

Explain the basic powers of stop, search, arrest and detention.

Any police constable has the power under sections 1 to 3 of the Police And Criminal Evidence act (PACE) to stop any person or vehicle and search them/it as long as the police officer has reasonable grounds to suspect that the person or vehicle is carrying stolen goods or prohibited articles.

Reasonable grounds will be factors that will vary from case to case, but there must be some objective basis for these grounds. Factors such as the type of article suspected, the time of day, the place, the behaviour of the person and information on suspects of recent crimes may all be considered in arriving at this "reasonable suspicion". Under Code A of the codes of practice, factors such as a person's colour, age, hairstyle, the way they dress or previous criminal record cannot on their own be used as 'reasonable grounds'.

If a search is necessary, the constable must take reasonable steps before the search to give:

- Her/his name and police station
- Show identity if in plain clothes
- Reasons for the search including the purpose of the search and the grounds for undertaking it.

Failure to give any of these will render the search unlawful. If it is an unlawful search the suspect has the right to use reasonable force to resist it and the courts will exclude any evidence collected in the search. If a police officer wishes to arrest a suspect, he/she can do either of these:

Arrest With A Warrant

Under s.1 Magistrates' Court Act 1980, Warrants are issued for indictable offences where imprisonment is a likely outcome. If a police officer wishes to get a warrant, he/she must go to a magistrate and get the warrant signed. The police officer then has the power to go and arrest this suspect. The warrant must state the crime(s) for which a person is being arrested and must clearly identify the accused.

Arrest Without A Warrant

The basic powers of arrest without a warrant are outlined in Section 24 PACE 1984. This section states that a police officer can arrest without a warrant anyone whom the officer reasonably believes:

- Is about to commit an arrestable offence
- Is in the act of committing an arrestable offence

- Has committed an arrestable offence

A police officer may arrest a person before, during or after the offence has been committed.

Under s.28 PACE, when a person is being arrested s/he must be told the reason(s) for the arrest at the time of the arrest, or as soon after as is reasonably practicable in the circumstances. If the person is resisting arrest, cannot understand English or is unconscious, they must be told why they are being arrested as soon as reasonably possible afterwards.

When the arrest is made the police officer must:

- Inform the suspect that he/she is being arrested
- Give the suspect the reason for the arrest

At this point the police officer may wish to caution the suspect. If he doesn't the arrest is still lawful but any statements made by the suspect before the caution may not be used as evidence in a court.

When a police officer makes an arrest, he/she must take the suspect to the police station as soon as reasonably possible. If they don't do this, he/she may be sued for false imprisonment.

When an arrested suspect is brought into a police station, the following steps must be followed under PACE. Any breach of these may render a police officer liable to disciplinary proceedings and the courts may rule the evidence gained as inadmissible.

Before any questioning begins in a police station, the arrested person must be informed of

- The reason for the detention
- The right to inform someone of the arrest (can refuse up to 36 hours in serious crimes - can prejudice inquiry)
- The right to have a lawyer present
- The right to consult the codes of practice.

If the arrested person is deaf or cannot understand English, an interpreter must be obtained. If the arrested person is a juvenile or mentally disordered/handicapped person, an appropriate adult must be informed and allowed to be present during the interview.

Once a suspect has been taken to a police station and the custody officer has decided that further detention without charge is necessary, then the following time limits apply:

After 6 hours - 1st review by an inspector

After 15 hours - 2nd review by an inspector

After 24 hours - 3rd review by a superintendent

After 36 hours - Further detention only with permission from a magistrate's court.

After 96 hours - Unless charged, the suspect must be released.