



Criminology

The Knowledge Organiser

Unit 3

Crime Scene to Courtroom

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This will help you know what is required at each stage of your learning

02 Powerful Knowledge

The key information you need to recall

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Crime Scene to Courtroom

The Overview

This will help you know what is required at each stage of your learning.

AC1.1 Evaluate the effectiveness of the roles of personnel involved in criminal investigations

Will be able to give a clear and detailed evaluation of the effectiveness of the roles of the following personnel involved in criminal investigations:

Will be able to understand the roles and consider their effectiveness in relation to the following potential limitations:

AC1.1.01 To know and understand the role of the police officer in criminal investigations

To **show knowledge**, describe the role of police officers and detectives in criminal investigations [PE]

To **apply knowledge** and show depth, outline examples of cases that demonstrate the effectiveness of police officers [A]

To **analyse**, consider the effectiveness of police officers in relation with regards to funding/cost/availability and training/recruitment/expertise [C]

To **evaluate**, evaluate the advantages and limitations of police officers in criminal investigations [E]

AC1.1.01.01 The Police Officer / A police officer is usually the first person called to a crime scene and they have a vital role at the start of the investigation. Officers need to safeguard the public and attend to anyone seriously injured at the scene, for example by calling an emergency ambulance. If possible, they need to arrest the suspect, though in many cases they will have left the scene. However, as far as the investigation is concerned, the police officer's key job is to secure the crime scene in order to conserve the evidence. As far as possible they should avoid contaminating the scene by moving furniture, opening doors etc.

AC1.1.01.02 The Police Detective and Specialists / Police detectives are officers who manage a range of criminal investigations, particularly those involving complex or serious crimes. They work within specialist departments such as the CID (criminal investigations department), fraud, drugs and firearms squads, child protection department and Special Branch. Police forces also have other specialist units, such as traffic and mounted police, air support and underwater search teams, and dog handler units.

AC1.1.01.03 The Golden Hour is the name sometimes given to the period immediately after a crime is discovered, when officers must act quickly to preserve the scene. It is also important to take initial statements from witnesses and victims while events are still fresh in their minds.

AC1.1.01.04 Limitations of Police Officers The police have been criticised for sometimes failing to secure crime scenes and preserve evidence, and more generally for failure to investigate certain crimes, for example domestic abuse or hate crimes such as racist attacks. Such failures can be due to incompetence in handling evidence or discriminatory attitudes of individual officers. It can also be due to system-level failings such as the institutional racism in the Metropolitan Police that was identified in the Macpherson Report into their investigation of the murder of Stephen Lawrence. Among other matters, the report criticised the force for its scene of crime procedures and for the failure to give first aid to Stephen at the scene.

AC1.1.01.01 ©Commandagons / Police Officers

AQ1.1.01.1 Describe the role of police officers and detectives in criminal investigations

AQ1.1.01.2 Outline examples of cases that demonstrate the effectiveness of police officers

AQ1.1.01.3 Assess the effectiveness of police officers in relation with regards to funding/cost/availability and training/recruitment/expertise

AQ1.1.01.4 Evaluate the advantages and limitations of police officers in criminal investigations

AQ1.1.01.5 Evaluate the effectiveness of the role of police officers in criminal investigations.

AC1.1.02 To know and understand the role of the crime scene investigator in criminal investigations
To **show knowledge**, describe the role of the crime scene investigator in criminal investigations [PE]

To **apply knowledge** and show depth, outline examples of cases that demonstrate the effectiveness of crime scene investigators [A]

To **analyse**, consider the effectiveness of crime scene investigators in relation with regards to funding/cost/availability and training/recruitment/expertise [C]

To **evaluate**, evaluate the advantages and limitations of crime scene investigators in criminal investigations [E]

AC1.1.02.01 The Crime Scene Investigator / Crime scene investigators or CSIs are also known in some police forces as scenes of crime officers (SOCOs). They are usually civilians rather than police officers. CSIs undergo specialist training and many have a science degree. The largest forces employ dozens of CSIs, who provide a 24/7 on-call service. The CSIs role is to collect and process evidence from crime scenes, as well as from post mortems and accidents. A key responsibility is to preserve evidence in an uncontaminated condition, since contamination means that it will be inadmissible in court. Their main activities include the following: Taking charge of the crime scene, liaising with police to find out what evidence is required from the scene and deciding how best to obtain it., Photographing crime scenes, items and people, such as tyre marks shoeprints, weapons, injuries, victims and suspects. Recovering physical or biological evidence from crime scenes, including fingerprints, gunshot and explosives residue, clothing fibres, hairs, bodily fluids and DNA. Packaging, storing and documenting the material recovered from crime scenes. Attending post mortem examinations of suspicious deaths. Advising police investigators on the physical evidence, photography and samples for laboratory analysis. Giving evidence in court.

AC1.1.02.02 Strengths and Limitations CSIs may gather evidence that conclusively links suspects to crime scenes and victims. The evidence may also prove conclusively that a suspect is in fact innocent, e.g. when their fingerprints do not match those found by the CSI at the crime scene.

Limitations The work requires specialist skills (such as forensic photography), as well as patience, meticulous care and attention to detail. Failure to collect and record evidence correctly, or allowing it to become contaminated, can lead to a guilty person going free or an innocent one being convicted. The forensic samples that CSIs handle may put their health or safety at risk. These include blood and other body fluids, hazardous chemicals, explosives and incendiary devices, firearms and ammunition, knives and hypodermic syringes. The work may be stressful and emotionally demanding. This can lead to burn-out and people leaving the profession, resulting in staff shortages.

AC1.1.02.01 ®Double Bubble / Police Officer vs. Crime Scene Investigator

AC1.1.02.01 ®Commandagons / Police Officers

AQ1.1.02.1 Describe the role of crime scene officers in criminal investigations

AQ1.1.02.2 Outline examples of cases that demonstrate the effectiveness of crime scene investigators

AQ1.1.02.3 Assess the effectiveness of crime scene investigators in relation with regards to funding/cost/availability and training/recruitment/expertise

AQ1.1.02.4 Evaluate the advantages and limitations of crime scene investigators in criminal investigations

AQ1.1.02.5 Evaluate the effectiveness of the role of crime scene investigators in criminal investigations.

AC1.1.03 To know and understand the role of Forensic Scientists in criminal investigations

To **show knowledge**, describe the role of Forensic Scientists in criminal investigations [PE]

To **apply knowledge** and show depth, outline examples of cases that demonstrate the effectiveness of Forensic Scientists [A]

To **analyse**, consider the effectiveness of Forensic Scientists in relation with regards to funding/cost/availability and training/recruitment/expertise [C]

To **evaluate**, evaluate the advantages and limitations of Forensic Scientists in criminal investigations [E]

AC1.1.03 The Forensic Scientist / Forensic science involves applying scientific knowledge to crime and the legal system. Forensic scientists use their scientific knowledge and expertise to analyse and interpret evidence that has been recovered from the crime scene. For example, they may

analyse samples of blood or other bodily fluids to extract DNA and then compare these with a 'control sample' taken from a suspect to see if they match. They then produce a report of their findings and interpretations for the court. Forensic scientists generally **specialise** in particular areas, such as DNA analysis. Other specialisms include the analysis of fires (in arson investigations), toxicology (poisons and drugs), computing, psychology and forensic anthropology, which may involve analysis of human remains found in mass graves, for example as a result of war crimes.

AC1.1.03.01 Forensic Scientist Strengths and Limitations / Strengths The special expertise of forensic scientists may be able to identify and interpret evidence that proves a suspect's guilt or innocence. Their expertise may be essential in complex cases where the criminal also has specialist knowledge or skills. **Limitations** Forensic scientists are highly qualified and their services are **expensive**. Contamination of evidence can occur when it is being examined by scientists, as in the case of Adam Scott, who spent five months on remand in 2011-12 charged with rape. His DNA sample, originally taken by police as a result of a spitting incident in Exeter, became mixed up with genetic material taken from a rape victim in Manchester. Forensic experts may disagree. For example, experts called by the defence may contradict those called by the prosecution. The court lacks specialist knowledge and may be unable to evaluate which side is right. If an expert deliberately or accidentally misleads the court, this can result in a miscarriage of justice. At the trial of Sally Clark in 1999 for the murder of her two baby sons, an expert witness, the paediatrician Professor Sir Roy Meadow, told the jury that the chance that both deaths were accidental was one in 73 million. Experts now believe that the risk could be as low as one in 100. Sally Clark was convicted and only freed on appeal after three years in jail.

AC1.1.03.01 ©Commandagons / Forensic Scientist

AQ1.1.03.1 Describe the role of forensic scientists in criminal investigations

AQ1.1.03.2 Outline examples of cases that demonstrate the effectiveness of forensic scientists

AQ1.1.03.3 Assess the effectiveness of forensic scientists in relation with regards to funding/cost/availability and training/recruitment/expertise

AQ1.1.03.4 Evaluate the advantages and limitations of forensic scientists in criminal investigations

AQ1.1.03.5 Evaluate the effectiveness of the role of forensic scientists in criminal investigations.

AC1.1.04 To know and understand the role of pathologists in criminal investigations

To **show knowledge**, describe the role of pathologists in criminal investigations [PE]

To **apply knowledge** and show depth, outline examples of cases that demonstrate the effectiveness of pathologists [A]

To **analyse**, consider the effectiveness of pathologists in relation with regards to funding/cost/availability and training/recruitment/expertise [C]

To **evaluate**, evaluate the advantages and limitations of pathologists in criminal investigations [E]

AC1.1.04 The Pathologist /Pathologists are medical doctors who specialise in studying the causes of disease and death, including the examination of dead bodies and body tissues in post mortem examinations (also called autopsies). Where homicide is suspected, Home Office-registered forensic pathologists provide a **24/7** service to assist the police and coroner in establishing the probable cause of death. At the post mortem, the pathologist first makes a detailed external examination of the body for signs of foul play. Depending on the case, they may also examine internal organs and take tissue samples for laboratory analysis. They can also advise police on how to recover the body from the crime scene to avoid vital trace evidence being lost. Before the body is released for burial or cremation, a 'defence' post mortem may be carried out on behalf of the defendant in the case, conducted by a different pathologist. Once all the test results are collected, the pathologist produces a report for the coroner and a witness statement for the police. He or she may also be asked to advise police and prosecutors throughout their investigation and to give evidence in court.

AC1.1.04.02 Pathologist Strengths and Limitations Strengths The key strength that the pathologist brings to an investigation is that they can often provide conclusive scientific evidence as to the cause and time of death. This may prove decisive in establishing the guilt or innocence of a suspect. **Limitations** • There are only about **35 Home Office-registered forensic pathologists** in England and Wales — partly because it is a **highly specialised role** involving up to seven years further training after first qualifying as a doctor. The shortage of suitably qualified pathologists

can delay investigations. • As highly trained specialists, pathologists are **very well paid** and forensic pathology services can be an expensive part of a criminal investigation. • The work demands close attention to detail and sound judgement. Mistakes can cause miscarriages of justice and result in the wrong person serving a life sentence for murder. For example, Sally Clark was wrongly jailed for the murder of her two baby sons partly as a result of the home office pathologist Alan Williams failing to disclose information to her defence lawyers. As a result, they remained unaware that Williams had found lethal levels of bacterial infection which could have been the cause of death.

AC1.1.04.01 ®Double Bubble / Forensic Scientist vs. Pathologist

AC1.1.02.01 ®Commandagons / Pathologist

AQ1.1.04.1 Describe the role of the pathologist in criminal investigations

AQ1.1.04.2 Outline examples of cases that demonstrate the effectiveness of the pathologist

AQ1.1.04.3 Assess the effectiveness of the pathologist in relation with regards to funding/cost/availability and training/recruitment/expertise

AQ1.1.04.4 Evaluate the advantages and limitations of the pathologist in criminal investigations

AQ1.1.04.5 Evaluate the effectiveness of the role of the pathologist in criminal investigations.

AC1.1.05 To know and understand the role of the crown prosecution service in criminal investigations To **show knowledge**, describe the role of the crown prosecution service in criminal investigations [PE]

To **apply knowledge** and show depth, outline examples of cases that demonstrate the effectiveness of the crown prosecution service [A]

To **analyse**, consider the effectiveness of the crown prosecution service in relation with regards to funding/cost/availability and training/recruitment/expertise [C]

To **evaluate**, evaluate the advantages and limitations of the crown prosecution service in criminal investigations [E]

AC1.1.05 The Crown Prosecution Service / The Crown Prosecution Service (CPS) is an independent prosecution service operating across England and Wales in 14 regional offices. It uses a panel of over 2,000 solicitors and barristers along with other staff to handle around half a million criminal cases each year. The CPS has several functions in relation to criminal cases: • It advises the police on cases for possible prosecution and reviews cases that they submit to it to decide whether to prosecute. Most of this is done through CPS Direct, an on-call advice service that police can access 24/7. • It makes decisions about prosecuting cases by applying tests to see if there is sufficient evidence for a realistic prospect of conviction and to decide whether prosecution would be in the public interest. In all more serious cases, such as rape or murder, it is the CPS that decides whether the police will charge the suspect. Where the decision is made to prosecute, the CPS decides what the charge will be. • It prepares cases for court hearings, collecting evidence from the police and disclosing material to the defence. • It presents the prosecution case in court, using its own Crown Prosecutors, as well as self-employed barristers for more complicated cases. • It has specialist divisions dealing with prosecutions that require specialist knowledge, such as serious organised crime, terrorism and complex frauds.

AC1.1.05.01 CPS Strengths and Limitations / **Strengths** • Before the CPS was set up in 1986, the police were responsible for investigating, charging and prosecuting cases. Combining these roles led to the risk of bias. Because the CPS independently assesses the evidence and decides whether or not to prosecute, it prevents the police from using the prosecution system to victimise particular individuals. • Having a national organisation responsible for prosecutions means justice is more equal — there is more consistency between different parts of the country in deciding whether to prosecute cases. **Limitations** • The CPS has the power to reject a police request to prosecute someone — for example because the evidence police have gathered is inadequate. This can result in a difficult relationship at times. However, it means that prosecutions are less likely to fail due to inadequate investigation by the police. • The CPS has sometimes made serious errors, for example in not reviewing the evidence thoroughly before prosecuting. This has resulted in prosecutions failing, such as the murder of Damilola Taylor, where the case collapsed after the evidence of a key witness was dismissed when she was shown to have lied. The CPS had failed to check her account prior to trial. • Funding and staffing cuts in recent years have meant a growing burden of cases.

AC1.1.05.01 ®Double Bubble / Police Officer vs. Crown Prosecution Service

AC1.1.05.02 ®Commandagons / Crown Prosecution Service

AC1.1.05.03 [®]Conceptagons / Police Officer, Crime Scene Investigator, Forensic Scientist, Pathologist, Crown Prosecution Service

AQ1.1.05.1 Describe the role of the Crown Prosecution Service in criminal investigations

AQ1.1.05.2 Outline examples of cases that demonstrate the effectiveness of the Crown Prosecution Service

AQ1.1.05.3 Assess the effectiveness of the Crown Prosecution Service in relation with regards to funding/cost/availability and training/recruitment/expertise

AQ1.1.05.4 Evaluate the advantages and limitations of the Crown Prosecution Service in criminal investigations

AQ1.1.05.5 Evaluate the effectiveness of the role of the Crown Prosecution Service in criminal investigations.

AC1.2 Assess the usefulness of investigative techniques in criminal investigations

Will be able to assess the usefulness of the following investigative techniques in criminal investigations:

Will be able to understand the range of techniques and assess their effectiveness in the following types of criminal investigations:

AC1.2.01 To know and understand the usefulness of forensic techniques in criminal investigations

To **show knowledge**, describe the use of forensic techniques in criminal investigations [PE]

To **apply knowledge** and show depth, outline examples of when forensic techniques are used in a range of situations and types of crimes [A]

To **analyse**, explain how forensic techniques are used in criminal investigations

To **evaluate**, assess the usefulness of forensic techniques in criminal investigations [E]

AC1.2.01 Forensic Techniques / Refers to the techniques as tests that are used to assist in investigating crime. Can include biological materials (blood, semen, skin flakes and hair), fingerprints, footprints, weapons, fibres and threads from clothing, paint flakes and much more. It is essential that investigators wear appropriate clothing to avoid contaminating the evidence.

AC1.2.01.01 Strengths and Limitations of Forensic Techniques / Strengths: Everybody's DNA is unique, this allows for high reliability. It can help prove innocence, as well as guilt. Has led to some successful convictions. **Limitations:** Cross-contamination is possible. The perpetrator must be on the National DNA database. Trace amounts might falsely imprison someone. **Financially expensive.** BUT now only around £20

AC1.2.01.01 [®]Commandagons / Forensic Techniques

AQ1.2.01.1 Describe the use of forensic techniques in criminal investigations

AQ1.2.01.2 Outline examples of when forensic techniques are used in a range of situations and types of crime

AQ1.2.01.3 Explain how and why forensic techniques are used in criminal investigations

AQ1.2.01.4 Assess the usefulness of forensic techniques in criminal investigations

AQ1.2.01.5 Evaluate the usefulness of forensic techniques in criminal investigations.

AC1.2.02 To know and understand the usefulness of surveillance techniques in criminal investigations

To **show knowledge**, describe the use of surveillance techniques in criminal investigations [PE]

To **apply knowledge** and show depth, outline examples of when forensic techniques are used in a range of situations and types of crimes [A]

To **analyse**, explain how surveillance techniques are used in criminal investigations

To **evaluate**, assess the usefulness of surveillance techniques in criminal investigations [E]

AC1.2.02.01 CCTV / One of the first things an investigating officer will ask for. Police often use CCTV footage in criminal investigations as it can give 24-hour coverage of a location, providing a visual record of the crime and the perpetrator. In the 2011 London Riots, CCTV images were released to the media alongside appeals to the public to report if they recognized anyone.

AC1.2.02.01 Covert surveillance and Covert Human Intelligence Sources / This can be done in many ways: Attaching tracking devices to vehicles and using GPS to monitor their movements. Intercepting mail and tapping phones. Static surveillance from a fixed point. E.g. a unmarked, parked police vehicle. Highly trained mobile surveillance teams. **Covert Human Intelligence Sources (CHIS)**- individuals that maintain a relationship with the target in order to covertly gain information.

AC1.2.02.03 Surveillance Limitations / Limitations Very strict rules due to it infringing on somebody's civil liberties. Ethics? **Real Life Cases** Colin Stagg- police used an undercover female officer in order to form a relationship with Colin. He didn't confess, but police used evidence from

the operation against him. The Judge rules this inadmissible. Been cases of police officers using dead babies identities to create a cover story complete with birth records.

AC1.2.01.01 ®Commandagons / Forensic Techniques

AC1.2.01.02 ®Double Bubble / Forensic vs. Surveillance

AQ1.2.02.1 Describe the use of surveillance techniques in criminal investigations

AQ1.2.02.2 Outline examples of when surveillance techniques are used in a range of situations and types of crime

AQ1.2.02.3 Explain how and why surveillance techniques are used in criminal investigations

AQ1.2.02.4 Assess the usefulness of surveillance techniques in criminal investigations

AQ1.2.02.5 Evaluate the usefulness of surveillance techniques in criminal investigations.

AC1.2.03 To know and understand the usefulness of profiling techniques in criminal investigations

To **show knowledge**, describe the use of profiling techniques in criminal investigations [PE]

To **apply knowledge** and show depth, outline examples of when profiling techniques are used in a range of situations and types of crimes [A]

To **analyse**, explain how profiling techniques are used in criminal investigations

To **evaluate**, assess the usefulness of profiling techniques in criminal investigations [E]

AC1.2.03.01 Typological Profiling / Typological Profiling Aims to classify offenders into different 'types' with different characteristics based on how they behave at the crime scene. This profile can be used by the police to help narrow down their search and predict future behaviour of the offender. Originally developed in the 1970s in the USA by the FBI. Since then, further typologists have been developed to classify rapists based on their behaviour during the crime. **Evaluation** Information at the crime scene can be quite limited. Offenders personality, relationships and motives might not help the police when finding them. Typology is based off of the FBI's sample of 36 convicted serial killers- this is not a large sample

AC1.2.03.02 Geographical Profiling / Offenders make choices about where to offend. These choices are often based on what they do in their non-criminal behaviour in everyday life.

Geographical profiling aims to work back from the locations where offences take place to identify where the offenders lives. It is based on two main principles: **The least effort principle**: given two identically attractive targets, the offender will choose the one nearest to home. **The buffer zone**: offenders don't want to offend too close to their home, as they might be identified. Canter identified two different patterns of offending: **The marauder**- their home or workplace is their base and they commit their crimes close to this. Therefore, if we draw a circle through the locations of the offences, we should expect the offenders home/work to be in the centre. **The commuter**- travels away from their home area to offend in another area. Once there, their offences seem to cluster around a main road or station.

AC1.2.03.03 Investigative Psychology Profiling / Associated with David Canter and brings in ideas from Geographical profiling. Also brings in the following ideas: Offender consistency principle- the offenders behaviour during a crime is consistent with their non-offending behaviour. Criminal narrative themes- criminals base their offending behaviour on criminal narrative themes, or personal life stories that give their crime meaning. For example, the elevated hero sees their crime as brave. Strengths It uses concepts that can be tested in practice, such as the offender consistency principle. Uses large scale data on patterns of offending and narrative themes to understand offenders motives. Limitations Depends on the quality of the data- if the data is inaccurate. The predictions will be too.

AC1.2.03.04 Strengths and Limitations of Profiling / Strengths Has led to some successful convictions for a range of crimes. **Limitations** Profilers need to be sure that the crimes are all committed by the same person- this can be difficult if the offenders mode of offending begins to change. Any crimes that have been missed won't be accounted for- the centre therefore might be in the wrong place.

AC1.2.02.01 ®Commandagons / Profiling Techniques

AC1.2.03.02 ®Evaluation Line / Typological, Geographical, Investigative Psychology

AC1.2.03.03 ®Double Bubble / Forensic vs. Profiling

AQ1.2.03.1 Describe the use of profiling techniques in criminal investigations

AQ1.2.03.2 Outline examples of when profiling techniques are used in a range of situations and types of crime

AQ1.2.03.3 Explain how and why profiling techniques are used in criminal investigations

AQ1.2.03.4 Assess the usefulness of profiling techniques in criminal investigations

AQ1.2.03.5 Evaluate the usefulness of profiling techniques in criminal investigations.

AC1.2.04 To know and understand the usefulness of intelligence databases in criminal investigations

To **show knowledge**, describe the use of intelligence databases in criminal investigations [PE]

To **apply knowledge** and show depth, outline examples of when intelligence databases are used in a range of situations and types of crimes [A]

To **analyse**, explain how intelligence databases are used in criminal investigations

To **evaluate**, assess the usefulness of intelligence databases in criminal investigations [E]

AC1.2.04 Intelligence Databases / The term intelligence refers to information that has been obtained from many sources. This information may be stored in a variety of different databases that police officers can have access too: **The Police National Database**: contains intelligence about suspected criminal activity as well as data on the PNC. It holds over 3.5 billion searchable records. **The Police National Computer (PNC)**: contains several separate databases. Stores details of over 12 million people/s arrests, convictions and police cautions, with links to biometric databases for fingerprints. Vehicle registration data and information on 48 million people who hold a driving licence. Information on missing or wanted persons. The gangs matrix and International databases

AC1.2.04.01 ®Commandagons / Intelligence Databases

AC1.2.04.02 ®Double Bubble / Databases vs. Profiling

AQ1.2.04.1 Describe the use of intelligence databases in criminal investigations

AQ1.2.04.2 Outline examples of when intelligence databases are used in a range of situations and types of crime

AQ1.2.04.3 Explain how and why intelligence databases are used in criminal investigations

AQ1.2.04.4 Assess the usefulness of intelligence databases in criminal investigations

AQ1.2.04.5 Evaluate the usefulness of intelligence databases in criminal investigations.

AC1.2.05 To know and understand the usefulness of interviews in criminal investigations

To **show knowledge**, describe the use of interviews in criminal investigations [PE]

To **apply knowledge** and show depth, outline examples of when interviews are used in a range of situations and types of crimes [A]

To **analyse**, explain how interviews are used in criminal investigations

To **evaluate**, assess the usefulness of interviews in criminal investigations [E]

AC1.2.05.01 Eyewitness Testimony / Evidence given by a witness to a crime. Seen by a jury as highly reliable- Delvin committee in 1976 found that juries convicted in 74% of cases where line-up identification was the only prosecution evidence. Innocence project- found that in over 70% of 352 wrongful convictions that were later overturned due to DNA evidence, EWT played a role in convicting the innocent person.

AC1.2.05.02 Expert Witnesses Interviews are conducted after the expert has submitted a report- this allows the police to ask questions for clarification and develop their lines of enquiry. These are the only people that can give their opinion in court. If they get it wrong however, this can lead to a miscarriage of justice.

AC1.2.04.01 ®Commandagons / Intelligence Databases

AC1.2.04.02 ®Double Bubble / Databases vs. Profiling

AC1.2.04.03 ®Conceptagons / Forensic, Surveillance, Profiling, Databases, Interviews

AC1.2.04.03 ®Evaluation Line / Forensic, Surveillance, Profiling, Databases, Interviews

AQ1.2.05.1 Describe the use of interviews in criminal investigations

AQ1.2.05.2 Outline examples of when interviews are used in a range of situations and types of crime

AQ1.2.05.3 Explain how and why interviews are used in criminal investigations

AQ1.2.05.4 Assess the usefulness of interviews in criminal investigations

AQ1.2.05.5 Evaluate the usefulness of interviews in criminal investigations.

AC1.3 Explain how evidence is processed

Will be able to explain how evidence is processed. Understand the following types of evidence:

Will be able to understand how evidence is processed, including:

AC1.3.01 To know and understand how physical evidence is processed

To **show knowledge**, describe what physical evidence is [PE]

To **apply knowledge** and show depth, outline examples of how physical evidence is processed [A]

To **analyse**, explain how physical evidence is processed including collection, transfer, storage, analysis and the personnel involved [C]

To **evaluate**, assess the role of physical evidence in criminal investigations [E]

AC1.3.01 Physical Evidence / Collecting, transferring and storing physical evidence. Most contamination occurs by handing items without gloves, coughing or sneezing on them. In serious crimes, investigators wear protective clothing when collecting materials, to avoid contamination and sometimes to protect themselves from hazardous substances. This includes a mask, a hooded scene suit, overshoes and two pairs of gloves. **Bodily fluids and tissues** Bodily fluids such as blood, semen and saliva, and tissue such as skin flakes and hairs, can provide important identification evidence, because DNA can be extracted from them and compared with control samples from suspects to see if there is a match which would put the suspect at the crime scene. These include the following: **Blood** (air-dry, fabric not folded, carefully packaged), **Semen** (air-dry, paper bag, polythene bag, sealed, sexual assault should be examined as soon as possible), **Saliva** (bites swabbed), **Skin flakes, Hairs** (DNA from the root, sealed bag), finger prints, **impressions** from biting, shoeprints and tyre marks

AC1.3.01.01 ©Commandagons / Physical Evidence

AC1.3.01.02 ©Evaluation Line / Bodily fluids, Trace, Impression

AQ1.3.01.1 Describe what physical evidence is in criminal investigations

AQ1.3.01.2 Outline examples of how physical evidence is processed

AQ1.3.01.3 Explain how and why physical evidence is processed

AQ1.3.01.4 Assess the role of physical evidence in criminal investigations

AQ1.3.01.5 Explain how physical evidence is processed including collection, transfer, storage, analysis and the personnel involved.

AC1.3.02 To know and understand how physical evidence is processed

To **show knowledge**, describe what testimonial evidence is [PE]

To **apply knowledge** and show depth, outline examples of how testimonial evidence is processed [A]

To **analyse**, explain how testimonial evidence is processed including collection, transfer, storage, analysis and the personnel involved

To **evaluate**, assess the role of testimonial evidence in criminal investigations [E]

AC1.3.02 Testimonial Evidence / This is a written or spoken statement given to the court by a witness. It can be given to support either the prosecution or the defence's case. Before the case goes to court, prosecution and defence must disclose any written statements that they have taken. Each side must also provide the other side with a list of the witnesses they intend to call to give evidence. Any evidence that is agreed and accepted as true by both sides can sometimes be read out in court without the witness being present, but normally they must attend in person to testify. Witnesses testify from the witness box, they can then be cross-examined by the opposing side to test their evidence. Defendants cannot be forced to testify. Vulnerable or intimidated witnesses can give evidence via a video link rather than attending court in person. Rules of evidence lay down what kinds of things can and cannot be given in evidence.

AC1.3.02.01 Inadmissible Testimonial Evidence / Some evidence may not be admissible (allowable) and must not be considered in reaching a verdict. This includes: **Hearsay evidence:** repeating a rumour they have heard. **Forced confession:** where violence or threats have been used to extract a confession. **Entrapment:** where police have tried to trick the defendant into committing or confessing to a crime.

AC1.3.02.01 ©Commandagons / Physical Evidence

AC1.3.02.02 ©Evaluation Line / Trace, Impression, Bodily Fluids, Testimonial, Finger Prints

AC1.3.02.02 ©Conceptagons / Trace, Impression, Bodily Fluids, Testimonial, Finger Prints

AQ1.3.02.1 Describe what physical evidence is in criminal investigations

AQ1.3.02.2 Outline examples of how physical evidence is processed

AQ1.3.02.3 Explain how and why physical evidence is processed

AQ1.3.02.4 Assess the role of physical evidence in criminal investigations

AQ1.3.02.5 Explain how testimonial evidence is processed including collection, analysis and the personnel involved.

AC1.4 Examine the rights of individuals in criminal investigations

Will be able to examine the rights of the following individuals in criminal investigations:

Will be able to consider the rights of all individuals from investigation through to appeal.

AC1.4.01 To know and understand the rights of suspects from investigation through to appeal

To **show knowledge**, describe what a suspect is [PE]

To **apply knowledge** and show depth, outline examples that highlight suspects rights [A]

To **analyse**, examine the rights of suspects from investigation through to appeal

To **evaluate**, evaluate the ethical considerations of suspects rights [E]

AC1.4.01.01 Stop and Account or Search / The police have certain powers to deal with suspects, including rights to stop and search and to arrest a person. **Stop and account:** a police officer has the right to ask you to account for your actions, your presence in a public place, and your possession of a particular item **Stop and search:** Police have 19 different powers of stop and search, e.g. for drugs, firearms and stolen goods, and to prevent acts of terrorism. Police also have certain powers to search vehicles and premises.

AC1.4.01.01 Police Power of Arrest / Under section 24 of the Police and Criminal Evidence Act 1984, police may lawfully arrest you as a suspect without a warrant from a court if, You have been involved, attempted to be involved or are suspected of being involved in committing an offence; and The officer has reasonable grounds to for believing the arrest is necessary, The officer must tell you why you are being arrested, what you are being arrested for, and why the arrest is necessary.

AC1.4.01.01 At the police station / If you are arrested, you will be taken to a police station, where you will be handed over to the custody officer (an officer of the rank of sergeant or above). You will be searched and then held in a cell. Your possessions will be looked after by the custody officer.

AC1.4.01.01 Rights when being questioned / The police may question you about the crime you are suspected of and you have a number of rights in this situation. The rights to silence- You don't have to answer the police's questions, but this might harm you later on. Right to legal advice- You have the right to free legal advice, including the right to have a solicitor present during questioning. In serious cases, the police can make you wait for legal advice for up to 36 hours (48 for terrorism).

AC1.4.01.01 Finger prints, photographs and samples / The police have the right to take photographs of you, as well as fingerprints and a DNA sample. They don't need your permission to do this, and can use reasonable force if necessary. The police need your permission and the authority of a senior police officer to take blood or urine samples (except when taking them in connection with drink or drug driving).

AC1.4.01.01 How long can you be held without charge / Police can hold you in custody for up to 24 hours. After that, they have to either charge you with a crime or release you. Serious crimes can be held for 36 hours. After this, the police can detain you for a further 96 hours with the approval of a magistrate. If arrested for a terrorist offence, this can be extended to 14 days. Bail- they can temporarily release you on bail if there is not enough evidence to charge you. You will have to return to the station for questioning when asked to. There might be conditions around the bail.

AC1.4.01.01 Rights of Appeal / If you are convicted for an offence, you have certain rights of appeal. These depend on two factors: The type of court- magistrates or crown. Whether you are appealing against the conviction or the sentence. If you were tried in a magistrates court you can automatically appeal for your sentence and your conviction (if you pleaded not guilty). If you were tried in a Crown court, you have no automatic right to appeal (a judge decides whether to allow it)

AC1.4.01.01 ©Conceptagons / Stop, Arrest and Held, Police Station, Questioned, Samples, Appeal

AQ1.4.01.1 Describe what a suspect is

AQ1.4.01.2 Outline examples that highlight suspects rights

AQ1.4.01.3 Examine the rights of suspects from investigation through to appeal

AQ1.4.01.4 Evaluate the ethical considerations of suspects rights

AQ1.4.01.5 Examine the rights of suspects in criminal investigations.

AC1.4.02 To know and understand the rights of victims from investigation through to appeal

To **show knowledge**, describe what a victim is [PE]

To **apply knowledge** and show depth, outline examples that highlight victims' rights [A]

To **analyse**, examine the rights of victims from investigation through to appeal

To **evaluate**, evaluate the ethical considerations of victims' rights [E]

AC1.4.02.01 Victims' Rights / Victims of crime have rights in relation to criminal investigations and court processes. They are set out in the Code of Practice for Victims of Crime. These rights also apply to close relatives of someone who has died as a result of a crime.

AC1.4.02.01 Rights when reporting a crime / When you report a crime, the police must give you written confirmation, a crime reference number and contact details for the officer dealing with your case. They must also: Tell you what will happen next and how often they will update you. Assess what support you need and ask a victim support organization to contact you. Ask if you want to write a Victim Personal Statement about how the crime has affected you.

AC1.4.02.01 Rights during the investigation / The police must give you updates and tell you when the suspect is arrested or charged, set free or released on bail, or given a caution. If the police drop the charge, they must also tell you. If you disagree then you can ask for a review. If the police give information to the media to help with their investigation, they will normally ask the victims permission first. In the cases of sexual assault or rape, it is against the law for anyone to publish the name, photo or anything that could identify the victim.

AC1.4.02.01 Victims rights in court proceedings / Rights relating to trials: CPS must tell you when and where the trial will be. If you have to give evidence, a Witness Care Officer will support you before and during the trial. If the defendant is convicted, you may be able to read your Victim Personal Statement to the court. After the trial, your Witness Care Officer must tell you the verdict within 24 hours, what sentencing the offender gets, if found guilty and if the offender appeals. You can claim compensation from the Criminal Injuries Compensation Authority if the crime was violent. You could meet the offender through a restorative justice scheme.

AC1.4.02.01 Rights of vulnerable victims / You are also entitled to extra support if you are the victim of a serious crime (wounding, attempted murder, domestic abuse, sexual offences, kidnapping, hate crime, human trafficking or terrorism). Vulnerable victims are entitled to receive information more quickly, to be given specialist advice and –if a close relative- be assigned a Family Liaison Officer

AC1.4.02.01 ®Conceptagons / Reporting, During the Investigation, Court

AC1.4.02.02 ®Double Bubble / Suspects vs. Victims

AQ1.4.02.1 Describe what a victim is

AQ1.4.02.2 Outline examples that highlight victims' rights

AQ1.4.02.3 Examine the rights of victims' from investigation through to appeal

AQ1.4.02.4 Evaluate the ethical considerations of victims' rights

AQ1.4.02.5 Examine the rights of victims in criminal investigations.

AC1.4.03 To know and understand the rights of witnesses from investigation through to appeal

To **show knowledge**, describe what a witness is [PE]

To **apply knowledge** and show depth, outline examples that highlight witnesses' rights [A]

To **analyse**, examine the rights of witnesses from investigation through to appeal

To **evaluate**, evaluate the ethical considerations of witnesses rights [E]

AC1.4.03.01 Witness Rights / The Witness Charter sets out standards of care for witnesses that should be provided by the police, the Crown Prosecution Service, court staff, the Witness Service and defence lawyers. These standards include the following: Witnesses will have a main point of contact throughout the process who will keep them informed of the progress of the case. Measures to ensure that the court is a safe environment and that prosecution and defence witnesses wait in separate areas. Information about the court process in advance of giving evidence so witnesses know what to expect. Prosecution witnesses will be informed of any appeal against conviction or sentence.

AC1.4.03.02 Vulnerable and intimidated witnesses / Intimidated witnesses include victims of sexual offence or human trafficking, witnesses to gun or knife crimes, and witnesses whose evidence is likely to be affected by fear or distress about testifying in court. Special measures for vulnerable and intimidated witnesses: Giving evidence from behind a screen or via live video link, or video recording their statement to be played in court later. Judges and Lawyers removing their wigs and gowns to create a less intimidating atmosphere. Help from a communications specialist for witnesses who have difficulty understanding questions in police interviews or in court.

AC1.4.03.01 ®Double Bubble / Witness vs. Victims

AQ1.4.03.1 Describe what a witness is

AQ1.4.03.2 Outline examples that highlight witnesses rights

AQ1.4.03.3 Examine the rights of witnesses from investigation through to appeal

AQ1.4.03.4 Evaluate the ethical considerations of witnesses' rights

AQ1.4.03.5 Examine the rights of witnesses in criminal investigations.

AC2.1 Explain the requirements of the Crown Prosecution Service for the prosecution of suspects

Will be able to explain the requirements of the Crown Prosecution Service (CPS) for prosecuting suspects, including:

Will be able to understand the role of the CPS. Explain the evidential and public interest tests in the decision to prosecute.

AC2.1.01 To know and understand the requirements of the Crown Prosecution Service

To **show knowledge**, describe the role of the CPS [PE]

To **apply knowledge** and show depth, outline examples that highlight the requirements of the Crown Prosecution Service [A]

To **analyse**, explain the requirements of the Crown Prosecution Service (CPS) for prosecuting suspects, including the charging role, the Prosecution of Offences Act 1985 and the Full Code Test
To **evaluate**, evaluate how effective the CPS is [E]

AC2.1.01 The Charging Role / Advise the police in their investigations about lines of inquiry and about what evidence might be required to build a case. Independently assesses the evidence submitted by the police and decides whether to prosecute, and if so, what charges should be brought. In order to make their decision about whether to prosecute, the CPS applies tests that are laid down in the Code for Crown Prosecutors.

AC2.1.02 The Full Code Test / The evidential test Is there enough evidence to get a realistic conviction against a suspect? Is the evidence admissible? E.g. could it be ruled out as hearsay? Is the evidence reliable? E.g. are witnesses truthful? Is the evidence credible? (believable). **The public interest test** Is a prosecution in the public interest? Not all questions are relevant in every case, and the weight attached to each one differs.

How serious is the offence? What is the suspect's level of culpability. E.g. what was their level of involvement, was the offence planned, did they benefit? Any previous convictions? What harm has the victim suffered? The more vulnerable the victim, the more likely that a prosecution is required. For example, if the suspect is in a position of authority? Suspects' age and maturity- Younger suspects are less likely to be punished. If under 18, is it beneficial to give them a criminal conviction? What is the impact on the community? Is the prosecution a proportionate response? E.g. in complex cases it might be better to only prosecute the ringleaders. Do sources of information require protecting?

AC2.1.03 The Threshold Test / In some cases, a suspect may still be charged even if the evidence requirements of the Full Code Test cannot be met. In these cases the Threshold test must be applied. 5 conditions, all of which must be met before a suspect can be charged: There must be reasonable grounds to believe the person has committed the offence. There must be reasonable grounds to believe further evidence can be obtained that will provide a realistic prospect of conviction. The crime is serious enough to justify charging the suspect immediately. There must be substantial grounds to object to bail – e.g. a suspect who is likely to interfere with witnesses. It must be in the public interest to charge the suspect

AC2.1.01 [®]Double Bubble / Evidential Test vs. Public Interest Test

AQ2.1.01 Explain the requirement of the Crown Prosecution Service (CPS) for prosecuting suspects

AC2.2 Describe trial processes

Describe the following trial processes:

Have knowledge of each of the stages of the trial process, including the roles of the personnel involved.

AC2.2.01 To know and understand the pre-trial process

To **show knowledge**, describe the pre-trial process [PE]

To **apply knowledge** and show depth, outline examples of aspects of the pre-trial process [A]

To **analyse**, explain the trial process including Pre-trial, Plea bargaining, Bail [C]

To **evaluate**, evaluate how effective the pre-trial process is [E]

AC2.2.01 Offences / There are 3 types of criminal offence in terms of their seriousness and where they can be tried: **Indictable offence**- serious crimes such as murder, treason, rape, robbery and GBH. These must be tried in a crown court, although the first hearing will be in a magistrates' court. **Summary offence**- less serious cases such as many motoring offences and assaults without injury. These are usually tried in a magistrates' court. **Triable either way offences ('hybrid offences')**- theft, fraud, burglary, handling stolen goods, assault (ABH) and criminal damage. These can be tried in either a magistrates' or a crown court.

AC2.2.02 Plea / Before a trial begins, the defendant will be read out the charge and asked to plead guilty or not guilty. **Guilty pleas**- magistrates hear evidence of aggravating and mitigating factors. They then pass sentence immediately or adjourn the case for reports before sentencing at a later date. If the offence is too serious, it will be sent to the Crown Court for sentencing. **For not guilty pleas**- magistrate must make a decision about reports, legal aid and bail before the trial can go ahead. **Plea Bargaining** This is an agreement between the prosecutor and defendant, where the defendant agrees to plead guilty in return for some concession from the prosecutor. This must be struck before the case goes to court. These are charge bargaining, count bargaining and sentence bargaining. **Critics** argue that unregulated plea bargaining can apply undue pressure to defendants and undermine their right to a fair trial.

AC2.2.03 Legal Aid / Legal aid exists to enable individuals that would not be able to afford to pay for a lawyer, to have access to one

AC2.2.04 Bail / This is the temporary release of an accused person whilst they are awaiting trial. Everyone has the right to bail, 'innocent until proven guilty'. Two types of bail: **Unconditional bail**- the court imposes no conditions, except to attend court as required. **Conditional bail**- the court imposes conditions that the offender must agree to. E.g. report to a police station every day, not contact certain persons, abide by a curfew. If a court refuses bail or the defendant breaches conditions, they may be remanded in custody until their trial. The court may refuse bail.

AC2.2.01 @Double Bubble / Indictable vs. Summary

AC2.2.02 @Double Bubble / Conditional Bail vs. Unconditional Bail

AC2.2.03 @Double Bubble / Guilty Plea vs. Not Guilty Plea

AQ2.2.01 Describe the trial process [4] (pre-trial)

AC2.2.01 To know and understand the role of courts in the trial process

To **show knowledge**, describe the trial process in court [PE]

To **apply knowledge** and show depth, outline examples of aspects of the trial process in court [A]

To **analyse**, explain the trial process including Roles, Courts, Appeals [C]

To **evaluate**, evaluate how effective the trial process is [E]

If a court refuses bail or the defendant breaches conditions, they may be remanded in custody until their trial. The court may refuse bail.

AC2.2.05 Courts / The majority of cases are first heard in the **Magistrates court**, and over 95% of them are decided there. These are local courts that deal with the least serious offences- if they are serious then they must be passed to the crown court. Usually 3 magistrates who are lay-people (members of the local community without legal qualifications). They are assisted by a clerk of the court who is legally qualified. The magistrates decide if the accused is guilty or not-guilty, they can impose fines of up to £5,000 and/or 6 months in prison (this extends to £10,000 or 12 months if more than 1 offence). **Crown Court** sits in around 90 centres around the country and deals with: Indictable offences, e.g. murder, rape and robbery. Triable-either-way offences. Appeals from the magistrates court. Will include a **jury** who are 12 members of the public. Jury's role is to listen to all the evidence and to both arguments. They may examine physical evidence and take notes, ask questions. They retire to a jurors room to consider their verdict in secret. They are normally expected to produce a unanimous verdict, but the judge may accept a majority (10-2) verdict. **The Judge** ensures the trial is fair and protects the defendant's human rights. Advise the jury on points of law, court procedure and their duties. Acts as the referee between the defence and prosecution. Pass the sentence if the accused is found guilty. If there is a danger of jurors being bribed or intimidated, the Criminal Justice Act 2003 permits a judge to try a case without a jury

AC2.2.06 Appeals / If you are convicted of an offence, your right to appeal depends on: The type of court that convicted you- Magistrates court or Crown court and whether your appeal is against your conviction or just your sentence. If you were convicted in a magistrates court, you have two automatic rights of appeal: Against your conviction (if you pleaded not guilty) and against your sentence. You must appeal within 21 days of being sentenced. Appeals against the **Crown Court** verdicts are handled by the **Court of Appeal** (Criminal Division). There is no automatic right of appeal- a judge will decide whether to allow it or not. You must seek leave to appeal within 28 days. The only ground for appeal is that the conviction was unsafe. Appeals to the **Supreme Court** which is the highest court in the legal system. Leave is required to appeal- there is no automatic right. Normally only hears cases where a point of law of general public importance is at stake

AC2.2.04 @Double Bubble / Magistrate vs. Crown

AC2.2.05 ©Conceptagons / Offences, Plea, Legal Aid, Bail, Courts, Appeals

AQ2.2.02 Describe the trial process [4] (courts)

AC2.3 Understand rules in relation to the use of evidence in criminal cases

Will show detailed understanding of the following rules in relation to the use of evidence in criminal cases:

Will understand how evidence is used in court.

AC2.3.01 To know and understand the rules in relation to the use of evidence in criminal cases

To **show knowledge**, describe the rules in relation to the use of evidence in criminal cases [PE]

To **apply knowledge** and show depth, outline examples of application of these rules [A]

To **analyse**, explain how evidence is used in court [C]

To **evaluate**, evaluate how effective the rules are in relation to the use of evidence [E]

AC2.3.01 Relevance and Admissibility / How true is the evidence: Credible- does the court believe that the witness was telling the truth? If so, were there any other prevailing conditions that may have made it impossible for the witness to see clearly. Authentic- a document presented in evidence may be forged. Accurate- is the evidence of an expert in fact supported by the rest of the scientific community? E.g. Professor Sir Roy Meadow and his cot death statistics.

Relevance: The law makes a distinction between two types of fact in a trial: Facts in issue- the matters in which are in dispute in a case and which the court have to decide about. E.g. DID David beat Jack with a club? Relevant facts- facts that are needed in order to prove or disprove the facts in issue. E.g. the presence of David's fingerprints and Jack's blood on the club. **Admissibility of Evidence:** Not all evidence may be admissible in court. There are several types of evidence that may not be allowed by the judge or magistrates: **Illegally obtained evidence**- this is obtained by breaking the law or violating a person's human rights. This would include evidence obtained in an illegal search conducted without a warrant, and using torture or degrading treatments to obtain a confession. **Improperly obtained evidence**- includes the use of entrapment (deception). For example, in the case of Colin Stagg. Can also apply in 'sting' operations where an undercover officer poses as a criminal. **The right to remain silent:** The accused doesn't have to prove their innocence and so in theory doesn't have to provide any evidence. However, the Criminal Justice and Public Order Act 1994 allows the jury to draw inferences about a defendant's guilt if they remain silent in the following circumstances: **Failure to answer police questions**- when questioned under caution, failure to answer can be used as evidence to infer the defendant's guilt. So too can failing to account for a particular object or their presence in a particular place. **Failure to testify in court**- may be used to infer the defendant's guilt, unless they can give a reason for not doing so that the jury finds acceptable. **Evidence of bad character** The Criminal Justice Act 2003 defines bad character as 'evidence of or disposition towards misconduct'.

Misconduct includes previous convictions and cautions as well as things such as racism, bullying and bad disciplinary record at work. Bad character evidence is only admitted under certain circumstances, such as when it shows that the defendant has a tendency to lie. Character evidence cannot be used in relation to non-defendants (such as victims, police officers, witnesses). Feminists have criticized the tendency in rape cases for defence lawyers to introduce evidence about the victim's sexual history

AC2.3.02 Disclosure of Evidence / The Prosecution's Duty of Disclosure The prosecution has a duty to: Notify the accused of all the evidence they intend to rely on. Make available to the defence any unused material relevant to the case that they do not intend to present in court. Unused materials include anything that might undermine the prosecution's own case or assist the defence's case. **Prosecution:** The number of cases where charges were dropped due to the prosecution's failure to disclose has increased in recent years. E.g. Liam Allen in 2017, his rape trial was halted when a computer disk emerged with evidence that the victim had pressured him for casual sex. The police had not disclosed this disk to the defence. Sometimes it is in the public interest for certain materials not to be disclosed. For example, the identity of an undercover police officer. **Defence:** The defence must also disclose certain information. Including the nature of defence they intend to offer. They do not have to disclose unused material

AC2.3.03 Hearsay Rule and Exceptions / A statement that has been made by someone out of court to a witness who is appearing in court, and which the witness wishes to rely on as evidence of a fact. E.g. Joan is a witness in a murder trial. She testifies that Colin told her he had seen the defendant shoot the victim. This is second hand evidence. **Exceptions:** Where all parties agree to it (prosecution, defence and judge). Where the judge rules that it is in the interests of justice.

Where common law permits it, e.g. in the case if publicly available information, reputation or expert advice. Where a witness is absent abroad, dead, unfit to testify due to fear or to their bodily or mental condition, or has disappeared

AC2.3.01 [®]Conceptagons / Relevance, admissibility, Disclosure of evidence, Hearsay rule, exceptions

AC2.3.02 [®]Commandagons / Rules relating to evidence

AQ2.3.01 Explain the rules of evidence during a trial

AC2.4 Assess key influences affecting the outcomes of criminal cases

Assess the following key influences affecting the outcomes of criminal cases:

Understand the many factors that can influence the outcome of a trial and be able to assess their impact

AC2.4.01 To know and understand the key influences affecting the outcomes of criminal cases

To **show knowledge**, describe the key influences affecting the outcomes of criminal cases [PE]

To **apply knowledge** and show depth, outline examples how key influences affect the outcomes [A]

To **analyse**, explain how key influences affect the outcomes of criminal cases [C]

To **evaluate**, evaluate the impact of factors that can influence the outcomes of a trial [E]

AC2.4.01 Evidence / Before the case can even go to court, the police must provide enough evidence to the CPS

Once the case goes to court, the prosecution will present evidence and arguments against the defendant. The defence will challenge the prosecution case, cross-examining the prosecutions witnesses on their evidence.

By the end of the trial, the prosecution must have convinced the jury or magistrates that the accused is guilty beyond reasonable doubt. Otherwise the defendant must be acquitted

AC2.4.01 Witnesses / Both parties are entitled to call witnesses to give evidence. This would normally have to be done in court, with two exceptions: Where witness evidence is agreed by both parties, it can be given in the form of a written statement. Vulnerable or intimidated witnesses may be allowed to give their evidence by a live video link or video recording rather than attending court. Or behind a screen in court to protect their identity. Can be called from both sides to give evidence, they are then usually cross-examined by the alternative side. The jurors or magistrates may give whatever weight to they chose to a witness. This might be determined by the quality of the evidence. For example, if a witness has shown to have lied or if their evidence seems inconsistent. **Stereotyping** Racial prejudices or gender stereotypes held by jurors may influence how willing they are to believe a witness's testimony. Kaufmann et al found that jurors judgement of how credible they found a rape victims testimony depended strongly on the emotions the victim showed when giving their evidence, and not the content. Brodsky found that jurors' view of the witness' knowledge, likeability, trustworthiness and confidence were key factors on choosing to decide whether to believe their evidence. **Eyewitnesses** Juries are often ready to believe an eye-witness, yet their evidence is not always accurate. Innocence project found that in over 70% of 352 wrongful convictions that were later overturned on the basis of DNA evidence, EWT misidentification helped to convict an innocent person.

AC2.4.01 Experts / Expert witnesses are people with specialist knowledge that ordinary members of the public do not have. In complex cases that rely heavily on technical evidence, the testimony given by expert witnesses can be crucial in determining the outcome of the case. Jurors, who have little specialist knowledge, rely heavily on expert witnesses. A danger is assuming that the expert is always right, or misinterpreting what they say- this can lead to miscarriages of justices like in the case of Sally Clark

AC2.4.01 Barristers and Legal Teams / Barristers and solicitors are both qualified lawyers. Work in higher level courts where they act as advocates speaking on behalf of clients (either the defence or the prosecution). Barristers will often be briefed on the case by a solicitor, who will prepare relevant papers and gather evidence for the barrister to use in court. The quality of the barristers can affect outcome of the case- a more eloquent, persuasive or charismatic barrister might sway a jury's decision.

AC2.4.01 Judiciary / Affecting the Verdict The judge is an expert in the law and in legal procedure. In a trial, the judge has several key powers and responsibilities: To clarify the law for the jury and direct them on how it is to be applied in the case they are trying. To rule on the admissibility of evidence and on whether the line of questioning taken by the prosecution or

defence is permissible. To sum up the main issues and evidence in the case for the jury before they retire to consider their verdict. The judge also has the power to dismiss a case, order a re-trial or even direct the jury to bring in a particular verdict. The jury does not have to follow their direction. **Juryless Trial** Under the Criminal Justice Act 2003, a judge may sit without a Jury: Where there is a risk of jury tampering. In complex fraud cases, in which a jury might have difficulty understanding, or in attending court for months on end. **Judicial bias.** Bias may arise for several reasons: Class background- judges come mainly from the higher social classes. In 2019, 65% of senior judges were privately educated, and 75% had attended Cambridge or Oxford. Gender- 65% of judges are male. They may lack sympathy in cases like rape. Carol Smart quotes one male judge as saying 'women who say no do not always mean no. If she doesn't want it she only has to keep her legs shut'

AC2.4.01 Politics / Laws have two main sources: Common law- comes from precedent, in which courts follow rulings made by judges in previous cases. Statute law- made by Parliament passing Acts or statutes. The government proposes legislation, which Parliament then debate and sometimes amend. Parliament can therefore affect the criminal law and the outcome of cases in three ways: **Creating new offences-** for example, following a media-inspired moral panic, Parliament passed the Dangerous Dogs Act 1991, outlawing certain dog breeds. **Abolishing existing offences-**parliament can repeal or amend existing laws that previously made something a crime. **Changing the penalties-** for example, parliament abolished the death penalty for murder in 1965. **Public Interest Immunity Certificates** Another way in which politics may influence the outcome of criminal cases is through public-interest immunity (PII) certificates. These can be issued by the government minister to prevent sensitive evidence such as official secrets being revealed in court

AC2.4.01 The Media / Moral panic- this can affect sentencing and law creation. For example, the London 2011 riots and the Dangerous Dogs Act 1991. Trial by media- High profile cases attract a great deal of media interest. This may make a fair trial impossible. Cheryl Thomas found that 1/5th of jurors serving on a high-profile case said they found it difficult to disregard pre-trial media coverage of the case.

AC2.4.01 ©Concepts / Evidence, Witnesses, Experts, Barristers and legal teams, Judiciary, Politics, The media

AC2.4.02 ©Evaluation Line / The Most Significant Influence: Evidence, Witnesses, Experts, Barristers and legal teams, Judiciary, Politics, The Media

AC2.4.01 Assess key influences affecting the outcomes of criminal cases

AC2.5 Discuss the use of laypeople in criminal cases

Will be able to discuss the use of the following laypeople in criminal cases:

Will be able to discuss the strengths and weaknesses of both juries and lay magistrates

AC2.5.01 To know and understand the use of both juries and lay magistrates

To **show knowledge**, describe juries and magistrates [PE]

To **apply knowledge** and show depth, outline examples how juries and magistrates are used in criminal cases [A]

To **analyse**, explain how juries and magistrates are used in criminal cases [C]

To **evaluate**, evaluate the strengths and weaknesses of both juries and lay magistrates [E]

AC2.5.01 Juries / In most Crown Court trials, the verdict is normally decided by a jury of 12 laypeople. They hear the evidence and arguments put forward by the prosecution and defence. They then retire from the courtroom and decide whether they find the defendant guilty, not guilty or guilty of a less serious crime. If guilty- they must be convinced beyond reasonable doubt. The jury's decision is taken in secret and it is a criminal offence for anyone to question jurors about their verdict or how they reach it. Jurors cannot disclose their deliberations.

Selected at random by a computer from the names on the electoral register. Those selected will receive a summons to attend court and it normally lasts around 2 weeks. To be eligible: Be 18-75. Be a citizen of the UK, Irish Republic or a British Commonwealth Country, Have resided in the UK, the Channel Islands or the Isle of Man for 5 years, Not be disqualified (on bail, received a prison sentence of 5+ years), Not exempt (medical grounds, have a holiday booked). **Strengths.** Jury equity- free to decide a case based on what they feel is fair or morally right, regardless of the law of how the judge might direct them. E.g. Kay Gilderdale. Justice is seen to be done- Juries make the legal system more open because ordinary members of the public decide the outcome.

Impartiality and a fairer trial- Being tried by a randomly selected cross-section of society makes it

more likely that individuals' prejudices will be cancelled out. Secrecy- As deliberations are held in private, it allows them to bring in verdicts that may be unpopular. Public confidence and democracy- allows ordinary citizens to become involved in the administration of justice, rather than leaving it all in the hands of the state. **Weaknesses.** Racial bias- Racial bias may result in unjust verdicts (e.g. Kuldip Sander). Although research is conflicting, with studies saying that Race doesn't influence outcomes. Black, Asian and minority ethnic defendants are more likely than White defendants to opt for a jury trial at Crown Court where possible. Media influence- Jurors may be influenced by the media coverage E.g. Taylor and Taylor sisters. Jury tampering- Involves attempts to pervert the course of justice by bribing or intimidating jurors, usually to acquit the defendant. For example R v Twomey estimated costs of £6m to stop Jury tampering. Perverse decisions- as the jury doesn't have to listen to the law, this may lead to a perverse decision that goes against the facts of the case. Secrecy- did the jury reach the verdict for the right reasons? As they cannot enquire into the jury's decision this has led to a few unfair cases. E.g Connor and Rollock whereby the jury didn't want to spend long deciding who was guilty so they just convicted both. The Criminal Justice and Courts Act 2015 makes it an offence for jurors to search the internet for information relevant to the case, and an offence to disclose such information to another juror. Judges also instruct jurors not to research their cases on the internet. Despite this, Thomas found 12% of jurors admitted to looking on the internet for information about the cases they were trying

AC2.5.01 Lay Magistrates / Unpaid, part-time volunteers who are members of their local community. Receive training, but they are not legally qualified- but assisted by a legally qualified clerk who advises them on law and procedure. **Strengths.** Democracy- allows local citizens to become involved, Local knowledge- Magistrates serve in their local court and have knowledge of the local area which they can apply to cases and reflect local needs and priorities, Representative of the population- in 2019, 13% were from Black, Asian or minority ethnic backgrounds (the figure for the population is 14%), 56% were women, Limited number of appeals-Only around 5,000 of the 1.5 million cases they deal with goes to appeal. Most are against the sentence, not the verdict, Cost- as they are volunteers, they are an economical way of giving justice. One estimate suggests that if paid professional judges had to be used, it would cost about £100m per year. **Weaknesses.** Unrepresentative of the population- in terms of age and social class. Only 1% are under 30 and the majority of them come from middle-class professional and managerial backgrounds. Inconsistency in sentencing- trained to follow official Sentencing Guidelines, despite this consistency doesn't always happen. E.g. in 2010, Bristol magistrates handed out custodial sentences 11.1% of the time, compared to Coventry which was 6.8%. Bias- Convict in 90% of all cases, critics have argued this is because they are case hardened and bias in favour of believing the police and prosecution. Over-use of short prison sentences- short sentences are costly and ineffective at rehabilitation

AC2.5.01 Evaluation Line / Strengths and Limitations of Juries

AC2.5.01 Evaluation Line / Strengths and Limitations of Lay Magistrates

AC2.4.01 Discuss the use of lay people in criminal cases

AC3.1 Examine information for validity

Will be able to examine the following information for validity:

Examine the validity of the above information in terms of:

Will be able to show the ability to review the information sources and make judgements on the suitability of the content they provide against a number of criteria

AC3.1.01 To know and understand how to review information sources and make judgements on the suitability

To **show knowledge**, describe a range of sources of information and describe aspects of validity [PE]

To **apply knowledge** and show depth, outline examples how juries and magistrates are used in criminal cases [A]

To **analyse**, explain how juries and magistrates are used in criminal cases [C]

To **evaluate**, evaluate the strengths and weaknesses of both juries and lay magistrates [E]

AC3.1.01 Evidence / Before the evidence can be used in court, the CPS requires the evidence to be: Admissible, Reliable, Credible. This indicates that it may be valid, but it is not guaranteed. The defence can demonstrate inconsistencies or shortcomings during cross-examination. Many convictions from **Eye-witness testimony** have been overturned when more accurate and reliable

evidence has come to light, such as DNA. Research by Psychologists such as Loftus et al shows that witnesses memory and the evidence they give can be affected by many factors, such as: Time when the event took place, Whether they discussed what they saw, How long ago they witnessed it, They way questions about the event are put to them in court. Jurors may find that an **experts** opinion is especially credible and give it great weight when reaching a verdict. If an expert is biased or incompetent, this can undermine the validity of the information. E.g. **Roy Meadow** who falsely gave information that there was a 1 in 73 million of 2 children in the same household dying from SIDS. This led to Sally Clark being found guilty of murder

AC3.1.02 Trial Transcripts / A complete and exact written record of every word spoken in court by the judge, lawyers, witnesses and defendant. Anyone can apply for a transcript of a court hearing, however, the court can refuse to provide one. For example, if the hearing was confidential.

AC3.1.03 Media Reports / Can be used for: Evidence that can be used in an appeal. E.g. a defendant might show irregularities in the proceedings or a biased summing up by the judge. Parole boards use them to consider a prisoners application to be released on parole. Recognised as highly valid sources of information. They are simply the words spoken in court as they were spoken. Therefore, there is no need for someone to remember the words. Although the recording system is highly reliable, there is always the small risk of malfunctioning. For example, the noise of the court room interrupting. Newspapers tend to support one party or another. For example, the sun tends to be very right-wing and support conservatives whereas the mirror is left-wing and supports labour. Radio & TV have a duty to provide a balanced coverage of political issues. For example, the BBC is required to treat controversial subjects with 'due impartiality' rather than taking sides. These differences mean that coverage of crime and justice issues varies from one media source to another. For example, Right-wing papers tend to favour tougher laws and more prison sentences to tackle crime. This can affect the validity of their coverage, with a one-sided approach that selects information supporting this view. **Moral Panics.** The media attracts an audience by providing a sensationalized coverage. For example: London Riots, Dangerous Dogs, Mods & Rockers. This leads to a picture being painted that is not valid or accurate. Tabloids often portray suspects in police investigations in a negative light. This can be based off of what the offender looks and acts like. E.g. Sexually deviant & a creepy loner. These are often reinforced with old and unflattering photos. E.g. **Christopher Jefferies.** Racial stereotyping- Hall et al describe how the media in the 1970s portrayed 'mugging' as a black youth problem

AC3.1.04 Judgements / Judgements made by courts are not always valid. This can be due to several reasons, such as unintentional bias and unconscious stereotyping and incorrect rulings by judges and coroners. Unbiased judgements is essential if defendants are to receive a fair trial, but research shows that **unconscious biases** can influence the judgement of jurors. **Race-** Plant and Peruche found that in a video-game simulation, US police officers were more likely to shoot unarmed Black suspects than unarmed White ones. Other studies have shown trial judges and death penalty lawyers have biases against Black people. **Gender-** Ellison & Munro found that in simulations of rape trials, jurors used victims lack of signs of physical injury or emotional response, and their delays in reporting the attack as reasons for bringing a not guilty verdict. When a sudden death occurs due to the actions of public organisations such as the police, they receive state-funded legal representation at the inquest. By contrast the bereaved families have no automatic entitlement- making it hard for them to challenge the verdict if they feel that they are unfair. **E.g. Hillsborough** On 15th April 1989, 96 Liverpool fans died and 766 were injured. The crush occurred after the police march commander, Chief Superintendent David Duckenfield ordered an exit gate to be opened. This led to a surge of supporters to enter the stadium. In the weeks that followed- the police fed false stories to the media blaming hooliganism and drunken football fans. The family of **Mark Duggan** sought to overturn the inquest verdict of lawful killing. The police officer believed that Duggan was armed with a handgun. The coroner misdirected the jury that they should only return a lawful killing verdict if they thought the officer honestly believed that he was in danger. The coroner should have also added that the officers belief should have been based on reasonable grounds.

AC3.1.05 Law Reports / Reports of decisions made by courts. They are published on a regular basis- many of them weekly. Their purpose is to inform lawyers and judges about important judgements in the courts and to prevent two courts reaching differing decisions on identical facts.

Principle of precedent- only about 2% of cases are reported in law reports. These are the cases that set a precedent (law down a new principle of law). This allows more consistency and fairness between similar cases. Official law reports can be seen as valid, authoritative sources of information on the law: **Accuracy**- accurate accounts of cases, with an exact transcript of the judgement, and with key details of important cases written up in a standard format. **Currency**- Up to date as reported on a weekly basis. **Bias**- objective, unbiased reports. **Opinion**- contain the opinions of the court, since this is essential for other courts to understand the reasons for judgement. They do not contain the opinions of the person who write the report

AC3.1.01 Evaluation Line / Evidence, Trial transcripts, Media reports, Judgements, Law reports

AQ3.1.01 Examine Information for Validity

AC3.2 Draw conclusions from information

Will be able to draw objective conclusions from information on criminal cases in relation to the following:

Will be able to show the skills needed to analyse the information in order to draw conclusions based on reasoned evidence.

AC3.2.01 To know and understand how to draw objective conclusions from information on criminal cases

To **show knowledge**, describe a range of sources of information and describe aspects of validity [PE]

To **apply knowledge** and show depth, outline examples how juries and magistrates are used in criminal cases [A]

To **analyse**, explain how juries and magistrates are used in criminal cases [C]

To **evaluate**, evaluate the strengths and weaknesses of both juries and lay magistrates [E]

AC3.2.01 Just Verdicts / A just verdict is one that is deserved, lawful and proper. It is a verdict that does justice to the facts of the case, finding the guilty, guilty and the innocent not guilty. The jury does not always produce verdicts that are just. For example, the double jeopardy rule, Stephen Lawrence. **Double Jeopardy**. This stopped prosecutors repeatedly prosecuting someone until they were found guilty. Certain cases, it becomes clear that a not guilty verdict was unjust- this can happen due to the offender admitting that they had done it, or new evidence coming to light. Examples- Billy Dunlop & Stephen Lawrence. **Jury equity or jury nullification** Sometimes the law seems unjust- therefore the jury deliberately reject the evidence and decide to acquit the defendant. Juries sometimes do this when they believe the existing law or the punishment is unfair. If juries consistently refuse to convict defendants for particular crimes, this sends a signal to the law makers that the law needs changing. **Famous cases of jury equity**. Capital punishment- in 19th century England, the theft of items worth more than 40 shillings carried the death sentence. Juries were often unwilling to condemn petty thieves to death. They therefore brought about not guilty verdicts. Runaway slaves- 1850s USA, juries in the Northern states protested the Fugitive Slaves Act by acquitting defendants. Some of these cases lead to just verdicts, but can also produce the opposite result. For example, in the US there have been cases of all white juries refusing to convict members of the Ku Klux Klan.

AC3.2.02 Unsafe Verdicts and Miscarriage of Justice / This is where the innocence of the appellant (the person making the appeal), is proven. This is usually down to new evidence. If the court of appeal decides that a conviction is a miscarriage of justice, then there will not normally be a need for a re-trial. **Unsafe Convictions**. Miscarriages of justice are one type of unsafe verdict, however, wrongful convictions can also occur where it is not clear whether the accused was innocent or guilty. In these cases, the conviction is usually overturned because there was something wrong with the trial process. This led to the accused not receiving a fair trial and so we cannot be sure beyond reasonable doubt. **Defects in the trial procedure**: Judge misdirecting the jury, Judge making mistakes in their legal rulings, such as wrongly excluding or including evidence, Failure to call relevant witnesses or evidence, Jury irregularities (tampering, researching the case on the internet). EG **Birmingham Six**. 21st November 1974- two pubs were bombed with the loss of 21 lives. 6 men were arrested, deprived of food and sleep, interrogated for up to 12 hours, threatened and beaten and subjected to a mock execution. 4 of 6 of them men signed confessions.

Charged with murder and found guilty.

AC3.2.01 Just Sentencing / An important part of a fair justice system is those who are found guilty of a crime receive an appropriate sentence. When judges and magistrates sentence an

offender, they are guided by two factors: The law- laying down the possible sentences that can be given for a particular offence. The sentencing guidelines- where within the law the offenders sentence should sit. E.g. was the crime pre-planned, harm to victim, previous convictions, age or maturity, pleaded guilty or not.

AC3.2.01 [®]Evaluation Line / Evidence, Trial transcripts, Media reports, Judgements, Law reports

AQ3.1.01 Do you believe Gareth Hughes' case was a safe verdict?

The Powerful Knowledge

The key information you need to recall. Use this to generate flashcards, mind maps or essay paragraphs.

© idea

AC1.1.01.01 The Police Officer / A police officer is usually the first person called to a crime scene and they have a vital role at the start of the investigation. Officers need to safeguard the public and attend to anyone seriously injured at the scene, for example by calling an emergency ambulance. If possible, they need to arrest the suspect, though in many cases they will have left the scene. However, as far as the investigation is concerned, the police officer's key job is to secure the crime scene in order to conserve the evidence. As far as possible they should avoid contaminating the scene by moving furniture, opening doors etc.

Crime investigation in action - full length - YouTube https://www.youtube.com/watch?v=W_5yU-xK-Lw

Police at funding 'breaking point' | ITV News - YouTube <https://www.youtube.com/watch?v=GQACXIMwG9g>

AC1.1.01.02 The Police Detective and Specialists / Police detectives are officers who manage a range of criminal investigations, particularly those involving complex or serious crimes. They work within specialist departments such as the CID (criminal investigations department), fraud, drugs and firearms squads, child protection department and Special Branch. Police forces also have other specialist units, such as traffic and mounted police, air support and underwater search teams, and dog handler units.

Specialist Police Units (futurelearn.com) <https://www.futurelearn.com/info/courses/how-to-become-a-police-officer-in-england-and-wales/0/steps/247550>

AC1.1.01.03 The Golden Hour is the name sometimes given to the period immediately after a crime is discovered, when officers must act quickly to preserve the scene. It is also important to take initial statements from witnesses and victims while events are still fresh in their minds.

Investigation process (college.police.uk) <https://www.app.college.police.uk/app-content/investigations/investigation-process/>

AC1.1.01.04 Limitations of Police Officers The police have been criticised for sometimes failing to secure crime scenes and preserve evidence, and more generally for failure to investigate certain crimes, for example domestic abuse or hate crimes such as racist attacks. Such failures can be due to incompetence in handling evidence or discriminatory attitudes of individual officers. It can also be due to system-level failings such as the institutional racism in the Metropolitan Police that was identified in the Macpherson Report into their investigation of the murder of Stephen Lawrence. Among other matters, the report criticised the force for its scene of crime procedures and for the failure to give first aid to Stephen at the scene.

Stephen Lawrence - What happened? What went wrong? | BBC - YouTube <https://www.youtube.com/watch?v=JruFrZtutkY>

AC1.1.02.01 The Crime Scene Investigator / Crime scene investigators or CSIs are also known in some police forces as scenes of crime officers (SOCOs). They are usually civilians rather than police officers. CSIs undergo specialist training and many have a science degree. The largest forces employ dozens of CSIs, who provide a 24/7 on-call service. The CSIs role is to collect and process evidence from crime scenes, as well as from post mortems and accidents. A key responsibility is to preserve evidence in an uncontaminated condition, since contamination means that it will be inadmissible in court. Their main activities include the following: Taking charge of the crime scene, liaising with police to find out what evidence is required from the scene and deciding how best to obtain it., Photographing crime scenes, items and people, such as tyre marks shoeprints, weapons, injuries, victims and suspects. Recovering physical or biological evidence from crime scenes, including fingerprints, gunshot and explosives residue, clothing fibres, hairs, bodily fluids and DNA. Packaging, storing and documenting the material recovered from crime scenes. Attending post mortem examinations of suspicious deaths. Advising police investigators on the physical evidence, photography and samples for laboratory analysis. Giving evidence in court.

Scenes of Crime Officer - YouTube <https://www.youtube.com/watch?v=467aWZEtCml>

AC1.1.02.02 Strengths and Limitations CSIs may gather evidence that conclusively links suspects to crime scenes and victims. The evidence may also prove conclusively that a suspect is in fact innocent, e.g. when their fingerprints do not match those found by the CSI at the crime scene. **Limitations** The work requires specialist skills (such as forensic photography), as well as patience, meticulous care and attention to detail. Failure to collect and record evidence correctly, or allowing it to become contaminated, can lead to a guilty person going free or an innocent one being convicted. The forensic samples that CSIs handle may put their health or safety at risk. These include blood and other body fluids, hazardous chemicals, explosives and incendiary devices, firearms and ammunition, knives and hypodermic syringes. The work may be stressful and emotionally demanding. This can lead to burn-out and people leaving the profession, resulting in staff shortages.

AC1.1.03 The Forensic Scientist / Forensic science involves applying scientific knowledge to crime and the legal system. Forensic scientists use their scientific knowledge and expertise to analyse and interpret evidence that has been recovered from the crime scene. For example, they may analyse samples of blood or other bodily fluids to extract DNA and then compare these with a 'control sample' taken from a suspect to see if they match. They then produce a report of their findings and interpretations for the court. Forensic scientists generally **specialise** in particular areas, such as DNA analysis. Other specialisms include the analysis of fires (in arson investigations), toxicology (poisons and drugs), computing, psychology and forensic anthropology, which may involve analysis of human remains found in mass graves, for example as a result of war crimes.

Forensics The Real CSI - Series 2 Episode 2 BBC Documentary 2021 - YouTube

<https://www.youtube.com/watch?v=PD3Z16fJb08>

AC1.1.03.01 Forensic Scientist Strengths and Limitations / Strengths The special expertise of forensic scientists may be able to identify and interpret evidence that proves a suspect's guilt or innocence. Their expertise may be essential in complex cases where the criminal also has specialist knowledge or skills. **Limitations** Forensic scientists are highly qualified and their services are **expensive**. Contamination of evidence can occur when it is being examined by scientists, as in the case of Adam Scott, who spent five months on remand in 2011-12 charged with rape. His DNA sample, originally taken by police as a result of a spitting incident in Exeter, became mixed up with genetic material taken from a rape victim in Manchester. Forensic experts may disagree. For example, experts called by the defence may contradict those called by the prosecution. The court lacks specialist knowledge and may be unable to evaluate which side is right. If an expert deliberately or accidentally misleads the court, this can result in a miscarriage of justice. At the trial of Sally Clark in 1999 for the murder of her two baby sons, an expert witness, the paediatrician Professor Sir Roy Meadow, told the jury that the chance that both deaths were accidental was one in 73 million. Experts now believe that the risk could be as low as one in 100. Sally Clark was convicted and only freed on appeal after three years in jail.

Forensic Science Jobs - 2021 | Indeed.com

<https://uk.indeed.com/jobs?q=forensic%20science&l&vjk=94f2524c523fa81c>

AC1.1.04 The Pathologist /Pathologists are medical doctors who specialise in studying the causes of disease and death, including the examination of dead bodies and body tissues in post mortem examinations (also called autopsies). Where homicide is suspected, Home Office-registered forensic pathologists provide a **24/7** service to assist the police and coroner in establishing the probable cause of death. At the post mortem, the pathologist first makes a detailed external examination of the body for signs of foul play. Depending on the case, they may also examine internal organs and take tissue samples for laboratory analysis. They can also advise police on how to recover the body from the crime scene to avoid vital trace evidence being lost. Before the body is released for burial or cremation, a 'defence' post mortem may be carried out on behalf of the defendant in the case, conducted by a different pathologist. Once all the test results are collected, the pathologist produces a report for the coroner and a witness statement for the police. He or she may also be asked to advise police and prosecutors throughout their investigation and to give evidence in court.

Examining the body and post-mortem | The Morgue - YouTube

https://www.youtube.com/watch?v=UC61_KAPwpY&list=PLScgI9IJBWcf9952GtHZVKLp1ThQln

AC1.1.04.02 Pathologist Strengths and Limitations Strengths The key strength that the pathologist brings to an investigation is that they can often provide conclusive scientific evidence as to the cause and time of death. This may prove decisive in establishing the guilt or innocence of a suspect.

Limitations • There are only about **35 Home Office-registered forensic pathologists** in England and Wales — partly because it is a **highly specialised role** involving up to seven years further training after

first qualifying as a doctor. The shortage of suitably qualified pathologists can delay investigations. • As highly trained specialists, pathologists are **very well paid** and forensic pathology services can be an expensive part of a criminal investigation. • The work demands close attention to detail and sound judgement. Mistakes can cause miscarriages of justice and result in the wrong person serving a life sentence for murder. For example, Sally Clark was wrongly jailed for the murder of her two baby sons partly as a result of the home office pathologist Alan Williams failing to disclose information to her defence lawyers. As a result, they remained unaware that Williams had found lethal levels of bacterial infection which could have been the cause of death.

Sally Clark - Wikipedia https://en.wikipedia.org/wiki/Sally_Clark

Pathologist Jobs - 2021 | Indeed.com <https://uk.indeed.com/Pathologist-jobs?vjk=a23990ecd3198fa0>

AC1.1.05 The Crown Prosecution Service / The Crown Prosecution Service (CPS) is an independent prosecution service operating across England and Wales in 14 regional offices. It uses a panel of over 2,000 solicitors and barristers along with other staff to handle around half a million criminal cases each year. The CPS has several functions in relation to criminal cases: • It advises the police on cases for possible prosecution and reviews cases that they submit to it to decide whether to prosecute. Most of this is done through CPS Direct, an on-call advice service that police can access 24/7. • It makes decisions about prosecuting cases by applying tests to see if there is sufficient evidence for a realistic prospect of conviction and to decide whether prosecution would be in the public interest. In all more serious cases, such as rape or murder, it is the CPS that decides whether the police will charge the suspect. Where the decision is made to prosecute, the CPS decides what the charge will be. • It prepares cases for court hearings, collecting evidence from the police and disclosing material to the defence. • It presents the prosecution case in court, using its own Crown Prosecutors, as well as self-employed barristers for more complicated cases. • It has specialist divisions dealing with prosecutions that require specialist knowledge, such as serious organised crime, terrorism and complex frauds.

CPS Recruitment 2021 - Sarah - YouTube https://www.youtube.com/watch?v=Ynl_oJqoGds

AC1.1.05.01 CPS Strengths and Limitations / **Strengths** • Before the CPS was set up in 1986, the police were responsible for investigating, charging and prosecuting cases. Combining these roles led to the risk of bias. Because the CPS independently assesses the evidence and decides whether or not to prosecute, it prevents the police from using the prosecution system to victimise particular individuals. • Having a national organisation responsible for prosecutions means justice is more equal — there is more consistency between different parts of the country in deciding whether to prosecute cases. **Limitations** • The CPS has the power to reject a police request to prosecute someone — for example because the evidence police have gathered is inadequate. This can result in a difficult relationship at times. However, it means that prosecutions are less likely to fail due to inadequate investigation by the police. • The CPS has sometimes made serious errors, for example in not reviewing the evidence thoroughly before prosecuting. This has resulted in prosecutions failing, such as the murder of Damilola Taylor, where the case collapsed after the evidence of a key witness was dismissed when she was shown to have lied. The CPS had failed to check her account prior to trial. • Funding and staffing cuts in recent years have meant a growing burden of cases.

Killing of Damilola Taylor - Wikipedia https://en.wikipedia.org/wiki/Killing_of_Damilola_Taylor

AC1.2.01 Forensic Techniques / Refers to the techniques as tests that are used to assist in investigating crime. Can include biological materials (blood, semen, skin flakes and hair), fingerprints, footprints, weapons, fibres and threads from clothing, paint flakes and much more. It is essential that investigators wear appropriate clothing to avoid contaminating the evidence.

<https://www.atascientific.com.au/technologies-forensic-sciences/>

<https://www.forensicscolleges.com/blog/resources/10-modern-forensic-science-technologies>

AC1.2.01.01 Strengths and Limitations of Forensic Techniques / **Strengths:** Everybody's DNA is unique, this allows for high reliability. It can help prove innocence, as well as guilt. Has led to some successful convictions. **Limitations:** Cross-contamination is possible. The perpetrator must be on the National DNA database. Trace amounts might falsely imprison someone. **Financially expensive.** BUT now only around £20

AC1.2.02.01 CCTV / One of the first things an investigating officer will ask for. Police often use CCTV footage in criminal investigations as it can give 24-hour coverage of a location, providing a visual record of the crime and the perpetrator. In the 2011 London Riots, CCTV images were released to the media alongside appeals to the public to report if they recognized anyone.

<https://www.gps-securitygroup.com/what-are-the-techniques-of-surveillance/>

AC1.2.02.01 Covert surveillance and Covert Human Intelligence Sources / This can be done in many ways: Attaching tracking devices to vehicles and using GPS to monitor their movements. Intercepting mail and tapping phones. Static surveillance from a fixed point. E.g. a unmarked, parked police vehicle. Highly trained mobile surveillance teams. **Covert Human Intelligence Sources (CHIS)**- individuals that maintain a relationship with the target in order to covertly gain information.

AC1.2.02.03 Surveillance Limitations / Limitations Very strict rules due to it infringing on somebody's civil liberties. Ethics? **Real Life Cases** Colin Stagg- police used an undercover female officer in order to form a relationship with Colin. He didn't confess, but police used evidence from the operation against him. The Judge rules this inadmissible. Been cases of police officers using dead babies identities to create a cover story complete with birth records.

https://en.wikipedia.org/wiki/Killing_of_Rachel_Nickell

AC1.2.03.01 Typological Profiling / Typological Profiling Aims to classify offenders into different 'types' with different characteristics based on how they behave at the crime scene. This profile can be used by the police to help narrow down their search and predict future behaviour of the offender. Originally developed in the 1970s in the USA by the FBI. Since then, further typologists have been developed to classify rapists based on their behaviour during the crime. **Evaluation** Information at the crime scene can be quite limited. Offenders personality, relationships and motives might not help the police when finding them. Typology is based off of the FBI's sample of 36 convicted serial killers- this is not a large sample

<https://ifflab.org/criminal-profiling-insight-criminals-mind/>

https://en.wikipedia.org/wiki/Offender_profiling

AC1.2.03.02 Geographical Profiling / Offenders make choices about where to offend. These choices are often based on what they do in their non-criminal behaviour in everyday life. Geographical profiling aims to work back from the locations where offences take place to identify where the offenders lives. It is based on two main principles: **The least effort principle**: given two identically attractive targets, the offender will choose the one nearest to home. **The buffer zone**: offenders don't want to offend too close to their home, as they might be identified. Canter identified two different patterns of offending: **The marauder**- their home or workplace is their base and they commit their crimes close to this. Therefore, if we draw a circle through the locations of the offences, we should expect the offenders home/work to be in the centre. **The commuter**- travels away from their home area to offend in another area. Once there, their offences seem to cluster around a main road or station.

Geographic profiling - Wikipedia https://en.wikipedia.org/wiki/Geographic_profiling

Geographic Profiling (all-about-forensic-psychology.com) <https://www.all-about-forensic-psychology.com/geographic-profiling.html>

AC1.2.03.03 Investigative Psychology Profiling / Associated with David Canter and brings in ideas from Geographical profiling. Also brings in the following ideas: Offender consistency principle- the offenders behaviour during a crime is consistent with their non-offending behaviour. Criminal narrative themes- criminals base their offending behaviour on criminal narrative themes, or personal life stories that give their crime meaning. For example, the elevated hero sees their crime as brave. Strengths It uses concepts that can be tested in practice, such as the offender consistency principle. Uses large scale data on patterns of offending and narrative themes to understand offenders motives. Limitations Depends on the quality of the data- if the data is inaccurate. The predictions will be too.

Investigative psychology - Wikipedia https://en.wikipedia.org/wiki/Investigative_psychology

AC1.2.03.04 Strengths and Limitations of Profiling / Strengths Has led to some successful convictions for a range of crimes. **Limitations** Profilers need to be sure that the crimes are all committed by the same person- this can be difficult if the offenders mode of offending begins to change. Any crimes that have been missed won't be accounted for- the centre therefore might be in the wrong place.

AC1.2.04 Intelligence Databases / The term intelligence refers to information that has been obtained from many sources. This information may be stored in a variety of different databases that police officers can have access too: **The Police National Database**: contains intelligence about suspected criminal activity as well as data on the PNC. It holds over 3.5 billion searchable records. **The Police National Computer (PNC)**: contains several separate databases. Stores details of over 12 million people/s arrests, convictions and police cautions, with links to biometric databases for fingerprints. Vehicle registration data and information on 48 million people who hold a driving licence. Information on missing or wanted persons. The gangs matrix and International databases

<https://www.sciencedirect.com/science/article/pii/S2589871X19300713#:~:text=The%20primary%20purpose%20of%20a,%20is%20unknown%20%5B7%5D.>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1490298/>
<https://www.amnesty.org.uk/london-trident-gangs-matrix-metropolitan-police>
<https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/gangs-violence-matrix/>

AC1.2.05.01 Eyewitness Testimony / Evidence given by a witness to a crime. Seen by a jury as highly reliable- Delvin committee in 1976 found that juries convicted in 74% of cases where line-up identification was the only prosecution evidence. Innocence project- found that in over 70% of 352 wrongful convictions that were later overturned due to DNA evidence, EWT played a role in convicting the innocent person.

<https://www.simplypsychology.org/eyewitness-testimony.html#:~:text=Eyewitness%20testimony%20is%20a%20legal,of%20the%20crime%20scene%20etc.>
<https://www.psychologicalscience.org/teaching/myth-eyewitness-testimony-is-the-best-kind-of-evidence.html>

AC1.2.05.02 Expert Witnesses Interviews are conducted after the expert has submitted a report- this allows the police to ask questions for clarification and develop their lines of enquiry. These are the only people that can give their opinion in court. If they get it wrong however, this can lead to a miscarriage of justice.

<https://www.cps.gov.uk/legal-guidance/expert-evidence#:~:text=Expert%20witnesses%20are%20participants%20in,cases%20are%20dealt%20with%20justly.>

AC1.3.01 Physical Evidence / Collecting, transferring and storing physical evidence. Most contamination occurs by handling items without gloves, coughing or sneezing on them. In serious crimes, investigators wear protective clothing when collecting materials, to avoid contamination and sometimes to protect themselves from hazardous substances. This includes a mask, a hooded scene suit, overshoes and two pairs of gloves. **Bodily fluids and tissues** Bodily fluids such as blood, semen and saliva, and tissue such as skin flakes and hairs, can provide important identification evidence, because DNA can be extracted from them and compared with control samples from suspects to see if there is a match which would put the suspect at the crime scene. These include the following: **Blood** (air-dry, fabric not folded, carefully packaged), **Semen** (air-dry, paper bag, polythene bag, sealed, sexual assault should be examined as soon as possible), **Saliva** (bites swabbed), **Skin flakes, Hairs** (DNA from the root, sealed bag), finger prints, **impressions** from biting, shoeprints and tyre marks

Bodily Fluids Analysis – The Forensics Library (aboutforensics.co.uk)

<https://aboutforensics.co.uk/bodily-fluids-analysis/>

AC1.3.02 Testimonial Evidence / This is a written or spoken statement given to the court by a witness. It can be given to support either the prosecution or the defence's case. Before the case goes to court, prosecution and defence must disclose any written statements that they have taken. Each side must also provide the other side with a list of the witnesses they intend to call to give evidence. Any evidence that is agreed and accepted as true by both sides can sometimes be read out in court without the witness being present, but normally they must attend in person to testify. Witnesses testify from the witness box, they can then be cross-examined by the opposing side to test their evidence. Defendants cannot be forced to testify. Vulnerable or intimidated witnesses can give evidence via a video link rather than attending court in person. Rules of evidence lay down what kinds of things can and cannot be given in evidence.

filedownload.ashx (casdschools.org)

<https://www.casdschools.org/site/handlers/filedownload.ashx?moduleinstanceid=7201&dataid=6177&FileName=02-TypesOfEvidence.pdf>

AC1.3.02.01 Inadmissible Testimonial Evidence / Some evidence may not be admissible (allowable) and must not be considered in reaching a verdict. This includes: **Hearsay evidence**: repeating a rumour they have heard. **Forced confession**: where violence or threats have been used to extract a confession. **Entrapment**: where police have tried to trick the defendant into committing or confessing to a crime.

AC1.4.01.01 At the police station / If you are arrested, you will be taken to a police station, where you will be handed over to the custody officer (an officer of the rank of sergeant or above). You will be searched and then held in a cell. Your possessions will be looked after by the custody officer.

Being arrested: your rights - GOV.UK (www.gov.uk) <https://www.gov.uk/arrested-your-rights>

AC1.4.01.01 Finger prints, photographs and samples / The police have the right to take photographs of you, as well as fingerprints and a DNA sample. They don't need your permission to do this, and can use

reasonable force if necessary. The police need your permission and the authority of a senior police officer to take blood or urine samples (except when taking them in connection with drink or drug driving).

Being arrested: your rights: Giving fingerprints, photographs and samples - GOV.UK (www.gov.uk)
<https://www.gov.uk/arrested-your-rights/giving-fingerprints-photographs-and-samples>

AC1.4.01.01 How long can you be held without charge / Police can hold you in custody for up to 24 hours. After that, they have to either charge you with a crime or release you. Serious crimes can be held for 36 hours. After this, the police can detain you for a further 96 hours with the approval of a magistrate. If arrested for a terrorist offence, this can be extended to 14 days. Bail- they can temporarily release you on bail if there is not enough evidence to charge you. You will have to return to the station for questioning when asked to. There might be conditions around the bail.

Being arrested: your rights: How long you can be held in custody - GOV.UK (www.gov.uk)
<https://www.gov.uk/arrested-your-rights/how-long-you-can-be-held-in-custody>

AC1.4.01.01 Police Power of Arrest / Under section 24 of the Police and Criminal Evidence Act 1984, police may lawfully arrest you as a suspect without a warrant from a court if, You have been involved, attempted to be involved or are suspected of being involved in committing an offence; and The officer has reasonable grounds to for believing the arrest is necessary, The officer must tell you why you are being arrested, what you are being arrested for, and why the arrest is necessary.

Police powers of arrest: your rights - GOV.UK (www.gov.uk) <https://www.gov.uk/police-powers-of-arrest-your-rights>

AC1.4.01.01 Rights of Appeal / If you are convicted for an offence, you have certain rights of appeal. These depend on two factors: The type of court- magistrates or crown. Whether you are appealing against the conviction or the sentence. If you were tried in a magistrates court you can automatically appeal for your sentence and your conviction (if you pleaded not guilty). If you were tried in a Crown court, you have no automatic right to appeal (a judge decides whether to allow it)

AC1.4.01.01 Rights when being questioned / The police may question you about the crime you are suspected of and you have a number of rights in this situation. The rights to silence- You don't have to answer the police's questions, but this might harm you later on. Right to legal advice- You have the right to free legal advice, including the right to have a solicitor present during questioning. In serious cases, the police can make you wait for legal advice for up to 36 hours (48 for terrorism).

AC1.4.01.01 Stop and Account or Search / The police have certain powers to deal with suspects, including rights to stop and search and to arrest a person. **Stop and account:** a police officer has the right to ask you to account for your actions, your presence in a public place, and your possession of a particular item **Stop and search:** Police have 19 different powers of stop and search, e.g. for drugs, firearms and stolen goods, and to prevent acts of terrorism. Police also have certain powers to search vehicles and premises.

Police powers to stop and search: your rights - GOV.UK (www.gov.uk)
<https://www.gov.uk/police-powers-to-stop-and-search-your-rights>

AC1.4.02.01 Rights during the investigation / The police must give you updates and tell you when the suspect is arrested or charged, set free or released on bail, or given a caution. If the police drop the charge, they must also tell you. If you disagree then you can ask for a review. If the police give information to the media to help with their investigation, they will normally ask the victims permission first. In the cases of sexual assault or rape, it is against the law for anyone to publish the name, photo or anything that could identify the victim.

Investigating a crime - Victim and Witness Information
<https://www.victimandwitnessinformation.org.uk/what-happens-after-crime/investigating-crime/#:~:text=Your%20rights%20during%20a%20police%20investigation&text=be%20kept%20updated%20by%20the,not%20to%20prosecute%20a%20suspect>

AC1.4.02.01 Rights of vulnerable victims / You are also entitled to extra support if you are the victim of a serious crime (wounding, attempted murder, domestic abuse, sexual offences, kidnapping, hate crime, human trafficking or terrorism). Vulnerable victims are entitled to receive information more quickly, to be given specialist advice and –if a close relative- be assigned a Family Liaison Officer

AC1.4.02.01 Rights when reporting a crime / When you report a crime, the police must give you written confirmation, a crime reference number and contact details for the officer dealing with your case. They must also: Tell you what will happen next and how often they will update you. Assess what support you need and ask a victim support organization to contact you. Ask if you want to write a Victim Personal Statement about how the crime has affected you.

Give information | Crime stoppers (crimestoppers-uk.org) https://crimestoppers-uk.org/give-information/forms/give-information-anonymously?gclid=EAlaIqobChMIj5mVoufs8wIVj9PtCh3kfA8hEAYASAAAEgLYaPD_BwE

After a crime: your rights - GOV.UK (www.gov.uk) <https://www.gov.uk/your-rights-after-crime>

AC1.4.02.01 Victims' Rights / Victims of crime have rights in relation to criminal investigations and court processes. They are set out in the Code of Practice for Victims of Crime. These rights also apply to close relatives of someone who has died as a result of a crime.

<https://www.victimsupport.org.uk/going-court/your-rights-as-a-witness/>

<https://www.cps.gov.uk/victims-witnesses>

<https://www.youtube.com/watch?v=aUOc0Sa1WMM>

AC1.4.02.01 Victims rights in court proceedings / Rights relating to trials: CPS must tell you when and where the trial will be. If you have to give evidence, a Witness Care Officer will support you before and during the trial. If the defendant is convicted, you may be able to read your Victim Personal Statement to the court. After the trial, your Witness Care Officer must tell you the verdict within 24 hours, what sentencing the offender gets, if found guilty and if the offender appeals. You can claim compensation from the Criminal Injuries Compensation Authority if the crime was violent. You could meet the offender through a restorative justice scheme.

AC1.4.03.01 Witness Rights / The Witness Charter sets out standards of care for witnesses that should be provided by the police, the Crown Prosecution Service, court staff, the Witness Service and defence lawyers. These standards include the following: Witnesses will have a main point of contact throughout the process who will keep them informed of the progress of the case. Measures to ensure that the court is a safe environment and that prosecution and defence witnesses wait in separate areas. Information about the court process in advance of giving evidence so witnesses know what to expect. Prosecution witnesses will be informed of any appeal against conviction or sentence.

<https://www.victimsupport.org.uk/going-court/your-rights-as-a-witness/>

The Witness Charter: standards of care for witnesses in the criminal justice system - GOV.UK

(www.gov.uk) <https://www.gov.uk/government/publications/the-witness-charter-standards-of-care-for-witnesses-in-the-criminal-justice-system>

AC1.4.03.02 Vulnerable and intimidated witnesses / Intimidated witnesses include victims of sexual offence or human trafficking, witnesses to gun or knife crimes, and witnesses whose evidence is likely to be affected by fear or distress about testifying in court. Special measures for vulnerable and intimidated witnesses: Giving evidence from behind a screen or via live video link, or video recording their statement to be played in court later. Judges and Lawyers removing their wigs and gowns to create a less intimidating atmosphere. Help from a communications specialist for witnesses who have difficulty understanding questions in police interviews or in court.

AC2.1.01 The Charging Role / Advise the police in their investigations about lines of inquiry and about what evidence might be required to build a case. Independently assesses the evidence submitted by the police and decides whether to prosecute, and if so, what charges should be brought. In order to make their decision about whether to prosecute, the CPS applies tests that are laid down in the Code for Crown Prosecutors.

AC2.1.02 The Full Code Test / The evidential test Is there enough evidence to get a realistic conviction against a suspect? Is the evidence admissible? E.g could it be ruled out as hearsay? Is the evidence reliable? E.g are witnesses truthful? Is the evidence credible? (believable). **The public interest test** Is a prosecution in the public interest? Not all questions are relevant in every case, and the weight attached to each one differs.

AC2.1.03 The Threshold Test / In some cases, a suspect may still be charged even if the evidence requirements of the Full Code Test cannot be met. In these cases the Threshold test must be applied. 5 conditions, all of which must be met before a suspect can be charged: There must be reasonable grounds to believe the person has committed the offence. There must be reasonable grounds to believe further evidence can be obtained that will provide a realistic prospect of conviction. The crime is serious enough to justify charging the suspect immediately. There must be substantial grounds to object to bail – e.g. a suspect who is likely to interfere with witnesses. It must be in the public interest to charge the suspect

AC2.2.01 Offences / There are 3 types of criminal offence in terms of their seriousness and where they can be tried: **Indictable offence**- serious crimes such as murder, treason, rape, robbery and GBH. These must be tried in a crown court, although the first hearing will be in a magistrates court. **Summary**

offence- less serious cases such as many motoring offences and assaults without injury. These are usually tried in a magistrates' court. **Triable either way offences ('hybrid offences')**- theft, fraud, burglary, handling stolen goods, assault (ABH) and criminal damage. These can be tried in either a magistrates or a crown court.

Categories of Criminal Offences in the UK | Lawtons Solicitors (lawtonslaw.co.uk)

<https://www.lawtonslaw.co.uk/resources/categories-of-offences/>

AC2.2.02 Plea / Before a trial begins, the defendant will be read out the charge and asked to plead guilty or not guilty. **Guilty pleas**- magistrates hear evidence of aggravating and mitigating factors. They then pass sentence immediately or adjourn the case for reports before sentencing at a later date. If the offence is too serious, it will be sent to the Crown Court for sentencing. **For not guilty pleas**- magistrate must make a decision about reports, legal aid and bail before the trial can go ahead. **Plea Bargaining** This is an agreement between the prosecutor and defendant, where the defendant agrees to plead guilty in return for some concession from the prosecutor. This must be struck before the case goes to court. These are charge bargaining, count bargaining and sentence bargaining. **Critics** argue that unregulated plea bargaining can apply undue pressure to defendants and undermine their right to a fair trial.

Should I Plead Guilty or Not Guilty to an Allegation? - Slater Heelis

<https://www.slaterheelis.co.uk/crime-category/should-i-plead-guilty-or-not-guilty-to-an-allegation/>

Information for defendants – Sentencing (sentencingcouncil.org.uk)

<https://www.sentencingcouncil.org.uk/going-to-court/information-for-defendants/>

AC2.2.03 Legal Aid / Legal aid exists to enable individuals that would not be able to afford to pay for a lawyer, to have access to one

<https://www.gov.uk/legal-aid>

AC2.2.04 Bail / This is the temporary release of an accused person whilst they are awaiting trial. Everyone has the right to bail, 'innocent until proven guilty'. Two types of bail: **Unconditional bail**- the court imposes no conditions, except to attend court as required. **Conditional bail**- the court imposes conditions that the offender must agree to. E.g. report to a police station every day, not contact certain persons, abide by a curfew. If a court refuses bail or the defendant breaches conditions, they may be remanded in custody until their trial. The court may refuse bail.

Bail - Crown & Magistrates Courts (thelawpages.com) <https://www.thelawpages.com/legal-directory/bail-crown-magistrates-court.php>

AC2.2.05 Courts / The majority of cases are first heard in the **Magistrates court**, and over 95% of them are decided there. These are local courts that deal with the least serious offences- if they are serious then they must be passed to the crown court. Usually 3 magistrates who are lay-people (members of the local community without legal qualifications). They are assisted by a clerk of the court who is legally qualified. The magistrates decide if the accused is guilty or not-guilty, they can impose fines of up to £5,000 and/or 6 months in prison (this extends to £10,000 or 12 months if more than 1 offence). **Crown Court** sits in around 90 centres around the country and deals with: Indictable offences, e.g. murder, rape and robbery. Triable-either-way offences. Appeals from the magistrates court. Will include a **jury** who are 12 members of the public. Jury's role is to listen to all the evidence and to both arguments. They may examine physical evidence and take notes, ask questions. They retire to a jurors room to consider their verdict in secret. They are normally expected to produce a unanimous verdict, but the judge may accept a majority (10-2) verdict. **The Judge** ensures the trial is fair and protects the defendant's human rights. Advise the jury on points of law, court procedure and their duties. Acts as the referee between the defence and prosecution. Pass the sentence if the accused is found guilty. If there is a danger of jurors being bribed or intimidated, the Criminal Justice Act 2003 permits a judge to try a case without a jury

<https://www.gov.uk/courts>

AC2.2.06 Appeals / If you are convicted of an offence, your right to appeal depends on: The type of court that convicted you- Magistrates court or Crown court and whether your appeal is against your conviction or just your sentence. If you were convicted in a magistrates court, you have two automatic rights of appeal: Against your conviction (if you pleaded not guilty) and against your sentence. You must appeal within 21 days of being sentenced. Appeals against the **Crown Court** verdicts are handled by the **Court of Appeal** (Criminal Division). There is no automatic right of appeal- a judge will decide whether to allow it or not. You must seek leave to appeal within 28 days. The only ground for appeal is that the conviction was unsafe. Appeals to the **Supreme Court** which is the highest court in the legal system.

Leave is required to appeal- there is no automatic right. Normally only hears cases where a point of law of general public importance is at stake

The Court of Appeal | Courts and Tribunals Judiciary <https://www.judiciary.uk/you-and-the-judiciary/going-to-court/court-of-appeal-home/>

AC2.3.01 Relevance and Admissibility / How true is the evidence: Credible- does the court believe that the witness was telling the truth? If so, were there any other prevailing conditions that may have made it impossible for the witness to see clearly. Authentic- a document presented in evidence may be forged. Accurate- is the evidence of an expert in fact supported by the rest of the scientific community? E.g. Professor Sir Roy Meadow and his cot death statistics. **Relevance:** The law makes a distinction between two types of fact in a trial: Facts in issue- the matters in which are in dispute in a case and which the court have to decide about. E.g. DID David beat Jack with a club? Relevant facts- facts that are needed in order to prove or disprove the facts in issue. E.g. the presence of David's fingerprints and Jack's blood on the club. **Admissibility of Evidence:** Not all evidence may be admissible in court. There are several types of evidence that may not be allowed by the judge or magistrates: **Illegally obtained evidence-** this is obtained by breaking the law or violating a person's human rights. This would include evidence obtained in an illegal search conducted without a warrant, and using torture or degrading treatments to obtain a confession. **Improperly obtained evidence-** includes the use of entrapment (deception). For example, in the case of Colin Stagg. Can also apply in 'sting' operations where an undercover officer poses as a criminal. **The right to remain silent:** The accused doesn't have to prove their innocence and so in theory doesn't have to provide any evidence. However, the Criminal Justice and Public Order Act 1994 allows the jury to draw inferences about a defendant's guilt if they remain silent in the following circumstances: **Failure to answer police questions-** when questioned under caution, failure to answer can be used as evidence to infer the defendant's guilt. So too can failing to account for a particular object or their presence in a particular place. **Failure to testify in court-** may be used to infer the defendant's guilt, unless they can give a reason for not doing so that the jury finds acceptable. **Evidence of bad character** The Criminal Justice Act 2003 defines bad character as 'evidence of or disposition towards misconduct'. Misconduct includes previous convictions and cautions as well as things such as racism, bullying and bad disciplinary record at work. Bad character evidence is only admitted under certain circumstances, such as when it shows that the defendant has a tendency to lie. Character evidence cannot be used in relation to non-defendants (such as victims, police officers, witnesses). Feminists have criticized the tendency in rape cases for defence lawyers to introduce evidence about the victim's sexual history

Key rules of evidence - Court Stage - Enforcement Guide (England & Wales) (hse.gov.uk)

<https://www.hse.gov.uk/enforce/enforcementguide/court/rules-key.htm#:~:text=Evidence%20is%20relevant%20if%20it,and%20has%20been%20properly%20obtained.&text=This%20would%20be%20irrelevant%20and%20inadmissible.>

William Roache acquittal: inconsistent testimonies damaged prosecution | UK news | The Guardian <https://www.theguardian.com/uk-news/2014/feb/06/william-roache-acquittal-inconsistent-testimonies>

AC2.3.02 Disclosure of Evidence / The Prosecutions Duty of Disclosure The prosecution has a duty to: Notify the accused of all the evidence they intend to rely on. Make available to the defence any unused material relevant to the case that they do not intend to present in court. Unused materials include anything that might undermine the prosecution's own case or assist the defence's case. **Prosecution:** The number of cases where charges were dropped due to the prosecution's failure to disclose has increased in recent years. E.g. Liam Allen in 2017, his rape trial was halted when a computer disk emerged with evidence that the victim had pestered him for casual sex. The police had not disclosed this disk to the defence. Sometimes it is within the public interest for certain materials not to be disclosed. For example, the identity of an undercover police officer. **Defence:** The defence must also disclose certain information. Including the nature of defence they intend to offer. They do not have to disclose unused material

Disclosure | The Crown Prosecution Service (cps.gov.uk) <https://www.cps.gov.uk/about-cps/disclosure>

AC2.3.03 Hearsay Rule and Exceptions / A statement that has been made by someone out of court to a witness who is appearing in court, and which the witness wishes to rely on as evidence of a fact. E.g. Joan is a witness in a murder trial. She testifies that Colin told her he had seen the defendant shoot the victim. This is second hand evidence. **Exceptions:** Where all parties agree to it (prosecution, defence and judge). Where the judge rules that it is in the interests of justice. Where common law permits it, e.g. in

the case if publicly available information, reputation or expert advice. Where a witness is absent abroad, dead, unfit to testify due to fear or to their bodily or mental condition, or has disappeared

Rule against hearsay - Court Stage - Enforcement Guide (England & Wales) (hse.gov.uk)

<https://www.hse.gov.uk/enforce/enforcementguide/court/hearsay-rule.htm#:~:text=%27%20Reliance%20on%20a%20statement%20made,a%20fact%20asserted%20remains%20hearsay.&text=The%20general%20rule%20is%20that,truth%20of%20the%20facts%20stated.>

AC2.4.01 Barristers and Legal Teams / Barristers and solicitors are both qualified lawyers. Work in higher level courts where they act as advocates speaking on behalf of clients (either the defence or the prosecution). Barristers will often be briefed on the case by a solicitor, who will prepare relevant papers and gather evidence for the barrister to use in court. The quality of the barristers can affect outcome of the case- a more eloquent, persuasive or charismatic barrister might sway a jury's decision.

Trials and tribulations: my life as a criminal barrister | Barristers | The Guardian

<https://www.theguardian.com/news/2018/jun/26/trials-and-tribulations-my-life-as-a-criminal-barrister>

AC2.4.01 Evidence / Before the case can even go to court, the police must provide enough evidence to the CPS

AC2.4.01 Experts / Expert witnesses are people with specialist knowledge that ordinary members of the public do not have. In complex cases that rely heavily on technical evidence, the testimony given by expert witnesses can be crucial in determining the outcome of the case. Jurors, who have little specialist knowledge, rely heavily on expert witnesses. A danger is assuming that the expert is always right, or misinterpreting what they say- this can lead to miscarriages of justice like in the case of Sally Clark

<https://www.cps.gov.uk/legal-guidance/expert-evidence>

Sally Clark - Wikipedia https://en.wikipedia.org/wiki/Sally_Clark

AC2.4.01 Judiciary / Affecting the Verdict The judge is an expert in the law and in legal procedure. In a trial, the judge has several key powers and responsibilities: To clarify the law for the jury and direct them on how it is to be applied in the case they are trying. To rule on the admissibility of evidence and on whether the line of questioning taken by the prosecution or defence is permissible. To sum up the main issues and evidence in the case for the jury before they retire to consider their verdict. The judge also has the power to dismiss a case, order a re-trial or even direct the jury to bring in a particular verdict. They jury does not have to follow their direction. **Juryless Trial** Under the Criminal Justice Act 2003, a judge may sit without a Jury: Where there is a risk of jury tampering. In complex fraud cases, in which a jury might have difficulty understanding, or in attending court for months on end. **Judicial bias.** Bias may arise for several reasons: Class background- judges come mainly from the higher social classes. In 2019, 65% of senior judges were privately educated, and 75% had attended Cambridge or Oxford. Gender- 65% of judges are male. They may lack sympathy in cases like rape. Carol Smart quotes one male judge as saying 'women who say no do not always mean no. If she doesn't want it she only has to keep her legs shut'

stafford-biases-in-decision-making-winter-2017.pdf (judiciary.uk) <https://www.judiciary.uk/wp-content/uploads/2018/02/stafford-biases-in-decision-making-winter-2017.pdf>

AC2.4.01 Politics / Laws have two main sources: Common law- comes from precedent, in which courts follow rulings made by judges in previous cases. Statute law- made by Parliament passing Acts or statutes. The government proposes legislation, which Parliament then debate and sometimes amend. Parliament can therefore affect the criminal law and the outcome of cases in three ways: **Creating new offences**- for example, following a media-inspired moral panic, Parliament passed the Dangerous Dogs Act 1991, outlawing certain dog breeds. **Abolishing existing offences**-parliament can repeal or amend existing laws that previously made something a crime. **Changing the penalties**- for example, parliament abolished the death penalty for murder in 1965. **Public Interest Immunity Certificates** Another way in which politics may influence the outcome of criminal cases is through public-interest immunity (PII) certificates. These can be issued by the government minister to prevent sensitive evidence such as official secrets being revealed in court

Dangerous Dogs Act 1991 (legislation.gov.uk)

<https://www.legislation.gov.uk/ukpga/1991/65/contents>

Public-interest immunity - Wikipedia [https://en.wikipedia.org/wiki/Public-interest_immunity#:~:text=Public%2Dinterest%20immunity%20\(PII\),damaging%20to%20the%20public%20interest.](https://en.wikipedia.org/wiki/Public-interest_immunity#:~:text=Public%2Dinterest%20immunity%20(PII),damaging%20to%20the%20public%20interest.)

AC2.4.01 The Media / Moral panic- this can affect sentencing and law creation. For example, the London 2011 riots and the Dangerous Dogs Act 1991. Trial by media- High profile cases attract a great deal of media interest. This may make a fair trial impossible. Cheryl Thomas found that 1/5th of jurors serving on a high-profile case said they found it difficult to disregard pre-trial media coverage of the case.

Influence of Trial by Media on the Criminal Justice System in India (waldenu.edu)

<https://scholarworks.waldenu.edu/cgi/viewcontent.cgi?article=8084&context=dissertations>

How "Trial by Media" Can Undermine the Courtroom | Psychology Today United Kingdom

<https://www.psychologytoday.com/gb/blog/media-spotlight/201808/how-trial-media-can-undermine-the-courtroom>

AC2.4.01 Witnesses / Both parties are entitled to call witnesses to give evidence. This would normally have to be done in court, with two exceptions: Where witness evidence is agreed by both parties, it can be given in the form of a written statement. Vulnerable or intimidated witnesses may be allowed to give their evidence by a live video link or video recording rather than attending court. Or behind a screen in court to protect their identity. Can be called from both sides to give evidence, they are then usually cross-examined by the alternative side. The jurors or magistrates may give whatever weight to they chose to a witness. This might be determined by the quality of the evidence. For example, if a witness has shown to have lied or if their evidence seems inconsistent. **Stereotyping** Racial prejudices or gender stereotypes held by jurors may influence how willing they are to believe a witness's testimony. Kaufmann et al found that jurors judgement of how credible they found a rape victims testimony depended strongly on the emotions the victim showed when giving their evidence, and not the content. Brodsky found that jurors' view of the witness' knowledge, likeability, trustworthiness and confidence were key factors on choosing to decide whether to believe their evidence. **Eyewitnesses** Juries are often ready to believe an eye-witness, yet their evidence is not always accurate. Innocence project found that in over 70% of 352 wrongful convictions that were later overturned on the basis of DNA evidence, EWT misidentification helped to convict an innocent person.

What Do We Know About Rape Myths and Juror Decision Making - Scottish Jury Research

Working Paper 1 (gla.ac.uk) https://www.gla.ac.uk/media/Media_704445_smx.pdf

Juror Perceptions of Women as Expert Witnesses: Suggestions for the Effects of Testimony Complexity, Gender-Intrusive Questioning, and Perceived Credibility (thejuryexpert.com)

<https://www.thejuryexpert.com/2016/04/juror-perceptions-of-women-as-expert-witnesses-suggestions-for-the-effects-of-testimony-complexity-gender-intrusive-questioning-and-perceived-credibility/>

AC2.5.01 Juries / In most Crown Court trials, the verdict is normally decided by a jury of 12 laypeople. They hear the evidence and arguments put forward by the prosecution and defence. They then retire from the courtroom and decide whether they find the defendant guilty, not guilty or guilty of a less serious crime. If guilty- they must be convinced beyond reasonable doubt. The jury's decision is taken in secret and it is a criminal offence for anyone to question jurors about their verdict or how they reach it. Jurors cannot disclose their deliberations.

AC2.5.01 Lay Magistrates / Unpaid, part-time volunteers who are members of their local community. Receive training, but they are not legally qualified- but assisted by a legally qualified clerk who advises them on law and procedure. **Strengths.** Democracy- allows local citizens to become involved, Local knowledge- Magistrates serve in their local court and have knowledge of the local area which they can apply to cases and reflect local needs and priorities, Representative of the population- in 2019, 13% were from Black, Asian or minority ethnic backgrounds (the figure for the population is 14%), 56% were women, Limited number of appeals-Only around 5,000 of the 1.5 million cases they deal with goes to appeal. Most are against the sentence, not the verdict, Cost- as they are volunteers, they are an economical way of giving justice. One estimate suggests that if paid professional judges had to be used, it would cost about £100m per year. **Weaknesses.** Unrepresentative of the population- in terms of age and social class. Only 1% are under 30 and the majority of them come from middle-class professional and managerial backgrounds. Inconsistency in sentencing- trained to follow official Sentencing Guidelines, despite this consistency doesn't always happen. E.g. in 2010, Bristol magistrates handed out custodial sentences 11.1% of the time, compared to Coventry which was 6.8%. Bias- Convict in 90% of all cases, critics have argued this is because they are case hardened and bias in favour of believing the police and prosecution. Over-use of short prison sentences- short sentences are costly and ineffective at rehabilitation

Lay Magistrates - Advantages and Disadvantages - Advantages and disadvantages table in A Level and IB Law (getrevising.co.uk)

https://getrevising.co.uk/grids/lay_magistrates_advantages_and_disadvantages

AC3.1.01 Evidence / Before the evidence can be used in court, the CPS requires the evidence to be: Admissible, Reliable, Credible. This indicates that it may be valid, but it is not guaranteed. The defence can demonstrate inconsistencies or shortcomings during cross-examination. Many convictions from **Eye-witness testimony** have been overturned when more accurate and reliable evidence has come to light, such as DNA. Research by Psychologists such as Loftus et al shows that witnesses memory and the evidence they give can be affected by many factors, such as: Time when the event took place, Whether they discussed what they saw, How long ago they witnessed it, The way questions about the event are put to them in court. Jurors may find that an **experts** opinion is especially credible and give it great weight when reaching a verdict. If an expert is biased or incompetent, this can undermine the validity of the information. E.g. **Roy Meadow** who falsely gave information that there was a 1 in 73 million of 2 children in the same household dying from SIDS. This led to Sally Clark being found guilty of murder

Key rules of evidence - Court Stage - Enforcement Guide (England & Wales) (hse.gov.uk)

<https://www.hse.gov.uk/enforce/enforcementguide/court/rules->

[key.htm#:~:text=Evidence%20is%20relevant%20if%20it,and%20has%20been%20properly%20obtained.](https://www.hse.gov.uk/enforce/enforcementguide/court/rules-key.htm#:~:text=Evidence%20is%20relevant%20if%20it,and%20has%20been%20properly%20obtained.)

AC3.1.02 Trial Transcripts / A complete and exact written record of every word spoken in court by the judge, lawyers, witnesses and defendant. Anyone can apply for a transcript of a court hearing, however, the court can refuse to provide one. For example, if the hearing was confidential.

Transcript (law) - Wikipedia [https://en.wikipedia.org/wiki/Transcript_\(law\)](https://en.wikipedia.org/wiki/Transcript_(law))

AC3.1.03 Media Reports / Can be used for: Evidence that can be used in an appeal. E.g. a defendant might show irregularities in the proceedings or a biased summing up by the judge. Parole boards use them to consider a prisoners application to be released on parole. Recognised as highly valid sources of information. They are simply the words spoken in court as they were spoken. Therefore, there is no need for someone to remember the words. Although the recording system is highly reliable, there is always the small risk of malfunctioning. For example, the noise of the court room interrupting. Newspapers tend to support one party or another. For example, the sun tends to be very right-wing and support conservatives whereas the mirror is left-wing and supports labour. Radio & TV have a duty to provide a balanced coverage of political issues. For example, the BBC is required to treat controversial subjects with 'due impartiality' rather than taking sides. These differences mean that coverage of crime and justice issues varies from one media source to another. For example, Right-wing papers tend to favour tougher laws and more prison sentences to tackle crime. This can affect the validity of their coverage, with a one-sided approach that selects information supporting this view. **Moral Panics**. The media attracts an audience by providing a sensationalized coverage. For example: London Riots, Dangerous Dogs, Mods & Rockers. This leads to a picture being painted that is not valid or accurate. Tabloids often portray suspects in police investigations in a negative light. This can be based off of what the offender looks and acts like. E.g. Sexually deviant & a creepy loner. These are often reinforced with old and unflattering photos. E.g. **Christopher Jefferies**. Racial stereotyping- Hall et al describe how the media in the 1970s portrayed 'mugging' as a black youth problem

Moral panic - Wikipedia

https://en.wikipedia.org/wiki/Moral_panic#:~:text=A%20moral%20panic%20is%20a,of%20a%20community%20or%20society.

Christopher Jefferies: What happened to the man falsely vilified over Joanna Yeates' death played by Jason Watkins in ITV drama (inews.co.uk) <https://inews.co.uk/culture/television/christopher-jefferes-now-joanna-yeates-murder-what-happened-jason-watkins-lost-honour-itv-581069>

AC3.1.04 Judgements / Judgements made by courts are not always valid. This can be due to several reasons, such as unintentional bias and unconscious stereotyping and incorrect rulings by judges and coroners. Unbiased judgements is essential if defendants are to receive a fair trial, but research shows that **unconscious biases** can influence the judgement of jurors. **Race**- Plant and Peruche found that in a video-game simulation, US police officers were more likely to shoot unarmed Black suspects than unarmed White ones. Other studies have shown trial judges and death penalty lawyers have biases against Black people. **Gender**- Ellison & Munro found that in simulations of rape trials, jurors used victims lack of signs of physical injury or emotional response, and their delays in reporting the attack as reasons for bringing a not guilty verdict. When a sudden death occurs due to the actions of public organisations such as the police, they receive state-funded legal representation at the inquest. By

contrast the bereaved families have no automatic entitlement- making it hard for them to challenge the verdict if they feel that they are unfair. **E.g. Hillsborough** On 15th April 1989, 96 Liverpool fans died and 766 were injured. The crush occurred after the police march commander, Chief Superintendent David Duckenfield ordered an exit gate to be opened. This led to a surge of supporters to enter the stadium. In the weeks that followed- the police fed false stories to the media blaming hooliganism and drunken football fans. The family of **Mark Duggan** sought to overturn the inquest verdict of lawful killing. The police officer believed that Duggan was armed with a handgun. The coroner misdirected the jury that they should only return a lawful killing verdict if they thought the officer honestly believed that he was in danger. The coroner should have also added that the officers belief should have been based on reasonable grounds.

The Consequences of Race for Police Officers' Responses to Criminal Suspect

<https://www.psychologicalscience.org/pdf/ps/racialbias.pdf>

South Yorkshire Police Conspired to Cover-up Hillsborough (businessinsider.com)

<https://www.businessinsider.com/south-yorkshire-police-conspired-to-cover-up-hillsborough-2017-6?r=US&IR=T>

Mark Duggan family to sue Met Police over death - BBC News <https://www.bbc.co.uk/news/uk-england-london-47671007>

AC3.1.05 Law Reports / Reports of decisions made by courts. They are published on a regular basis- many of them weekly. Their purpose is to inform lawyers and judges about important judgements in the courts and to prevent two courts reaching differing decisions on identical facts. Principle of precedent- only about 2% of cases are reported in law reports. These are the cases that set a precedent (law down a new principle of law). This allows more consistency and fairness between similar cases. Official law reports can be seen as valid, authoritative sources of information on the law: **Accuracy**- accurate accounts of cases, with an exact transcript of the judgement, and with key details of important cases written up in a standard format. **Currency**- Up to date as reported on a weekly basis. **Bias**- objective, unbiased reports. **Opinion**- contain the opinions of the court, since this is essential for other courts to understand the reasons for judgement. They do not contain the opinions of the person who write the report

What is a Law Report? - ICLR <https://www.iclr.co.uk/blog/archive/what-is-a-law-report/>

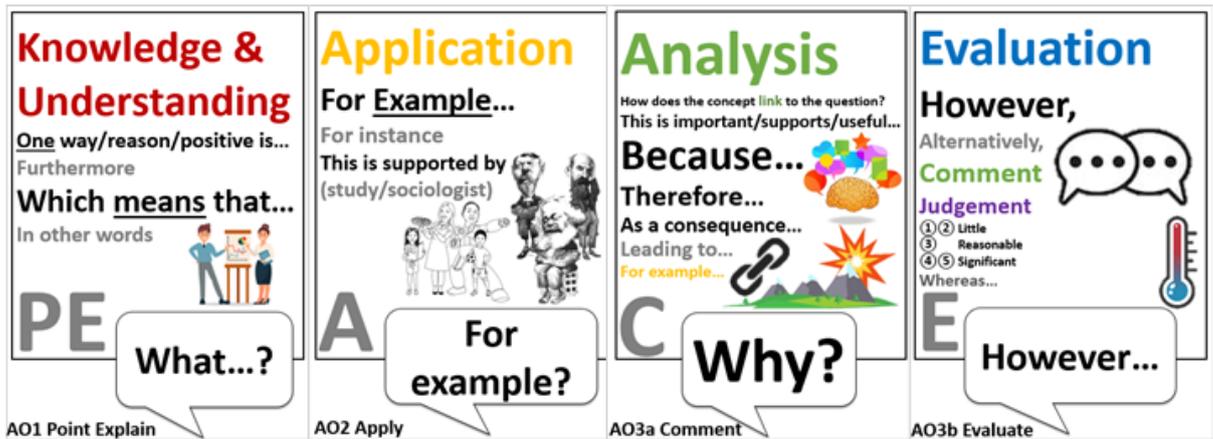
AC3.2.01 Just Sentencing / An important part of a fair justice system is those who are found guilty of a crime receive an appropriate sentence. When judges and magistrates sentence an offender, they are guided by two factors: The law- laying down the possible sentences that can be given for a particular offence. The sentencing guidelines- where within the law the offenders sentence should sit. E.g. was the crime pre-planned, harm to victim, previous convictions, age or maturity, pleaded guilty or not.

AC3.2.01 Just Verdicts / A just verdict is one that is deserved, lawful and proper. It is a verdict that does justice to the facts of the case, finding the guilty, guilty and the innocent not guilty. The jury does not always produce verdicts that are just. For example, the double jeopardy rule, Stephen Lawrence. **Double Jeopardy**. This stopped prosecutors repeatedly prosecuting someone until they were found guilty. Certain cases, it becomes clear that a not guilty verdict was unjust- this can happen due to the offender admitting that they had done it, or new evidence coming to light. Examples- Billy Dunlop & Stephen Lawrence. **Jury equity or jury nullification** Sometimes the law seems unjust- therefore the jury deliberately reject the evidence and decide to acquit the defendant. Juries sometimes do this when they believe the existing law or the punishment is unfair. If juries consistently refuse to convict defendants for particular crimes, this sends a signal to the law makers that the law needs changing. **Famous cases of jury equity**. Capital punishment- in 19th century England, the theft of items worth more than 40 shillings carried the death sentence. Juries were often unwilling to condemn petty thieves to death. They therefore brought about not guilty verdicts. Runaway slaves- 1850s USA, juries in the Northern states protested the Fugitive Slaves Act by acquitting defendants. Some of these cases lead to just verdicts, but can also produce the opposite result. For example, in the US there have been cases of all white juries refusing to convict members of the Ku Klux Klan.

AC3.2.02 Unsafe Verdicts and Miscarriage of Justice / This is where the innocence of the appellant (the person making the appeal), is proven. This is usually down to new evidence. If the court of appeal decides that a conviction is a miscarriage of justice, then there will not normally be a need for a re-trial. **Unsafe Convictions**. Miscarriages of justice are one type of unsafe verdict, however, wrongful convictions can also occur where it is not clear whether the accused was innocent or guilty. In these cases, the conviction is usually overturned because there was something wrong with the trial process. This led to the accused not receiving a fair trial and so we cannot be sure beyond reasonable doubt.

Defects in the trial procedure: Judge misdirecting the jury, Judge making mistakes in their legal rulings, such as wrongly excluding or including evidence, Failure to call relevant witnesses or evidence, Jury irregularities (tampering, researching the case on the internet). EG **Birmingham Six**. 21st November 1974- two pubs were bombed with the loss of 21 lives. 6 men were arrested, deprived of food and sleep, interrogated for up to 12 hours, threatened and beaten and subjected to a mock execution. 4 of 6 of them men signed confessions.

The Exam Practice



[Exam]

AQ1.1.01.1 Describe the role of police officers and detectives in criminal investigations

PE

AQ1.1.01.2 Outline examples of cases that demonstrate the effectiveness of police officers

A

AQ1.1.01.3 Assess the effectiveness of police officers in relation with regards to funding/cost/availability and training/recruitment/expertise

C

AQ1.1.01.4 Evaluate the advantages and limitations of police officers in criminal investigations

E

AQ1.1.01.5 Evaluate the effectiveness of the role of police officers in criminal investigations.

An example of a personnel involved within a criminal investigation is the ... who...

With regards to funding/cost/availability...

With regards to training/recruitment/expertise...

There are many advantages of using the ... within criminal investigations, an example being...

Another example is... etc

However, an example of a limitation would be... Another example is... etc

An example of a case that shows... being a limitation is...

Overall...

AQ1.1.02.1 Describe the role of crime scene officers in criminal investigations

PE

AQ1.1.02.2 Outline examples of cases that demonstrate the effectiveness of crime scene investigators

A

AQ1.1.02.3 Assess the effectiveness of crime scene investigators in relation with regards to funding/cost/availability and training/recruitment/expertise

C

AQ1.1.02.4 Evaluate the advantages and limitations of crime scene investigators in criminal investigations

E

AQ1.1.02.5 Evaluate the effectiveness of the role of crime scene investigators in criminal investigations.

An example of a personnel involved within a criminal investigation is the ... who...

With regards to funding/cost/availability...

With regards to training/recruitment/expertise...

There are many advantages of using the ... within criminal investigations, an example being...

Another example is... etc

However, an example of a limitation would be... Another example is... etc
An example of a case that shows... being a limitation is...
Overall...

AQ1.1.03.1 Describe the role of forensic scientists in criminal investigations

PE

AQ1.1.03.2 Outline examples of cases that demonstrate the effectiveness of forensic scientists

A

AQ1.1.03.3 Assess the effectiveness of forensic scientists in relation with regards to funding/cost/availability and training/recruitment/expertise

C

AQ1.1.03.4 Evaluate the advantages and limitations of forensic scientists in criminal investigations

E

AQ1.1.03.5 Evaluate the effectiveness of the role of forensic scientists in criminal investigations.

An example of a personnel involved within a criminal investigation is the ... who...

With regards to funding/cost/availability...

With regards to training/recruitment/expertise...

There are many advantages of using the ... within criminal investigations, an example being...

Another example is... etc

However, an example of a limitation would be... Another example is... etc

An example of a case that shows... being a limitation is...

Overall...

AQ1.1.04.1 Describe the role of the pathologist in criminal investigations

PE

AQ1.1.04.2 Outline examples of cases that demonstrate the effectiveness of the pathologist

A

AQ1.1.04.3 Assess the effectiveness of the pathologist in relation with regards to funding/cost/availability and training/recruitment/expertise

C

AQ1.1.04.4 Evaluate the advantages and limitations of the pathologist in criminal investigations

E

AQ1.1.04.5 Evaluate the effectiveness of the role of the pathologist in criminal investigations.

An example of a personnel involved within a criminal investigation is the ... who...

With regards to funding/cost/availability...

With regards to training/recruitment/expertise...

There are many advantages of using the ... within criminal investigations, an example being...

Another example is... etc

However, an example of a limitation would be... Another example is... etc

An example of a case that shows... being a limitation is...

Overall...

AQ1.1.05.1 Describe the role of the Crown Prosecution Service in criminal investigations

PE

AQ1.1.05.2 Outline examples of cases that demonstrate the effectiveness of the Crown Prosecution Service

A

AQ1.1.05.3 Assess the effectiveness of the Crown Prosecution Service in relation with regards to funding/cost/availability and training/recruitment/expertise

C

AQ1.1.05.4 Evaluate the advantages and limitations of the Crown Prosecution Service in criminal investigations

E

AQ1.1.05.5 Evaluate the effectiveness of the role of the Crown Prosecution Service in criminal investigations.

An example of a personnel involved within a criminal investigation is the ... who...

With regards to funding/cost/availability...

With regards to training/recruitment/expertise...

There are many advantages of using the ... within criminal investigations, an example being...

Another example is... etc

However, an example of a limitation would be... Another example is... etc
An example of a case that shows... being a limitation is...
Overall...

AQ1.2.01.1 Describe the use of forensic techniques in criminal investigations

PE: An example of an investigative technique involved within a criminal investigation is ... which means...

AQ1.2.01.2 Outline examples of when forensic techniques are used in a range of situations and types of crime

A: An example of a case in which this was used is.... where...

AQ1.2.01.3 Explain how and why forensic techniques are used in criminal investigations

C: A situation in which it is used would be... because... and a type of crime would be... because...

AQ1.2.01.4 Assess the usefulness of forensic techniques in criminal investigations

E: There are many advantages of using ... within criminal investigations, an example being...
However, an example of a limitation would be...

AQ1.2.01.5 Evaluate the usefulness of forensic techniques in criminal investigations.

An example of an investigative technique involved within a criminal investigation is ... which means...

An example of a case in which this was used is.... where...

A situation in which it is used would be... and a type of crime would be...

There are many advantages of using ... within criminal investigations, an example being...

However, an example of a limitation would be...

AQ1.2.02.1 Describe the use of surveillance techniques in criminal investigations

PE

AQ1.2.02.2 Outline examples of when surveillance techniques are used in a range of situations and types of crime

A

AQ1.2.02.3 Explain how and why surveillance techniques are used in criminal investigations

C

AQ1.2.02.4 Assess the usefulness of surveillance techniques in criminal investigations

E

AQ1.2.02.5 Evaluate the usefulness of surveillance techniques in criminal investigations.

An example of an investigative technique involved within a criminal investigation is ... which means...

An example of a case in which this was used is.... where...

There are many advantages of using ... within criminal investigations, an example being...

However, an example of a limitation would be...

A situation in which it is used would be... and a type of crime would be...

AQ1.2.03.1 Describe the use of profiling techniques in criminal investigations

PE

AQ1.2.03.2 Outline examples of when profiling techniques are used in a range of situations and types of crime

A

AQ1.2.03.3 Explain how and why profiling techniques are used in criminal investigations

C

AQ1.2.03.4 Assess the usefulness of profiling techniques in criminal investigations

E

AQ1.2.03.5 Evaluate the usefulness of profiling techniques in criminal investigations.

An example of an investigative technique involved within a criminal investigation is ... which means...

An example of a case in which this was used is.... where...

There are many advantages of using ... within criminal investigations, an example being...

However, an example of a limitation would be...

A situation in which it is used would be... and a type of crime would be...

AQ1.2.04.1 Describe the use of intelligence databases in criminal investigations

PE

AQ1.2.04.2 Outline examples of when intelligence databases are used in a range of situations and types of crime

A

AQ1.2.04.3 Explain how and why intelligence databases are used in criminal investigations

C

AQ1.2.04.4 Assess the usefulness of intelligence databases in criminal investigations

E

AQ1.2.04.5 Evaluate the usefulness of intelligence databases in criminal investigations.

An example of an investigative technique involved within a criminal investigation is ... which means...

An example of a case in which this was used is.... where...

There are many advantages of using ... within criminal investigations, an example being...

However, an example of a limitation would be...

A situation in which it is used would be... and a type of crime would be...

AQ1.2.05.1 Describe the use of interviews in criminal investigations

PE

AQ1.2.05.2 Outline examples of when interviews are used in a range of situations and types of crime

A

AQ1.2.05.3 Explain how and why interviews are used in criminal investigations

C

AQ1.2.05.4 Assess the usefulness of interviews in criminal investigations

E

AQ1.2.05.5 Evaluate the usefulness of interviews in criminal investigations.

An example of an investigative technique involved within a criminal investigation is ... which means...

An example of a case in which this was used is.... where...

There are many advantages of using ... within criminal investigations, an example being...

However, an example of a limitation would be...

A situation in which it is used would be... and a type of crime would be...

AQ1.3.01.1 Describe what physical evidence is in criminal investigations

PE

AQ1.3.01.2 Outline examples of how physical evidence is processed

A

AQ1.3.01.3 Explain how and why physical evidence is processed

C

AQ1.3.01.4 Assess the role of physical evidence in criminal investigations

E

AQ1.3.01.5 Explain how physical evidence is processed including collection, transfer, storage, analysis and the personnel involved.

An example of evidence is ... which means...

This is processed...

AQ1.3.02.1 Describe what physical evidence is in criminal investigations

PE

AQ1.3.02.2 Outline examples of how physical evidence is processed

A

AQ1.3.02.3 Explain how and why physical evidence is processed

C

AQ1.3.02.4 Assess the role of physical evidence in criminal investigations

E

AQ1.3.02.5 Explain how testimonial evidence is processed including collection, analysis and the personnel involved.

An example of evidence is ... which means...

This is collected...

This is transferred...

It is stored... etc

AQ1.4.01.1 Describe what a suspect is

PE

AQ1.4.01.2 Outline examples that highlight suspects rights

A

AQ1.4.01.3 Examine the rights of suspects from investigation through to appeal

C

AQ1.4.01.4 Evaluate the ethical considerations of suspects rights

E

AQ1.4.01.5 Examine the rights of suspects in criminal investigations.

One individual in a criminal investigation is... which means...

Their rights include...

AQ1.4.02.1 Describe what a victim is

PE

AQ1.4.02.2 Outline examples that highlight victims' rights

A

AQ1.4.02.3 Examine the rights of victims' from investigation through to appeal

C

AQ1.4.02.4 Evaluate the ethical considerations of victims' rights

E

AQ1.4.02.5 Examine the rights of victims in criminal investigations.

One individual in a criminal investigation is... which means...

Their rights include...

AQ1.4.03.1 Describe what a witness is

PE

AQ1.4.03.2 Outline examples that highlight witnesses rights

A

AQ1.4.03.3 Examine the rights of witnesses from investigation through to appeal

C

AQ1.4.03.4 Evaluate the ethical considerations of witnesses' rights

E

AQ1.4.03.5 Examine the rights of witnesses in criminal investigations.

One individual in a criminal investigation is... which means...

Their rights include...

AQ2.1.01 Explain the requirement of the Crown Prosecution Service (CPS) for prosecuting suspects

AQ2.2.01 Describe the trial process [4] (pre-trial)

Mark band 1 (1-2 marks)	Mark band 2 (3-4 marks)
A simple/basic description of trial processes and/or personnel involved. May only be a list	Describe in some detail the stages of the trial process, including personnel involved.

AQ2.2.02 Describe the trial process [4] (courts)

Mark band 1 (1-2 marks)	Mark band 2 (3-4 marks)
A simple/basic description of trial processes and/or personnel involved. May only be a list	Describe in some detail the stages of the trial process, including personnel involved.

AQ2.3.01 Explain the rules of evidence during a trial

AQ2.4.01 Assess key influences affecting the outcomes of criminal cases

AQ2.4.01 Discuss the use of lay people in criminal cases

Mark band 1 (1-3 marks)	Mark band 2 (4-6 marks)
A basic/simple description of juries and magistrates	The uses of lay people are discussed fully in relation to their strengths and weaknesses in criminal cases

AQ3.1.01 Do you believe Gareth Hughes' case was a safe verdict?

Mark band 1 (1-5 marks)	Mark band 2 (6-10 marks)	Mark band 3 (11-15 marks)
Limited information sources are described (listed at the	A range of information sources are examined and reviewed in	Detailed examination of a relevant range of

lower end). At the top end, some information sources are discussed in relation to validity	terms of their validity. At the bottom end, the range of information sources and/or the review will be limited	information sources (including reference to the brief). There is a clear review of their suitability in terms of validity.
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AQ3.1.01 Examine Information for Validity

Mark band 1 (1-5 marks)	Mark band 2 (6-10 marks)	Mark band 3 (11-15 marks)
Limited information sources are described (listed at the lower end). At the top end, some information sources are discussed in relation to validity	A range of information sources are examined and reviewed in terms of their validity. At the bottom end, the range of information sources and/or the review will be limited	Detailed examination of a relevant range of information sources (including reference to the brief). There is a clear review of their suitability in terms of validity.

The Revision Tools

- AC1.1.01.01 ®Commandagons / Police Officers
- AC1.1.02.01 ®Commandagons / Pathologist
- AC1.1.02.01 ®Commandagons / Police Officers
- AC1.1.02.01 ®Double Bubble / Police Officer vs. Crime Scene Investigator
- AC1.1.03.01 ®Commandagons / Forensic Scientist
- AC1.1.04.01 ®Double Bubble / Forensic Scientist vs. Pathologist
- AC1.1.05.01 ®Double Bubble / Police Officer vs. Crown Prosecution Service
- AC1.1.05.02 ®Commandagons / Crown Prosecution Service
- AC1.1.05.03 ®Conceptagons / Police Officer, Crime Scene Investigator, Forensic Scientist, Pathologist, Crown Prosecution Service
- AC1.2.01.01 ®Commandagons / Forensic Techniques
- AC1.2.01.01 ®Commandagons / Forensic Techniques
- AC1.2.01.02 ®Double Bubble / Forensic vs. Surveillance
- AC1.2.02.01 ®Commandagons / Profiling Techniques
- AC1.2.03.02 ®Evaluation Line / Typological, Geographical, Investigative Psychology
- AC1.2.03.03 ®Double Bubble / Forensic vs. Profiling
- AC1.2.04.01 ®Commandagons / Intelligence Databases
- AC1.2.04.01 ®Commandagons / Intelligence Databases
- AC1.2.04.02 ®Double Bubble / Databases vs. Profiling
- AC1.2.04.02 ®Double Bubble / Databases vs. Profiling
- AC1.2.04.03 ®Conceptagons / Forensic, Surveillance, Profiling, Databases, Interviews
- AC1.2.04.03 ®Evaluation Line / Forensic, Surveillance, Profiling, Databases, Interviews
- AC1.3.01.01 ®Commandagons / Physical Evidence
- AC1.3.01.02 ®Evaluation Line / Bodily fluids, Trace, Impression
- AC1.3.02.01 ®Commandagons / Physical Evidence
- AC1.3.02.02 ®Conceptagons / Trace, Impression, Bodily Fluids, Testimonial, Finger Prints
- AC1.3.02.02 ®Evaluation Line / Trace, Impression, Bodily Fluids, Testimonial, Finger Prints
- AC1.4.01.01 ®Conceptagons / Stop, Arrest and Held, Police Station, Questioned, Samples, Appeal
- AC1.4.02.01 ®Conceptagons / Reporting, During the Investigation, Court
- AC1.4.02.02 ®Double Bubble / Suspects vs. Victims
- AC1.4.03.01 ®Double Bubble / Witness vs. Victims
- AC2.1.01 ®Double Bubble / Evidential Test vs. Public Interest Test
- AC2.2.01 ®Double Bubble / Indictable vs. Summary
- AC2.2.02 ®Double Bubble / Conditional Bail vs. Unconditional Bail
- AC2.2.03 ®Double Bubble / Guilty Plea vs. Not Guilty Plea
- AC2.2.04 ®Double Bubble / Magistrate vs. Crown
- AC2.2.05 ®Conceptagons / Offences, Plea, Legal Aid, Bail, Courts, Appeals
- AC2.3.01 ®Conceptagons / Relevance, admissibility, Disclosure of evidence, Hearsay rule, exceptions
- AC2.3.02 ®Commandagons / Rules relating to evidence
- AC2.4.01 ®Conceptagons / Evidence, Witnesses, Experts, Barristers and legal teams, Judiciary, Politics, The media
- AC2.4.02 ®Evaluation Line / The Most Significant Influence: Evidence, Witnesses, Experts, Barristers and legal teams, Judiciary, Politics, The Media
- AC2.5.01 ®Evaluation Line / Strengths and Limitations of Juries
- AC2.5.01 ®Evaluation Line / Strengths and Limitations of Lay Magistrates
- AC3.1.01 ®Evaluation Line / Evidence, Trial transcripts, Media reports, Judgements, Law reports
- AC3.2.01 ®Evaluation Line / Evidence, Trial transcripts, Media reports, Judgements, Law reports



RECALL

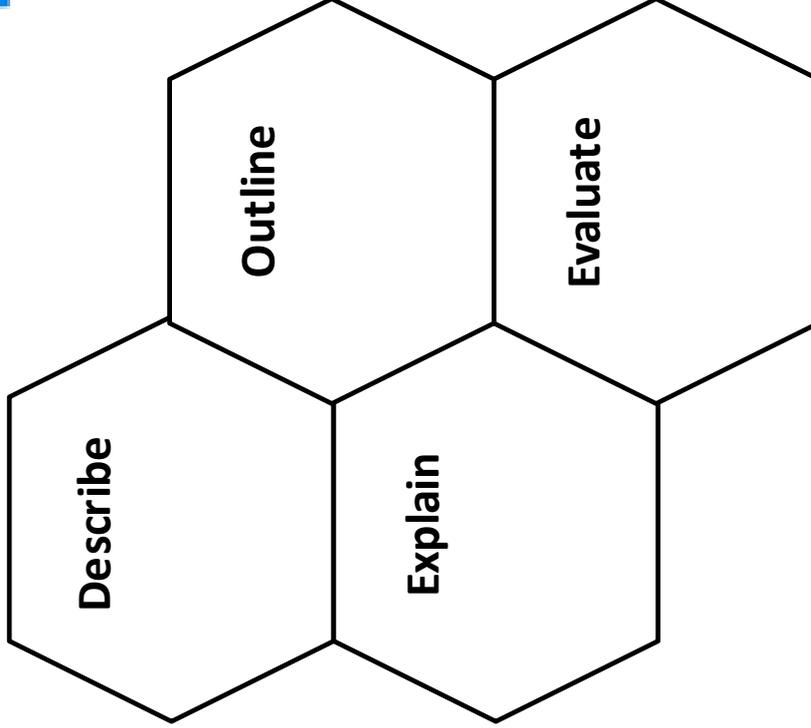


#Challenge Link three at the corners

Conceptagons
Connect two concep
Connect three concep



RECALL

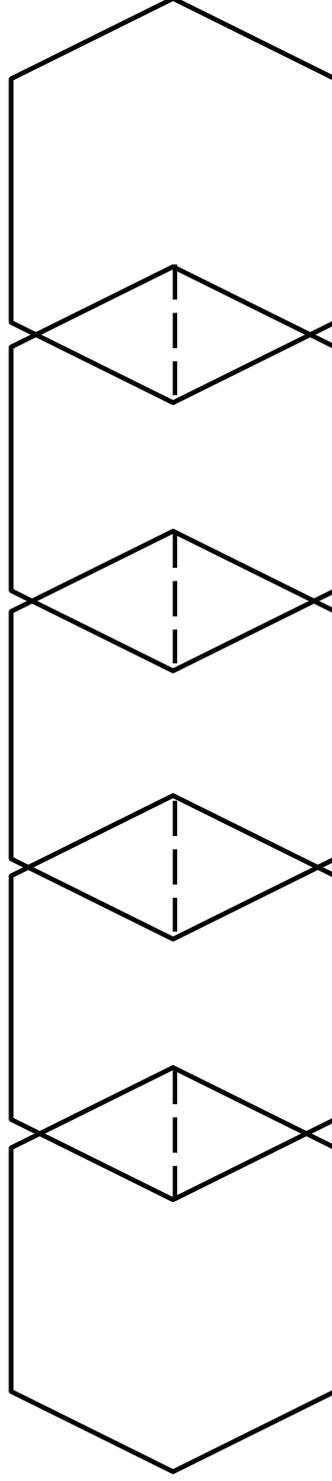


#Challenge What if?

Commandagons
Answer the questions in black pen
Grow your answer in green

Paragraph Chain

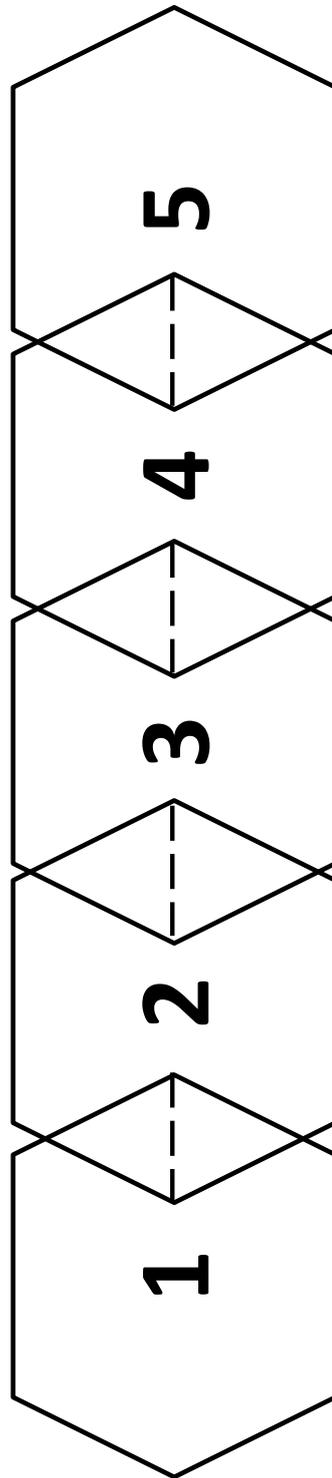
Decide on an exam question and use this to sequence and link paragraphs to each other



1%

Evaluation Line

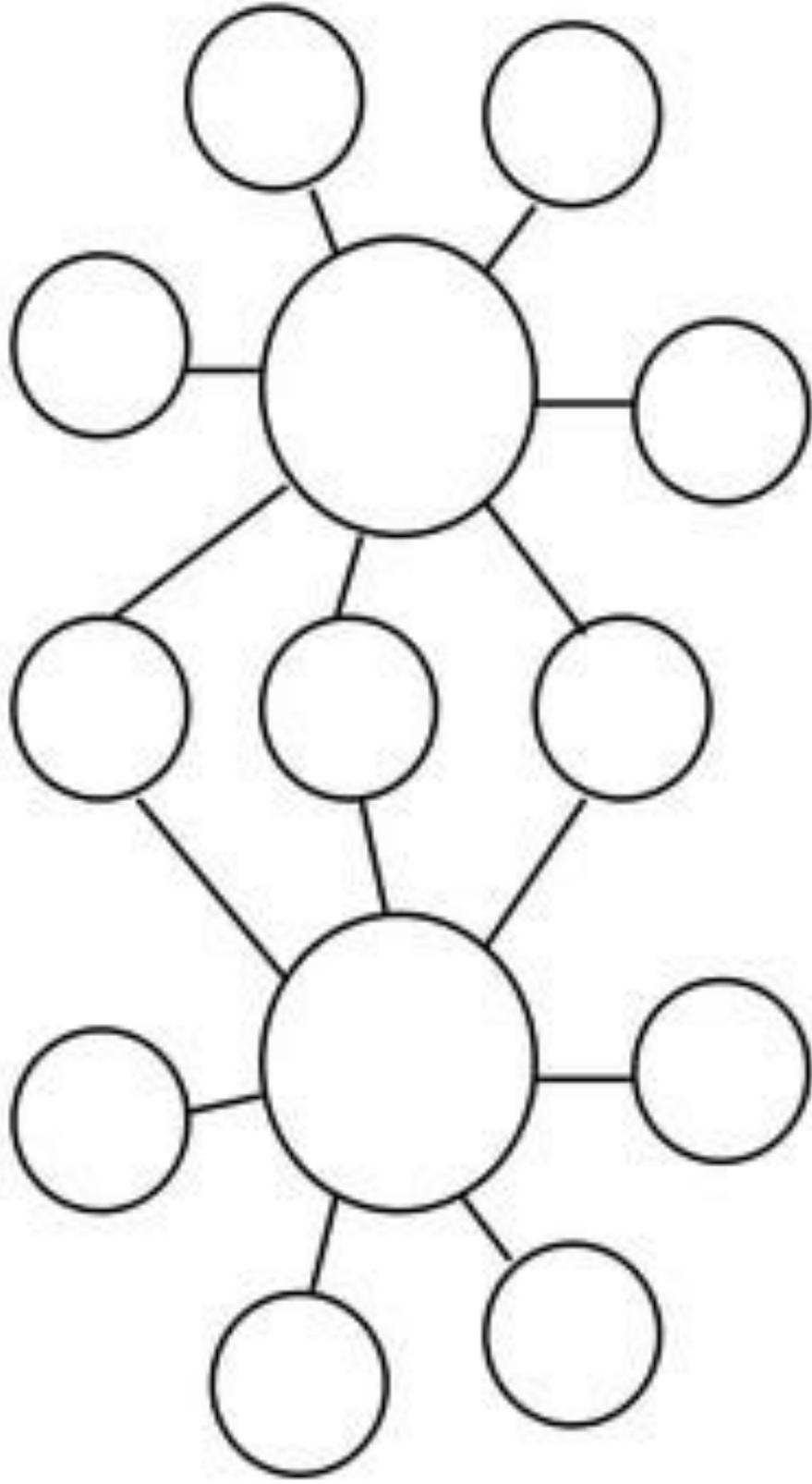
Use this to support conclusions or opinions . Add concepts, ideas or paragraphs rating their support or opposition to the question .



1%

Double Bubble

Use this by entering two theories or concepts and identify how they are the same and how they are different.



Brace Map

Use this to break down a big idea. Think of it as a mind map you can convert into an essay easier.

