



Ministry of Defence Police

Freedom of Information Manager

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Our Ref: eCase: FOI 2020/01196
RFI:050/20

Date:24 February 2020

[REDACTED]
[REDACTED]
[REDACTED]
Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: TRAINING MATERIALS.

We refer to your email dated 27 January 2020 to the Ministry of Defence Police which was acknowledged on the same date.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

“I would like to request any training materials, including training notes, workbooks, presentations and aide memoires, etc relating to officers giving evidence at court.”

A search for information has now been completed by the Ministry of Defence Police and I can confirm that we do hold information in scope of your request.

Please see the attached document.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk).

Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office

Course: Recruits, Phase 1 England and Wales		
Lesson title: court awareness	Time: 180 minutes	Date lesson plan written:

<p>Lesson aim: The aim of this session is to reinforce the importance of making intelligent notes of an incident in order to give best evidence in court.</p>	<p>Pre-assumed knowledge: Legal system in England and Wales Human Rights Act Statements, Arrest, Custody procedures, Use of force</p>	<p>Linked materials and lessons: Police notebooks Police statements – including the statements the students completed as part of the statement lesson</p>
<p>Learning objectives: At the end of the session the students will</p> <ol style="list-style-type: none"> 1. Be able to describe how to prepare for a court appearance 2. Be able to explain how the notes made in their pocket notebooks and witness statements are used in court 3. Have evaluated the quality of the notes made in their pocket notebooks and witness statements against the advice given by the barristers in the training video 4. Be able to explain the 10 golden rules for giving evidence in court. 		<p>Resources: Copies of the students' statements from the police statements lesson. Copies of the relevant pages of the students' PNBs Wipe board and pens Flip chart and pens Powerpoint and projector TV and DVD Player Giving evidence pack The Golden Rules handout</p>

Time / stage	Subject matter / learning objective	Trainer Activity	Trainer notes, resources and training activity risk assessments.
1 min	N/A	Deck clear and notices appropriate for the time of the lesson. Make appropriate notes, forward on queries; concerns etc. to the best person to deal with the matter	
		Introduce the lesson and the objectives	

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1 min			
8 minutes Why?	Objective 3	<p>Engage the students in the learning Refer the students back to the statement writing lesson Show the video of the drunk and disorderly incident – include the note making scene in the station canteen and the death in custody</p> <p>Stop the video and ask the students how well they think their notes and statements are going to stand up to the cross examination they are going to get as a result of the incident,</p> <p>produce copies of their own statements and notebook entries and hand them to each student (or tutorial records for those who did not produce timely statements) Tell them they are going to be using these documents during the lesson.</p> <p>Lesson overview, going to guide you through the process, how to prepare for a day in court; what you can expect there using training video. Tell students that now the man has died it is the police who are on trial to establish whether their actions were proportionate, legal, accountable or necessary.</p>	<p>Powerpoint slides 1 and 2</p> <p>Write PLAN on the wipe board</p>
Little what?			
How? 10 minutes How?	Objective 1	<p>Board blast Trainer asks the students “What should you do before the big day?” Record their answers on a flip chart.</p> <p>When students have finished reveal answers on the powerpoint. Trainer to talk through what happens on the day.</p>	<p>Powerpoint slide 3</p> <p>Powerpoint slides 5; 6; 7; 8</p>
135 mins How?	Objectives 2; 3 & 4	Start “Giving Evidence” training package, follow the lesson plans in the trainers guide and get the students to refer back to their own PNBs and statements and	

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Now what?		evaluate how well they would stand up to the same level of scrutiny. Take breaks as necessary,	
5 minutes		Conclude lesson Summarise and handout 'The Golden Rules' – Any questions refer back to the aim and objectives	Powerpoint slides 9; 10; 11

Delivering Unique Specialist Policing

Initial Police Training

Student Pre-Learn

Unit 3 - Court Awareness & Giving Evidence
(England & Wales)

MDP Operational Capability Centre



Protecting, Reassuring, Achieving

The Police Witness

As a police officer you will be required to give evidence at both magistrates' and Crown Courts.

Your position is no different than any other witness, although the fact that you will give evidence as part of your professional role and do so more frequently than other witnesses leads the courts to expect a more competent performance.



If you are the only or principal officer involved in the case you will be referred to as the 'officer in the case' and will have further responsibilities, such as checking that your witnesses have arrived and informing the prosecutor accordingly.

You will also have to ensure that any exhibits are in your possession or available to the court.

Do not speak to the accused or his or her solicitor about the case unless you have permission of the prosecutor to do so.

When the court begins to hear cases you may sit at the back of the courtroom, but when your case begins you and the other witnesses must wait outside.

- Evidence is given from the witness box and you should face and direct your evidence to the judge or 'bench'.
- When questioned, you will naturally look at the person who is asking the questions, but you should still address your answers to the judge or 'bench'.

All witnesses in criminal proceedings, other than children under 14 years, are either required to swear an oath or make an affirmation.

Although you will do this on many occasions during your career, it is important to remember the significance of what you are saying and that a casual attitude will create an unprofessional impression.

The oath

The Magistrates' Court Act 1980 requires that witnesses giving evidence in a magistrates' court shall give the evidence upon oath in the prescribed manner, or when it is not possible for the oath to be taken or in the case of a person who objects to being sworn, by means of a solemn affirmation.

The full legal position is set out in the Oaths Act 1978 and the Perjury Act 1911 which explain that a witness will be sworn in the particular form and manner binding on his or her conscience, or affirms according to the circumstances.

In the case of a person who is neither a Christian nor a Jew, the oath shall be administered in any lawful manner. Whether the administration of an oath is lawful concerns two matters only: did the oath appear to the court to be binding on the witness's conscience and, if so, did the witness consider the oath to be so binding?

Courts hold copies of many religious texts and are able to obtain others if requested. Any preparation or cleansing rite before taking the oath will also be accommodated.

General rules for giving evidence

The general rules for giving evidence apply to all witness and, following the oath or affirmation, a witness called by the prosecution will give evidence first in response to questions from the prosecutor and then the defence.

Cross-examination

Once you have given your evidence, the defence may wish to ask you some questions. This is known as 'cross-examination'

When in Court

The credibility of police evidence, and therefore the outcome of a court hearing, can be affected by the way in which an officer conducts herself / himself in the witness box.

An officer's appearance, demeanour and manner in which she / he addresses the court are all important.

Be confident	-	Officers who stare at the floor or mumble can appear shifty or evasive
Be smart	-	Officers who are well turned out are more likely to make a good impression on the court
Be objective	-	Many prosecution and defence lawyers take the view that obvious bias against a defendant on the part of a police officer is often helpful to the defence
Can you be sure?	-	If it becomes clear that you have made an error or have omitted to do something, say so
Be straightforward	-	Present your evidence succinctly and in a straightforward way - avoid the use of jargon and acronyms



Ministry of Defence Police Operational Capability Centre

Court awareness and giving evidence

Diploma in MOD Policing

Session aim

The aim of this session is to reinforce the importance of making intelligent notes of an incident in order to give best evidence in court.

Session outcomes

At the end of the session the students will

1. Be able to describe how to prepare for a court appearance
2. Be able to explain how the notes made in their pocket notebooks and witness statements are used in court
3. Have evaluated the quality of the notes made in their pocket notebooks and witness statements against the advice given by the barristers in the training video
4. Be able to explain the 10 golden rules for giving evidence in court.

Before the day

What should you do before you go to court to give evidence?

- Check which case it is you are being called to give evidence about
- Refresh your memory about the case by re-reading your notebook; statements and any other relevant documents
- Make sure the correct notebook; case papers; exhibits are available
- Check which court you are attending; how you are going to get there and where you can park
- Visit the court you are due to give evidence at and watch some cases
- Make sure your uniform is smart and well prepared

On the day

- Wear working dress – including personal protection equipment
- If you are the officer in the case (OIC) you are responsible for ensuring the relevant police file; exhibits and sufficient copies of papers are brought to court
- Arrive in good time
- Report to the CPS on arrival
- Do not speak to the defendant
- Decide in advance whether you are going to affirm or take an oath; if you are taking an oath tell the court official which faith you are as soon as you can.

Communication in court

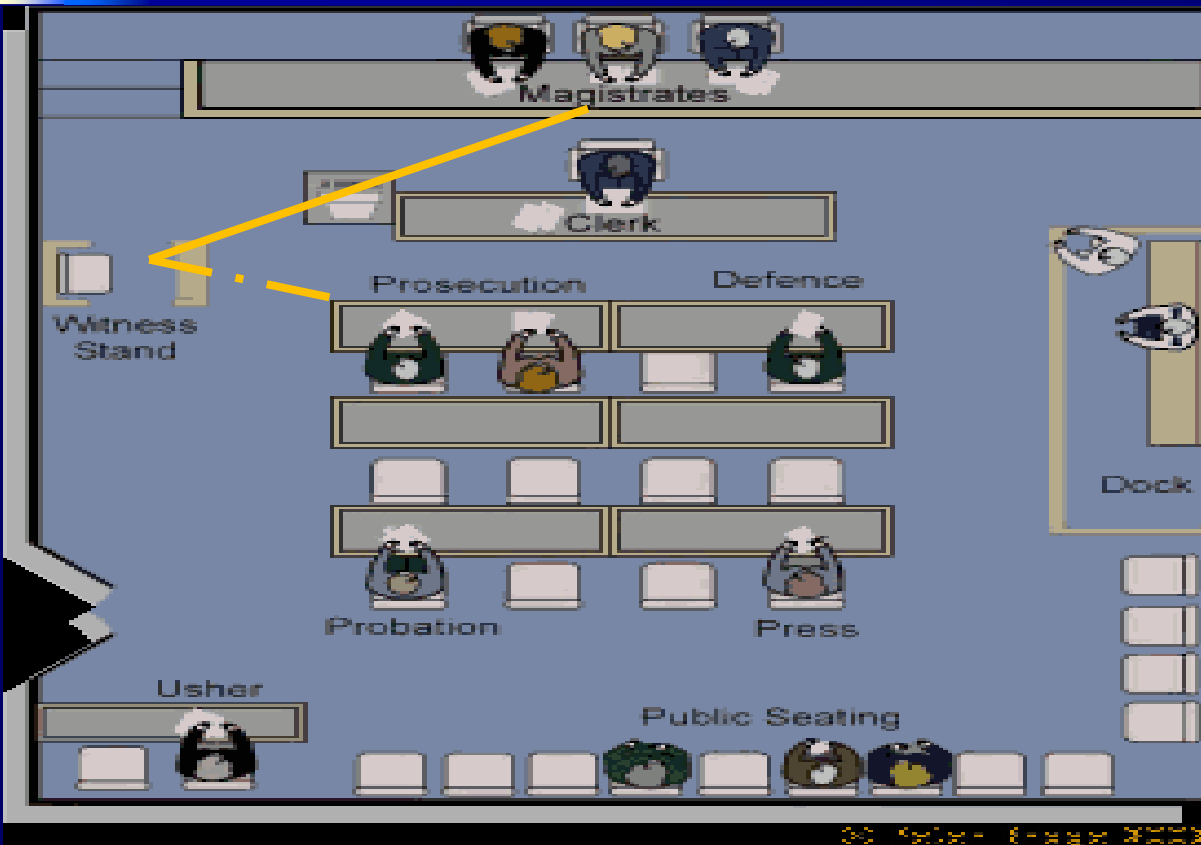
The 'Golden Triangle '

- You are asked questions by the advocate for the defence or prosecution, and are expected to address your answers to the magistrates or jury
- Position yourself in the witness box so that you face the magistrates or the jury and turn your head to look at and listen to your questioner

Modes of address

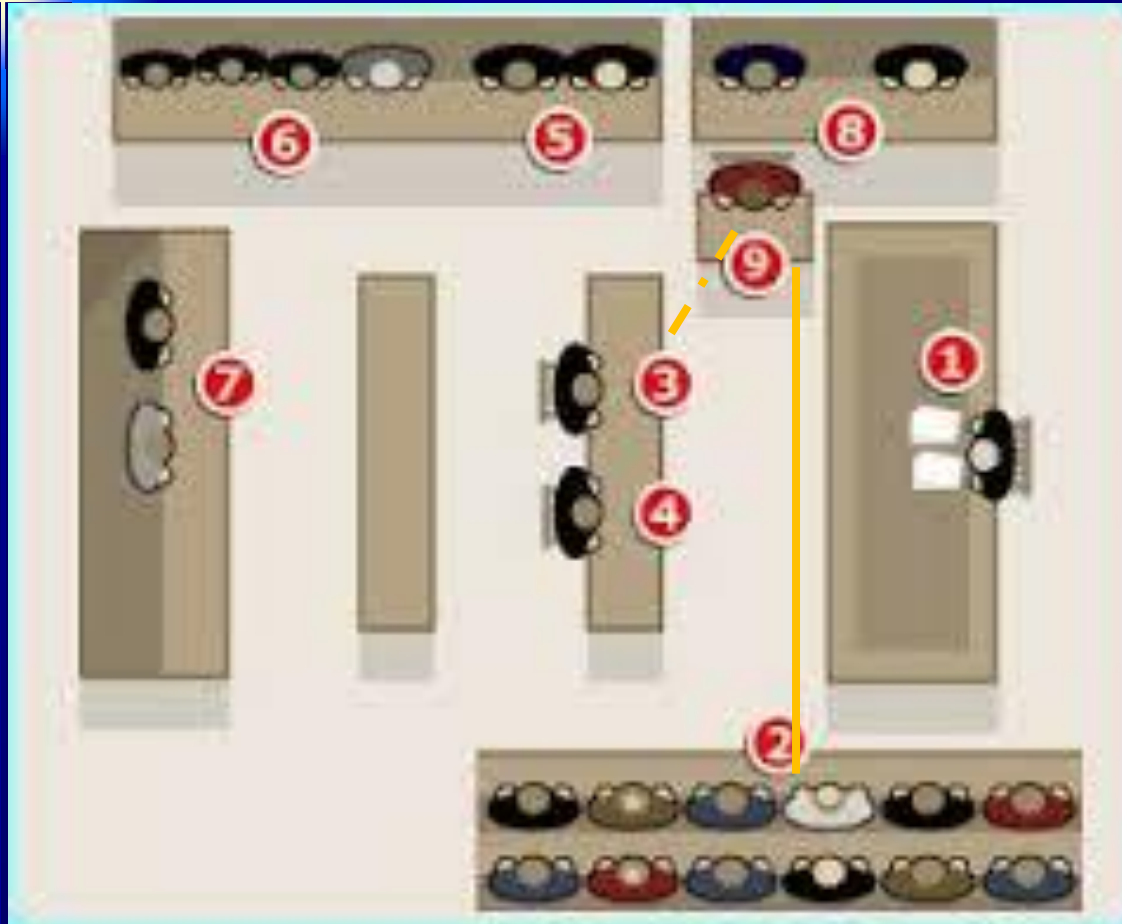
- Youth Court; Magistrates Court – “Sir” or “Madam”
- Crown Court a Circuit Judge – “Your Honour”
- Crown Court a High Court Judge – “ My Lord or My Lady

Magistrates Court



Magistrates are called "Sir" or "Madam"

Crown Court



Call the judge "Your Honour"

1. Judge
2. Jury
3. Prosecution counsel
4. Defence Counsel
5. Press box
6. Public gallery
7. Defendant (in dock)
8. Usher
9. Witness box

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Questions?

Why?

How?

Who?



Where?

What?

Who?

