#### 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 <u>individuals</u> 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 <u>Smith v Police Service for Northern Ireland (2019)</u>.
- 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 <u>THE POLICE & CRIMINAL EVIDENCE ACT 1984</u>
  (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)

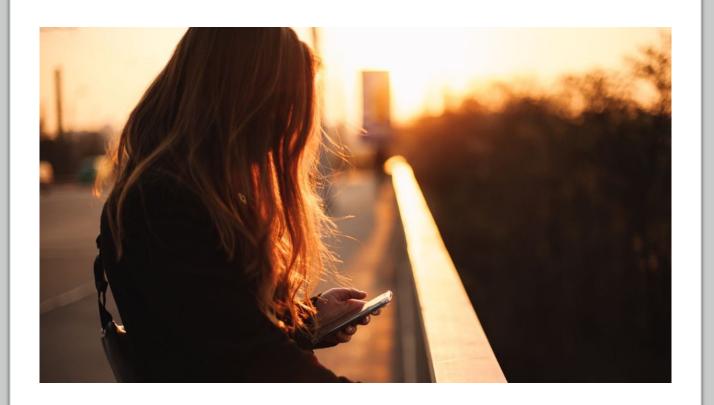
## VICTIMS – Your Rights

#### 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

## VICTIMS – Case Study

- A case where victims rights were not respected was the infamous Rochdale Grooming Gang scandal
- BBC Website Story

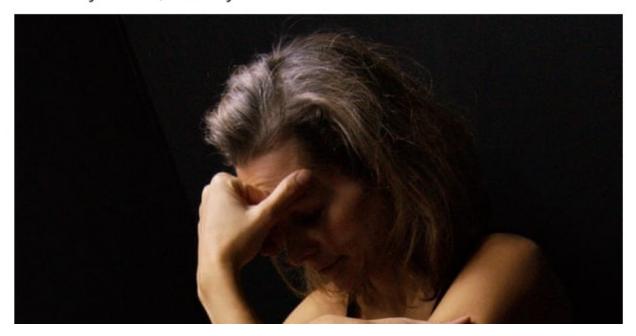


#### Cases

 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