

Blackstone's Police Manual 2013

Volume 1 Crime

Paul Connor

Oxford University Press (2013)

Book review by Sally Ramage

As the Chief Executive of the National Policing Improvement Agency ('NPIA'), Mr Nick Gargan, stated in the preface, the NPIA is committed to ensuring that the public is served by qualified, well-trained and well-led officers and police staff and these examination textbooks are a key part of that mission. It is not easy task to be at the front-line of policing, having to grasp the multitude of laws and regulations and to keep up with changing laws. These volumes train police officers who are studying for promotion examinations to sergeant or inspector.

Paul Connor, LLB, PGCE, is the police trainer who wrote this volume on crime. Mr Connor served in the West Midlands Police Constabulary for 20 years and is now a full time police book author and police trainer. As well as authoring the Blackstone's Crime Manual, he is co-author of General Police Duties and consultant editor of the whole series of this set of police examination books (Crime, Evidence & Procedure, Road Policing and General Police Duties). Mr Connor is also author of the *Blackstone's OSPRE Part I Mock Examination*, and co-author with Mr David Pinfield of the *NIE¹ Manual and Workbook*. His also is the author of the *NIE Q&A* and contributor to the Blackstone's Q&A 'Online' service.

There are 18 chapters to *Blackstone's Police Manual 2013 Volume 1 Crime*², together with table of cases, table of statutes, table of secondary legislation, table of Codes of Practice, table of Home Office Circulars, table of International Treaties and Conventions, and the OSPRE Rules and Syllabus information plus a very fine index.

Chapter 1 deals with the topic of *state of mind* and within this chapter, the topic of *strict liability* is dealt with separately. This is a wise move, especially since the Bribery Act 2010, in force since August 2011, includes a *strict liability* offence. Note that even if an act is involuntary, a person can be liable, as in the case of *Winzar v Chief Constable of Kent* [1983]..

For the commission of a strict liability offence, the defendant's state of mind is immaterial- in other words, the crime does not require proof of *mens rea*. This is an exception to the rule that the prosecution must establish that an accused has carried out the prohibited criminal act (*actus reus*) with an accompanying 'guilty mind' (*mens rea*). In other words, it is not necessary to prove any mental state of the defendant (his intention, recklessness or negligence).

That is, there is no need to prove that the defendant was blameworthy. All that needs to be shown is that the defendant *caused* a particular result or carried out a particular act. Such an act was made a strict liability offence by Parliament thought fit to surrender the traditional proof of a guilty mind for the greater benefit of the public as a whole. Strict liability offences include offences involving road safety, pollution, food hygiene.

Half of all criminal offences are offences of strict liability and most of these are minor offences. It can be said that Parliament passed certain laws to make certain acts strict liability offences so as to regulate people's behaviour in order for society to work effectively. Not all -but most strict liability offences are minor offences. An example is a parking offence.

But at least we have been spared from the old English Drunkenness Act of 1606 which stated:

¹ National Investigators Exam.

² There are four volumes to the 2013 Blackstone's Police Manuals- *Volume 1: Crime; Volume 2: Evidence and Procedure; Volume 3: Road Policing and Volume 4: General Police Duties*.

'Whereas the loathsome and odious sin of drunkenness is of late grown into common use within this realm, being the root and foundation of many other enormous sins, as bloodshed, stabbing, murder, swearing, fornication, adultery and such like, to the greatly dishonour of God, and of our nation, the overthrow of many good arts and manual trades, the disabling of divers workmen and the general impoverishment of many good subjects, abusively wasting the good creatures of God.'

Under this Drunkenness Act, drunks were fined five shillings or spend six hours in the stocks. Of course, under the newer Licensing Act 2003, it remains illegal to sell or allow alcohol to be sold to someone who is drunk.³

The other 17 chapters address the topics of criminal conduct; incomplete offences and police investigation; general offences; homicide; misuse of drugs; firearms and gun crime; racially and religiously aggravated offences; non-fatal offences against the person; sexual offences; control of sex offenders; child protection; theft and related offences; fraud; criminal damage; offences against the administration of justice and public interest and offences arising from immigration, asylum and people exploitation. The final legal topic of offences against the administration of justice includes the issue of suspected international terrorists, such persons, under the Anti-Terrorism, Crime and Security Act 2001, may have a certificate issued for their arrest if the Secretary of State believes that a person's presence in the United Kingdom is a risk to national security.

In general, this Volume 1 Crime is mercifully slim in girth and is laid out in a lovely format that aids learning: clear prominent headings and subheadings and keynote sections as are relevant throughout the book. An officer will hardly need any other texts to understand the vast subject of crime. The 18 chapters are titled: State of Mind; Criminal Conduct; Incomplete offences and Police Investigations; General Defences; Homicide; Misuse of Drugs; Firearms and Gun Crime; Racially and Religiously Aggravated Offences; Non-fatal Offences Against the Person; Miscellaneous Offences Against the Person; Sexual Offences; Control of Sex Offenders; Child Protection; Theft and Related Offences; Fraud; Criminal Damage; Offences Against the Administration of Justice and Public Interest and Offences Arising from Immigration, Asylum; and People Exploitation.



One final encouraging note is that the publication *Grapevine* of the British Association of Women in Policing included an item of news in 2011 which stated in an article headed 'Women more likely to pass OSPRE', that:

*'A **higher** percentage of **women** passed their OSPRE Part I Inspectors' exam than men. Nearly half of all women who took the exam passed compared to just short of 40 per cent of men. A total of 1939 candidates took the exam – 696 fewer than last year. NPIA Head of Examinations and Assessment, Ciaran McGuigan, said: "While overall numbers have fallen, it's encouraging to see that the proportion of female candidates has continued to rise compared to previous years, with women now making up almost a quarter of Inspectors' OSPRE Part I candidates. As with previous exams, female candidates achieved a higher overall success rate, which is another step towards increasing the diversity of officers in middle and senior management positions.'"*

³ Cawthorne, N. (2003) *The strange laws of Old England*, London: Piatkus Books Limited.

This tremendously encouraging news made for happy reading at the time in view of the fact that woman, apart from their careers, are often the main carers of children of the family and all the added responsibilities and chores entailed in their multi-tasking lives. Let us hope that many more women decide to try for promotion this year.



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