

Policing and the criminal justice system

By Toby smith

What is Police and criminal evidence act 1984 (PACE)

The police and criminal evidence act of 1984 is the rules the police officers must follow and how they protect the public from unfairness from unjust police officers.

We can see this backed up from the source of Home office (2013) which states "PACE sets out to strike the right balance between the powers of the police and the rights and freedoms of the public. Maintaining that balance is a central element of PACE"

What are the powers of PACE (1984)

From the home office (2013) website again we can see what Pace includes and these are the following

- stop and search
- arrest
- detention
- investigation
- identification
- interviewing detainee

These are all here to not only keep the public safe but to make sure the officers is also protected from falsified complaints.

Why was PACE 1984 introduced

The purpose of PACE which is stated by Niall Murphy (2017) a former police solicitor saying "to unify police powers under one code of practice and to carefully balance the rights of the individual against the powers of the police" showing us that if powers are unified, they can be properly managed.

The Police and Criminal Evidence Act of 1984 was introduced due to growing concerns from the public about how fair the criminal system was especially after the trials of the Birmingham Six. We see that from Mardemooto B (2022) says, "The Birmingham Six were not the only ones, unfortunately, who suffered irreversible damage and suffering as a result of severe miscarriages of justice". They were subjected to 3 days of long hard interviews and also beaten into submission and into a confession. There was clear need for change

How code G of PACE makes it safer for the public

Code G was introduced in 2012 under the Police and criminal evidence act (1984) it was here for the improved rules and regulations of arresting without a warrant and how to make the alleged offender safer during police custody. The GOV legislation (2012) states "provisions and guidance on the exercise by police of their statutory power under section 24 of the Police and Criminal Evidence Act 1984 to arrest any person without warrant for any offence".

We can see how code G is not all about arrest but also about alternative motives of arrest like in house interviews or cautions. We see this from where Hibbert, S (2012) informs " practical alternatives to arrest such as use of street bail to compel the suspected person to attend a police station at a later time and date for interview or the use of voluntary attendance to conduct the interview"

How code G makes it safer for individual's

By code G making alleged offenders of crime safer for example them allowing vulnerable people like young offenders, people with special needs to have an appropriate adult to sit in with them during the interview.

These are here to make sure the individual knows the rights and what is being used against them. This is backed up by the source C, Bath (2014) which states "to safeguard the interests of children and young persons detained or questioned by police officers" the reason this is good is because it stops the vulnerable from panicking and then them not knowing to what there agreeing to.

Cautions and in house interviews

When going in to interviews it can be quite intimidating especially in a police station so under code G the police officers might find it to be a better solution to interview the suspect or victim at their home as they might feel more comfortable there and be a much more willing participant.

We can see the police officers allowed to do this under code G and the source backing it up Home office (2024) "under Code G that a voluntary interview is more appropriate than arrest you must advise the suspect of their rights"

Interview

During interviews the police must give water and reasonable breaks. You are also entitled to legal advice before, during and after the interview as you will be entitled with a lawyer for free or you can provide your own. This is backed up from mind (2017) "You have a right to legal advice when you're arrested and before you're questioned. You can either ask to see the duty solicitor or contact a specific legal adviser

Code G and equality act

The equality act is linked into code G and how the way police officers arrest someone. The police officers must not discriminate when making an arrest for example stop and search must be unbiased and not based on one of the protected characteristics

We can see the home office (2022) support this by "When police forces are carrying out their functions, they also have a duty to have regard to the need to eliminate unlawful discrimination, harassment and victimisation and to take steps to foster good relations.

advantages of code G

The overall benefit of the introduction of code G into the police and criminal evidence act is the fact it makes it safer for everyone not just the victims or alleged offender but for the police aswell.

We see the benefit of it by the source Baski, C (2024) "The act transformed the way suspects were treated at the police station, introducing tape recording of interviews, interpreters, appropriate adults and control over the length of pre-charge detention. Yet, 40 years on, opinion is divided on whether PACE set the gold standard,

Reference list

Baksi, C. (2024). *Unfinished business?* [online] Law Gazette. Available at: <https://www.lawgazette.co.uk/features/unfinished-business/5119179.article>.

Bath, C. (2014). *What is an appropriate adult?* [online] www.appropriateadult.org.uk. Available at: <https://www.appropriateadult.org.uk/information/what-is-an-appropriate-adult>.

Hibbitt, S. (2012). *ACPO Position Statement: Necessity to Arrest National Investigative Interviewing Strategic Steering Group (NISSG)*. [online] Available at: <https://library.college.police.uk/docs/APPREF/ACPO-Position-Statement-Necessity-to-Arrest.pdf>.

Home Office (2013). *Police and Criminal Evidence Act 1984 (PACE) Codes of Practice*. [online] GOV.UK. Available at: <https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice>.

Home Office (2022). *PACE Code G 2012*. [online] GOV.UK. Available at: <https://www.gov.uk/government/publications/pace-code-g-2012/pace-code-g-2012-accessible>.

Home Office (2024). *Interviewing suspects*. [online] Available at: <https://assets.publishing.service.gov.uk/media/670cec1292bb81fcdbe7b76a/Interviewing+suspects.pdf>.

Mardemootoo, B. (2022). *50 years on: the Birmingham Six, miscarriages of justice, and the fight for truth*. [online] Barcouncil.org.uk. Available at: <https://www.barcouncil.org.uk/resource/50-years-on-the-birmingham-six-miscarriages-of-justice-and-the-fight-for-truth.html>.

Mind (2017). *Rights at the police station*. [online] www.mind.org.uk. Available at: <https://www.mind.org.uk/information-support/legal-rights/police-and-mental-health/rights-at-the-police-station/>.

Murphy, N. (2017). *KRW Law-LLP - Human Rights Lawyers* |. [online] Available at: <https://krw-law.ie>.

Police and Criminal Evidence Act 1984 (1984). *Police and Criminal Evidence Act 1984*. [online] legislation.gov.uk. Available at: <https://www.legislation.gov.uk/ukpga/1984/60/contents>.