

# Unit 17: Police Powers in the Public Services

<b>Unit Code:</b>	<b>M/600/6082</b>
<b>QCF Level 3:</b>	<b>BTEC National</b>
<b>Credit value:</b>	<b>5</b>
<b>Guided Learning hours:</b>	<b>30</b>

## ● Aim and purpose

This unit enables learners to develop an understanding of lawful arrests and detention and the regulations with regard to searching people and their premises. It also covers the powers the police have to grant bail.

## ● Unit introduction

This unit introduces learners to the powers of police officers regarding the arrest, detention and questioning of those suspected of committing a criminal offence and the rights of those suspects. The unit considers how police officers may carry out a legal arrest, the 'general arrest conditions' and the consequences of these not being met. Learners will consider the time limits for detention and how they may be extended, the conduct of police in interviews and the rights of a detained person while in police custody. This area of the law is currently governed by the Police and Criminal Evidence Act 1984 (the codes of practice made under Section 66), Criminal Justice Act 2003, Serious Organised Crime and Police Act 2005 and Police and Justice Act 2006.

Learners will investigate police powers regarding searching of people and premises. This involves regulations regarding the stop and search of people and the entry into premises, both with and without a warrant. Learners will consider the consequences of unlawful entry and searches.

Learners will also review the power of the police to grant bail to those under investigation or charged.

## ● Learning outcomes

**On completion of this unit a learner should:**

- 1 Know the requirements of lawful arrest and detention
- 2 Understand regulations regarding searching people and premises
- 3 Understand the powers of the police to grant bail.

## Unit content

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### 1 Know the requirements of lawful arrest and detention

*Arrest with or without warrant:* differences between arrest made by police officers and an arrest by a private citizen; reasonable grounds for suspicion; arrest with a warrant; arrest without a warrant

*Other statutory rights of arrest:* arrest as a preventative measure; breach of the peace; public order offences

*Time limits:* explanation of time limits and extensions

*Rights of a detained person:* right to have someone informed; right to legal advice; right to silence; DNA and other samples

*Police interviews:* tape recording; rights of interviewee; appropriate adult for young offenders; right to silence; searches; fingerprints and body samples; codes of practice

*Legislation:* relevant sections of the Police and Criminal Evidence Act 1984 (the codes of practice made under Section 66), Criminal Justice Act 2003, Serious Organised Crime and Police Act 2005, Police and Justice Act 2006

*Regulation:* Independent Police Complaints Commission; HM Inspectorate of Constabulary

### 2 Understand regulations regarding searching people and premises

*Stop and search:* the right to stop and search people and vehicles in a 'public place'; reasonable grounds; prohibited articles; procedures to be followed

*Searching an arrested person:* rights of police to search a person when arrested; time limits

*Searching premises:* search warrants; requirements of a warrant; powers to enter premises without a warrant; seizing of goods

*Unlawful entry and searches:* remedies for those affected by unlawful entry and searches

### 3 Understand the powers of the police to grant bail

*Bail:* police powers to grant bail before charge and after charge; police powers under the Bail Act 1976 and Criminal Justice Act 2003, Police and Justice Act 2006; restrictions on bail granted by the police

## Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
<b>P1</b> describe the difference between arrest with and without a warrant [IE]	<b>M1</b> explain the requirements of lawful arrest and detention	<b>D1</b> evaluate police powers of arrest, detention and search. [EP, IE, CT]
<b>P2</b> state the rights of a detained person [RL]		
<b>P3</b> explain the powers the police have to search people and premises		
<b>P4</b> explain police powers to grant bail.	<b>M2</b> assess why the police have the powers to grant bail.	

**PLTS:** This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

<b>Key</b>	IE – independent enquirers	RL – reflective learners	SM – self-managers
	CT – creative thinkers	TW – team workers	EP – effective participators

# Essential guidance for tutors

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## Delivery

This unit should be delivered so that it focuses on active and experiential learning and the opportunities for learners to research aspects of the content and contribute to classroom discussion both with their tutor and with appropriate public service personnel. Delivery is enhanced where groups of learners take responsibility for researching specific aspects of the unit content (as agreed with the tutor) and presenting their findings to other learners in the peer group using presentation slide shows, posters, leaflets, exhibitions, quizzes and other activity-based approaches. This helps learners to develop the personal learning and thinking skills (PLTS) which are an essential part of their overall programme, in particular teamworking, independent enquirer and creative thinking skills.

Learners should approach this unit using a logical sequence and follow the progress of an accused person from arrest through to charge. There is a wealth of material available and tutors can be creative in their approach towards delivery. Up-to-date examples should be used so that learners gain an insight into the practical and real-life procedures involved in apprehending and arresting offenders.

Tutors should be aware of recent changes in the law. Delivery methods for this unit should include an explanation of key principles, role play and exercises to help learners understand and explain the procedures, and case studies to help learners apply the knowledge in a practical way.

The use of visiting speakers is vital and community police officers are a valuable source of information and can participate in delivery to learners.

For P1 and M1, learners need to investigate the powers of the police to arrest and detain individuals both with and without a warrant. It is suggested that the topic is introduced with a class discussion (supported by relevant short video clips – for example the G20 protests in London 02/04/09 can be accessed at [www.guardian.co.uk/uk/video/2009/apr/15/g20-protest-police](http://www.guardian.co.uk/uk/video/2009/apr/15/g20-protest-police)).

Learners can then investigate what the powers of the police are using tutor-directed sites (some suggestions are given in the websites list).

In contrast, P2 looks at the rights of the person being detained. These are clearly set out in the PACE Codes, which can be accessed at [www.police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-code-intro](http://www.police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-code-intro).

Learners should be encouraged to use these source documents to research these rights and the simpler information on the DirectGov and Liberty sites (see websites). It is suggested that learners produce a wall poster or leaflet to summarise the rights of a detained person, possibly including a flowchart with key questions such as the age of the detainee.

P3 looks at the police powers to search people and premises. This topic could be introduced by presenting a series of short case studies or scenarios for learners to discuss then research and write up as 'frequently asked questions'.

D1 brings all the work covered so far together and asks learners to evaluate the powers of the police. This could be introduced as a class debate where the topic is police powers versus the rights of the individual. The video clips referred to above could be a useful 'reminder' of some of the key issues raised.

For P4, learners need to research the powers the police have to grant bail and the circumstances in which these powers may be used. Learners need to look at circumstances where bail is granted and those where it is withheld and the accused detained in custody. They will also need to look at the conditions that may be imposed when police bail is granted. For M2, learners need to consider why society has given the police these powers (powers which would perhaps be more associated with the courts).

## Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit

Topic and suggested assignments/activities and/assessment
Tutor introduces the unit and outlines the assessment.
Powers of arrest. Arrest with and without a warrant (P1, M1, D1). Tutor input. Internet research on tutor-directed sites. Case study approach. Classroom discussion.
The rights of a detained person (P2, M1). Tutor input. Internet research on tutor-directed sites. Case study approach. Classroom discussion.
Powers the police have to search people and premises (P3, D1). Tutor input. Internet research on tutor-directed sites. Case study approach. Classroom discussion.
<b>Assignment 1: The Powers of the Police (P1, P2, P3, M1, D1)</b>
Includes learner-initiated private study.
This assessment would be in four sections, covering learning outcomes 1 and 2.
Task 1: P1, M1 lawful arrest and detention with and without a warrant.
Task 2: P2 Rights of a detained person.
Task 3: P3 Police powers of search.
Task 4: D1 Evaluation of police powers to arrest, detain and search.
Police powers to grant bail (P4, M2). Tutor input. Internet research on tutor directed sites. Case study approach. Classroom discussion.
<b>Assignment 2: Police Bail (P4, M2)</b>
Includes learner-initiated private study. Covers learning outcome 3.
Review of unit and assessment.

## Assessment

For P1, the learner needs to display an understanding of the situations where an arrest can be made with and without a warrant, together with some examples of relevant offences. For P2 the rights of the detained person need to be stated. One way of displaying understanding is by using casestudies/hypothetical examples which show application of the rules. M1 is an extension of P1 and P2 and requires the learner explain the requirements of lawful arrest and detention. Again use of examples where arrest and detention is and is not lawful could be used.

P3 requires the learner to explain police powers to search people and premises. Practical application of the rules in a case study scenario could be useful to support the learner's response.

To achieve D1 learners will need to evaluate the powers of the police to arrest and detain individuals and search individuals and their property. Learners will need to consider why police have these powers and how society regulates the use of these powers.

P4 requires learners to explain police powers to grant bail and this is extended in M2 where learners are required to assess why police have the power to grant bail (a power more usually associated with the criminal courts). A basic knowledge of current legislation and how this has developed will help the learner put police powers to grant bail into perspective.

## Programme of suggested assignments

The following table shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, P2, P3 M1, D1	The Powers of the Police	As a law student, you need to investigate the powers of the police to arrest, detain, and search.	Assignment Report Presentation Exhibition Interview
P4, M2	Police Bail	As a law student, you need to investigate the powers of the police to grant bail.	Assignment Report Presentation Exhibition Interview

## Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the BTEC Public Services sector suite. This unit has particular links with the following unit titles in the Public Services suite:

Level 2	Level 3
Law and its Impact on the Individual	Crime and its Effect on Society
Crime and its Effects on Society	Understanding Behaviour in Public Sector Employment
	Understanding Aspects of the Legal System and Law Making Process
	International Institutions and Human Rights

## Essential resources

Learners will need to have access to ICT including the internet. Maximum use should be made of visiting speakers and of visits to police stations. Access to newspapers and the internet is important to keep learners informed of current events which may be used as case studies for classroom discussion and assignment work.

## Employer engagement and vocational contexts

It is vital that this unit is delivered using a range of real case studies and scenarios drawn from real public services, in particular the police. Delivery of this unit will be greatly enhanced if learners have the opportunity to visit a range of police stations.

Talks from relevant police service personnel are vital for the learners to be able to relate the content of this unit into real public service scenarios. Public service personnel should be asked to contribute to the design and assessment of assignments including setting real assignment briefs and attending events and presentations where the outcomes of learner work are reviewed.

## Textbooks

Joyce P – *Criminal Justice* (Willan Publishing 2006) ISBN 13: 978/1/84392/182/0

Moss K and Stephens M (Editor) – *Crime Reduction and the Law* (Routledge 2005) ISBN 9780415351447

## Journals

*Jane's Police Review*

*The Police Journal*

*Police Practice and Research*

*Policing and Society*

## Websites

Arrest of a child or young person

[www.direct.gov.uk/en/Parents/CrimeAndYoungOffenders/DG\\_4003033](http://www.direct.gov.uk/en/Parents/CrimeAndYoungOffenders/DG_4003033)

Civil rights

[www.civilrightsmovement.co.uk/rights-if-detained-police.html](http://www.civilrightsmovement.co.uk/rights-if-detained-police.html)

Directory of police forces

[www.direct.gov.uk/en/AdvancedSearch/Searchresults/index.htm?fullText=police](http://www.direct.gov.uk/en/AdvancedSearch/Searchresults/index.htm?fullText=police)

Home Office – Police Powers

[www.homeoffice.gov.uk/police/powers](http://www.homeoffice.gov.uk/police/powers)

Home Office site with many downloadable resources

[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

HM Inspectorate of Constabulary

[www.hmic.gov.uk](http://www.hmic.gov.uk)

Independent Police Complaints Commission

[www.ipcc.gov.uk/](http://www.ipcc.gov.uk/)

Liberty guide to human rights

[www.yourrights.org.uk/](http://www.yourrights.org.uk/)

PACE Code

[www.homeoffice.gov.uk/police/powers/pace-codes/](http://www.homeoffice.gov.uk/police/powers/pace-codes/)

Police website

[www.police.homeoffice.gov.uk](http://www.police.homeoffice.gov.uk)

Public Acts of the UK Parliament

[www.legislation.gov.uk](http://www.legislation.gov.uk)

Sentencing Guidelines

[www.sentencingcouncil.judiciary.gov.uk](http://www.sentencingcouncil.judiciary.gov.uk)

Powers of the Police

[www.adviceguide.org.uk/index/your-rights/legal-system/police-powers.htm](http://www.adviceguide.org.uk/index/your-rights/legal-system/police-powers.htm)

## Delivery of personal, learning and thinking skills (PLTS)

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
<b>Independent enquirers</b>	describing the different powers of the police
<b>Reflective learners</b>	stating the rights of the detained person.

Although PLTS opportunities are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
<b>Independent enquirers</b>	evaluating the police powers of arrest, detention and search assessing why the police have the powers to grant bail
<b>Team workers</b>	working with other learners to research information and public service organisations
<b>Self-managers</b>	completing assignment work for submission
<b>Effective participators</b>	taking part in classroom discussions.

## ● Functional Skills – Level 2

Skill	When learners are ...
<b>ICT – Find and select information</b>	
Select and use a variety of sources of information independently for a complex task	evaluating the police powers of arrest, detention and search assessing why the police have the powers to grant bail
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	researching information and public service organisations
<b>ICT – Develop, present and communicate information</b>	
Present information in ways that are fit for purpose and audience	presenting their assignment evidence
<b>English</b>	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	presenting their assignment evidence
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	researching information and public service organisations
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively	presenting their assignment evidence.