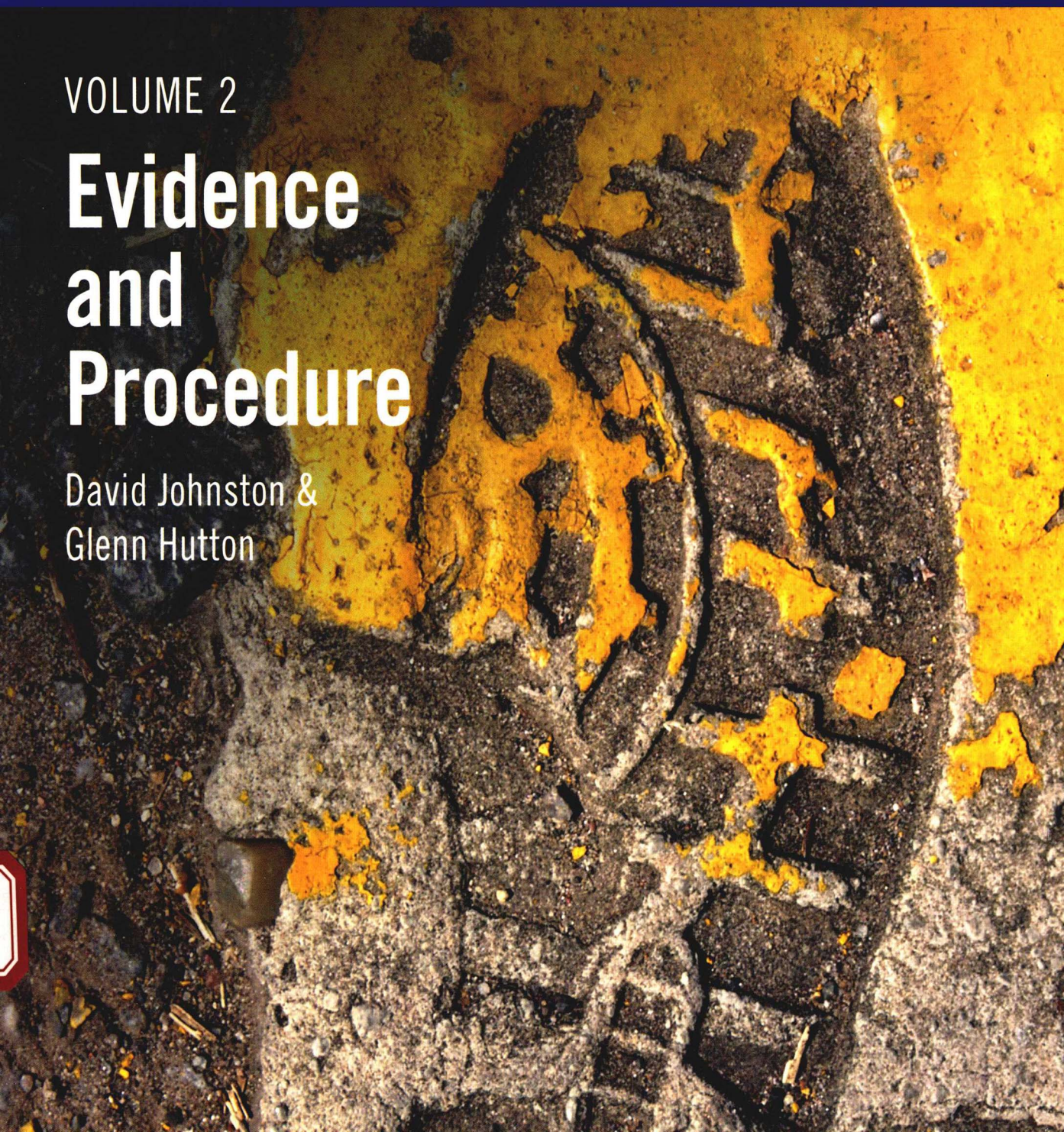


BLACKSTONE'S POLICE MANUAL **2017**

VOLUME 2

Evidence and Procedure

David Johnston &
Glenn Hutton



Blackstone's Police Manual

Volume 2

Evidence and Procedure

2017

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OXFORD
UNIVERSITY PRESS

OXFORD

UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
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First Edition published in 1998

Nineteenth Edition published in 2016

Impression: 1

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Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data

Data available

ISBN 978-0-19-878306-0

Printed in Great Britain by
Bell & Bain Ltd., Glasgow

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Foreword for 2017 Blackstone's Police Manuals

The police service currently faces a series of challenges; from the changes that police forces must make to deliver savings and reduce crime to the increasing complexity of the threats to national security, public safety and public order. Underpinning the ability of officers to deal effectively with these challenges is the knowledge and understanding of relevant law and procedure and the ability to apply this on a daily basis. This understanding is the cornerstone in providing a professional policing service.

The College of Policing plays a vital role in the development of police officers and staff, helping them to obtain and retain the skills and knowledge they need to fight crime and protect the public. The College has a remit to develop, maintain and test standards to ensure suitability for promotion. Part of this responsibility requires the College to ensure a comprehensive and relevant syllabus is produced. As such, the College works alongside Oxford University Press to ensure these Manuals are an accurate and up-to-date source of information and that they reflect what is required by people working across policing.

The *Blackstone's Police Manuals 2017* are the definitive reference source and official study guide for the national legal examination which all candidates must successfully pass in order to be promoted to sergeant or inspector. Their content is derived from evidence gathered from operational sergeants and inspectors alongside input from the wider police service. Whilst they are primarily designed to support officers seeking to progress their careers in preparing for their promotion examinations, they also provide a reference point for officers and staff seeking to continue their professional development and maintain their knowledge as a professional in policing. If you are using these Manuals to prepare for your promotion examinations I would like to take this opportunity to wish you the very best of luck in your studies, and I hope these books will assist you in progressing your career within the police service.



*Alex Marshall
Chief Executive Officer of
the College of Policing*

Preface

The Blackstone's Police Manuals are the only official study guides for Police Promotion Examinations—if the law is not in the Manuals, it will not be in the exams.

All the Manuals include explanatory keynotes and case law examples, providing clear and incisive analysis of important areas. As well as covering basic law and procedure they take full account of the PACE Codes of Practice and human rights implications. They can also be used as a training resource for police probationers, special constables and police community support officers, or as an invaluable reference tool for police staff of all ranks and positions. In relation to being used as a reference tool, this is particularly relevant to officers and others involved in the procedures connected with the custody, identification and interviews of offenders, all of which are detailed in Part III of the Manual.

The *Evidence and Procedure* Manual contains a wide range of activities to cover the complex and demanding legislative framework governing the increasing depth and breadth of policing delivery. In an attempt to present this shifting and growing body of national and European law the Manual has been structured in three distinct parts: Part I—The Criminal Justice System; Part II—The Law of Evidence; and Part III—Police Station Procedure.

The 2017 edition of the Manual includes provisions brought into force in relation to the Criminal Procedure Rules 2015, the Anti-social Behaviour, Crime and Policing Act 2014, the Criminal Justice Act 2015, the Criminal Justice and Courts Act 2015, the Modern Slavery Act 2015, and revised PACE Code E (February 2016).

This edition also includes a number of recent criminal cases decided by the appellate courts.

As with previous editions, the findings of the College of Policing review of the most recent police promotion examinations, together with editorial and customer feedback, have been taken into account in the revisions to the Manual.

Although every care is taken to ensure the accuracy of the contents of the Manual, neither the authors nor the publisher can accept any responsibility for any actions taken, or not taken, on the basis of the information contained within it.

Oxford University Press are always happy to receive any useful written feedback from any reader on the content and style of the Manual, especially from those involved in or with the criminal justice system. Please email this address with any comments or queries: police.uk@oup.com.

The law is stated as at 1 June 2016.

Acknowledgements

The *Evidence and Procedure* Manual, as with each edition, has been greatly influenced by the support it receives from across the police service and other parts of the criminal justice system. In particular we would like to express our thanks to the staff of the Legal Services Department of the College of Policing and Examinations and Assessment. The monthly Digest produced by the Legal Services Department is an invaluable reference and the informative review conducted by Examinations and Assessment helps to shape the content and style of the Manual.

Thanks to George Cooper (Northamptonshire Police), Stuart K. Fairclough (Metropolitan Police), Paul Murphy (Greater Manchester Police) and Kevin Whitehouse (West Midlands Police).

Our thanks, as always, to all the staff involved in the production of the Manual in the Academic and Professional Law Department at Oxford University Press, especially Peter Daniell, Lucy Alexander, Matthew Humphrys, Janice Sayer, Pam Birkby and Lorna Richerby. Special thanks also to Rosalie for her continued support and forbearance and thanks to Bertie and Hilda.

David Johnston and Glenn Hutton

How to use this Manual

Volume numbers for the Manuals

The 2017 Blackstone's Police Manuals each have a volume number as follows:

Volume 1: *Crime*

Volume 2: *Evidence and Procedure*

Volume 3: *Road Policing*

Volume 4: *General Police Duties*

The first digit of each paragraph number in the text of the Manuals denotes the Manual number. For example, chapter 2.3 is chapter 3 of the *Evidence and Procedure* Manual and chapter 4.3 is chapter 3 of the *General Police Duties* Manual.

All index entries and references in the Tables of Legislation and the Table of Cases, etc. refer to paragraph numbers instead of page numbers, making information easier to find.

Material outside the scope of the police promotion examinations syllabus—blacklining

These Manuals contain some information which is outside the scope of the police promotion examinations. A full black line down the margin indicates that the text beside it is excluded from Inspectors' examinations.

PACE Code Chapters

The PACE Codes of Practice have been taken out of the appendices and are now incorporated within chapters in the main body of the *Blackstone's Police Manuals*. A thick grey line down the margin is used to denote text that is an extract of the PACE Code itself (i.e. the actual wording of the legislation) and does not form part of the general commentary of the chapter.

The PACE Codes of Practice form an important part of the police promotion examinations syllabus and are examinable for both Sergeants and Inspectors. They are not to be confused with 'blacklined' content that is excluded from the syllabus for Inspectors' examinations (see 'Material outside the scope of the police promotion examinations syllabus—blacklining' section.).

Length of sentence for an offence

Where a length of sentence for an offence is stated in this Manual, please note that the number of months or years stated is the maximum number and will not be exceeded.

Any feedback regarding content or other editorial matters in the Manuals can be emailed to police.uk@oup.com.

Police Promotion Examinations Rules and Syllabus Information

The rules and syllabus for the police promotion examinations system are defined within the Rules & Syllabus document published by College of Policing Selection and Assessment on behalf of the Police Promotion Examinations Board (PPEB). The Rules & Syllabus document is published annually each September, and applies to all police promotion assessments scheduled for the calendar year following its publication. For example, the September 2016 Rules & Syllabus document would apply to all police promotion assessments held during 2017.

The document provides details of the law and procedure to be tested within the National Police Promotion Framework Step 2 Legal Examination, and also outlines the rules underpinning the police promotion examination system.

All candidates who are taking a police promotion examination are strongly encouraged to familiarise themselves with the Rules & Syllabus document during their preparation. The police promotion examination rules apply to candidates undertaking the National Police Promotion Framework.

The document can be downloaded from the Development Section of the College of Policing website, which can be found at <<http://www.college.police.uk>>. Electronic versions are also supplied to all force examination officers.

If you have any problems obtaining the Rules & Syllabus document from the above source, please contact the Candidate Administration Team via the 'Contact us' section of the College of Policing website (see above).

Usually, no further updates to the Rules & Syllabus document will be issued during its year-long lifespan. However, in exceptional circumstances, the College of Policing (on behalf of the PPEB) reserves the right to issue an amended syllabus prior to the next scheduled annual publication date.

For example, a major change to a key area of legislation or procedure (e.g. the Codes of Practice) during the lifespan of the current Rules & Syllabus document would render a significant part of the current syllabus content obsolete. In such circumstances, it may be necessary for an update to the syllabus to be issued, which would provide guidance to candidates on any additional material which would be examinable within their police promotion examinations.

In such circumstances, an update to the Rules & Syllabus document would be made available through the College of Policing website, and would be distributed to all force examination contacts. The College of Policing will ensure that any syllabus update is distributed well in advance of the examination date, to ensure that candidates have sufficient time to familiarise themselves with any additional examinable material. Where possible, any additional study materials would be provided to candidates free of charge.

Please note that syllabus updates will only be made in *exceptional* circumstances; an update will not be made for every change to legislation included within the syllabus. For further guidance on this issue, candidates are advised to check regularly the College of Policing website, or consult their force examination officer, during their preparation period.

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