

Presentation on the benefits of Police and Criminal Evidence act 1984 (PACE) on fairness of investigations.

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Introduction to PACE act 1984 with fairness of investigation

Proxies the rules for the treatment of suspects in specifically rules for Police constables. What it means it that police cannot simply arrest people because they suspect them they require reasonable grounds.

Code G provides officers with a checklist which must be fulfilled in order for an arrest to take place. Checklist is as follows; Legal power to arrest, Necessity test And finally the Proportionality and Justification. Pace lays out a number of these codes which are all used to ensure fair and legal investigations.

PACE act 1984 Defines the Rights of an Offender

- Offenders have a right to Humane Treatment regardless of their crime. Offenders also have the right to know what they are being charged for and may not be held beyond a certain amount of time. Offenders are allowed access to amenities and cannot be
- Right to legal advice and representation. This is via a solicitor either private or provided by the court to represent and offer a defence.
- Right to Healthcare, offenders may not be denied the right to have tier medical needs handled by a professional, as well as any medication the offender might require.

Detention and Questioning procedure

Provided the suspect is arrested or detained using reasonable grounds the suspect may enter a detention facility.

There must be regular reviews to ensure the reason for the suspects arrest is fair and the conditions the suspect are being held in are humane and fair.

The suspect must also know they have the right to have legal advice from a solicitor

College of
Policing,
(2023)-2



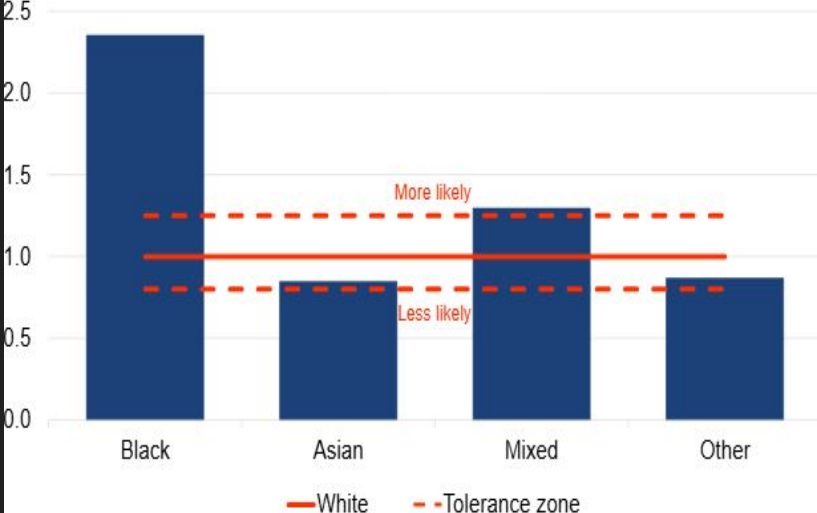
Manchester
Evening News.
(2022)

Policing before PACE act 1984

PACE was introduced in 1984. This piece of legislation was implemented as a method of reform to attempt to make the Police less negligent and unprofessional.

In the 1970's Police mistreatment of suspects was at an all time high. This is both due to lack of legislation around

KRWLAW (2017)



(HMICFRS)
(2023)

Implementing PACE act 1984

KRWLAW (2017) Department of Justice
(Northern Ireland).
(2015)

PACE was introduced to prevent misconduct from Police officers. Reform was one of the primary objectives as Police were often viewed as corrupted or cruel in their treatment of detainees. Investigations were seen as corrupt and often unjustifiably cruel specifically in the case known as the Birmingham 6 and Guildford 4. This case was highlighted for its cruel treatment of detainees and coerced confessions.

PACE were widely supported and accepted by existing Members of the Police however some were worried about the potential increased workload as well as the complexity it may bring. However the implementation of PACE allows for fairness within investigations.

Introduction of alternatives to arrest by PACE Act 1984

Although arrest is a useful tool to take offenders off the streets and ensure public safety PACE allows for the discretion of officers to use alternatives that are not as serious as arrest. An example being a home visit and talk with parents or cautions which often have the effect of scaring incorrect behaviour out of would be serious offenders. Arrest and detention are difficult experiences for people to go through it can ruin a person's employability and even damage mental health.

Although in most situations arrest is the tool used by police. Cautions, community resolutions and referrals. Community resolutions are primarily used for small arguments in order to prevent them from escalating. Referrals are used for addicts or people with non-violent charges this prevents them from entering the criminal justice system and sent them to a rehabilitation community or to social services.

PACE act 1984 introduced more transparency

The PACE act 1984 codes are public information and are available for any citizen to view and criticise.

Because of the PACE act 1984 police must publicly justify their actions and explain why steps are taken and especially why force is used. The police now also because of PACE have independent oversight bodies that ensure decisions made are legal and reasonable.

All of this ensures public trust by increasing public knowledge about how police operate and gives the public an opportunity to see how police justify decisions.

GOV.UK.
(2023)

PACE act 1984 codes related to fairness of investigation

Code H is a code of practise that follows detention and questioning of detainees being detained under unusual charges such as terrorism detailing specific rights and procedures for terrorism suspects.

Code C has to do with detention and questioning of suspects who are charged with common usual crimes. Code C lays out how offenders must be treated and ensures offenders are not mistreated whilst being investigated.

Code G sets out the requirements for arrest such as reasonable grounds and preventing harm or distress it provides officers with a number of criteria that ensure arrests cannot be done simply for suspicion and there must be reason for an arrest to take place.

Role of a Custody Officer as implemented by PACE act 1984

Duty is to ensure that the rules of detention and questioning are followed

Their primary responsibilities are to ensure the security and safety of both the Station they are being held in as well as the health and safety of the offender themselves.

Custody officers have a duty of ensuring the suspect understands their rights and that they may have access to any legal advice if they require it.

They are also in control of the movements of the offender to and from the courts

Conclusion

To conclude the PACE act 1984 introduced and maintained fair investigations it's a useful method of improving public relations with the Police as it shows the public that the police are held accountable and do have rules to follow themselves. It ensures suspects and prisoners are held and treated fairly as well as not coerced into false confessions. The PACE act 1984 ensures that investigations are carried out fairly and legally ensuring suspects are treated well during investigations and providing the public with the knowledge that the police are not mistreating suspects.

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