE
- [HTTPS://WWW.THEGUARDIAN.COM/UK-NEWS/2018/JAN/23/BARRY-BENNELL-THREATENED-BOY-WHO-WITNESSED-ABUSE-COURT-TOLD](https://www.theguardian.com/uk-news/2018/jan/23/barry-bennell-threatened-boy-who-witnessed-abuse-court-told)