

Police and the Criminal Justice System

Erin Child

2402706

In this essay there will be themes discussing the process of the Criminal Justice System for both victims and suspects. A vital aspect of a police officer is the knowledge and familiarity with English and Welsh legislation. Common law, statute law, case law, and Acts of Parliament are other names for law. These all have various relationships with one another, yet they are also very different (Wood et al, 2024, p394) The Criminal Justice System's aim is to protect the innocent while prosecuting and punishing the guilty. Alongside this they also assist the suspects and aim to discourage them from reoffending (Garside,2008) When a case is reported and an arrest is necessary, it is crucial that officers caution the suspect, inform them of their rights, and escort them to a police station. Investigators review key evidence, and the decision to charge depends on the severity of the case. For example, in an event where a minor offence is committed, the decision to charge a suspect is made by the police officers involved in the investigation. Meanwhile, more serious cases like murder or sexual assault are referred to the Crown Prosecution Service. (College of Policing,2022) To proceed with a prosecution, the case must pass a two-stage test. This test includes does the suspect have enough evidence against them to warrant a conviction and does prosecuting the suspect serve the public interest. If the criteria has been met, the suspect is charged. Depending on the seriousness of the offence, the matter is then heard in either the Crown Court or the Magistrates' Court. Next, the suspect is asked to enter a guilty or not-guilty plea. They are sentenced without a trial if they enter a guilty plea. The matter goes to trial, though, if the suspect enters a not guilty plea. A judge or magistrate will decide on the proper sentencing if the defendant is found guilty by the court. (Crown Prosecution Service,2022) On the other hand, the victim's court experience is not the same as the suspects. While the court sets the sentencing and the Crown Prosecution Service oversees the prosecution, organisations like Witness Protection

may provide assistance to victims of crime. Victims should be made aware of any special measures that might be applicable to their case before they appear in court. A person may be eligible for these measures if they are under the age of eighteen, have experienced sexual offences, domestic violence, stalking, human trafficking, or have a physical or mental impairment that impairs their capacity to testify. The court may take exceptional steps, such as installing a screen to keep the suspect from seeing the victim or using a live video link that would be connected to one of the courtroom's televisions. (Court Office Prosecution Fiscal Service,2024)

The Victim's Code is crucial because it establishes the minimal requirements that organisations must adhere to while aiding victims of crime and describes the rights of victims. It makes victims' rights in the criminal justice system clear and customises services to meet specific needs, guaranteeing that victims get the help they need when they need it most. The Victim's Code recognises that 'survivor' and 'complainant' are often used terms in the criminal justice system to describe those who disclose crimes. A victim is defined in this Code as a person who has been harmed, whether physically, psychologically, emotionally, or financially as a direct result of a criminal crime. Close family members or people whose deaths were directly brought on by a criminal offence may also be included in the term. (Victims Code, N.D) The rights outlined in the law may also apply to a victim's parent or guardian if the victim is younger than eighteen, or to a designated family spokesperson if the victim has a physical or mental disability or has suffered serious injuries as a result of a criminal offence. (GOV,2025) The victim will have the chance to provide a victim personal statement, their account of the events that had previously occurred and the possibility of receiving compensation from the offender if they are found guilty. After the trial they may also be entitled to support from Victims support or a specific support group depending on their case. For example, if the

victim is in a domestic abuse case they may be able to get help from Women's aid (Gov,2022)

Despite its importance, the criminal justice system has several advantages and disadvantages. The defendant's ability to obtain legal counsel is one significant flaw. Spending on criminal legal assistance dropped by over thirty percent between 2010–11 and 2018–19. Because current pay rates endanger the financial sustainability of criminal defence employment, this drop has sparked worries that suspects may find it more difficult to get suitable legal representation. (Commons Library,2020) The backlog of cases in the Crown Courts is another serious disadvantage in the criminal justice system that can cause extended delays and uncertainty for both offenders and victims. But the system also has important advantages, such as impartiality, openness, careful research, and successful prosecution. Transparency is essential because it promotes accountability in decision-making and helps the public comprehend how the system functions. Increased information availability in the modern period has improved public interactions. (Ministry of Justice, 2014, p11)

Some argue that the system is still unfair to victims even though the Crown Prosecution Service (CPS) is meant to function as an impartial agency and provide a fair process for both suspects and victims. Victim Support's research uncovered issues with treatment inequity, especially in communication. One of the main conclusions was that many victims were frequently left "in the dark" and were not given enough updates on the status of their cases. Even when there were updates, they were often unclear or insufficient. Victims are entitled to timely, thorough, and clear information so they can fully comprehend the state and developments of their case. (Victim Support, N.D, p2-10) According to the Ministry of Justice, one of their key aims is to implement policies that more effectively identify witnesses who are

intimidated or at risk, ensuring they receive the necessary support at every stage of the criminal justice process (Ministry of Justice, 2014) In the future, certain elements of the criminal justice system in England and Wales must undergo significant reform. The system currently facing with facing a cycle of deterioration and is finding it difficult to handle several demands. Even while charge rates are at an all-time low, courts are overloaded, and prisons are running at or above capacity. To begin restoring public trust and confidence, it is essential that police and prosecuting authorities work toward improving charge rates and ensuring more consistent outcomes for victims and communities (Institute global, 2023) The Institute for Global Change suggests that significant adjustments are necessary to enhance the criminal justice system. These include using technology to improve victim support and simplifying the charging procedure to better direct resources towards significant and complicated offences. As soon as a crime is reported, a dedicated case officer should be assigned to provide constant direction and communication. These are only two of the many suggestions made to build a future criminal justice system that is more effective (Ministry of Justice, 2014 p15-17)

Code G of the Police and Criminal evidence act 1984 is closely linked to the criminal justice system, as it outlines the statutory powers of arrest available to police officers. It sets out the correct procedures that must be followed during an arrest to ensure that an individual's right to liberty is upheld and that any deprivation of liberty is legally justified. Two requirements must be met for an arrest to be legal. A person must first be suspected of committing, attempting to commit, or being complicit in the commission of a crime; second, there must be good reason to think that the arrest is "necessary" given the circumstances. This two-pronged approach guarantees that arrests are proportionate, accountable, and legally warranted. (Wood et al.,2024 p399) The suspect must be informed of why they have been arrested, along with

information about their rights and the reasons for the detention. The custody officer must be informed about the suspect's conditions and the reasons for their arrest when they arrive at the police station. Additionally, the custody officer needs to confirm that the suspect has been cautioned in the correct way. (GOV, 2022)

Although it states that the police constable can only use the power of arrest if they have reasonable grounds for believing that the arrest is necessary, Code G is essential to preserving justice for the suspect. The officer may choose to make the arrest, post a charge, grant street bail, issue a penalty notice, or take any other appropriate action if any of the criteria are met (GOV, 2022)

Overall, it is clear as to what happens in the court process for both suspects and victims. It is evident both suspects and victims have different rights that they must be informed of prior to attending court. The criminal justice system has many support systems that help both the victim and the suspect. Some of these include Women's aid, victims support and regular support systems such as counselling, therapy and in more serious situations a mental or psychiatric ward may be offered to the suspect. Although the criminal justice system is on the way to being more successful, they are still a long way from reaching all their goals.

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