

Question 1

The arrest of Rachel Jones was not lawful. The Police and Criminal Evidence Act, 1984 (PACE) and PACE Code G explains that a lawful arrest requires reasonable grounds to investigate and suspect a person's involvement, or participation in a criminal offence. When PC Roberts had permitted the arrest there was no sufficient evidence to proceed with an arrest. PC Roberts had witnessed the two women arguing and had also been informed by Mary that she had been struck in the face, where she had obvious laceration marks. But as there were no witness statements, no video evidence of the incident, PC Roberts arrest was not lawful. PC Roberts may have proceeded with the arrest on the belief that an offence had occurred, which would be under section 24 of PACE. Under section 24 PACE, a lawful arrest requires two elements, a person's involvement, or suspected involvement, or attempted involvement in a criminal offence. And if there is reasonable grounds for believing that the person's arrest is necessary. PC Roberts did not also read the full caution to Rachel, when it is required during an arrest so the offender is aware of the reasoning for their arrest.

PC Roberts may have proceeded with the arrest again relying on section 24 PACE, where it is lawful to arrest someone you believe is involved or had committed an offence. Rachel's comment 'she deserved it' also may have provoked PC Roberts decision on the arrest as she had somewhat confessed she had hit Mary., but again without sufficient evidence the comment is not strong enough for reasonable grounds for an arrest. As Mary also had laceration marks on her face it probably felt necessary for PC Roberts to proceed with an arrest as GBH had been committed and it may have put a stop to any further incidents.

To conclude, PC Roberts did not have sufficient evidence to proceed with an arrest, which makes the arrest unlawful. The lack of evidence and failure to caution her during the arrest undermines the arrest and PACE and PACE Code G.

Question 2

The decision whether a case should proceed is done in stages. The first stage is the evidential stage, where the prosecutor must assess whether the evidence provided is sufficient and reliable enough to provide a realistic prospect of conviction. Within the case it explains that Mary refused to give a witness statement, this itself is limiting the chance of the case proceeding as Mary is the suspected victim in the offence. There are also no witness statements, no video evidence or no CCTV footage to support the case. Without any robust or reliable evidence of the reported assault it will be very difficult to convince a jury that the offender is guilty of the accused crime, so there may not be a realistic prospect of conviction during this evidential stage.

Next would be the public interest stage. The prosecutor would decide whether it would be in the public's interest to prosecute. The seriousness of the offence would be taken into consideration, as well as the impact on the victim, and any harm that society may face, will be taken into account. Again, as there are no witnesses and evidence it is hard to display the impact of harm caused. Representing a case that lacks a substantial amount of evidence creates a negative against the justice system, so it might be in the public's interest to not proceed with the case.

To conclude, based on the provided evidence and taking into consideration the Code for Crown Prosecutors, it would be the best decision to not proceed with the case. The absence of evidence and witness statements creates a downfall and weakens the chances of a prospect of conviction. If Mary considers in the future to give a statement to the police about the assault, it may give the case a chance to progress within the justice system.

Question 3

Rachel Jones is 'clean of character', which the IDPC indicates. Rachel has no previous convictions that have been alerted by authorities, and has never failed to appear in court, in the hope of clearing her name. Rachel Jones is also prepared to abide by any bail conditions set by the court. This itself implies Rachel's respectfulness and commitment to legal proceedings and the justice for herself, so it erases any suggestion that she is a risk to anyone in society. The case also has no provided evidence like CCTV footage or witness statements, and this suggests the lack of evidence against Rachel to proceed with a conviction. Rachel Jones also entered a not guilty plea, which supports the lack of reliable evidence against the defendant.

Run out of time to complete

Question 4

Run out of time to complete