



The Napier Press

CRIMINOLOGY

WORKBOOK

UNIT 3

Crime Scene to Courtroom

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NAPIER PRESS Criminology

TOPIC 1.1 Evaluate the effectiveness of the roles of personnel involved in criminal investigations

Learning Objectives:

After studying this Topic, you should be able to:

- Give a clear and detailed evaluation of the effectiveness of the roles of the following personnel involved in criminal investigations:
 - police officers/detectives
 - crime scene investigators
 - forensic specialists
 - forensic scientists
 - pathologists
 - the Crown Prosecution Service
 - other investigative agencies.

- Understand the roles and consider their effectiveness in relation to the following potential limitations:
 - cost
 - expertise
 - availability.

The worksheet is titled 'TOPIC 1.1 Evaluate the effectiveness of the roles of personnel involved in criminal investigations'. It includes a 'Getting Started' section with a question about what would happen if you were a member of the public at the scene of a suspicious death, followed by three questions: 'What is your first action?', 'Who would you expect to arrive at the scene?', and 'What would the personnel who attend the scene be doing?'. Below this is a 'The key personnel in criminal investigations' section with descriptions of police officers, crime scene investigators, forensic specialists, forensic scientists, and pathologists. It also includes an 'ACTIVITY' section for police officers and a link to www.criminologyunit3.net.

Getting Started (page 8)

Write your answers to the Getting Started activity here.

1. What is your first action?

2. Who would you expect to arrive at the scene?

3. What would the personnel who attend the scene be doing?

The key personnel in criminal investigations (page 8)

Police officers (pages 8-9)

1. What are the main actions taken by police when they arrive at a crime scene?
 2. What is meant by the ‘golden hour’?
 3. Briefly explain the role of police detectives.

Activity: Media *Police officers* (page 8)

1. When does police involvement with a domestic burglary begin?
 2. What should you do if the burglary is still going on and what will then happen?
 3. What should you do if a burglary has taken place and what will then happen?
 4. What do police record in a witness statement?

5. Why do the police get as much detail as possible?
6. What is the Victim Personal Statement?
7. What information is the victim given after the statement has been taken?
8. What do police do in the next stage of the investigation?
9. What evidence might the police look for? Give specific examples.
10. Who attends the scene to deal with forensic evidence?
11. What do crime scene investigators do, for example at a burglary?
12. List the types of evidence that crime scene investigators look for.
13. Why is it important not to disturb the scene of a burglary?
14. How are fingerprints used by the police?

15. Briefly outline what happens once a case is handed on to the burglary unit.
16. What tools are used by ‘modern’ policing to investigate burglary?
17. How are the public vital to helping the police to solve crimes?
18. How can the media help a police investigation?
19. What can the public do if they recognise a suspect?
20. Why do many burglaries result in no further police action?
21. What happens if new evidence comes to light in a case?
22. What do the police do if a suspect is identified?
23. What happens if a suspect has an alibi?
24. Where do the files go after all evidence is gathered and what action is taken?

Limitations (page 9)

1. Why are the police criticised?
2. What can police failure be due to?
3. What criticisms did the Macpherson Report make of the police force?

Question (page 9)

In what ways might institutional racism affect the way the police deal with a crime scene?

Crime scene investigators (page 9)

1. Who are crime scene investigators (CSIs)?
2. Briefly outline the availability of CSIs. How many are there typically in a large force and when are they available?
3. Briefly outline the role of a CSI.
4. List some of the main activities of CSIs.

Strengths (page 9)

Describe two strengths of CSIs in criminal investigations.

1.

2.

Limitations (page 10)

Describe three limitations of CSIs in criminal investigations.

1.

2.

3.

Forensic scientists and specialists (page 10)

1. What do forensic scientists do?

2. Give an example of forensic analysis that may be carried out.

3. List the different specialist areas that forensic scientists may work in.

Strengths (page 10)

Describe two strengths of forensic scientists and specialists in criminal investigations.

1.

2.

Limitations (page 11)

Describe four limitations of forensic scientists and specialists in criminal investigations.

1.

2.

3.

4.

Activity: Media Forensic scientists (page 11)

- A. Using the clip, complete questions 1 to 10 that follow.
1. List the main sorts of things that forensic scientists deal with.
2. What does the clip tell us about textile fibre evidence?
3. What was shown from analysis of the shorts in the clip?

4. Why is blood pattern analysis important?
 5. What two things do blood patterns tell us?
 6. What are the three basic elements of blood patterns?
 7. Why has DNA profiling transformed forensic science?
 8. What are the main types of samples that are used for DNA profiling?
 9. What techniques do forensic scientists use to collect DNA samples?
 10. Why do forensic scientists have to be careful about the evidence they find?
- B. From your answers to questions 1 to 10, evaluate the importance of the work of forensic scientists in investigating crimes.

Pathologists (page 11)

1. What do pathologists specialise in?
2. Briefly outline the availability of pathologists. When are they available?
3. Describe what pathologists do at a post mortem.
4. What may happen to a body before it is released for burial or cremation?
5. What does the pathologist produce following a post mortem and how is this used?

Strengths (page 11)

Describe a strength of pathologists in criminal investigations.

Limitations (pages 11-12)

Describe four limitations of pathologists in criminal investigations.

- 1.
- 2.
- 3.
- 4.

Activity: Media Pathologists (page 12)

1. What does an Anatomical Pathology Technician (APT) do?
2. In what circumstances is a post mortem not required?
3. What is the point of a post mortem?
4. Why is it important to have details of underlying conditions even if they are not associated with the person's death?
5. How long does a forensic post mortem take?
6. How long does a coronial (for the coroner) post mortem take?
7. Make brief notes on the process of a post mortem.
8. Who is involved in a forensic post mortem?
9. Who carries out most of a forensic post mortem?
- 10.What is the role of the APT in a forensic post mortem?

11.Why does the pathologist look at the organs in an autopsy (post mortem)?

12.How are the organs dealt with differently in a forensic autopsy?

13.What other tests are done on a body in a forensic post mortem?

14.Briefly describe the case of the alcoholic.

15.Describe how the body is reconstructed.

16.What problems might there be in reconstruction?

The Crown Prosecution Service (page 12)

1. What is the Crown Prosecution Service (CPS)?
2. How many solicitors and barristers does the CPS use?
3. How many cases a year does the CPS handle?
4. Briefly describe the six functions of the CPS.
 - a.
 - b.
 - c.
 - d.
 - e.
 - f.

Strengths (page 12)

Describe two strengths of CPS in criminal investigations.

1.

2.

Limitations (pages 12-13)

Describe three limitations of CPS in criminal investigations.

1.

2.

3.

Question (page 13)

In what ways does the CPS depend on the work of other personnel involved in criminal investigations? Give examples.

Other investigative agencies (page 13)

Briefly describe the work of the following agencies in investigating crime:

1. the National Crime Agency

2. HM Revenue and Customs

3. specialist police forces.

Controlled assessment preparation (page 13)

Complete your preparation here.

Topic 1.1

Evaluate the effectiveness of personnel

TOPIC 1.2 Assess the usefulness of investigative techniques in criminal investigations

Learning Objectives:

After studying this Topic, you should be able to:

- Assess the usefulness of the following investigative techniques in criminal investigations:
 - forensic techniques
 - surveillance techniques
 - profiling techniques
 - use of intelligence databases, e.g. National DNA Database
 - interviews: eye witnesses, other witnesses, e.g. experts
 - observation.
- Understand the range of techniques and assess their effectiveness in the following types of criminal investigations:
 - situations: crime scene, laboratory, police station, 'street'
 - types of crime: violent crime, e-crime, property crime.

The worksheet is titled 'TOPIC 1.2' and 'Assess the usefulness of investigative techniques in criminal investigations'. It includes sections on 'Getting Started' with questions about who was in the bank at the time of a robbery, what could be found out about a weapon, and what other information might be available in a bank. It also covers 'Investigative techniques' and 'Intelligence databases'.

Getting Started (page 14)

Write your answers to the Getting Started activity here.

1. Who was in the bank at the time of the robbery? How would you investigate them?

2. What could you find out about the weapon?

3. What other information might be available in a bank?

Intelligence databases (page 14)

1. What is meant by the term 'intelligence'?
 2. Briefly explain the information stored on the following databases:
 - a. Police National Computer
 - b. the Police National Database
 - c. Crimint and the Gangs Matrix
 - d. international databases.

Forensics (pages 15-16)

1. What is forensics?
 2. List some of the types of forensic evidence.
 3. Why is it important to protect a crime scene?

DNA evidence (pages 15-16)

1. What is DNA evidence and why is it useful?
2. Why has DNA profiling become the most important development in solving serious crimes?
3. How might the DNA of relatives be useful in investigating crime?
4. Briefly outline the case of Colette Aram. How was family DNA useful in this case?
5. In what other ways is family DNA used for identification?

Case study *First ever forensic use of DNA profiling* (page 15)

1. Briefly outline the first case where DNA evidence was used.
2. Who was exonerated by the evidence? What evidence had there been against him?
3. What was the other vital evidence which helped to solve this case?

Activity: Media DNA evidence (page 16)

A. Write your answers here.

1. What type of crime were the police investigating?
2. Where was the body? What did this indicate to the police?
3. How is Brian Keating described in the clip?
4. Briefly describe the events of 15th October 2002.
5. How were the police able to identify the suspects?
6. What evidence did the police use to trace the movements of the suspects?
7. What had happened to the car used in the crime?
8. What evidence was left in the car?
9. How did the police trace the sledgehammer?
10. How did this help to build evidence in the case?
11. What evidence was on Brian Keating's body and face?

12. What evidence was found in the van?

13. What was the problem with the DNA analysis of the evidence?

14. Where did the samples get analysed?

15. What was the chance of the DNA being from another dog?

16. Why was the evidence from the dog so vital?

B. Write a brief summary of the range of evidence used to prove the case.

Problems with DNA evidence (page 16)

1. Briefly outline the case of Adam Scott. What was the problem with the DNA evidence in this case?
2. Why might there be a problem in finding a match to DNA found at a crime scene?
3. What is the problem of the police holding the DNA of people who have not been convicted of a crime? How has the law changed in relation to this?
4. How much does it cost to analyse a DNA sample?

Surveillance (pages 16-17)**CCTV** (page 16)

1. What is surveillance? Give an example.
2. Why do the police use CCTV in criminal investigations?
3. Why might the police release CCTV footage to the media?
4. What are the three problems of CCTV cameras?
 - a.
 - b.
 - c.

Covert surveillance (page 17)

1. What is covert surveillance? How does it differ from CCTV?
2. Briefly outline the four forms of covert surveillance.
 - a.
 - b.
 - c.
 - d.
3. What are Covert Human Intelligence Sources? Give two examples

Activity: Media Covert surveillance (page 17)

- A. Write your answers here.
1. What crime was planned in the clip?
 2. What crimes were happening in 2002?
 3. What was the first breakthrough for the police in these cases?
 4. Who was the key man in the crimes and what did he do?
 5. What action did the police take once the suspect had been identified?
 6. What did the undercover surveillance team see?
 7. How did this information help the police?
 8. What was the dilemma faced by the Flying Squad?
 9. What did the Flying Squad plan?
 10. What evidence did the police find that helped determine when the crime would be committed?
 11. How many officers were deployed at Heathrow on 17th May 2004?
 12. What was the target of the planned theft?

13. Briefly describe what happened at the depot.

14. What did the police shoot?

15. How did the police catch John Beech?

16. What happened to the Heathrow crime rate after the gang were captured?

B. Briefly explain how police covert surveillance was so important in solving this case.

Criticisms of covert surveillance (page 17)

1. Why might covert police surveillance affect a target's human rights?

2. What is entrapment?

3. What did the undercover female officer aim to do in the Colin Stagg case?

4. What identities have undercover police used? What have they tricked women into doing?

Activity: Media Criticisms of police covert surveillance (page 17)

- A. Write your answers here.
1. Who has launched a legal battle against the police, and why?
 2. What have the undercover police officers done?
 3. How are the complainants funding their legal battle?
 4. Why was there a public inquiry about the behaviour of the police?
 5. What is the problem of the names of the officers not being released?
 6. Why does the interviewer claim it may be a problem to release the identities of undercover officers?
 7. What is the response of Harriet Wistrich regarding the risk?
 8. What has happened to officers who have been exposed?
 9. What has been the impact on women who have had bogus relationships?
 10. What are the women looking for?
 11. According to Harriet Wistrich, why must this never happen again?
 12. How long have the victims had to wait for the enquiry?
- B. Do you think the aliases (false names) used by undercover police should be made public? Give reasons for your answer.

Observation (page 17)

How does observation differ from surveillance?

Interviews (pages 18-20)

Eye-witness testimony (page 18)

1. What is eye-witness testimony?
2. What do the statistics on line-up identification show about how juries see eye-witness testimony?
3. Briefly outline the findings of the Innocence Project in the USA. What does this tell us about eye-witness testimony?

Activity: Media Eye-witness testimony (page 18)

A. Write your answers here.

1. What is the single greatest factor in wrongful convictions?
2. Where did the information about the Bandana Bandit come from?
3. According to Major Scott Stephens, what do people do when they witness a crime?
4. Why do you think the sketch of the Bandana Bandit isn't anything like his mugshot?

5. What features are most helpful in identifying suspects?

Stop the clip at 2 minutes 30 seconds.

6. Write down what you saw happening in the class. Include a description of the man who entered, his height, his clothing and what he said.

Restart the clip.

7. Did you describe the details accurately?
 8. What point was crucial in helping to identify the suspect?
 9. What helped to catch the Bandana Bandit?
-
- B. What does the clip tell us about the usefulness of eye-witness testimony? Write a brief summary.

Memory problems of EWT (pages 18-19)

1. Briefly outline the following aspects of memory:
 - a. acquisition
 - b. retention
 - c. retrieval.
2. How do the following factors affect how we form a memory of a crime?
 - a. duration

- b. time of day
 - c. time distortion
 - d. violence distraction
 - e. weapon focus.
3. How do the following factors affect memory retention?
- a. time
 - b. discussion of the event.
4. According to Loftus and Palmer, what can cause inaccuracies in memory?
5. Briefly describe Loftus and Palmer's study.
6. What was the impact of the leading question on the witnesses' memories?
7. What does this research suggest about eye-witness evidence?
8. Why do psychologists suggest the use of cognitive interviews?

9. What strategies are used to encourage recall in cognitive interviews?

Expert witnesses (pages 19-20)

1. Why do the police interview experts and specialists?
2. Briefly outline the areas of specialist knowledge that police might want to interview experts on.
 - a.
 - b.
 - c.
 - d.
 - e.

Activity: Media Forensic entomology (page 20)

A. Write your answers here.

1. Why might insects be involved in a crime scene?
2. How does an entomologist help the pathologist working with a dead body?
3. How long does it take for a body to be colonised by insects?

4. What is the entomologist looking for on a body?
5. Why will insects leave the body?
6. Which insects get to a dead body first?
7. How do these insects detect a dead body?
8. Briefly describe the life cycle of the blowfly, including the timeframes for each stage in the cycle.
9. How do blowflies navigate to the body and then find the best place to lay their eggs?
10. What are the best places for egg-laying and why?
11. What do the heat images of the piglet show about the decomposition of the body?
12. What is the impact on decomposition of putting a body in a suitcase?
13. How do flies ensure that their eggs are still deposited in a suitcase?

- b. Summarise how evidence about time of death is determined by insects on a body.

Profiling techniques (pages 20-24)

1. What is offender profiling based on?

2. Give three advantages of profiling.

Typological profiling (crime scene analysis) (pages 20-21)

1. What is a typology? What does typological profiling aim to do?

2. Briefly outline the following crime scenes and offenders:
 - a. organised crime

 - b. organised murderer

 - c. disorganised crime

 - d. disorganised murderer.

3. How can the police use such profiles?

4. Briefly describe the following profiles that have been used to classify rapists:
 - a. power assertive

 - b. power reassurance.

Evaluation of typological profiling (page 21)

1. Briefly outline David Canter's four criticisms of typological profiling.
 - a.

 - b.

 - c.

 - d.

2. Why is typological profiling used despite these criticisms?

Clinical profiling (page 22)

1. Which professions do clinical profilers usually belong to?

2. How does their work differ from that of typological profilers?

3. Who is the best known clinical profiler in the UK and how does he work?

Evaluation of clinical profiling (page 22)

Briefly outline two criticisms of clinical profiling.

a.

b.

Case study *Clinical profiling* (page 22)

1. Why was Paul Britton asked to help in the investigation of the murder of Rachel Nickell?

2. What plan did Britton come up with? Did it work?

3. Briefly outline why the trial collapsed.

4. Who was subsequently convicted of the murder of Rachel Nickell and what other crime had he committed?

5. How do these cases show the problem of clinical profiling?

Geographical profiling (pages 22-23)

1. Why are there more crimes in some locations than in others?

2. What does geographical profiling aim to do?

3. Briefly outline the two main principles of geographical profiling:
 - a. the least effort principle

 - b. the buffer zone principle.

4. Briefly outline Canter and Gregory's two patterns of offending:
 - a. the marauder

 - b. the commuter.

Evaluation of geographical profiling (page 23)

1. In what way has geographical profiling been successful and for what types of crime?

2. Briefly describe four problems of using geographical profiling.
 - a.

 - b.

 - c.

 - d.

Investigative psychology (page 23)

1. Briefly explain the 'offender consistency principle'. Give an example.

2. Briefly explain 'criminal narrative themes'. Give an example.

Evaluation of investigative psychology (page 24)

1. Briefly explain three advantages of investigative psychology.

2. Why might investigative psychology be inaccurate?

Controlled assessment preparation (page 24)

Complete your preparation here.

TOPIC 1.3 Explain how evidence is processed

Learning Objectives:

After studying this Topic, you should be able to:

- Explain how evidence is processed. You should have an understanding of the following types of evidence:
 - physical evidence
 - testimonial evidence.
- Understand how evidence is processed, including:
 - collection
 - transfer
 - storage
 - analysis
 - the personnel involved.

**TOPIC
1.3**

Explain how evidence is processed

Getting Started

Discussing crime cases, consider the following cases. In each case, list what evidence might be gathered and how it might be used to solve the case.

1. A woman goes into a shop to buy a lottery ticket. She gives her money to the shopkeeper and leaves.
2. After tracking a thief, a man tries to stop him. The man stops to buy some lottery tickets from a shop. The thief steals the lottery ticket and runs away.
3. An armed man enters a busy shop and robs the shopkeeper to hand over his cash. The shopkeeper is hit in the head with a gun during the robbery and has to be taken to hospital.
4. A man goes to a shop to buy a cigarette. He asks the shopkeeper to hand over the cigarette and he takes the money and cigarette.

Types of evidence

Evidence is seen to be the process of investigating and processing a crime because it is the basic evidence that can be used to solve the crime. When collecting evidence, the basic rule is that the evidence must be collected with care and attention. The following are the basic types of collecting and storing evidence must be done with utmost care.

Physical evidence - material evidence such as clothing, DNA, blood, hair, fibres, tools, weapons, etc.

Testimonial evidence - written or oral statements by victims, eye witnesses, expert witnesses, and so on.

Physical evidence

Physical evidence also known as 'real evidence' is an important part of many criminal investigations. It is often the most important evidence in solving a crime. It must be treated with great care and attention. The following are the basic types of physical evidence.

Locard's exchange principle

Edmond Locard (1877-1964) was a pioneer of forensic science and investigation theory work. He developed the concept of the exchange of material between the criminal and the victim. In other words, material from the crime scene (including from the victim) will be present on the criminal and vice versa. This is known as the principle of the exchange principle and physical evidence as follows:

Getting Started (page 25)

For each of the cases on page 25, complete the following:

Case 1

- a. What evidence might you find?

- b. How would it be gathered and processed?

Case 2

- a. What evidence might you find?

- b. How would it be gathered and processed?

Case 3

- a. What evidence might you find?

- b. How would it be gathered and processed?

Types of evidence (page 25)

1. Why is evidence important?
 2. Briefly describe the following types of evidence:
 - a. physical evidence
 - b. testimonial evidence.

Physical evidence (pages 25-26)

Locard's exchange principle (pages 25-26)

1. Who was Edmond Locard?
 2. How did Locard sum up his exchange principle?
 3. Briefly summarise the importance of the exchange principle according to Paul Kirk.

Activity: Media Locard's principle (page 26)

- A. Write your answers here.
1. What did Locard establish in 1910?
 2. What did Locard find when he examined the body?
 3. What did he conclude from his findings?
 4. What did Locard find under the suspect's nails?
 5. How was the specimen linked to the victim?
 6. How would the suspect have got the specimen under his fingernails?
 7. What was Locard's conclusion?
 8. How had the suspect staged his alibi?
- B. Summarise how scientific evidence is able to assist in solving crime.

Collecting, transferring and storing physical evidence (pages 26-29)

1. How does most contamination of evidence occur?

2. How do investigators protect against contamination when investigating serious crimes?

Bodily fluids and tissues (pages 26-27)

1. Why do bodily fluids and tissues provide important evidence?

2. Briefly explain how each of the following samples are collected:
 - a. blood

 - b. semen

 - c. saliva

 - d. skin flakes

 - e. hairs.

Fingerprints (page 27)

1. Why do fingerprints (and palm, toe and sole prints) provide important evidence?
 2. Briefly explain the three types of fingerprints:
 - a. latent prints
 - b. patent (or positive) prints
 - c. plastic prints.
 3. How are fingerprints used to identify suspects?

Activity: Media *Fingerprints* (page 27)

- A. Write your answers here.
 - 1. How are fingerprints taken by the police?
 - 2. What information does the Fingerprint Bureau (FPB) receive once the fingerprints have been processed and transferred to the management screen?
 - 3. How are fingerprints matched to suspects by the FPB?
 - 4. Which fingerprints are compared first?
 - 5. What is the ‘coincidence sequence’?

6. Who decides whether the fingerprint is a match?
 7. As well as matching fingerprints, what else does the FPB aim to do? How do they do this?
 8. What happens after the first comparison?
 9. Where is the information sent, and what happens then?
-
- B. How accurate do you think fingerprints are in identifying offenders?

Impression evidence (pages 27-28)

1. How is impression evidence created?
2. Briefly outline how the following types of impression evidence are collected and used in an investigation:
 - a. bite marks
 - b. shoeprints
 - c. tyre marks.

Trace evidence (page 28)

1. What is trace evidence?
 2. List examples of trace evidence that might be found at a crime scene.
 3. Briefly describe how the following may be used as evidence:
 - a. fibres
 - b. paint
 - c. glass fragments
 - d. soils
 - e. insects.

Activity: Media Trace evidence (page 28)

1. What are trace evidence experts trained to do?
2. Briefly describe the picking method.
3. What are high intensity light sources used for?
4. Briefly describe the taping or lifting method.
5. Why is it difficult to avoid leaving trace evidence?
6. List the examples of trace evidence.
7. How does hair look under a microscope?
8. What can be determined by examining hair under a microscope?
9. What is the importance of trace evidence in criminal investigation?

Case study *Physical evidence* (page 29)

1. Who was Jill Dando and what happened to her?
2. What trace evidence was used to convict Barry George and where did the prosecution claim it came from?
3. What were the grounds for Barry George's appeal in 2006?
4. At the appeal, what did the forensic experts say about the trace evidence?
5. What happened following the appeal hearing?

Testimonial evidence (pages 29-30)

1. What is testimonial evidence?
2. Briefly explain what is meant by 'disclosure'.

Giving evidence (page 29)

1. How is evidence presented to a court?
2. Where do witnesses usually give evidence from?
3. What happens to a witness when they have given their evidence?
4. Do defendants have to give evidence?
5. Why might some people give evidence via a video link?
6. Briefly explain who 'vulnerable witnesses' are.

Admissibility of testimonial evidence (pages 29-30)

Briefly outline the following types of evidence that are not admissible in court:

a. hearsay evidence

b. forced confession

c. entrapment.

Case study *Testimonial evidence* (page 30)

1. What was Sally Clark's conviction the result of?
2. Briefly outline the evidence that Dr Alan Williams failed to disclose.
3. In what way was Professor Sir Roy Meadow's testimony flawed?
4. At which other trials had Meadow been an expert witness? What has happened to the defendants in these cases?
5. What happened to Meadow following the appeals?

Controlled assessment preparation (page 30)

Complete your preparation here.

TOPIC 1.4 Examine the rights of individuals in criminal investigations

Learning Objectives:

After studying this Topic, you should be able to:

- Examine the rights of the following individuals in criminal investigations:
 - suspects
 - victims
 - witnesses.
- Consider the rights of all individuals from investigation through to appeal.

TOPIC 1.4

Examine the rights of individuals in criminal investigations

Getting Started

Write down what rights you think an individual has if they:

1. are arrested by the police
2. witness a crime
3. are the victim of a crime

Share your answers with a partner. Do you agree with each other? Do you think there are any situations where a person's rights should or shouldn't be in each of these situations?

In this Topic we examine the rights of the suspect, victim and witness who may be involved in a criminal investigation and court proceedings.

The rights of suspects

The police have certain powers to deal with suspects, including rights to stop and search and to arrest them. If you are stopped and searched, or arrested, you have the right to remain silent. You also have the right to be treated with respect and dignity.

Stop and search India has 18 different powers of stop and search, e.g. for drugs, firearms and weapons, for terrorism, for immigration, for public order, for health and safety, for evidence against a person or grounds such as race, gender or sexual orientation.

Police power of arrest

Under section 44 of the Criminal Evidence Act 1986, police may identify anyone as a suspect, without a warrant from a court. If:

- a suspect has been charged with an offence and are suspected of being involved in committing an offence, and
- an officer believes it would be necessary for keeping the peace or preventing disorder, the officer must then tell you that you are being arrested, what you are being arrested for, and why you are being arrested. You have the right to remain silent.

Rights 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 (police officer) of the rank of constable or higher. Your possessions will be checked after you are searched and then held in a safe. Your possessions will be handed back to you at the custody office.

Getting Started (page 31)

Write your answers to the Getting Started activity here.

Write down what rights you think an individual has if they:

1. are arrested by the police

2. witness a crime

3. are the victim of a crime.

Write a summary of what you think a person's rights *should* or *shouldn't* be in each of the situations in 1-3 above.

The rights of suspects (pages 31-33)

1. Briefly outline the following powers held by the police:

a. stop and account

b. stop and search.

Police power of arrest (page 31)

1. Briefly outline the two situations when the police may arrest you as a suspect without a warrant from a court:
 - a.
 - b.
2. What must a police officer tell you when you are arrested?

Rights at the police station (pages 31-32)

1. What is the custody officer at a police station responsible for?
2. What happens to you at the police station?
3. What are your three rights that the custody officer must explain to you?
 - a.
 - b.
 - c.
4. What additional rights do you have if you are under 18 or a vulnerable adult?

Rights when being questioned (page 32)

1. What is the right to silence?
2. In what way do the police explain the right to silence to you?
3. Explain why a defendant cannot be found guilty simply because they choose to remain silent when questioned.
4. Why do you think interviews are recorded or videoed?
5. What rights to legal advice do you have if you have been arrested?
6. What additional rights do you have once you have requested legal advice?
7. How long might you have to wait for legal advice?

Fingerprints, photographs and samples (page 32)

1. What samples and other information can the police take from you without your permission when you have been arrested?

2. What can the police do if you are not willing to give these samples?

3. What samples do the police need your permission to take?

4. Who else must agree to the samples in question 3 above?

5. What exceptions are there to this?

6. Where is information from fingerprints and samples stored?

7. Under what circumstances will police remove your information from their records?

How long the police can hold you (page 33)

1. How long can the police hold you in custody? What must they do after this time?

2. How long can the police hold you without charge under the following circumstances:

a. for a serious crime

b. with the approval of a magistrate

c. under the Terrorism Act.

3. What is 'bail'?

4. Why might the police release you on bail?

5. What is 'conditional bail'? Give an example.

6. Why would the police release you on conditional bail?

Activity: Media Rights when arrested (page 33)

1. Why should you know your rights if you are arrested?
2. On arrest, what four things does the film advise you should do or have?
3. Why should you cooperate with the police?
4. What are the three main rights you have at a police station?
5. How long can the police hold you in a cell without charge?
6. What is the maximum time that you can be held if the police get an extension?
7. How long can someone be held without charge in terrorism cases?
8. What evidence will the police take from you?
9. Who should you have with you when you are being questioned?

10. Who can have an additional person with them when being questioned?

11. What will the solicitor do for you when you are being interviewed?

12. What details appear on a charge sheet?

13. What are the common types of conditional bail?

14. What happens if you are released without charge?

Rights of appeal (page 33)

1. What two reasons might there be for wanting to appeal?

2. What are your rights to appeal if you were tried in a magistrates' court?

3. What are your rights to appeal if you were tried in Crown Court?

The rights of victims (pages 33-35)

1. Where are the rights of victims set out?

2. As well as victims, who do these rights apply to?

Rights when reporting the crime (page 33)

1. What must the police give you when you report a crime?

2. What three further actions must the police take when you report a crime?
 - a.

 - b.

 - c.

Rights during the investigation (page 34)

1. What must the police tell you about the suspect during the investigation?

2. What do the police normally do before giving any information to the media?

3. When is it against the law for the media to publish any details of the victim?

Rights relating to trials (page 34)

1. Briefly outline the rights of victims in relation to court proceedings.

a.

b.

c.

d.

e.

f.

Rights of vulnerable victims (pages 34-35)

1. Which groups of people are regarded as 'vulnerable victims'?

a.

b.

c.

d.

2. List the crimes where other victims receive the same support as vulnerable victims.

3. What support is given to vulnerable victims?

Activity: Media Restorative justice (page 35)

1. Note down the reactions of the victims of crime shown on the screen.
2. How might the criminal justice process feel to a victim?
3. How can restorative justice help a victim?
4. What opportunity does restorative justice give the victim?
5. List the types of questions a victim might want to ask a perpetrator.
6. What is the satisfaction rate of restorative justice?
7. What is the reduction rate for re-offending?
8. What needs to happen for restorative justice to take place?
9. When can restorative justice take place?

10. Who can you ask about restorative justice?

11. In what situations might restorative justice be used?

12. Who delivers restorative justice?

13. Note down to the responses of those who have been through the process.

14. How can restorative justice help the victim?

The rights of witnesses (pages 35-36)

1. What types of witness are there?

2. Who can witnesses appear for?

The Witness Charter (page 35)

1. What does the Witness Charter do?

2. Briefly outline four of the standards set out in the Charter.
 - a.

 - b.

 - c.

 - d.

3. What is the problem with the Witness Charter?

Activity: Media Being a witness (page 35)

1. Why would you be asked to go to court?

2. What are prosecution and defence witnesses?

3. Why is it important to be a witness?

4. Briefly describe the work of the Witness Care Unit (WCU).

5. What is the Witness Charter?
6. Why must you go to court if called?
7. What will the WCU do leading up to the trial?
8. Why is it important to let the court know where you are?
9. What does the Witness Service do?
10. What different ways are available to give evidence?
11. Briefly describe the procedure in a Magistrates' Court.
12. Briefly describe the Crown Court, the procedure and the personnel.
13. Briefly outline what happens to a witness at a trial.
14. Makes notes on any additional information given in the 'frequently asked questions' clip (clip number 8).

Vulnerable and intimidated witnesses (page 36)

1. Which groups of people are regarded as 'vulnerable witnesses'?
2. Which groups are regarded as 'intimidated witnesses'?
3. Briefly outline three special measures that might be used for vulnerable and intimidated witnesses.
 - a.
 - b.
 - c.

Controlled assessment preparation (page 36)

Complete your preparation here.

TOPIC 2.1 Explain the requirements of the Crown Prosecution Service for the prosecution of suspects

Learning Objectives:

After studying this Topic, you should be able to:

- Explain the requirements of the Crown Prosecution Service (CPS) for prosecuting suspects, including:
 - the charging role
 - the Prosecution of Offences Act 1985
 - the Full Code Test.
- Understand the role of the CPS and explain the evidential and public interest tests in the decision to prosecute.

**TOPIC
2.1**

Explain the requirements of the Crown Prosecution Service for the prosecution of suspects

Getting Started

Activity: You are a prosecutor and using your knowledge from the previous four topics, answer the questions below to decide whether a case should go to court.

- In what ways might the type of crime affect your decision?
- Draw your answer on the back of this page.

The Crown Prosecution Service

The Crown Prosecution Service (CPS) is the national public prosecutor in England and Wales. It has overall responsibility for the criminal prosecution of all cases in England and Wales, except those which fall under the prosecuting role from the police because there was a lack of basis in allowing them to prosecute. The CPS prosecutes all serious or complex cases, including violent crimes, sexual offences, or CPS prosecutes all serious or complex cases. The CPS also has a duty to ensure that justice is done by ensuring that the evidence of guilt or innocence is fully tested and that the right balance of justice and proportionality is struck. To make a decision about whether to prosecute, the CPS applies tests that are laid down in the Criminal Procedure Rules. These tests are designed to ensure that the CPS only prosecutes cases that are intended to decide whether a person is guilty of an offence – that is the role of the court, not the CPS. The CPS does not decide whether there is a case for the court to consider.

ACTIVITY **media** [Go to www.crownprosecution.gov.uk](http://www.crownprosecution.gov.uk)

The CPS

For the CPS to prosecute a case, it must normally first pass the Full Code Test. This test is applied once the CPS has decided that there is a realistic chance of conviction. The Full Code Test is made up of two separate stages or tests:

- The evidential test
- The public interest test

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Getting Started (page 37)

Write your answers to the Getting Started activity here.

Imagine you are the prosecutor who has to decide whether a case should go to court

1. What would you want to know about the case?

2. In what ways might the type of crime affect your decision?

The Crown Prosecution Service (page 37)

1. When was the CPS set up?

2. What role did the CPS take over from the police and why?

3. How does the CPS work with the police?

4. What do the tests used by the CPS determine?

Activity: Media The CPS (page 37)

1. What powers does the CPS have?
2. How does the CPS work with the police?
3. Where does the CPS work?
4. Where are most cases dealt with?
5. Which cases are dealt with in the Crown Court?
6. What is the judge's job in court?
7. What does the CPS have to do before a case goes to court?
8. What does the case worker at the CPS do?
9. What does the Senior Crown Prosecutor do?
- 10.What do the witness care services do? Why is this important for the CPS?
- 11.What does the Witness Care Officer do?

12.What does the prosecutor do in court?

13.What does the defence barrister do in court?

14.What happens if the prosecutor doesn't like what the defence barrister has asked?

15.What does the Higher Crown Advocate do?

16.What is the main bulk of the Higher Crown Advocate's job?

17.What does the CPS present in court?

18.What happens in the Hate Crime Scrutiny panel? What types of crimes do they look at?

The Full Code Test (page 37)

1. When is the Full Code Test applied?

2. What are the two separate stages of the Full Code Test?

Activity: Media *The Full Code Test* (page 37)

1. Who is responsible for determining whether a prosecution will take place?
2. In what other way can prosecutions be brought?
3. What are the five things that the CPS does?
4. What needs to happen before the decision is made to prosecute?
5. What are the two stages of the Full Code Test?
6. What must happen during the evidential stage?
7. What three aspects of evidence do prosecutors have to consider?
8. What are the seven aspects of the public interest stage?

The Evidential Test (page 38)

1. What must prosecutors do before a case is prosecuted?
 2. What happens if a case fails the evidential stage?
 3. What are the three questions that prosecutors must ask themselves? Give a brief explanation of what each of these might include.
 - a.
 - b.
 - c.

The Public Interest Test (page 39)

For each of the following, briefly describe which types of case would be more likely to be prosecuted.

1. The seriousness of the offence
2. The suspect's level of culpability
3. The harm suffered by the victim
4. The suspect's age and maturity
5. The impact of the offending on the community
6. Is prosecution a proportionate response?
7. Do sources of information require protecting?

The Threshold Test (pages 39-40)

1. When is the Threshold Test applied?

2. Briefly outline the five conditions of the Threshold Test.
 - a.

 - b.

 - c.

 - d.

 - e.

3. What must happen to any case that is charged under the Threshold Test?

Activity: Research *Applying the Threshold Test* (page 40)

A. Using the article, complete questions 1 to 15 that follow.

1. When was Liam Allan accused of rape?
2. How long did the case last?
3. Why do we not have information about Allan's accuser?
4. What does the article tell us about Allan's ex-girlfriend?
5. What did Allan tell his mother about how he felt about the relationship?
6. Why did the couple split up?
7. Why was Allan arrested?
8. What happened to Allan after he was arrested?
9. What was the impact of the arrest on his studies?
- 10.What was the response of 'the Met' (Metropolitan Police) to the request by Allan's lawyer for access to text messages from his accuser's phone?
- 11.When were the texts received by Allan's lawyers?
- 12.What did the accused text to her friend about sex with Liam Allan?

13.What else was discussed in the text messages?

14.Read the texts that appear on the screen. What do they tell you about the accuser?

15.Why was Liam Allan so angry with the police?

B. From your answers to the above, did the case against Liam Allan pass the Threshold Test?

C. Using the article, complete questions 1 to 6 that follow.

1. How many cases have been dropped by the CPS due to issues with disclosure of evidence?
2. How many rape and serious sexual assault cases fell through due to evidence being withheld?
3. How many defendants were in custody when their cases were dropped?
4. What types of evidence were not disclosed or were examined too late?
5. In Samson Makele's case, what evidence had not been disclosed?
6. What measures are being brought in to try to improve disclosure?

D. Using your answers to questions 1-6 above, explain how the failure to disclose evidence affects the tests carried out by the CPS.

Controlled assessment preparation (page 40)

Complete your preparation here.

TOPIC 2.2 Describe trial processes

Learning Objectives:

After studying this Topic, you should be able to:

- Describe the following trial processes:
 - pre-trial
 - plea bargaining
 - bail
 - roles
 - courts
 - appeals.
- Know each of the stages of the trial process, including the roles of the personnel involved.

Describe trial processes

Getting Started

Match each of the following terms with its meaning. Write down the meaning of the following terms:

- a magistrate
- bail
- remand in custody
- an appeal

When you get to the end of the Topic, check your answers.

Types of criminal offence

These are three types of criminal offence in terms of their seriousness and where they can be tried:

- **Indictable offences**, serious crimes such as murder, treason, rape, robbery and grievous bodily harm. These can only be tried in a magistrates' court.
- **Summary offences**, less serious cases such as many minor offending, assault and assault by strangulation.
- **Triable either way offences** (also called hybrid offences). They include theft, fraud, burglary, robbery, and assault. These can be tried in either a magistrates' court or Crown Court.

Pre-trial matters

Decisions made at this stage will affect the trial. There are several matters to deal with before the trial begins:

- **The charge**: The magistrate has to decide whether the charge is sustainable. This means that there is enough evidence to prove that the defendant is guilty.
- **The trial date**: The magistrate has to decide when and where the trial will take place. The magistrate may adjourn the case for reports (e.g. from a probation officer before sentencing), or adjourn the case for a medical report (e.g. if the defendant is accused of causing serious physical damage). These can be tried in either a magistrates' court or Crown Court.
- **Legal aid**: The magistrate must make decisions about reports, legal aid and bail before the trial can go ahead.

Getting Started (page 41)

Write your answers to the Getting Started activity here.

Write down the meaning of the following terms:

1. a magistrate

2. bail

3. remand in custody

4. plea bargaining

5. an appeal.

When you get to the end of the Topic, check your answers.

Types of criminal offence (page 41)

Briefly describe the following types of criminal offence:

1. indictable offences

2. summary offences

3. triable either way offences

Pre-trial matters (pages 41-43)

1. What are pre-trial matters?

2. What is the purpose of a pre-trial review?

The plea (page 41)

Briefly describe the procedure for the following pleas:

- a. guilty pleas

- b. not guilty pleas.

Plea bargaining (page 42)

1. What is a plea bargain?

2. Describe the three main types of plea bargain:
 - a. charge bargaining

 - b. count bargaining

 - c. sentence bargaining.

3. What is the advantage of plea bargaining for the defendant?

4. Why is plea bargaining criticised?

Activity: Research *Plea bargaining* (page 42)

1. What percentage of convictions are the result of 'guilty' pleas?
2. Why are Black, Asian and minority ethnic (BAME) defendants less likely than White defendants to plead guilty?
3. According to the article, what is the solution? Why is this solution a problem?
4. What happens to those who plead guilty?
5. What are 'deferred prosecutions' and who are they recommended for?
6. What would be the impact of pleading guilty for BAME defendants?
7. According to Jago Russell, what is the potentially bigger problem for BAME defendants pleading guilty?
8. According to Russell, what is the 'global epidemic' of plea bargaining?
9. According to the Fair Trials report, what has been the worldwide percentage increase in plea bargaining?

10 Why does plea bargaining lead to over-criminalisation and what is the impact on public trust in the justice system?

11.What are the benefits of trial waivers?

12.What is meant by a contract of adhesion?

13.What other flaw is there in the plea bargaining system in the UK?

14.According to Fair Trials, what is one possible solution to the flaw?

Legal aid (page 43)

1. What basic principle of the legal system does legal aid help to uphold?

2. How does the Legal Aid Agency help to do this?

3. In summary offences, who can the defendant discuss his case with?

Bail (page 43)

1. What is bail?
 2. Why is there a general presumption that everyone has the right to bail?
 3. Why might a custody officer at a police station refuse bail?
 4. Briefly describe the following types of bail:
 - a. unconditional bail
 - b. conditional bail.
 5. What does it mean when a defendant is remanded in custody?

Activity: Research *Changes to the rules for bail* (page 43)

A. Using the article, answer questions 1 to 14 that follow.

1. What is the proposed time limit for police bail?
2. According to the College of Policing, what is the problem with this?
3. Why is pre-charge bail used by the police?
4. What does a suspect have to do when released on bail?
5. What is the problem of there being no time limit on bail?
6. Why is bail often extended?
7. Which crimes is the lack of bail a problem for?
8. What can happen if information is not kept on a suspect? Give an example.
9. What was the average length of time for pre-charge bail?
10. What is a major reason for bail of more than 90 days?
11. What types of evidence took a long time to process?

12. What concerns were raised by the PCC about the time limit for bail?

13. Who will become responsible for bail decisions?

14. What time limit has the PCC proposed?

Refusal of bail (page 43)

1. List the six reasons why the court may refuse bail to a defendant.

a.

b.

c.

d.

e.

f.

2. What other factors will magistrates consider when deciding on bail for a defendant?

Sending for trial (page 43)

At what point does the magistrate set a date for trial?

The criminal courts system (pages 44-45)

Overview of the courts (page 44)

Briefly describe the two types of criminal court in England and Wales:

1. courts of the first instance
2. appellate courts.

Magistrates' court (page 44)

1. What proportion of cases are decided in magistrates' courts?
2. Which types of case do magistrates' courts pass on to the Crown Court?
3. How many magistrates sit in court?
4. Do magistrates have to have legal qualifications?
5. Who assists the magistrates?
6. Who represents defendants in a magistrates' court?
7. Briefly outline the sentencing powers of magistrates' courts.

Crown Court (pages 44-45)

1. In approximately how many centres does the Crown Court sit?
 2. Briefly describe the three types of offences the Crown Court deals with:
 - a.
 - b.
 - c.
 3. Briefly describe the role of the jury in the Crown Court.
 4. Briefly describe the five aspects of the role of the judge in the Crown Court:
 - a.
 - b.
 - c.
 - d.
 - e.

Activity: Media *The Crown Court* (page 45)

1. List the personnel present in the Crown Court.
2. What does the judge inform the jury of at the start of the trial?
3. What does the prosecuting barrister inform the jury of?
4. What is examination-in-chief?
5. What is cross-examination?
6. What is re-examination?
7. What is announced after all the witnesses have appeared?
8. What is meant by 'no case to answer'?

9. What does the judge do if it is agreed that there is no case to answer?

10. What are the closing speeches?

11. What is involved in the judge's summing up?

12. What happens if the jury decides the defendant is guilty?

13. Why might sentencing be postponed?

Appeals (pages 45-46)

1. What does your right to appeal depend on?

a.

b.

Appeals from a magistrates' court (page 45)

1. What are the two automatic rights of appeal that you have if convicted in a magistrates' court?
 - a.
 - b.
2. How many days do you have in which to make your appeal?
3. Where will the appeal be heard and by whom?
4. What are the two possible outcomes of the appeal?
 - a.
 - b.
5. What may happen if you win an appeal?

The Court of Appeal (pages 45-46)

1. Which appeals does the Court of Appeal hear?

2. Briefly outline the defendant's right of appeal to the Court of Appeal.

3. Briefly outline the prosecution's right of appeal.

4. Describe the Court of Appeal's powers.

Appeals to the Supreme Court (page 46)

1. What is the Supreme Court?

2. Briefly outline the process for appeal to the Supreme Court.

3. Which body previously carried out the role of the Supreme Court?

Controlled assessment preparation (page 46)

Complete your preparation here.

Topic 2.2

Describe trial processes

TOPIC 2.3 Understand rules in relation to the use of evidence in criminal cases

Learning Objectives:

After studying this Topic, you should be able to:

- Show detailed understanding of the following rules in relation to the use of evidence in criminal cases:
 - relevance and admissibility
 - disclosure of evidence
 - hearsay rule and exceptions
 - legislation and case law.
- Understand how evidence is used in court.

Understand rules in relation to the use of evidence in criminal cases

Getting Started

Thinking about and asking what you have learned from previous topics, consider evidence that the prosecution is going to use in relation to the offence. You may need to consider whether it is likely to be unsatisfactory. You could consider problems such as:

- they are old
- they were forged
- they were collected by someone who did not have the authority to do so
- they were collected after the offence

Relevance and admissibility

In a criminal trial, the prosecution will try to prove that the defendant committed the offence in question. The defence will try to disprove this. The court must decide what evidence can be admitted. The judge or magistrate will consider the following factors:

- **Credible**: Testimony by a reasonable person (for example, does the defendant believe that the facts are true?); or evidence that is relevant to the issue in dispute (for example, does the evidence shown to be true?); or even if the evidence is true, for hearing alone is not enough, the proved evidence must be relevant to the issue in dispute.
- **Authentic**: genuine. A document presented in evidence may not be fully a forgery, but if it is not genuine, it cannot be admitted as evidence.
- **Relevant**: evidence that is related to the issue in dispute. For example, if the prosecution is trying to prove that the defendant committed the offence, they will present evidence that shows the defendant's motive, intent, opportunity, and the like.

Reliance of evidence

The law makes a distinction between two types of fact in a trial. Some in issue and relevant facts.

Facts in issue

These are the facts relied upon by the prosecution to prove the defendant guilty of a crime and which the court has to decide about. They are those facts that the prosecution attempts to prove, and the defence attempts to disprove.

For example, if David is accused of murdering Jack by beating him with a club, the facts in issue will be the facts that the prosecution attempts to prove, such as that David beat up Jack, that David killed Jack, whether David did in fact intend to cause Jack's death, and so on.

Getting Started (page 47)

In what ways might the evidence that the prosecution wishes to use be unsatisfactory?

Consider problems such as:

- the way the police investigated the offence
- the way physical evidence was collected
- problems with witnesses and with their testimony.

Write your answer here.

Relevance and admissibility (pages 47-48)

1. What does the prosecution have to prove in a criminal trial?

2. How does the prosecution do this?

Reliability of evidence (page 47)

Briefly describe the following features of evidence that make it reliable:

1. credible

2. authentic

3. accurate.

Relevance of evidence (pages 47-48)

1. What are 'facts in issue'?

2. Use an example to illustrate facts in issue.

3. What are 'relevant facts'?

4. Use an example to illustrate relevant facts.

Activity: Research *The relevance of evidence* (page 48)

A. Using the article, answer questions 1 to 16 that follow.

1. Why was the case against Bill Roache difficult to prove?

2. When had Roache's accusers gone to the police?

3. What evidence did the 63-year-old accuser have?

4. Did this evidence incriminate Roache? Give reasons for your answer.

5. What inconsistency is highlighted in the 59-year-old woman's testimony?

6. What was the problem with the account mentioning Roache's gold Rolls Royce?

7. What was the husband who contacted the *Sunday Mirror* accused of?

8. Why were the women criticised by Roache's barrister?

9. Why was one charge thrown out halfway through the trial?

10. How did Roache's evidence in the witness box differ from the responses he gave in a TV interview?

11. Why was the evidence about how many women Roache had slept with inadmissible?

12. How is Roache's testimony described?

13. How did Roache's co-star describe him?

14. What has been the impact of the Jimmy Savile case on allegations against celebrities?

15. According to the prosecution, why did the allegations not make sense?

16. Why do you think the Chief Crown Prosecutor attended court?

B. Overall, what is the problem of taking historical cases to court?

Admissibility of evidence (pages 48-49)

Illegally or improperly obtained evidence (page 48)

1. Briefly describe the procedure for the following types of evidence:
 - a. illegally obtained evidence
 - b. improperly obtained evidence.
2. What is meant by the 'probative value' of evidence?
3. What is meant by the 'prejudicial effect' of evidence?
4. How does the court determine if illegally or improperly obtained evidence can be permitted in a trial?

The right to remain silent (pages 48-49)

1. What is presumed about the accused in a trial?
2. How does this affect whether an individual might give evidence in court?
3. Why might the jury draw conclusions about a defendant remaining silent in the following situations:
 - a. failure to answer police questions
 - b. failure to testify in court?
4. Can a defendant's silence in court be used to convict them? Explain your answer.

Evidence of bad character (page 49)

1. How does the Criminal Justice Act 2003 define bad character?

2. When is character evidence permitted in a trial?

3. What is 'contaminated evidence'? How might it affect evidence of bad character?

Activity: Media *Why rapes are not reported* (page 49)

1. What might be brought up in court for a woman who has been raped?

2. What proportion of reported rapes result in a conviction in England and Wales?

3. What proportion of rapes are reported?

4. According to Emily and Faye, why are rapes not reported?

5. What is the problem with women waiting to report rape?

6. What happens if a victim loses the case?
7. Why does the victim feel she is the one being punished?
8. How long did it take for a trial in the case in the clip?
9. What is the impact of waiting for a trial for a long time?
10. According to Alex, what is the impact of power and status in a rape trial?
11. Why might members of the court have a view about how victims should behave?
12. Why might the image of an 'ideal victim' not be helpful?
13. Why is it important for rape victims to go to the police early?
14. What advice do the victims give to other victims?

Disclosure of evidence (pages 49-50)

The prosecution's duty of disclosure (pages 49-50)

1. Briefly describe the two duties of the prosecution:
 - a.
 - b.
2. What is 'unused material'?
3. Briefly describe the case of Liam Allan and what evidence the police had failed to disclose.
4. Why might failure the prosecution's failure to disclose evidence be a growing problem?
5. What is 'public interest immunity'?

The defence's duty of disclosure (page 50)

What evidence does the defence have to disclose?

Hearsay evidence (page 50)

1. What is 'hearsay evidence'?

2. Give an example of hearsay evidence.

3. Why is hearsay evidence generally not admitted in court?

4. Briefly describe four situations when hearsay evidence is admissible.
 - a.

 - b.

 - c.

 - d.

Activity: Research *Hearsay evidence* (page 51)

A. Using the article, answer questions 1 to 7 that follow.

1. Why is this case so unusual?
 2. Why did the victim not give a statement?
 3. What did Saunders do to his partner?
 4. How was Saunders brought to justice?
 5. What did the judge say about the hearsay evidence?
 6. According to Michelle Bunson, why is this an important domestic abuse case?
 7. What is a key element of coercive control?
- B. Why do you think hearsay evidence is important in a case like this?

Controlled assessment preparation (page 51)

Complete your preparation here.

TOPIC 2.4 Assess key influences affecting the outcomes of criminal cases

Learning Objectives:

After studying this Topic, you should be able to:

- Assess the following key influences affecting the outcomes of criminal cases:
 - evidence
 - witnesses
 - experts
 - barristers and legal teams
 - judiciary
 - politics
 - the media.
- Understand the many factors that can influence the outcome of a trial and be able to assess their impact.

The worksheet is titled 'TOPIC 2.4 Assess key influences affecting the outcomes of criminal cases'. It includes sections for 'Getting Started', 'Evidence', and 'Witnesses', each with sub-instructions and a space for drawing or writing.

TOPIC 2.4

Assess key influences affecting the outcomes of criminal cases

Getting Started

Imagine that a child has been abducted in your town or city. A suspect has been arrested and charged. You receive a summons to serve on the jury for the trial.

1. List any factors that might influence your view of the case.

As a juror (jury member):

1. Determine which of these influences might affect your verdict when serving on the jury.
2. Consider whether your view of the case might change and if so why.

Evidence

Evidence lies at the heart of the process in criminal cases. In reaching their verdict, the jury must consider all the physical and testimonial evidence of witness statements before a case can go to court. The prosecution must prove beyond reasonable doubt that the accused is guilty of the offence. The defence will argue that there is a case for the accused to answer, and the jury must believe that they are more likely than not to secure a conviction when the case is tried. Trials are public events and the media may influence the public's view of the case. The defence will challenge the prosecution case, cross-examining the prosecution's witnesses and presenting its own evidence. The defence may pay or negotiate that the accused's guilty beyond reasonable doubt or all reasonable doubt has been removed.

Witnesses

Non-expert witness and prosecution – are entitled to call witnesses to give evidence (testimony). Normally, witnesses must give their evidence to the court in person, with two exceptions:

Getting Started (page 52)

Imagine a child has been abducted in your town or city. A suspect has been arrested and charged. You receive a summons to serve on the jury for the trial.

List any factors that might influence your view of the case.

1. Determine which of these influences might affect your verdict when serving on the jury.
2. Consider whether your view of the case might change and if so why.

Evidence (page 52)

1. Why is evidence at the heart of the process in criminal cases?

2. As regards evidence, what must happen before a case can go to court?

Witnesses (pages 52-54)

1. Who can call witnesses in criminal cases?

2. What are the two exceptions to witnesses having to give evidence in court?
 - a.

 - b.

3. What is the 'examination-in-chief'?

4. Why is the evidence from witnesses important?

Stereotyping (page 53)

1. What is the impact of jurors having stereotypical views about groups of people?
 2. According to Kaufmann et al, what determined the way jurors viewed victims of rape?
 3. What did Brodsky et al find about jurors' views of witnesses?
 4. List the social factors that can affect the weight that juries give to evidence from witnesses.

Eye witnesses (pages 53-54)

1. Why might eye witnesses give inaccurate evidence?
 2. What was the reason for 70% of wrongful convictions being overturned?

Experts (page 54)

1. What are expert witnesses?
2. What is different about the evidence given by expert witnesses as compared with other witnesses?
3. Why is expert witness evidence often crucial to cases?
4. What is a possible danger with expert witness evidence?
5. Using an example, explain how expert witness evidence can lead to miscarriages of justice.
6. How might the problems associated with expert witnesses be overcome to help clarify the case for the jury?

Activity: Media *The misuse of statistics* (page 54)

1. What was Sally Clark convicted of in 1999?
2. How old were the babies when they died?
3. How was baby Christopher's death recorded?
4. How was this changed after Harry died?
5. What was Sally Clark's sentence?
6. How long was she in prison?
7. Why was Sally Clark released?
8. According to Sir Roy Meadow, what were the odds of a family losing two babies to cot death?
9. What is the actual statistic for the chances of one cot death?
10. Why did Meadow modify the chance for the Clarks and what was the new figure?
11. What is the formula for calculating the probability of two events?

12. Note the figures that Meadow used to reach the probability he gave in court.
13. How does the probability of having a second cot death change?
14. What is conditional probability? Use the example to help you explain.
15. How is conditional probability relevant to Sally Clark's case?
16. What formula should have been used to give the probability of two cot deaths in Sally Clark's case?
17. What answer does this formula give?
18. How does this compare to the statistics from Meadow?
19. Why was the figure given so important for the case?
20. What happened after the statistics had been challenged?
21. Why are statistics so powerful in cases like this?

Barristers and legal teams (pages 54-55)

1. Briefly describe the role of a barrister.

2. In what ways can a barrister affect the outcome of a case?

Cost (page 54)

How much might barristers earn? What might be the impact of this for defendants?

Plea bargaining (page 55)

What is the involvement of legal teams in plea bargaining? What might be the impact of their involvement?

Juror infatuation (page 55)

What is 'juror infatuation' and how might it have an impact on the outcome of a trial? Give an example to illustrate your answer.

The judiciary (pages 55-56)**Affecting the verdict** (page 55)

1. Briefly outline the three powers and responsibilities of judges:
 - a.
 - b.
 - c.
2. What is meant by a 'perverse decision'?
3. What is 'jury equity'?

Deciding the sentence (page 55)

1. What are Sentencing Guidelines?
2. Who decides the sentence that will be given to an offender?
3. Use the example of the riots in 2011 to show how and why sentencing may vary.

Juryless trials (pages 55-56)

Under the Criminal Justice Act 2003, in what two situations can a judge sit without a jury?

a.

b.

Activity: Research *Juryless trials* (page 56)

A. Using the article, answer questions 1 to 9 that follow.

1. How long has it been since there has been a juryless trial?
2. What were the men accused of?
3. Why did the judge decide to hold a juryless trial?
4. How many trials have there been in relation to this case?
5. How did the court proceedings in the case differ from those with a jury?
6. What did the court hear about the robbery?

7. Why have juryless trials been used in Northern Ireland?

8. When are juryless trials used in Scotland?

9. What are the concerns of the friends of the defendants?

- B. In your opinion, does a juryless trial offer defendants the same access to justice as a trial with a jury? Justify your opinion.

Judicial bias (page 56)

1. What may happen if a judge is biased?

2. Briefly outline the social class position of judges.

3. Given the current gender make-up of the judiciary and the slow rate of change, what year will it be before there are equal numbers of male and female judges?

4. Briefly outline the potential problems of male judges sitting on rape trials.

Politics (pages 56-57)

1. Where do the following laws come from:
 - a. common law
 - b. statute law?
2. Why is politics central to the making of statute law?
3. Briefly outline the three ways in which politicians can affect criminal law and the outcome of cases:
 - a. creating new offences
 - b. abolishing existing offences
 - c. changing the penalties.

Public-interest immunity certificates (page 57)

1. What are public-interest immunity (PII) certificates?

2. Briefly explain how PII certificates were used in the 'arms to Iraq' case.

The media (pages 57-59)

Briefly outline the two ways in which moral panics can affect the outcome of cases.

a.

b.

Trial by media: the tabloid press (page 58)

1. What is meant by a 'fair trial'?

2. How may representation in the media affect the likelihood of a fair trial?

Case study *Trial by media* (page 58)

1. What was Christopher Jefferies arrested for?
2. Describe the ways in which Jefferies was portrayed by the *Sun* newspaper.
3. Which other papers then joined in with this representation, and what did they print?
4. Was Jefferies guilty?
5. What happened to the papers following their coverage of the case?

Trial by social media (page 59)

Briefly describe the impact of social media on the case of the murder of Angela Wrightson.

Activity: Research *Do media reports influence juries?* (page 59)

A. Using the article, answer questions 1 to 14 that follow.

1. What did the study conclude about jury trials?
2. How are juries protected from the influence of the media?
3. What can happen to editors who compromise the legal process?
4. What is the view of many lawyers and journalists about the impact of media reporting?
5. What is the ‘fade factor’?
6. According to Thomas, what did the report show about what jurors recalled from the media?
7. How did the impact of the media differ in high-profile cases?

8. Did the study confirm the fade factor?
 9. Briefly explain what is shown by the graph.
 10. Why might there be a problem for jurors who cannot forget the original media reports about a case?
 11. Why does the internet present a problem for ensuring juries are not influenced by the media?
 12. What does the graph about the use of the internet suggest?
 13. Why were three juries dismissed in 2008?
 14. Why is the internet different to traditional media?

B. Overall, do you think media reports are likely to influence a jury? Give reasons for your answer.

Controlled assessment preparation (page 59)

Complete your preparation here.

TOPIC 2.5 Discuss the use of laypeople in criminal cases

Learning Objectives:

After studying this Topic, you should be able to:

- Discuss the use of the following laypeople in criminal cases:
 - juries
 - magistrates.
 - Discuss the strengths and weaknesses of both juries and lay magistrates.

<p>TOPIC 2.5</p>	<p>► Discuss the use of laypeople in criminal cases</p> <p>Getting Started</p> <p>Answer the following questions and answer the following question:</p> <ol style="list-style-type: none">What advantages might there be in having a case decided by laypeople?Why might members of the public not be fair when deciding on a case?Are laypeople better suited than professional judges to handle the public, deciding the truth in criminal cases? <p>Laypeople in the legal system</p> <p>Laypeople are ordinary members of the public, who do not have specialised or professional legal training. In some countries, laypeople are called lay-judges. In the United Kingdom, laypeople are referred to as jurors, and as magistrates.</p> <p>Juries</p> <p>Jurors are selected from Crown Court cases, and are a smaller subset of the public, such as some jurors in the United States.</p> <p>The jury's role</p> <p>In Crown Court trials, the verdict is normally decided by a jury of 12 people. The jury hear the evidence and arguments put forward by the prosecution and defence. If they are satisfied beyond reasonable doubt that the accused is guilty, they will return a guilty verdict. If they are not satisfied beyond reasonable doubt, they will return a not guilty or not proven verdict, such as manslaughter rather than murder. In a guilty verdict, the jury will also decide the sentence to be imposed on the accused person.</p> <p>Verdicts can be appealed if the accused person is dissatisfied with the outcome. Those who were not selected to sit on the jury can apply to receive compensation for their time lost. They can also apply to the Criminal Justice Act 2003 to be paid for their time lost.</p> <p>Magistrates</p> <ul style="list-style-type: none">are a subset of the UK population - the UK Republic and a British Commonwealth countrymake up the first stage of the criminal justice systemDecision-making Certain people are dismissed from jury duty, such as those on long-term medication, those under 18 years old, or those of poor or mental health. Anyone who has decided a shorter sentence is disqualified for 10 years.
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Getting Started (page 60)

1. What advantages might there be in having your case decided by members of the general public rather than by a judge?
 2. Why might members of the public not be fair when deciding on a case?
 3. Can you think of any other disadvantages to members of the public deciding the verdict in criminal cases?

Topic 2.5

Discuss the use of laypeople in criminal cases

NAPIER PRESS Criminology

1. What are 'laypeople'?
 2. In what roles do laypeople serve in the English legal system?

Juries (pages 60-61)**The jury's role** (pages 60-61)

1. What do the jury do in Crown Court trials?
2. What do the jury do after hearing all the evidence?
3. Who can jurors discuss their decisions with?
4. How are jurors selected?
5. Who is eligible to be a juror?
6. Who would be disqualified from jury service?
7. Why might a person be excluded from being a juror?

Activity: Media *The role of a juror* (page 61)

1. How are jurors selected?
2. Who can be selected?
3. For whom could it be an offence to serve on a jury?
4. What does a juror have to do?
5. What can happen if you cannot attend court?
6. How many days does jury service normally last? Why might it be longer?
7. Why might jurors have to show identification?
8. How is the jury selected for each trial?
9. Why might the legal teams challenge the selection of a juror?
10. How does a juror take the oath or affirm?
11. What is the first stage of the trial?

12.What must a juror tell the usher?

13.Why might a judge intervene during a trial?

14.What is the purpose of the judge's summing up for the jury?

15.How do the jury ask questions during the trial?

16.What must your opinion as a juror be based on?

17.Who can jurors discuss the case with?

18.What must a juror do if someone tries to influence them?

19.What is forbidden for jurors during a trial?

20.How long do the jury deliberate for?

21.Why is the jury system important?

Strengths of the jury system (pages 61-62)

Jury equity (pages 61-62)

1. Briefly describe what is meant by 'jury equity'.
2. Use the case of Kay Gilderdale to show how jury equity can be exercised in a case.

Case study *The trial of Clive Ponting* (page 61)

1. Briefly outline what happened to the *General Belgrano* in 1982.
2. What did Ponting do three years later? Why was this an offence?
3. According to Ponting, why did he commit the offence?
4. What did the judge rule at the trial and what did he recommend to the jury?
5. What did the jury do?

Justice is seen to be done (page 62)

Briefly explain how juries make the legal system more open.

Impartiality and a fairer trial (page 62)

1. Why do many people believe jury trials are fairer?

2. Why might the jury system cancel out individual prejudices?

3. What is the advantage of juries only sitting for a short period of time?

Secrecy (page 62)

Briefly outline the advantages of the secrecy of the jury's deliberation.

Public confidence and democracy (page 62)

1. How does the jury system help to keep the state's power in check?

2. Why have attempts to restrict jury trials met with opposition?

3. Why is the jury system democratic?

Weaknesses of the jury system (pages 62-65)**Racial bias** (pages 62-63)

1. Describe how the case of Kuldip Sander shows the problems of racial bias in a jury.

2. What did the independent review by David Lammy show about racial bias in jury trials?

3. According to Lammy, why are Black, Asian and minority ethic defendants more likely to opt for trial by jury?

Media influence (page 63)

What does the case of R v Taylor and Taylor show about the impact of media coverage of a case?

Fraud trials (page 63)

1. Why might jury verdicts in fraud trials be unsound?
2. What other problems do fraud cases present for jurors?
3. What does the research by Cheryl Thomas show about jurors' understanding of trials and directions by the judge?

Jury tampering (page 63)

1. What is meant by 'jury tampering'?
2. Briefly describe the first judge-only trial. Why was it conducted without a jury?

High acquittal rates (page 63)

1. What proportion of those pleading not guilty at Crown Court are acquitted?
2. For what reasons are these cases acquitted?
3. Of the cases that make it to trial by jury, what proportion are convicted?

Perverse decisions (pages 63-64)

1. Use the case of R v Randle and Pottle to explain a perverse decision made by a jury.
2. Briefly describe the perverse decision made by the jury in the case of R v Kronlid.

Secrecy (page 64)

1. Why is the secrecy of jury verdicts a problem?
2. In the case of R v Mirza, what did the jury discuss in reference to the use of an interpreter?
3. In the case of R v Conner and Rollock, why had the jury decided to convict both defendants?
4. What would be the impact on cases if the jury's discussions were not secret?

Activity: Media *The Ouija board case* (page 64)

- A. Using the clip, complete questions 1 to 20 that follow.

Note: There is no commentary on the clip, so you need to look at the words on the screen. It may help to pause and read as you work through the clip.

1. What was Stephen Young found guilty of in 1994?
2. How had the couple been killed?
3. How long was the trial?
4. What was the headline in the *News of the World* a month after the verdict?
5. What did the headline refer to?
6. Briefly describe how the jurors used the Ouija board.
7. According to the clip, why do jurors sometimes misbehave?
8. What happened in an Australian trial?
9. How do search engines and social media affect jurors?
10. What proportion of jurors in high-profile cases searched online for information about the case?
11. In the trial of Stephen Young, what had an earlier jury done?
12. Why did the trial end before completion?
13. According to Gans, why might jurors feel the need to misbehave and break the rules?

14.What is the implication of a re-trial? Use the example of the Sudoku jury to explain.

15.Apart from cost, what further implications are there?

16.What happened in the Ouija board case?

17.What was the effect on the family of the victim?

18.According to Gans, why was the Ouija board case exceptional?

19.What was the impact of the media attention?

20.What other misbehaviour by jurors does Gans quote?

B.Overall, do you think juries will always give a fair verdict? Justify your answer.

Jurors and the internet (page 64)

1. According to the Criminal Justice and Courts Act 2015, what is it an offence to do?

2. What did Cheryl Thomas find about jurors and the internet?

3. How might information on the internet affect the outcome of a trial? Give an example to illustrate this.

Activity: Research *Jurors and the internet* (page 65)

A. Using the article, answer questions 1 to 8 that follow.

1. Why did the multi-million-pound drugs trial collapse?
 2. What is this the first case of?
 3. What did Joanna Fraill admit to doing and what sentence did she face?
 4. Why had Fraill contacted the defendant, Jamie Stewart?
 5. What did Stewart try to find out from Fraill?
 6. What was the impact of the breach on Fraill?
 7. What did the psychiatric report reveal about Fraill?
 8. Why did one of the defendants in the original trial apply to have his conviction overturned?
- B. Overall, how can the internet and social media affect trials and the decisions of juries?

Magistrates (page 65)

Who are magistrates and approximately how many are there?

The magistrate's role (page 65)

1. Briefly describe the role of magistrates.
2. What proportion of cases are decided by magistrates?
3. What types of cases do they hear?
4. What are the maximum penalties that magistrates can impose?
5. What do magistrates do in more serious cases?

Strengths of magistrates (pages 65-66)

Democracy (page 65)

Why might the use of magistrates be seen as democratic?

Local knowledge (page 65)

1. What is the advantage of magistrates being local to the area that they serve?
2. Use the case of Paul v DPP to describe how local knowledge can help with a case.
3. What has been the impact of the closure of some magistrates' courts in recent years?

Representative of the population (pages 65-66)

1. State two ways in which magistrates are representative of the population.
 - a.
 - b.
2. How does this compare to judges?
3. What is the advantage of having three magistrates in a court?

Weaknesses of magistrates (pages 66-67)

Unrepresentative of the population (page 66)

1. State three ways that show how magistrates are not representative of the population in terms of age.
 - a.
 - b.
 - c.
2. Briefly explain why magistrates are unrepresentative of the population in terms of social class.

Inconsistency in sentencing (page 66)

1. What is in place to ensure consistency in sentencing between magistrates?
2. How do the figures for sentencing in Bristol and Coventry compare for:
 - a. custodial sentences
 - b. community sentences?
3. What do the differences in the figures for question 2 tell us about inconsistency in magistrate's sentencing?
4. What is meant by a 'postcode lottery'?

Activity: Media Magistrates (page 67)

For the following questions, give the view of the magistrate in the clip.

1. What do magistrates do?
2. What qualities are required to be a magistrate?
3. Do you think magistrates are out of touch?
4. Are there typical sorts of cases that you deal with as a magistrate on a regular basis?
5. Do you think sentencing is generally too lenient?
6. How do you ensure sentencing is consistent?
7. How are victims considered in sentencing?
8. Would you recommend becoming a magistrate to other people?

Bias (page 67)

1. According to critics, why do magistrates convict such a high proportion of defendants?
2. What does the case of Bingham Justices (1974) show about who magistrates are likely to believe?
3. Why might magistrates be biased?
4. What does the decision of many BAME defendants to opt for Crown Court trials suggest?

Over-reliance on legal advisers (page 67)

What might be the effect of magistrates using legal advisers?

Controlled assessment preparation (page 67)

Complete your preparation here.

TOPIC 3.1 Examine information for validity

Learning Objectives:

After studying this Topic, you should be able to:

- Examine the following information for validity:
 - evidence
 - trial transcripts
 - media reports
 - judgements
 - law reports
- Examine the validity of the above information in terms of:
 - bias
 - opinion
 - circumstances
 - currency
 - accuracy.
- Show the ability to review the information sources and make judgements on the suitability of the content they provide against a number of criteria.

TOPIC 3.1 Examine information for validity

Getting Started

How far can we rely on the following sources of information about crimes and suspects?

What factors?

- the testimony of experts
- forensic evidence
- social media
- the police
- eye witnesses
- the judiciary's judgements

Think about these sources in terms of issues such as:

- Is it accurate or inaccurate?
- Is it factual or just opinion?
- Is it biased or impartial?

Sources of Information

In this topic, you will examine the following sources of information in relation to criminal justice evidence, trial transcripts, the media, court judgements, and law reports.

How far can we rely on the following sources of information about crimes and suspects? What factors affect our reliance on them?

Factors to consider include:

- the source of the information – does it have legal force and authority?
- the reliability of the source – is the information accurate, factual, and reliable?
- the purpose of the source – does it have a particular purpose, such as to incite or encourage others to commit crimes or violence?
- the context in which the information was provided – does it relate to a specific case or issue?
- the date of the information – is it up-to-date or out-of-date?
- the credibility of the source – is the source credible or unreliable?
- the potential for bias – does the source have a bias or agenda?
- the potential for manipulation – does the source manipulate or mislead?
- the potential for error – does the source contain errors or mistakes?
- the potential for inaccuracy – does the source contain inaccurate information?
- the potential for falsehood – does the source contain falsehoods?
- the potential for unreliability – does the source contain unreliable information?

Evidence

The prosecution and defence will present evidence in a criminal trial and it is up to the jury or magistrate to decide how valid the evidence is in reaching their verdict.

As a witness, you may be asked to give evidence in a criminal trial. You must ensure your evidence is to be:

- admissible for example, hearing evidence or confessions obtained by threats will not be valid
- accurate, factual and reliable
- reliable if the evidence is relevant, given the circumstances (Even if the witness is honest, they may still be unreliable)
- credible if the evidence is believable, given the circumstances (Even if the witness is honest, they may still be unreliable)
- fair if the prosecution's evidence in court has to first consider the CPS guidance on evidence that is reliable, but the court disregarded it anyway, the defendant may be found guilty in court)

Getting Started (page 68)

How far can we rely on the following sources of information about crimes and suspects?

a. the testimony of experts

b. forensic evidence

c. the tabloid press

d. social media

e. eye witnesses

f. the police

g. the judiciary's judgements.

You might want to refer to any relevant cases you know about.

Think about these sources in terms of issues such as:

- Is the information accurate or inaccurate? Is it factual or just opinion? Is it biased or impartial?

Evidence (pages 68-70)

1. Briefly outline the following characteristics that evidence must have to be considered in a trial:
 - a. admissible
 - b. reliable
 - c. credible.

2. How might evidence that has convinced the CPS be challenged in court by the defence?

Eye-witness testimony (page 69)

1. Briefly outline the four factors that can affect the accuracy of eye-witness testimony:
 - a.

 - b.

 - c.

 - d.

2. Briefly explain how these four factors can affect the validity of eye-witness testimony.

Evidence from experts (pages 69-70)

1. Briefly explain why evidence from experts is given a special status by the courts.

2. What might be the impact on the jury of the special status of the evidence given by experts?

Miscarriages of justice (page 69)

1. Briefly describe the miscarriage of justice caused by the evidence of Sir Roy Meadow.

2. Give an example of another case where the evidence of an expert caused a miscarriage of justice.

Forensic evidence (page 70)

Why might expert forensic evidence be inaccurate?

Trial transcripts (page 70)

1. What is a ‘trial transcript’?
2. How has the recording of trial transcripts changed with improved technology?
3. Who can apply for a copy of a transcript? Will they always receive it?

Uses of transcripts (page 70)

Briefly outline the two reasons why trial transcripts are important in ensuring justice:

a.

b.

How valid are transcripts? (page 70)

1. Why are trial transcripts seen as valid sources of information?
2. What are the limitations of digitally recorded transcripts?
3. What limitations would there have been when stenographers recorded court proceedings?

Media (pages 70-71)

Political bias (pages 70-71)

1. Which political parties do the following newspapers support:
 - a. the *Mirror*
 - b. the *Sun*?
2. Why is radio and TV coverage of cases likely to be less biased than newspaper coverage?
3. Using an example, explain how political support might affect the media coverage of crime and justice issues.
4. Why should we treat media sources with caution when studying criminal cases?

Moral panics (page 71)

1. Why do the media sensationalise stories about crime?
2. How does this sensationalisation affect the validity of a story?

Stereotyping (page 71)

1. Briefly describe how the tabloid press might stereotype an offender.
2. Using the example of Christopher Jefferies, explain the possible impact of this kind of reporting.
3. According to Hall et al, what other type of stereotyping is used by the media?

Judgements (pages 71-74)

Unintentional bias in judgements (pages 71-72)

1. What do simulations show about bias in the decisions of jurors?
2. What is meant by 'weapons bias'? How has it been demonstrated?
3. What do studies show about bias in the death penalty in the United States?
4. Briefly outline Ellison and Munro's findings on rape trials.

Political bias in judgements (page 72)

1. What may be the impact on a trial of a judge's political views?

2. What did Pinochet do in 1973?

3. What happened to Pinochet in 1998?

4. Briefly explain Pinochet's claim to immunity.

5. Why was the ruling of the House of Lords reversed?

6. Explain why Hoffman's verdict could have been seen to be biased.

Inquests (page 73)

1. Briefly outline who is entitled to state funding for an inquest and who is not.

2. What does INQUEST claim about funding for inquests?

The Hillsborough disaster (pages 73-74)

1. Briefly describe the events of 15 April 1989.

2. What happened in the weeks that followed the disaster?

The first inquest (page 73)

1. Who was blamed for the Hillsborough deaths in Lord Justice Taylor's report?

2. What was the verdict in the inquest in 1991?

3. What happened in 2000?

4. What were the four findings of the Hillsborough Independent Panel in its report in 2012?
 - a.

 - b.

 - c.

 - d.

The second inquest (pages 73-74)

1. What were the four findings of the inquest in 2016?

a.

b.

c.

d.

2. What happened to Duckenfield after the inquest??

3. Briefly outline the four serious errors of judgement made by those in authority.

a.

b.

c.

d.

Activity: Media Hillsborough (page 74)

A. Using the first clip, complete questions 1 to 23 that follow.

1. How long did it take to get the truth about Hillsborough?
2. What did the jury rule in the trial?
3. When did the disaster happen?
4. What did the police fail to do?
5. What should Sheffield Wednesday have done?
6. What did Chief Superintendent David Duckenfield do?
7. What was the impact of Duckenfield's action?
8. What did South Yorkshire Police fail to do?
9. What was the overall verdict on the death of the 96 fans?
10. How were the jury directed by the coroner?
11. What did Duckenfield admit at the inquest?
12. Who had previously been blamed for the incident?
13. According to Trevor Hicks, why is the verdict good for society at large?

14.What did David Crompton state after the verdicts?

15.According to Andy Burnham, what had South Yorkshire Police done for 27 years?

16.Briefly describe Tim Knowles's experience of Hillsborough.

17.Why was the experience for the survivors made worse after the disaster?

18.How had the *Sun* newspaper portrayed the fans after the disaster?

19.Why would the *Sun* not be welcome at the families' press conference?

20.What possible crimes are being investigated?

21.According to Jon Stoddart, why are the police 'drinking at the last chance saloon'?

22.Why is it likely that no-one will face justice for the disaster?

23.How much have the investigations cost so far?

B. Using the second clip, complete questions 1 to 15 that follow.

1. How long did the trial of David Duckenfield last?

2. How long did the jury spend in deliberation at the trial?
3. Why are the families disappointed with the verdict?
4. What do the families hope to get from the hung jury verdict?
5. What verdict did the jury agree on?
6. Who was Graham Mackrell?
7. What did Mackrell do after the disaster?
8. What had Mackrell been responsible for on the match day?
9. How did Mackrell respond to the charges against him?
10. What had prosecutors argued about David Duckenfield?
11. What did Duckenfield's defence argue?
12. Why are the families still the losers?
13. What will happen to David Duckenfield now?
14. What sentence is Graham Mackrell likely to face?
15. What has the verdict in the trial meant for the families?

The inquest of Mark Duggan (page 74)

1. What did the family of Mark Duggan seek to do?
2. Briefly outline what happened to Mark Duggan.
3. What was the verdict at the inquest into his death?
4. At the Court of Appeal, what was found about the coroner?
5. What is there still disagreement about regarding the case of Mark Duggan?

Activity: Media *The Mark Duggan case* (page 74)

1. How long had Mark Duggan's family waited for the verdict in the inquest?
2. What was shouted in the court?
3. Why do the people in court feel this way?
4. What happened to Cynthia Jarrett 30 years earlier?
5. Why do people feel nothing has changed in those 30 years?

6. What had happened to Mark Duggan's family after the verdict?
7. What are the two differing views of who Mark Duggan was?
8. How do Mark Duggan's family respond to the police's view of Mark?
9. What were the consequences of Mark Duggan's death in August 2011?
- 10.What did the jury find about Mark Duggan's death?
- 11.Why was the shooting always going to be controversial?
- 12.What other questions did the shooting raise?
- 13.Why were the police following Duggan on the day he was shot?
- 14.What evidence was missing from the police intelligence?
- 15.What happened when the police stopped the taxi that Duggan was in?

16.What did the officer who had shot Duggan do?

17.Why was the verdict of lawful killing given?

18.Why did the officer fire twice?

19.According to Roger Gray, how do firearms officers make a decision to shoot?

20.According to Gray, why is it difficult for officers to give evidence after a shooting?

21.Why were there accusations of a cover-up?

22.Where was the gun found?

23.What did officers deny about the gun?

24.According to Stafford Scott, what was the problem with the evidence about the gun?

25.During the inquest, what did the judge strongly criticise?

26.What contradicts the police officers' evidence?

27.What did the jury decide about the gun?

28.What do the family claim about the police intelligence?

29.Following Duggan's death, what appeared in the media about him?

30.What did the IPCC admit to?

31.What happened three days after Mark Duggan's death?

32.What did the family and supporters of Mark Duggan want to know from the police?

33.According to Shaun Hall, what did the police fail to do?

34.How were the police and the IPCC criticised?

35.What was the impact of the police failures?

36. According to Claudia Webbe, what was lost by the action of the police?

37. What was the impact of the verdict on Mark Duggan's family?

Law reports (pages 75-76)

1. What are law reports?

2. What is the purpose of law reports?

3. Briefly outline the four sections of a law report.
 - a.

 - b.

 - c.

 - d.

The principle of precedent (page 75)

1. What proportion of cases are reported in law reports and why are these cases reported?

2. In England and Wales, what does the principle of precedent govern?

3. What does following precedent promote?

Why are law reports important? (page 75)

1. How do law reports enable the courts to follow precedent?

2. What does a law report contain and why is this important?

How valid are law reports? (page 76)

Briefly outline the four ways in which law reports can be seen as valid and authoritative sources of information on the law.

1. accuracy

2. currency

3. bias

4. opinion.

Controlled assessment preparation (page 76)

Complete your preparation here.

Topic 3.1

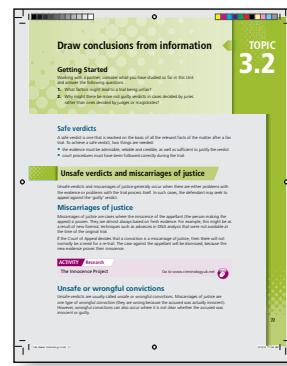
Examine information for validity

TOPIC 3.2 Draw conclusions from information

Learning Objectives:

After studying this Topic, you should be able to:

- Draw objective conclusions from information on criminal cases in relation to the following:
 - just verdicts
 - miscarriage
 - safe verdict
 - just sentencing.
- Show the skills needed to analyse the information in order to draw conclusions based on reasoned evidence.



Getting Started (page 77)

1. What factors might lead to a trial being unfair?

2. Why might there be more not guilty verdicts in cases decided by juries rather than ones decided by judges or magistrates?

Safe verdicts (page 77)

What two things are needed for a verdict to be safe?

a.

b.

Unsafe verdicts and miscarriages of justice (pages 77-79)

Miscarriages of justice (page 77)

1. What are 'miscarriages of justice'?
2. What are miscarriages of justice generally based on?
3. What happens if the Court of Appeal decides a conviction is a miscarriage of justice?

Activity: Research *The Innocence Project* (page 77)

- A. Using the clip, answer questions 1 to 9 below.
1. Who is Barry Scheck?
 2. Describe the case in 1988 where Scheck tried to use DNA testing to prove the defendant innocent.
 3. What did Scheck learn from the scientist and adviser he worked with while he was investigating the possibility of using DNA evidence?

4. According to Scheck, why would DNA be transformative in the justice system?
 5. How does the Innocence Project decide which cases to take up?
 6. Briefly describe the following types of DNA testing:
 - a. restriction fragment linked polymorphism tests
 - b. polymerase chain reaction (PCR)
 - c. short tandem repeats
 - d. Y testing
 - e. mitochondrial testing.
 7. What is the advantage of having a range of DNA tests available?
 8. What is touch DNA?

9. How do all these techniques help the Innocence Project?

- B. Use the article in the link to complete 1 to 10 below.

 1. What was Dwaine George jailed for?

 2. How many years did he serve in prison?

 3. What happened to the victim in this case?

 4. What evidence did the prosecution use to prove George was involved in the killing?

 5. What was the current appeal focused on?

 6. What were the new guidelines introduced in 2006?

 7. What would the judge have suggested if the new guidelines had been in place?

 8. What is the hope of Professor Julie Price in relation to the criminal justice system?

 9. What did the Innocence Project contribute to the overturning of the verdict?

 10. What has been the impact for Dwaine George?

Unsafe or wrongful convictions (pages 77-78)

1. Other than through miscarriages of justice, when can wrongful convictions occur?

2. Briefly outline the four defects in the trial procedure that may cause wrongful convictions:
 - a.

 - b.

 - c.

 - d.

3. Why might the Court of Appeal order a re-trial following defects in a trial's procedure?

The Birmingham Six (pages 78-79)

1. Briefly describe the events of 21 November 1974 and what happened soon after.

2. What were the six charged with in 1975?

3. What evidence was presented by the prosecution in an attempt to prove their guilt?

4. Briefly outline the events in 1985 and 1986 that cast doubt on the convictions of the six.

5. What did the Court of Appeal rule in 1988?

6. What happened at the appeal in 1990?

7. When were the six freed?

Activity: Media *The Birmingham Six* (page 78)

1. How long did the Birmingham Six spend in prison?
2. What had they originally been found guilty of?
3. How does Paddy Hill describe himself?
4. In the footage from their release, what do the Birmingham Six say the police had told them?
5. According to Hill, what are those who are victims of miscarriages of justice focused on?
6. What does he suggest about how he felt when he was released?
7. How does Hill describe life in a maximum-security prison?
8. What problems did he face on release from prison?
9. What explanation does he give for still being so angry twenty years after release?
10. Why is Hill so angry with the police?

11. After the bombings, when did he go to the police station?

12. What did the police do to Hill?

13. What was the purpose of the police actions?

14. According to Hill, what was the worst thing for him to live with?

15. According to Hill, how do guilty criminals treat prison?

16. Why is prison harder for those prisoners who claim they are innocent?

17. How long did Hill spend in solitary confinement and why?

18. Why was prison so much harder for the Birmingham Six? What threats did they face?

19. How were the Birmingham Six treated in prison?

20. What impact did prison have on Hill?

- 21.What would he have liked to see happen to the police who manufactured evidence against him?
- 22.Why was it ruled that the police would not get a fair trial? How does this compare to the treatment of the Birmingham Six?
- 23.What has been the impact of wrongful imprisonment on Hill's family life?
- 24.Why has Hill not seen the other members of the Birmingham Six?
- 25.Why does he not feel he can have truth and reconciliation like Nelson Mandela did?
- 26.Why does the presenter suggest that Hill should be able to understand the context of the wrongful conviction? What is Hill's response to this?
- 27.What are the parallels drawn between the treatment of the Irish in the 1970s and the treatment of Muslims today?
- 28.What does Hill claim breeds terrorism?
- 29.What did he mean by saying 'Now it's our turn' on his release?
- 30.Why does Hill say his conviction was overturned?

West Midlands Serious Crime Squad (page 79)

Briefly outline the allegations of misconduct made against the West Midlands Serious Crime Squad.

Activity: Research *Miscarriages of justice* (page 79)

1. For each of the cases in the article, complete the following:

Case	length of time in prison	reason for the sentence being overturned
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		

12		
13		
14		
15		
16		
17		
18		

2. How many of the eighteen cases were due to:
- tampering with evidence
 - fabricated evidence
 - lack of information about the suspect
 - lack of availability of appropriate intelligence, e.g. DNA test
 - inaccurate or inappropriate evidence
 - withheld evidence?
3. Do you think improvements in policing and forensic techniques would mean fewer miscarriages of justice? Give reasons for your answer.

Just verdicts (pages 79-81)

What is meant by a 'just verdict'?

Double jeopardy (page 79)

1. Until 2003 it was not possible for someone who had been acquitted to face trial for the same crime again. Why was this just and fair in most cases?
2. In what ways was the double jeopardy rule unfair before 2003?
3. Why did Ann Ming campaign to have the double jeopardy rule changed?

Stephen Lawrence (page 80)

1. Why did the Stephen Lawrence case add to the campaign to change the double jeopardy rule?
2. What was the new evidence that enabled the re-trial of the suspects in the Stephen Lawrence case?

The Macpherson Report (page 80)

1. What did the Macpherson Report call for?
2. What change did the Criminal Justice Act 2003 make to the law?
3. Briefly outline how the change to the double jeopardy rule led to a just verdict for two of the suspects in the Stephen Lawrence case.

Activity: Media *The Stephen Lawrence case* (page 80)

- A. Using the first clip, complete 1 and 2 that follow.
 1. How does Dobson account for the presence of the following on his clothing:
 - a. Stephen Lawrence's blood
 - b. fibres from Stephen Lawrence's top?
 2. How does Dobson's response indicate his guilt?
- B. Using the second clip, complete questions 1 to 3 that follow.
 1. What are Norris and Dobson recorded saying in the secret video?
 2. What does the video indicate about their view of black people?

3. Does the video suggest the suspects are guilty?
- c. Using the third clip, complete 1 to 24 that follow.
1. Why does Trevor McDonald suggest the suspects have agreed to an interview?
2. What was the aim of the programme?
3. What were the conditions in which the suspects were interviewed?
4. What did Stephen Lawrence's murder lead to?
5. According to Neil Acourt, how are the group seen in the public eye?
6. Describe the behaviour of the group as they left the public inquiry.
7. How do the suspects justify their behaviour when leaving the inquiry?
8. How is Eltham (the area where Stephen Lawrence was killed) described in the clip?
9. What does Gary Dobson admit about himself and his friends?

10. How does he describe the group?

11. How does Luke Knight describe himself?

12. What was known about David Norris' family?

13. What happened to Norris at school? Why was he expelled?

14. Why were the Acourt brothers feared?

15. What does Acourt say about his behaviour?

16. What happened as they got older?

17. Why was Jamie Acourt suspended from school?

18. What did fellow pupils accuse Jamie Acourt of doing?

19. What does Jamie Acourt claim about the police caution he received for threatening a woman with a piece of wood?

20. Where did the suspects run after the attack?
21. How do the interviews of the Acourt brothers differ in relation to the night of the attack?
22. How does Dobson's version of events differ from that of the Acourt brothers?
23. Why does Dobson claim the stories are different?
24. Why does Acourt say the stories are different?
- D. Do the evidence from the clips and the accounts of the night by the suspects suggest the gang would commit a racist killing? Justify your answer with examples.

Jury equity or jury nullification (page 80)

1. What is meant by 'jury equity' or 'jury nullification'?

2. Why might juries act in this way?

3. What might be the impact of repeated cases of jury equity?

Capital punishment (page 80)

Why were juries in the early 19th century unwilling to convict petty thieves?

Runaway slaves (page 81)

Why did juries in the 1850s in the Northern states of the United States often acquit those accused of harbouring fugitive slaves?

Anti-war protest (page 81)

1. What did Rosie James and Rachel Wenham do in 2000?

2. What were the verdicts at their two trials?

3. What did they plead and why?

4. In what way was the case of James and Wenham similar to that of Clive Ponting?

Cannabis laws (page 81)

1. According to Alan Blythe, why did he feel forced to grow cannabis?

2. How did the judge instruct the jury in this case?

3. What verdict did the jury reach? What was the penalty?

Nullification as a cause of injustice (page 81)

Using an example, outline how jury nullification might cause an injustice rather than a just verdict.

Just sentencing (pages 81-83)

1. Briefly outline the following two factors that guide judges and magistrates when sentencing an offender:
 - a. the law
 - b. the Sentencing Guidelines.
2. Briefly explain how the Sentencing Guidelines might be used in the case of the offence of theft.

Judicial discretion (page 82)

What may be the impact of judges and magistrates using their discretion when sentencing?

Unduly lenient sentences (page 82)

1. What can victims, prosecutors or members of the public do if they feel a sentence is too lenient?

 2. What happens if an error is found by the Unduly Lenient Sentences (ULS) scheme?

 3. What offences does the ULS scheme apply to?

 4. Briefly describe the following four cases where sentences were increased:
 - a. Joshua Gardner

 - b. John Dennis

 - c. Mohammed Ghani

 - d. Robert Brown.

Unduly harsh sentences (page 82)

Briefly outline the three examples of harsh sentencing from the riots in 2011:

1.

2.

3.

Moral panic (page 83)

1. Briefly explain how the moral panic surrounding the riots of 2011 may have affected the sentences given.
2. In what way were the sentences for mods and rockers in the 1960s similar to those of the riots in 2011?

Penal populism (page 83)

1. What is meant by 'penal populism'?
2. What has been the impact of penal populism?

Controlled assessment preparation (page 83)

Complete your preparation here.

Topic 3.2

Draw conclusions from information