

POLICE AND COURTS LESSON PLAN: Police powers

Learning objectives

- ❑ To familiarise students with some of the main powers of the police in relation to stopping, searching, arresting and questioning members of the public.
- ❑ To encourage students to reflect on the balance that needs to be achieved in enabling the police to uphold law and order and protecting the public from the abuse of power.

Learning outcomes

All students should know that there are rules controlling the way in which the police may (and may not) search for and collect evidence.

Most students should be aware of a number of these rules and, in particular, their general right to have access to private legal advice from a solicitor if they are questioned by the police.

Some students will be able to develop a number of arguments indicating how the powers of the police are or should be balanced in order to protect the rights of the individual.

Resources

- **YCP** – pages 114–21
- **Starter** (p.3) – 999
- **Main 1** (p.4) – What does the law say?
- **Main 2** (pp.5–6) – What does the law say? Commentary

Curriculum references

England: Citizenship: **KS3**, the political, legal and human rights and responsibilities of citizens; the roles of law and the justice system; the UK's relationship with the European Union and the rest of Europe; **KS4**, political, legal and human rights and freedoms in a range of contexts from local to global; the roles and operation of civil and criminal law and the justice system; how laws are made and shaped by people and processes, including the work of Parliament, government and the courts; the UK's role in the world, including in Europe; **Post 16**, demonstrate knowledge and understanding about citizenship issues; show an understanding of key citizenship concepts.

Wales: PSE Framework, 7 to 19-year-olds: **KS3** responsibilities as young citizens in Wales; **KS4**, the role of Europe within the constitutional government of the UK; local and global contemporary issues.

Activities

Starter

- ❑ This starter session is designed to introduce the idea that there are legal requirements placed on all officers when carrying out their official duties.
- ❑ Begin the session by giving each student a copy of **999**, page 3 of this lesson plan.

Explain that it is a record of calls received at a police station in a large town one Saturday evening in September.

- ❑ Tell students that, although the police had names and addresses when they were available, the officers who attended the calls generally had no more information than is given here.

Ask students to look through the details, and then to pick out five calls that:

- the police would need to deal with immediately, and
- five calls that could be dealt with later, or even the following day.

In both cases, ask to students to outline the reasoning behind their choices.

- ❑ Now move on to ask students to select one of the 999 calls received after 10.30pm and to outline two scenarios reflecting a) good practice, and b) bad practice on the part of the police who might be attending.

When students have enough time to prepare their answers, ask for two or three volunteers to outline first what they regard as *good* and *bad* practice.

Make a note of their answers. Suggestions for *good* practice might include:

- calming down the situation
- dealing with people's concerns
- making sure everyone is safe
- carrying out a thorough investigation
- questioning witnesses or suspects in a fair manner
- doing as much as possible to catch the perpetrator etc.

And *bad* practice:

- failure to treat the call seriously
- insufficient care with the investigation
- excessive use of force

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- failure to respect certain rights of others etc.

- Explain to students that the answers that they have just given indicate the ways in which they believe the police should carry out their duties.

Point out that similar – but much more comprehensive – lists of powers and duties exist in real life, known as the Codes of Practice, are published under the *Police and Criminal Evidence Act 1984*. (Often the name of this Act is shortened to PACE.)

Main

- Draw students' attention now to page 114 in the YCP, and go through the opening section with them on the powers and duties of the police, which explain the background to the *Police and Criminal Evidence Act* in some detail.
- Now give students, working individually or in pairs, copies of the four cases on page 4 of this lesson plan, **What does the law say?**

Ask them to read the cases carefully, and then to work out what the law says about the action of the police in each one, using the information on the *Police and Criminal Evidence Act* Codes, given on pages 114–20 of the YCP.

- When students have had time to complete this, select a number of student responses or views about each case, using the information on pages 5–7 of this lesson plan, **Main 2** for clarification.

Case A is relatively straightforward. However, cases B–D have been devised to encourage students to examine carefully what is written in the YCP as it relates to the *Police and Criminal Evidence Act 1984*.

Plenary

- Details of police powers to take fingerprints and DNA samples are outlined on page 119 of YCP.

In 2004, the police were given the power to retain the DNA of anyone who had been arrested, irrespective of whether they were charged and convicted. In 2013, the law was changed. Today police may retain indefinitely only the DNA profile of any adult convicted of an offence or a child's DNA on their second conviction. Subject to certain exceptions, e.g. where a person is arrested, other DNA taken

must be destroyed within six months.

Ask what might be the benefits and drawbacks of the change in law.

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Starter

999

Calls to a police station, one Saturday evening ...

17.05	Two men leave restaurant without paying	21.10	Man seen running away from shop with goods
17.40	Road accident on by-pass	21.11	Child rings on parent's instruction to come to the house
17.42	Sixteen-year-old girl found suffering from drug overdose	21.30	Hospital informs police of road accident death – request to contact next of kin
18.15	Man collapsed near football ground	21.45	Sixteen-year-old girl missing from home
18.50	Man says that two taxis have been sent to his house that he didn't order	21.46	Children break car window
18.52	Someone acting suspiciously outside the High School	21.49	Youths spraying cars with paint
18.53	Owner rings to say that shop has been broken into	22.00	Young person found dead – suspect drugs overdose
19.34	Alarm sounding on Market Place	22.05	Fight at a pub in Market Square
20.00	Road accident outside nightclub	22.20	Alarm sounding in shop
20.01	Car weaving on motorway; driver possibly drunk	22.25	Domestic argument
20.15	Neighbour has just heard sound of window being broken	22.35	Disturbance in pub
20.30	Tools reported stolen from allotment shed	23.00	Fighting outside another pub
20.39	Purse reported stolen	23.08	Noisy party
20.45	Road accident – two reported injured	23.05	Woman heard screaming on an allotment
20.50	Fight in pub	23.24	Intruders at house
20.51	Owner catches man stealing bicycle	23.37	Prowlers reported at hospital
		23.40	Domestic fight
		23.54	House burgled
		23.58	Noisy party

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Main 1

What does the law say?

A It's just after one in the morning; Jason is driving home, having spent the evening with his girlfriend. He is not far from home when he notices that he is being followed by a police car. He drives as carefully as he can, making sure that he stays below the speed limit; but after a few minutes, he sees the blue light flashing on the police car behind.

Jason stops and gets out of the car as one of the police officers approaches. She tells Jason that several burglaries have been reported and asks him for his name and address, and where he was earlier in the evening. She also asks Jason to open the boot of the car, so that the other officer can check the contents.

What should Jason do?

B Mr Tolbin, an experienced teacher, receives a call from the police at home at 6.30pm following a complaint by a parent that he had assaulted her son earlier in the day. Mr Tolbin confirms that he had been involved, that morning, in an incident with a disruptive student, who had knocked into him as the boy tried to leave the classroom before the end of the lesson. Mr Tolbin adds that he had immediately reported the incident to the deputy head.

The police officer asks Mr Tolbin to come to the police station so that they can ask him further questions.

What should Mr Tolbin do?

C A new power station is being built; but critics believe that it will produce far too much pollution. A number of environmental campaign groups organise a major demonstration to try to get the company responsible to use a less polluting way of producing energy.

Several thousand people gather to protest outside the power station. Fearing that the demonstrators might try to stop all building work at the power station, the police stop and search almost everyone at the protest site, including children and teenagers. This causes huge delays and prevents many people from getting to the protest and making their voice heard. Some police officers remove their identity numbers from their uniform.

What does the law say about the actions of the police?

D Just after midnight, the police receive a call from a woman who complains that the windscreen of her car has just been smashed by a neighbour, Marian Wekstrall. 'As usual, she was completely drunk,' says the caller, 'she's like the neighbour from hell.'

About 30 minutes later, two police officers arrive at Ms Wekstrall's house. Several lights are on, and loud music can be heard coming from the front room.

In order to get in as quickly as possible, one of the officers shoulder-charges the front door and both men enter the house. They find Ms Wekstrall slumped in a chair. She looks up and asks them what they are doing. One of the officers says that they have come to arrest Marian Wekstrall for criminal damage to her neighbour's car.

What does the law say about the actions of the police?

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Main 2

What does the law say? Commentary

A *It's just after one in the morning; Jason is driving home, having spent the evening with his girlfriend. He is not far from home when he notices that he is being followed by a police car. He drives as carefully as he can, making sure that he stays below the speed limit; but after a few minutes, he sees the blue light flashing on the police car behind.*

Jason stops and gets out of the car as one of the police officers approaches. She tells Jason that several burglaries have been reported and asks him for his name and address, and where he was earlier in the evening. She also asks Jason to open the boot of the car, so that the other officer can check the contents.

Jason should do as the officer asks by answering her questions and opening the boot of the car, as she requests. Given that a number of burglaries have been reported in the area that evening, it is reasonable for the officers to suspect that someone in Jason's position might be carrying stolen goods or equipment that has been used for burglary.

In explaining the reason for stopping Jason's car, the officer has correctly followed the rules laid down by the *Police and Criminal Evidence Act*. (See the *YCP* page 114–15.)

If Jason refuses to cooperate he may be arrested and taken to the police station for questioning, and his vehicle will be searched.

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The police officer asks Mr Tolbin to come to the police station so that they can ask him further questions.

Mr Tolbin does not have to go to the police station unless he is arrested and taken there, and he should seek legal advice from a solicitor before answering any further questions.

If he goes to the police station voluntarily, or is taken there under arrest, he is entitled to free legal advice and to have a duty solicitor present while he is being questioned. (Alternatively, he can ask for his own solicitor to be present.)

The police should make it clear to Mr Tolbin why he is being questioned and whether he has been arrested or is free to leave the police station whenever he chooses. (See the *YCP* page 116–18.)

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C *A new power station is being built; but critics believe that it will produce far too much pollution. A number of environmental campaign groups organise a major rally to try to get the company responsible to use a different and less polluting way of producing energy.*

Several thousand people gather to protest outside the power station. Fearing that the demonstrators might try to stop all building work at the power station, the police stop and search almost everyone at the protest site, including children and teenagers. This causes huge delays and prevents many people from getting to the protest and making their voice heard. Some police officers remove their identity numbers from their uniform.

This example is based on a real case that took place in 2008. Following the demonstration, numerous complaints were made over some of the tactics employed by the police and, in particular, their indiscriminate and disproportionate use of stop and search powers. Reports indicate that, on occasions, police officers treated protestors in a harassing and intimidating way and subjected peaceful protestors to a level of searching and questioning that bore no relation to the level of disruption that the people posed.

Numerous complaints were made about the overly aggressive tactics of some of the police and the refusal by certain officers to show or to give their police number.

Three protestors succeeded in court action which found the police's blanket stop and search policy to be unlawful. Essentially, the High Court decided that police action in stopping and searching the protestors (two of whom were children) on the grounds that they could be suspected of carrying prohibited weapons or articles that could be used to cause criminal damage was not reasonable. The police must show their warrant card and give their name and station when stopping and searching someone. Hiding their identity is a breach of the Code under PACE. (See the YCP pages 114–5.)

Complaints about the police can be made by contacting the Independent Police Complaints Commission, see the YCP page 121. It is usually best to get help making a complaint from a solicitor, the CAB, or your MP.

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The police, quite correctly, arrived Ms Wekstrall's house in order to investigate a claim of criminal damage. Although the loud music and reports of Ms Wekstrall's drunkenness indicated that questioning, and possibly arresting, Ms Wekstrall would not be straightforward, the police officers should not have forced entry to her property before first trying to speak to her and explaining their reason for entry.

Unless the circumstances make it impossible, impracticable or undesirable, an officer seeking to gain entry by force should let the occupier know first what he or she is trying to do, and give the occupier time to allow admittance in the normal way. Although shoulder-charging the door saved time and gave the officers immediate entry, the officers should have first given Ms Wekstrall the opportunity to open the door herself. (See the YCP page 116.) The police also normally need a warrant to search property before they can use force.