3. Confessions and the defendant’s silence

This chapter focuses on confessions and on the defendant’s pre-trial silence. It explains how a defendant may be convicted on the evidence of a confession alone. It analyses the definition of a confession as specified in section 82(1) of the Police and Criminal Evidence Act 1984 (PACE), and how a confession proffered by the prosecution or by a co-defendant may be excluded by rule under PACE. The chapter also considers the preservation of the common law discretion to exclude confession evidence as well as the procedure for police interrogation of suspects under PACE. It concludes with an examination of how the jury at trial may draw an inference of guilt under sections 34, 36, and 37 of the Criminal Justice and Public Order Act 1994.
3. Confessions and the defendant’s silence