



PNC Names Enquiry Pre-Course Workbook

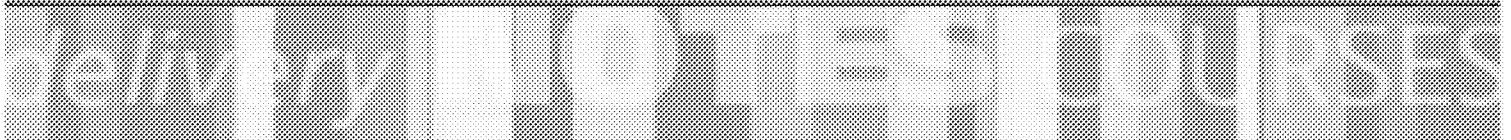
© - NPIA (National Policing Improvement Agency) March 2009

All rights reserved. No part of this publication may be reproduced, modified, amended, stored in any retrieval system or transmitted, in any form or by any means, without the prior written permission of NPIA (National Policing Improvement Agency) or its representative.

The above restrictions do not apply to police service authorities, which are authorised to use this material for official, non-profit-making purposes only.

For additional copies, or to enquire about the content of this document please contact ICT Learning Programmes on 02476 826150.

For copyright specific enquiries, please telephone the National Police Library on 01256 602650



This booklet is designed for delegates attending the PNC Names Enquiry Course. It is important that you read the book and answer any questions; some end of course assessment questions may be based on the information given here.

Please bring the completed workbook with you when you attend your course.

The PNC Names Enquiry Course

Introduction

This workbook has been designed by the staff at NPIA Ryton to assist those delegates attending the PNC Names Enquiry Course.

It is to be used to make you familiar with the Police National Computer prior to your attendance on the course. The workbook contains material pertinent to the course you are attending.

It is important that you read and complete the tasks included prior to commencement of the course. There will not be time during the course to complete these pre-set tasks.

As you may need to ascertain information from several departments you should speak to your line manager for approval.

If you experience any difficulty completing the set tasks you may contact your force PNC trainers.

If you have a query about contents of records or procedures which cannot be resolved by your local trainer, then you can contact Ryton, where your query will be passed to a trainer for them to deal with, on

W 0247 682 6150

If you experience any problems with machines you use, you should contact the Service Desk at Hendon Data Centre on: -

'M 0208 358 5000

This four day PNC enquiry course shows you how to access the PNC Names File to enquiry level covering the following areas:-

Data Security
Directory Tables
The Names File
The PNC Transaction Lo

No previous PNC experience is necessary: HOWEVER if you are new to the police service should have received an appropriate induction course prior to attending this course, which will enable them to understand policy ethics and procedures in relation to this course.

Students who successfully complete this course will return to their force or organisation with a NPIA PNC Names Enquiry operator's certificate, fully equipped to carry out names enquiries on the PNC system. This course is a pre-requisite for the PNC Wanted Missing/Disqualified Drivers Updating course and the PNC Offence Processing course.

There are daily progress tests and an end of course assessment. There will be an opportunity at the end of course to discuss any future development needs. If, during the course, issues over your competency of using the PNC have been highlighted, then the covering letter to your Line Manager that arrives with your certificate may have comments regarding the issues raised.

Completion of this pre-course workbook is a pre requisite of this course.

Did you know?

There are in excess of 10.1 million nominal records recorded on PNC.

The system also has links to the following systems:

The DVLA driving licence database for details of driving licences

The National Firearms Licencing Management System for details of firearms certificates and applications

The PNC is an investigative tool, it is the primary intelligence tool used by all police forces in the UK.

Used correctly IT CAN HELP YOU investigate crimes, save you time and can aid in future crime reduction.

The information entered onto the PNC needs to be accurate so speculative searching will help future major enquiries.

The PNC is dependent on YOU supplying it with accurate information.

Transaction Enquiries

- The PNC carried out a total of 173,421.135 million transactions in the twelve months period to April 2011
- There were around 5 million names enquiry transactions and over 1 million other names specific transactions during this period
- There were over 6.2 million driving licence checks during this period
- There were around 6 million vehicle enquiry transactions and over 100,000 other vehicle specific transactions during this period
- All individual transactions can be tracked on the audit log, including details of who carried out the transaction, the terminal they used, where the police officer was at the time of the check, and why the transaction was carried out.

COURSE AIMS

To train and qualify people in the use of the PNC Names Enquiry within the training environment to the national standard, to meet the needs of the police service and achieve best value.

COURSE OBJECTIVES

At the end of the course you will be able to: -

- Explain the need for data security in relation to Name enquiries
- Access PNC
- Access and interpret the information held in directory tables
- Search for nominal records
- Interpret the contents of the nominal summary screen
- Access and interpret warning signals
- Access and interpret information markers
- Access and interpret internal cross references
- Access and interpret local cross references
- Access and interpret nominal descriptive information
- Access and interpret bail conditions
- Access and interpret address information
- Access and interpret disposal information
- Access and interpret disqualified driver reports
- Access and interpret driving licence records
- Access and interpret wanted missing reports
- Access and interpret the use of the PNC transaction log
- Access and interpret the information held in the transaction log

COURSE DETAILS

The course runs from 0900 hours to 1700 hours each day. However, the course will commence at 0930 on the first day to allow for travelling and will finish by 1630 on the last day.

Students should bring paper and a pen. The start and finish times are to be strictly adhered to. Therefore, your travel arrangements should take this into consideration.

What is the Police National Computer?

The Police National Computer (PNC) is a national database of information, available to all Police Forces throughout England, Scotland, Wales, Channel Islands and various other Government departments such as Custom and Excise, Criminal Records Bureau and Immigration.

It was introduced in 1974 to record details of stolen vehicles. Over the years, the amount and quality of the information has grown. This is outlined below:

Significant dates

1974 Stolen Vehicles

1975 Broadcast

1976 Fingerprints

1976 Vehicle Keeper Details

1977 Criminal Names

1978 Wanted/Missing

1980 Disqualified Drivers

1983 Comparative Case Analysis (formerly Crime Pattern Analysis)

1985 Convictions History

1989 Enhanced Fingerprint Search

1991 Transaction Log Search

1991 Property File introduced

1994 Firearms and Marine Craft added to property file

1994 Property Descriptive Search Facility

1995 Sidecars amalgamated with trailers, and animals added to the property file

1995 PHOENIX - Enhanced Names Index

1997 VODS - Vehicle On-line Descriptive Search

1997 ANPR - Automatic Number Plate Recognition

1998 QUEST - Queries Using Enhanced Search Techniques

2002 NAFIS - National Automated Fingerprint Identification System

2002 Access to the Motor Vehicle Insurance Database and Driver Licence Details on the PNC

2006 Inclusion of MOT expiry date

2007 Links to NFLMS - National Firearms Licensing Management System

The PNC is used today to store information on offences, offenders, vehicles and property. Operators, throughout the country, update the information. It is accessible 24 hours a day, 7 days a week, 365 days a year.

Future Planned Development of PN

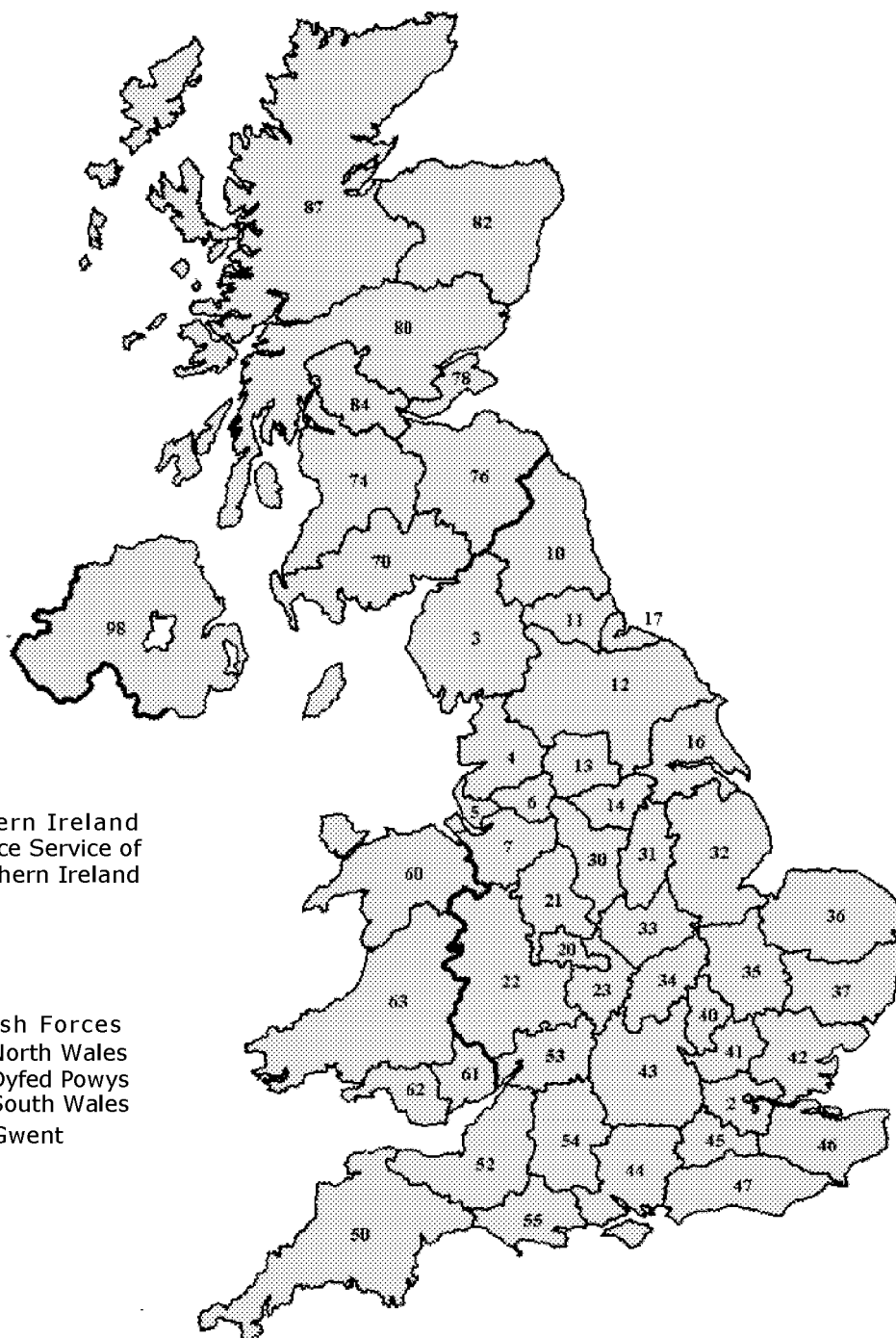
Vehicle Excise Licence (VEL) serial number and expiry date information
Schengen (European Alerts on PNC)

The PNC is used today to store information relative to offences, offenders, vehicles and property. Operators, in all forces throughout the country, update the information. It is accessible 24 hours a day, 7 days a week, and 365 days a year.

Police forces are not the only people who now have access to the PNC; some Government departments and other organisations also have a read-only access.

To keep you up to date with the changes, both to the PNC and to legislation affecting the use of the PNC, the system has a notice board, which users need to access on a regular basis. This is the BULLETIN BOARD and it is the first transaction the PNC offers to you when you log on to the system. It is recommended that you access this at least weekly.

Each User of the PNC has a Force code - as shown in this map



Scottish Forces
 87 Northern Constabulary
 82 Grampian
 80 Tayside
 84 Central Scotland
 78 Fife
 74 Strathclyde
 76 Lothian and Borders
 70 Dumfries and Galloway

Other Users
 24 MoD Police
 25 Hendon
 39 NPIA, Ryton
 56 Guernsey
 57 Jersey
 58 Dover Harbour
 59 Civil Nuclear Police
 64 National Ports Office
 67 SOCA
 71 Royal Navy
 72 Royal Air Force
 73 Courts
 88 Her Majesty's Revenue &
 Customs
 93 British Transport
 97 Isle of Man

Northern Ireland
 98 Police Service of
 Northern Ireland

Welsh Forces
 60 North Wales
 63 Dyfed Powys
 62 South Wales
 61 Gwent

English Forces

52 Avon & Somerset	40 Bedfordshire	35 Cambridgeshire	07 Cheshire
17 Cleveland	48 City of London	03 Cumbria	30 Derbyshire
50 Devon & Cornwall	55 Dorset	11 Durham	42 Essex
53 Gloucestershire	06 Greater Manchester	44 Hampshire	41 Hertfordshire
16 Humberside	46 Kent	04 Lancashire	33 Leicestershire
32 Lincolnshire	05 Merseyside	02 Metropolitan	36 Norfolk
12 North Yorkshire	34 Northamptonshire	10 Northumbria	31 Nottinghamshire
14 South Yorkshire	21 Staffordshire	37 Suffolk	45 Surrey
47 Sussex	43 Thames Valley	23 Warwickshire	22 West Mercia
20 West Midlands	13 West Yorkshire	54 Wiltshire	

Force links to the PNC

The PNC mainframe computer is located at Hendon Data Centre, which is in the grounds of the Metropolitan Police training school. Most Forces are linked to PNC by the Criminal Justice Extranet (CJX).

Not all forces have the same sort of mechanical access to the PNC. There are three different types:

Directly Connected Terminal (DCT)

This is where one terminal is connected to one phone line, linking directly to Hendon Data Centre. It is a fast connection, as there are no further layers of computers to add time to the transactions. You will use this type of connection during your course.

This type of connection is shown in Figure 1 below:

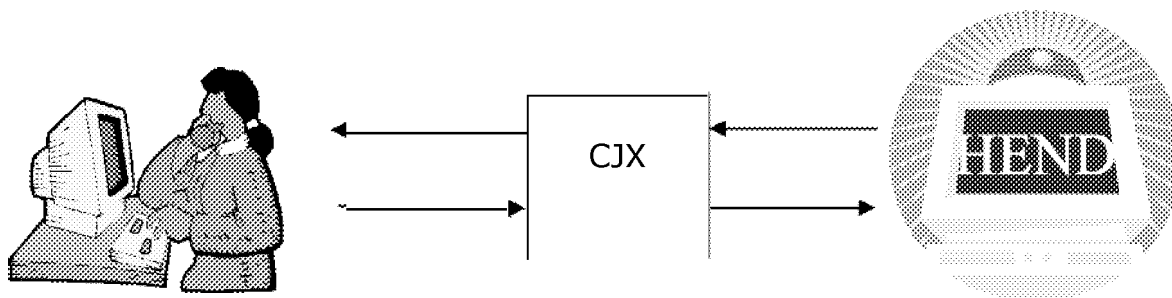


Fig. 1

Standard Interface (STIF) Replacement Gateway (SRG)

The STIF Replacement Gateway has been developed as a replacement for the Standard Interface. The Standard Replacement Gateway provides a standardised mechanism for on-line access to PNC application services. It differs from the DCT gateway, in providing local control over the operation of PNC users, terminals and sessions.

If you access the PNC through your command and control system, or other force system, then your Force has a SRG. This means that when you carry out a PNC transaction at your terminal, the information firstly travels through your force network to the PNC interface. From there, it is transmitted to Hendon. Returning information travels from Hendon to your Force interface and then back to your terminal.

The information retrieved on the screen will be exactly the same, as on a DCT, however, on some systems the logging on procedure will vary. (See later section on logging on.)

Figure 2 illustrates how a STIF works.

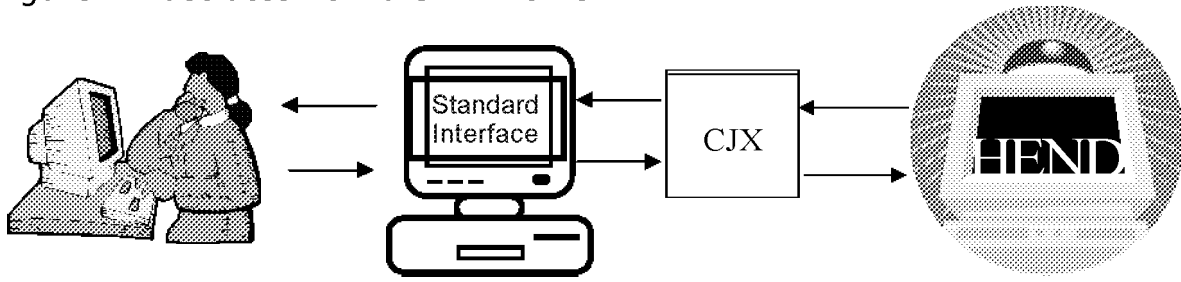


Fig. 2

Phoenix Force Interface (PFI)

This interface was designed to reduce the amount of keyboard work staff would have to carry out. For example, some Forces have a custody handling system, and rather than type information into this system and again onto the PNC, they opted for this interface. Custody office staff enters details onto the local custody system. Information from this system that needs to be entered on the PNC is stored in an interface memory (called the X400) that transfers the information to Hendon at intervals throughout the day.

They are used principally for the offence processing element. An increasing number of forces in England and Wales use this interface system.

With the other systems, any PNC updates can be seen immediately, but information from the interface may take some hours to be transmitted to Hendon and updated onto the PNC.

With a PFI the information is only transmitted in one direction. Any errors will be returned to the force by means of a printout produced at Hendon.

Figure 3 shows how the PFI works:

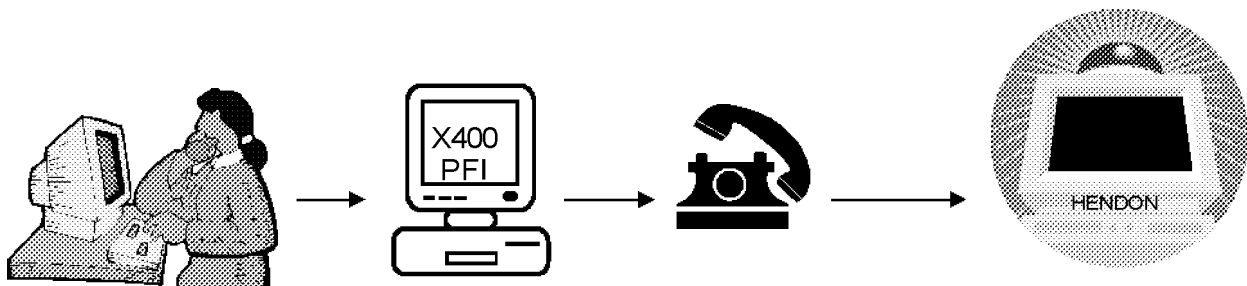


Fig. 3

What type(s) of link to the PNC does your force have?

What type of link will you be working on?

Information available from the PNC

Names

This file is maintained mainly by the Police, together with the National Identification Service (NIS). It holds details of around 10.1 million people who: -

- Have convictions for certain offences
- Are subject to the legal process, for example waiting to appear at court
- Are wanted
- Have had certain court orders made against them
- Are missing or found
- Have absconded from specified institutions
- Are disqualified from driving by a court
- Have a Driver Record at DVLA
- Have applied for, or hold, a firearms or explosives certificate

Driving Licences

This file is a copy of data that is supplied to NPIA from DVLA. It holds details of everyone who holds, or has held, a driving licence in the UK. The data is maintained by DVLA, and a copy is provided to NPIA each weekday.

Vehicles

This file mirrors the main details of approximately 54 million records held by the Driver & Vehicle Licensing Agency (DVLA) Swansea. It includes: -

- Vehicle details
- Keeper details
- DVLA Markers
- Police Reports
- Vehicle Insurance details (supplied by MIIC)
- MOT details (supplied by VOSA)

Property

This file is for items of lost, stolen or found property. Originally designed to record details of engines, there are now seven separate categories of property in this file. They are: -

- Plant
- Engines
- Trailers
- Animals
- Marine
- Firearms
- Mobile Phones

Broadcasts

This system has been in existence since 1974. It makes use of the PNC to transmit messages to all or selected forces, seaports and airports. Because the system works through the PNC's network, it is a fast, free and secure way to send important policing messages between forces.

Transaction Log Enquiries

Every transaction completed on the PNC is automatically recorded.

The information stored retains details of the requester of the check, the PNC operator carrying it out, if different, the reason the check was carried out and what the enquiry was.

It is possible to search for all checks, which have been carried out by Police staff and others that have access to the PNC.

As well as assisting with auditing the PNC, this facility is an aid to police investigations. When researching a suspect, it could assist to identify other officers in the country who have had dealings with them, to help put an intelligence package together.

The searches can be carried out up to a 12-month period.

Data Protection and Security

The Legislation, Background and Principles

Computers are a common everyday feature of the working environment. Police work is no exception.

Anyone, including Police Forces, who hold personal information on computer, must register with the Information Commissioner.

The Information Commissioner keeps a register of Data Users (those who hold and use personal information) and promotes proper use of the information.

What happens if your Chief Constable/Officer/Executive registers as a Data User with the Commissioner?

They will tell the Commissioner:

- what information will be held
 - what that information will be used for
 - who will have access to that information
 - where it will be obtained from.

You, as an employee accessing that information, become the servant of the user, so some responsibility passes to you. We will come back to your role.

The Data Protection Act 1998 lays down eight principles to which the data must comply. Simply put, they are a set of rules by which we must abide.

These eight principles say that data must be: -

- 1 Fairly and lawfully processed
- 2 Obtained and processed for lawful purposes
- 3 Adequate, relevant and not excessive
- 4 Must be Accurate and up to date
- 5 Not kept longer than necessary
- 6 Processed in accordance with the data subject's rights under the Data Protection Act 1998
- 7 Kept secure, and appropriate measures taken against unlawful processing and against accidental loss, destruction or damage to personal data
- 8 Not transferred to countries outside the European economic area without adequate protection

An individual shall be entitled to:

- Have access to data held about themselves
- Have that data corrected or deleted if appropriate

What legislation is in place?

There are three pieces of legislation that cover computers and their use - and are relevant to you using the PNC.

They are:

- The Data Protection Act 1998
- The Computer Misuse Act 1990
- The Copyright, Designs and Patents Act 1988

What does that mean to you?

The Data Protection Act places responsibility to comply with the eight principles on you the user. Non compliance can mean prosecution, which may result in severe penalties.

The Computer Misuse Act was originally designed to make computer hacking an offence. Again in simple terms, you can be prosecuted if you deliberately use a system which you are not authorised to use. It is a criminal offence to change data without authority. This act identifies specific offences which include unauthorised access to computer material, unauthorised access to computer systems with the intent to commit another offence, and unauthorised acts to impair the operation of computers.

The Copyright, Designs and Patents Act makes it an offence to unlawfully copy any system which has been purchased under copyright.

How can you commit an offence?

Every time you use the data stored on the PNC for a non-authorised purpose - you commit an offence.

As an employee you may be approached by neighbours, relatives or friends to carry out PNC checks. For example, "I want to buy a car I've seen at the local garage, can you see if it's had accident damage?" "My daughter's boyfriend looks a bit of a criminal, has he got a police record?"

It could even be a case of "I'm bored, I'll just have a look at some records of well known criminals" - carrying out any enquiry for personal curiosity is not allowed.

Don't do it - don't even be tempted - you could lose your job and face prosecution.

Every single transaction, including logging on and off, is recorded - and can be traced back to you in a matter of seconds. Checks of who is using the PNC, and what they are using it for, are carried out in every force every day.

Give two examples of how the Data Protection Act could be breached.

Data Protection in Forces

Within all organisations who have access to the PNC there will be staff whose role is 'to police the system'. They may be known as the Data Protection Officer or Data Security Staff. They are there to monitor and audit the system for security and quality assurance purposes.

Your use of the PN

If all this sounds a bit excessive, don't panic. The following are some basic rules that you should be aware of:

- never leave your terminal logged on, no matter how temporary your absence, even if you're just getting a drink (even locking your terminal Ctrl, Alt and Delete as this can be unlocked by both yourself and an Administrator)
- never carry out unauthorised checks
- never disclose your password to anyone and
- never disclose information to unauthorised personnel.

A list of negatives, which add up to a very positive approach to the PNC

Logging on

This section will take you through the PNC logging on procedures that will be followed during your training course.

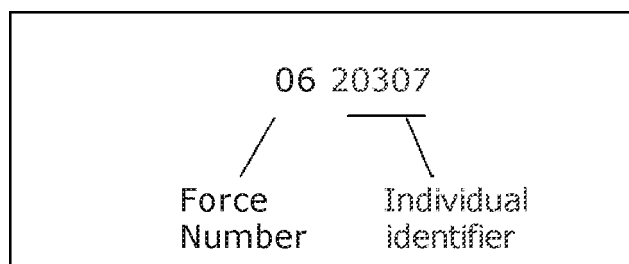
During the training, all delegates will use special training identities and passwords supplied by the trainers.

When you log onto the PNC, there are a number of fields that you must fill in. These give you access to the PNC.

User ID

The User ID identifies a specific operator within force. It notifies the PNC that you are authorised to use the system, and it determines what parts of the system you are entitled to access. This information is not secret, mainly due to the way it is made up and your line manager may well retain details of it

It is made up of 2 parts, e.g.



There can be a maximum of 8 characters in the User ID, and they can only be alphanumeric characters, i.e. no spaces or punctuation symbols.

The appearance of User IDs varies between forces as some (like in the example shown) will be purely numbers, others a combination of letters and numbers.

What happens if I get it wrong?

When logging on, you are only allowed three attempts. If an invalid User ID is input, then security features built into the system will assume that unlawful access is being attempted.

At the third attempt, the log on will fail and you will see the following message on screen:

"Too Many invalid log on attempts. This terminal is being locked out"

This means that nobody can log on to the system from the terminal and the terminal has to be reset.

Password

If the User ID establishes that you are entitled to use the PNC, the password is the next level of security. It confirms to the PNC that you are the person the User ID belongs to.

Initially you will be issued a password and the PNC will ask you to choose a new one. There are rules you must comply with when inputting a password.

These are:

- minimum of 6, maximum of 8 characters, which must be alpha - numeric (no spaces or punctuation symbols)
- no more than two consecutive identical characters
- not the same as the User ID

Passwords expire after 45 days. You will get a warning in the last 15 days before your password expires, asking you to change your password.

You must also be aware of your responsibilities under the Data Protection Act and other relevant legislation and never disclose your password to other people.

As with the User ID field you are allowed three attempts to log on. If you attempt to input an invalid password three times in succession, you will see the following message on screen:

"Too many unsuccessful log on attempts. This User ID is being barred"

If you have been barred and try to log on again, you will see this message:

"User ID is barred - Contact Security Administrator"

Other users could be allowed access to the terminal, but before YOU are able to log on again you must have your User ID reset. If you need your password resetting as well then this must be done by an authorised person in your Force.

The first time you log on to the PNC, or after having your User ID reset, you will use an allocated password. Once you have completed all the fields correctly and transmitted the information, you will see a message on screen advising you that your password has expired.

You must then enter a valid new password. When you have entered your new password correctly, the PNC will request you to re enter it to confirm the change.

Who allocates user IDs in your Force?

How are your force user IDs made up?

Who is responsible for re-setting passwords in your Force?

What is the procedure for requesting your password to be reset?

Why do you think that the resetting of passwords is so restricted?

Modes

The PNC allows access to three modes, or databases. Your User ID will determine which of them you are entitled to use.

You must input one of the following:

- LIVE allows access to the live file only.
- TRNG allows access only to the training database. This contains a variety of records mirroring the live file.
- DEMO contains files for demonstration purposes only. Also used by forces to update or modify their own training records.

Give examples of when you should use the TRNG mode.

Why do you think there are separate live and training files?

You have now completed this section; you may like to take a break now.

The Directory Tables

The directory tables are lists of information you can access through the PNC, and are commonly called "Q codes".

They are like a telephone book, and can often be used where you might use the Police and Constabulary Almanac.

There are also other 'Q codes' designed specifically for supervisory level use. The following are the ones you are most likely to use:

QF - Query Force

This transaction will give you access to information relating to Force Headquarters. You will find addresses, telephone numbers and fax numbers for all Police forces and agencies with access to the PNC. You can access this using the force, or agency name or force code.

QS - Query Station

This transaction will give access to information relating to each police station within a force. Every station in the country has a four figure 'Force station code'. The training school has force station codes for the purposes of teaching updating. These are similar to 39A1, and so on. The first two numbers make up the force code, and the last two identify a particular station within that force area.

Again you may find addresses, telephone and fax numbers. There may be specific numbers listed e.g. the PNC Bureau extension. You will also find the name of the Force PNC Liaison Officer here.

You can search for individual stations, either by number or name, or all stations within a particular force area. This transaction is particularly useful when reading Force station codes within a PNC record, and attempting to establish contact points.

If any details within the QF or QS directories are inaccurate for your force, advise your supervisor as they have some responsibility for any amendments.

QC - Query Courts

Each court has a four character code which uniquely identifies it. When updating names records you will use these codes often.

This transaction will allow you to access information about the location and address of the court, or all courts within a police force area. This information can be accessed by either using the court name or court code, or the force name or force code.

QO - Query Offences

Every offence has a number code, which uniquely identifies it. These are broken down into parts of the United Kingdom, i.e., England and Wales; Scotland; Isle of Man; Northern Ireland; Jersey and Guernsey, where the various laws in each are different. One type of code is an ACPO (Association of Chief Police Officers) code. For example in England and Wales shoplifting is 5.5.8.1, and the Scottish offence of Theft by Housebreaking is 25.1.1. The codes are used for updating names records. You may also get requests from officers asking you the code for a certain offence. By using this transaction you can select from lists to find the code relating to an offence or set of offences.

QB - Query Broadcast

As you have previously learned the PNC has a facility to send messages among forces, and this is called the broadcast system. The QB transaction is a list of addresses to which broadcasts may be sent. An example would be if you wanted to send a broadcast to all the forces that border the M1 motorway. A check on QB would give you a shortened address to allow that, this being M1GROUP3.

QP - Query Post Centre

This transaction will allow you to identify a post centre, e.g. CV for Coventry. It will not allow full postcode searching.

QA – Query Address

This transaction will allow the searching for full address details for example where a postcode is needed for the PNC updating. It also allows for a user to search for an address where only the postcode is known, for example if someone hands in a piece of lost property which is marked with a house number and postcode.

Show your force station code and explain the make up of it.

~~Which Q code do you think you would use the most?~~-----

~~You have now completed this section.~~-----

The Basic Criminal Justice System

This heading is, perhaps, misleading, as there isn't one basic judicial system in the United Kingdom. The law in England and Wales, which is fundamentally different from Scottish law, which is different again from the law in Northern Ireland. There are different laws pertaining to offshore islands such as the Isle of Man and even the Channel Islands have different laws relating to both Jersey and Guernsey. So the idea of a basic criminal justice system in the UK is flawed.

However, here we will look at the basic system as it applies to England and Wales.

The responsibility for investigating crime rests primarily with the Police although certain other specialist agencies (e.g. HSE - Health & Safety Executive) do carry out investigative functions. Again with few exceptions, it is the responsibility of the Crown Prosecution Service - CPS - to bring prosecutions before the courts. (In Scotland this function rests with the Procurator Fiscal - PF.)

Virtually all the criminal prosecutions begin their life in the Magistrates Court, a local court where Magistrates (either lay persons sitting as a group, or professionals sitting alone) deal with the cases. Whilst the majority of cases will come to a conclusion at the Magistrates Court, some cases, usually the more serious, move through the Magistrates Court to a Crown Court by way of committal proceedings. This is where the Magistrates decide whether there is a case to answer.

Offences are divided into three separate categories:

Offences triable only on indictment - These are the most serious cases that can only be finally dealt with at the Crown Court (e.g. Murder, Robbery or Rape). As with all other offences, these begin in the Magistrates Court and are committed to the Crown Court.

Offences triable either way - These cases can be tried in either the Magistrates Court or the Crown Court. In the first instance the Magistrates will decide where the case will be heard and this will depend on a number of factors such as the wishes of the person being prosecuted who, currently, has the overriding right to choose.

Offences triable summarily only - These are cases that can only be dealt with at the Magistrates Court and include minor criminal matters and almost all motoring offences.

Note: If a matter is tried at the Magistrates Court and, on a finding of guilt and having heard evidence of a history of offending etc., the Magistrates can commit the subject to the Crown Court for sentence if it is felt that their power of sentencing is insufficient and the offence in question carries a maximum penalty above their limit.

Once a decision is made to proceed to the prosecution stage this can be either by way of summons or charge.

In the case of summons, the subject is reported and a summons outlining the offence(s) is sent to them or handed to them personally, together with details of where and when they are to appear.

For charges, the subject is formally told of the offence(s) (charged) by an Officer in the case before the Custody Sergeant and then remanded to the court. Remands may be in custody or by way of bail for which conditions may or may not be set.

Note: it has become customary to refer to a person charged as the accused whereas a person summonsed is referred to as a defendant. Subjects may defend themselves in court or, more likely, arrange for a legal representative to act on their behalf.

In a Magistrates Court it is usual for a Solicitor to act as legal representative whereas, if the case proceeds to Crown Court, the Solicitor will continue to act for the subject but it is usual for a Barrister to be instructed to appear in the court.

Procedure in the Magistrates Court

When the subject appears before the Magistrates Court for the first time the case may be dealt with to a conclusion or the case will be put back to another date. This is referred to in court speak as an adjournment. (On your course you will find that the PNC has another, more specific meaning for 'Adjourn'.) The case may be adjourned for a number of reasons, for example:

- The prosecution may need more information or time to prepare
- The defence may need more information or time to prepare

The subject may wish to plead 'not guilty' and witness need to be warned to attend to give evidence

The subject may plead 'guilty' but the court requires more information before it can pass down a sentence

The case is to be heard at the Crown Court.

Where a case is adjourned under any of these circumstances the court will either remand the subject in custody or on bail (with or without conditions). A remand on first appearance at the Magistrates Court can be for a maximum of 8 days but for any subsequent appearances a remand may be up to 28 days.

In the case of committal proceedings where the case is being sent from the Magistrates Court to the Crown Court to be heard, the prosecution must furnish copies of all prosecutions statements of evidence and copies of any documentary objects before the committal proceedings take place. The subject may wish not to question the evidence at this stage and therefore they consent to the committal.

However, if they wish to make representations to the effect that the evidence does not constitute a 'case to answer' then these representations are made to the Magistrates who will make a judgement as to whether the matter should be committed or not. In the case of there being no 'case to answer' on any or all of the charges, the Magistrates will dismiss the relevant charge(s) and discharge the defendant. Of course, if there are some charges still proceeding, the defendant will be required to answer those charges in the Crown Court.

On committal, the defendant will be informed of the charge(s) to proceed and informed of the date that the matter will be heard at the Crown Court. The magistrate may also order that a 'Preliminary Hearing' takes place at the Crown Court.

Proceedings at Crown Court

The first appearance at Crown Court will be one of the following:

'Preliminary Hearing' if this has been ordered by the magistrates court.

'Plea and Sentence Hearing' if the defendant indicated to the Magistrates Court that they will plead guilty.

'Plea and Case Management Hearing' if neither of the above apply.

If the defendant pleads guilty the Judge, who sits in a Crown Court, may decide to pass sentence there and then. As with the Magistrates Court, the Judge may decide they need further information before sentencing is made and the case will be adjourned.

If the defendant pleads not guilty, the case will be adjourned for trial by jury.

A jury consists of 12 members of the public aged between 18 and 70 drawn at random from the electoral role.

The trial will commence with the prosecuting Barrister outlining the case to the jury. This is followed by the calling of prosecution witnesses to give their evidence. They first give their 'evidence in chief' by way of answering questions posed by the prosecuting barrister and this is followed by a 'cross examination' by the defending Barrister. The prosecution has the right to ask further questions of the witness but only on matters arising from the 'cross examination'.

Once all the prosecution witnesses have given evidence there is an opportunity for the defence to argue that insufficient evidence has been heard to convict.

If the Judge agrees with the submission the jury will be directed to return a 'not guilty' verdict.

If the defence makes no such submission, they may then call witnesses on behalf of the defendant. On this occasion, roles are reversed, in that it is the defending Barrister who leads with the 'examination in chief' followed by the prosecuting Barrister with the 'cross examination' with a 're-examination' by the defending Barrister if necessary.

Once all the evidence has been heard, the prosecuting and defending barrister (known commonly as Counsel) make closing statements before the Judge sums up the evidence for the Jury and gives them directions as to any matters of law that are relevant. The jury then retires to consider their verdict.

Initially, the Judge will ask the jury to return a unanimous verdict. However, if, after a certain length of time has elapsed, the jury cannot unanimously agree, the Judge may accept a majority verdict, although this would normally be at least 10 to 2.

On a finding of 'not guilty' the defendant will be discharged for that offence and if there are no findings of guilt, will be free to leave the court. On conviction, the Judge will move to sentence although, again, an adjournment for further information (e.g. background or character reports) may be required.

Youth Courts

A person between the ages of 10 and 17 (the law does not accept that persons under 10 years of age can commit a criminal offence) if they are not jointly charged with an adult, will be dealt with at the Youth Court. These courts operate in a similar way to the Magistrates Court although the public are excluded and while the proceedings can be reported, the identity of the subject is generally not released.

A youth has no right to elect that the offences be heard at a Crown Court, although offences of Murder and Manslaughter must be dealt with at the Crown Court.

If, however, a youth is charged with an offence that would, if committed by an adult, carry a sentence of at least 14 years, or is charged with any offence specified in Section 51A, for example, indecent assault on a woman, or is jointly charged with an adult, they may be committed to the Crown Court for trial.

Sentencing

The sentence that a Judge may hand down is prescribed by law as the maximum penalty allowed, although the Judge may hand down a sentence up to this maximum at their discretion. Only certain offences have a sentence, which is fixed by law - i.e. Murder - Life Imprisonment (in these cases the Judge indicates a minimum period to be served before the subject may apply for release on licence, which is authorised by the Home Secretary, who receives a recommendation from the parole board and seeks the advice of the Lord Chief Justice.)

In determining the appropriate sentence the magistrates or Judge must take into account a number of factors:

The circumstances of the Offence.

The circumstances of the offender - previous convictions, character, social and/or domestic background, etc.

Other Offences - In addition to the offence(s) found against the defendant they may also wish other, similar, offences to be 'taken into consideration' and although no separate penalties are handed down for these, so called TIC's, the number and nature of them may effect the sentence handed down.

Mitigating Circumstances.

Note: If a youth is found guilty of murder committed when under the age of 18 years the mandatory sentence, prescribed by law, is one of detention 'during Her Majesty's Pleasure'.

ustody

A Magistrates Court may only sentence an offender to a maximum of 6 months imprisonment for any one offence and a maximum of 12 months for two or more offences heard at the same time. In addition, the Magistrates can hand down a maximum sentence of 12 months where it is

imposing 'consecutive' sentences for two or more offences that are triable

either way.

Note: 'Concurrent' sentences are where the offender serves both or all of the offences at the same time (i.e. 6 months and 6 months concurrent = 6 months). 'Consecutive sentences are where the offender serves each sentence one after the other (i.e. 6 months and 6 months consecutive = 12 months).

Custodial sentences passed on a person under 21 will usually be served in a Young Offender Institution (YOI). The minimum age for such a sentence is 15 years (under 15 years the young person can be handed into the care of the local authority.)

The maximum sentence of detention that can be handed down to an offender over 15 but under 18 years is two years. Over 18 years they can receive the same maximum sentence as an adult with any remaining period of imprisonment after the age of 21 years being served in an adult jail.

Suspended Sentences

A suspended sentence may only be handed down to an offender aged 18 years or over. The sentence may be wholly or partly suspended for a minimum of 1 year and a maximum of 2 years. If the offender commits an offence during the period of the suspension then the Court may order them to serve all or part of the suspended sentence in addition to any penalty for the new offence.

A Court will not usually impose any monetary penalty on an offender sentenced to detention but may impose such a penalty (fine or compensation) in the case of a suspended sentence. The Court may also attach requirements to a suspended sentence, for example a curfew or unpaid work requirement.

Other Penalties

Falling short of detention, the court may hand down a number of alternative penalties. These may include:

Supervision Order - a supervision requirement places the consenting offender under the supervision of the Youth Offending Team (YOT). The order can last for up to 3 years, and requires the person to take part in activities set by the YOT, which can include reparation of the harm done and programmes to address the offending behaviour, such as anger management. A range of conditions called 'specified activities' can also be added to the order

when the sentence is for more serious offences, and these conditions can last for up to 90 days. These conditions can include

drug treatment, curfews or residence requirements, or participation in an 'Intensive Supervision and Surveillance Programme (ISSP).

Community Rehabilitation Order - the equivalent of a supervision order, but is only available to the courts for offenders aged 16 - 17.

Community Punishment Order - where an offender aged 16 - 17 is required to complete between 40 and 240 hours of unpaid community work.

Action Plan Order - an intensive, community-based programme lasting for 3 months. The order is tailored to the risks and needs of the offender, and can include a variety of programmes to address the offending behaviour.

Attendance Centre Order - where an offender between 10 and 21 years is required to attend for a number of hours at an attendance centre. The main purpose of the order is to put a restriction on the offender's leisure time, and attendance is usually required on Saturday afternoons. The programme is designed to give the offender basic skills such as literacy, numeracy, cookery, life skills, first aid, money management, victim awareness, drug and alcohol awareness and sexual health matters. The order can last for up to 36 hours.

Referral Order - where an offender pleads guilty to the offence and it is a first offence. The offender, their parent or carer and the victim (if appropriate) is required to attend a youth offender panel and agree a contract to repair the harm caused and address the causes of the offending behaviour. This contract lasts between 3 and 12 months, and on successful completion the conviction is immediately 'spent' and does not have to be disclosed when applying for work.

Reparation Order - where an offender is required to repair the harm caused by their offence, either directly to the victim or indirectly to the community, for example by cleaning up graffiti or undertaking community work.

Fines - the amount of the fine reflects the offence committed and the offender's financial circumstances. If the offender is under 16, payment of the fine becomes the responsibility of the parent or carer, and their financial circumstances are taken into account.

Conditional Discharge - although not the imposition of any penalty, the offender remains liable to be punished for the offence if

they are convicted of a further offence within the period of the conditional discharge (maximum three years).

Absolute Discharge - No penalty and no restrictions as to future conduct.

Curfew Order - where an offender may be electronically monitored. This will be in their own home for a period of between 2 and 12 hours per day, with a maximum duration of six months for people aged 16 or over, and a maximum of 3 months for people aged under 16.

Parenting Order - given to the parent or carers of young offenders. The parent or carer is required to attend counselling or guidance sessions for up to 3 months. They may also be required to attend meetings with the young person's teachers, ensure that the young person does not visit particular places unsupervised, or ensure that the young person is at home at particular times. These conditions can be imposed for up to 12 months; the parenting order does not result in the parent or carer getting a criminal record, however the parent or carer can be prosecuted for failing to follow the requirements of the order.

Drug treatment and Testing order - given to young offenders who have drug misuse issues that require treatment. An offender must agree to comply with the order before it can be made, and requires the person to receive regular drug testing and treatment in the community. The order is imposed for between 6 months and 3 years.

For further details on the Youth Justice System and how it works, there is a dedicated website - www.yjb.gov.uk.

Appeals

In England and Wales a person convicted of an offence has the right to appeal against either a sentence handed down and/or, in the case of a person who pleaded 'not guilty' and was found 'guilty', against conviction. The appeal must be lodged within 21 days of the conviction or sentence to which the appeal relates.

Any appeal will be heard at the next court in the court tier system. Therefore, an appeal against a finding at Magistrates Court is heard at a Crown Court and an appeal against a finding at a Crown Court is heard at the Court of Appeal (Criminal Division) of the High Court. Ultimately, appeals can go to The Supreme Court (previously The House of Lords - Law Lords), which is the highest court in England and Wales. Points of European law may then be referred to the European Courts of Justice in Luxembourg.

Outside of these appeals procedures, offences can be referred at any time to the Criminal Cases Review Commission who have the authority to refer a case back to an appeal court where there is the possibility of a miscarriage of justice or where significant new evidence comes to light which may bring the conviction into doubt.

When an appeal is heard against sentence, the appeal courts reserve the right to increase as well as decrease any penalty. In addition, the CPS has the right in exceptional circumstances, to make an appeal where they feel that the sentence handed down was unduly lenient. The CPS cannot appeal against a finding of 'not guilty'.

What is the penalty prescribed by law for an adult offender for Murder?

What penalties can be given to an offender where the offence was committed at 16 years of age?

How many jurors sit at a Crown Court Trial?

What does the abbreviation YOI mean?

What does the abbreviation TIC mean?

Name two Magistrates Courts local to the station where you are based.

~~Name a Crown Court where cases from your local area are usually heard.~~

You have now completed this section; you may like to take a break now.

Warrants - an Overview

Within a section of the Names Files - Wanted/Missing - details of Warrants may be held against a subject. The PNC Names Enquiry Course will cover all aspects of enquiring on this information and the PNC Names Updating Course will cover the updating of the PNC when warrants have been issued.

A warrant is a court issued legal document naming an individual and requiring some action to be taken by an appropriate authority - this appropriate authority may or may not be the Police.

Note: the mere fact that a subject has an entry under the Wanted/Missing section of the PNC Names File does not mean that they have committed an offence or that they can be arrested. They may be missing under circumstances giving rise to concern or it may be desired to locate their current whereabouts for some other Policing purpose. These factors will be covered in some depth during your course.

Warrants are issued by the Courts for a variety of reasons. It could be that the subject, having been charged with an offence and bailed, fails to appear at court, or the warrant could relate to a non payment of fine, or the Court wishes a person to attend to give evidence having failed to do when required to do so.

Non-payment of fine warrants are subdivided as follows:

A Means Enquiry Warrant - the subject must be arrested and taken before the Court (or bailed to the Court in accordance with the conditions attached to the warrant) unless he or she first pays the outstanding fine, or

A Committal Warrant - The subject must be arrested and committed to a prison for the purpose of serving a period in custody in lieu of payment unless he or she pays the outstanding fine, (in Scotland this is known as an Extraction Warrant), or

A Distress Warrant - this authorises the seizure of certain items belonging to the defaulter. (These are usually served by a person authorised by the Court (e.g. Court bailiff) and it would be unusual for the Police to be involved in the enforcement.)

Arrest warrants may be executed anywhere in the UK. For example, a warrant originating in Scotland may be executed anywhere in England and Wales. However, in the case of Scottish warrants, by virtue of their law regarding corroboration, two Officers must be present when the warrant is executed.

In the case of Means Enquiry Warrants, the Officer executing must be in possession of the warrant at the time it is executed.

Your Force will have systems in place so that any outstanding warrant, details of which appear on the PNC, can be located quickly. It may be that the subject is being checked in another Police area and full details from the warrant are required by that Police area in order for the matter to be dealt with.

Where are outstanding warrants, details of which appear on the PNC, kept in your Force?

Other agencies are also involved in the creation of information on the PNC, e.g. the National Identification Service in relation to persons who escape from prison, or the Armed Forces in relation to deserters. Generally, however, details regarding warrants are input by the Police area in which the issuing Court sits.

Name three courts within your Police area that may be responsible for issuing Warrants.

~~Not all Warrants issued by the Courts find their way onto the PNC. There are specific categories of warrants that are permitted within the PNC. Search Warrants, for example, are issued to empower Police Officers to undertake a search of premises where no power in law expressly permits this. Details of these are never input onto the PNC.~~

It is at the discretion of the Force concerned whether details of warrants are added to the PNC Names File.

Your course will cover all aspects of warrants and the PNC.

You have now completed the workbook

Please remember to bring this completed workbook
with you on your course