

## Evidence & Procedures

A brief run through

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## Human Rights

- The Human Rights Act 1998 and prior to that the European Courts of Human Rights imposed a number of safeguards and limitations on:
- the investigation of offences
- interviewing of suspects
- Surveillance




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## Burden of Proof & Classification of Evidence

- What proof is required to obtain a conviction?
- What types of evidence are there?
- What evidence is/is not admissible in a court of law?




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## How does a prosecution get to court?

- From discovery of an offence through to the conviction or acquittal, the criminal process




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## Cautions

- What is a caution?
- When should it be given?
- What format is required?
- What is the damage to a case if not done properly?




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## Statements

- 2 types:
- Section 9 statements
- AND
- Statements given under caution, normally taken only at the express wish of a suspect

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## Regulation of Investigatory Powers Act

- RIPA



- Controls all aspects of surveillance




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## Search Warrants

- Used by many agencies not just Police
- Issued by Magistrates, or Judges depending upon offence
- Formal procedures




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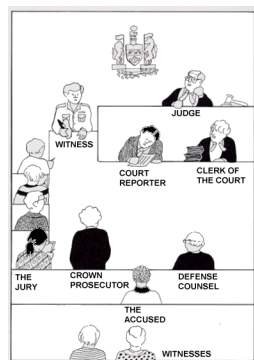
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## The Courts

- The Officials involved




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## The Courts

The procedure of a Criminal Case:

- Who says what and when?
- Who starts/ends?
- When do witnesses get called?




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## Results

- Depends upon criminal or civil trial
- Criminal: Acquittal/not guilty
- Guilty
- POCA useful tool for all enforcement agencies.
- sentencing/award
- Generally loser pays costs




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