

GCE

LAW:  
RESTRICTIONS, INCLUDING THOSE  
RESTRICTIONS PERMITTED BY  
THE EUROPEAN CONVENTION ON  
HUMAN RIGHTS

POLICE POWERS  
SUGGESTED IDEAS FOR TEACHING  
AND LEARNING



## SUGGESTED IDEAS FOR TEACHING AND LEARNING

<b>Teacher /Lecturer:</b>	
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<b>Course:</b>	<b>A Level Law</b>
<b>Topic:</b>	<b>Restrictions, including those restrictions permitted by the European Convention on Human Rights</b>
<b>Session:</b>	<b>Police Powers</b>

<b>Unit:</b>	<b>A Level Components 2 and 3</b>
<b>Ref. to specification:</b>	<b>Human Rights Law</b>
<b>Suggested time allocation:</b>	<b>2-4 hours</b>

**Aims and Objectives:** At the end of these sessions the student will be able to:

- **Explain and apply the main provisions of the Police & Criminal Evidence Act 1984 (PACE) and the Codes of Practice, including stop & search, arrest, and detention**
- **Explain and apply key provisions of the Criminal Justice & Public Order Act 1994 and the Serious Organised Crime & Police Act 2005**
- **Explain potential remedies against the police for breach of their powers**

### **Main Teaching and Learning Activities**

#### **Teacher/Lecturer Activities:**

- Introduce topic, PowerPoint presentation can be used to introduce the topic, state the objectives and for the topic area.
- Organise the class into small groups and ask them the following questions: What powers do the police have? List as many as you can think of. What rights does a suspect have in police custody? List them. These questions should begin to generate a good discussion of police powers. Feedback answers to class – flipchart paper can be used or board or smart board. A past paper scenario question can be given at this point, ask the students if they can identify any problems within the scenario.
- Explain scenario questions require application of the law to the facts of the scenario
- Introduce PACE & Codes of Practice
- Explain stop & search, sections 1 – 3 of PACE and Code A reasonable suspicion and other stop & search powers in Misuse of Drugs Act 1971 s.23 & Criminal Justice & Public Order Act 1994 s.60
- Put students into groups and use past paper scenario question to test levels of understanding and application of sections 1 – 3 PACE and Code A -feedback to class
- Explain powers of arrest – section 24 PACE as amended by s.110 Serious Organised Crime & Police Act 2005 and necessity tests and procedure on arrest s.28 PACE & Code G
- Students still in groups use past paper scenario question to test levels of understanding and application of powers of arrest - feedback to class
- Explain powers of police to enter & search premises without a warrant – Ss.17, 18 & 32
- Explain police powers / suspects rights in detention key sections in PACE & Code C – role of custody officer (s.36); Role of appropriate adult; Interviews; Searches at station Ss. 54 & 55; Time

limits & reviews – Ss.40 – 44; right to inform someone of detention and right to a solicitor Ss. 56 & 58 and cases of **R v Samuel (1988)** compare this with **R v Alladice (1988)**. Again students in groups apply the law explained so far on detention to a past paper scenario.

- Explain sections on identification s. 61 fingerprints; s.62 intimate samples & s.63 non-intimate samples and levels of consent / authorisation required, and retention of samples under s.82(2) Criminal Justice & Police Act 2001 – on this see case of **S and Marper v UK (2008)**
- Again students to apply the law to scenario.
- Explain exclusion of evidence / admissibility of evidence Ss. 76 & 78 and cases of **R v Canale (1990)**; **R v Latif & Shahzad (1996)**; **A v Sec of State for the Home Dept (2005)**
- Ask students to identify potential remedies against the police – imitate class discussion of Trespass to the person; Trespass to goods; False imprisonment; Malicious prosecution ; Sue under the Race Relations (Amendment) Act 2000; Sue under the Human Rights Act 1998 – potential breaches could include, Articles 3, 5, 6 & 8; Complain to the Independent Police Complaints Commission
- Put Students into groups to answer a new scenario question in full from start to finish, encompassing all police powers discussed
- Give out test yourself questions ( see PowerPoint) and put students into groups to test levels of understanding
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### Student Activities:

- Students in small groups discuss - What powers do the police have? List as many as you can think of. What rights does a suspect have in police custody? Feedback answers to class
- Still in small groups – read through a scenario question and identify potential problems with the use of police powers
- Students in small groups – apply the law on stop & search in PACE to a scenario question
- Students in small groups – apply the law on arrest in PACE to a scenario question
- Students in small groups – apply the law on detention in PACE to a scenario question
- Students in small groups apply all of the law covered to a different scenario question – advise from start of the problem to the end
- Test yourself questions / quiz on police powers

### Suggested links/ resources:

- PowerPoint
- Past paper questions
- Internet
- Cases
- Handout

### Assessment

During the lesson	Group exercises, past paper questions and direct questioning illustrate how well the students have understood police powers
Subsequent to lesson	Homework – past paper problem / scenario question on police powers

## TOPIC: Police Powers

Questions:		Expected answers:
1.	What powers do the police have?	Students will usually answer : arrest, stop and search, question you, detain you, pull over your vehicle, breathalyse you, take your fingerprints, use force etc.
2.	What rights does a suspect have in police custody?	Students will usually answer: Right to a phone call to a solicitor They usually believe detention is only up to 24 hours, some will say 48 hours, instead of maximum of 96 hours
3.	On what grounds do you think the police can stop and search you?	Students usually answer if they believe that you are carrying drugs, weapons, stolen goods
4.	What do you think amounts to reasonable suspicion to stop & search?	Students usually answer that this could be based on appearance, known previous convictions. Explain what it can be based on – objective factors, not subjective – see Code A
5.	When can you be arrested?	If there is reasonable suspicion that an offence has been, is being or is about to be committed.
6.	What should you be told on arrest?	Fact and reason for arrest & Caution
7.	What is the caution?	You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence
8.	What is the role of the custody officer?	Books in the suspect, advises of rights, complies the custody record, oversees the detention
9.	When do you think an intimate search can be carried out?	Students usually answer if they are looking for drugs or weapons
10.	Can the right to inform someone of your detention and the right to a solicitor be withheld from you?	Students usually believe that these are absolute rights
11.	Can your fingerprints be taken without your permission	Yes. Section 61
12.	What are intimate samples?	blood, saliva, or semen
13.	What are non- intimate samples?	Hair, nail clippings
14.	Should samples from people who are subsequently not charged or found not guilty be kept indefinitely on the DNA Database?	Answer will depend on students viewpoints, but this should initiate a discussion of human rights issues and right to privacy and discuss the case of S and Marper v UK (2008) on this matter
15.	What should happen during interview?	Tape-recorded; cautioned or reminded under caution; suspect should be seated,

		reasonable breaks.
16.	Should guilt be inferred if a suspect remains silent during interview	Answer will depend on students own viewpoints, but this should imitate a discussion of the right to silence and the caution and CJPOA 1994
17.	How long can a suspect be held in custody?	Students answers vary from 24 hours upwards
18.	When is an appropriate adult needed?	For juveniles ad those with mental disabilities
19.	Who can be an appropriate adult?	Parent, Guardian, social worker. Not the solicitor
20.	What possible remedies are there against the police for abuse of powers?	False imprisonment; malicious prosecution, complain to IPCC; human rights cases, particularly Articles 3, 5, 6 & 8