

GCE

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

STOP & SEARCH AND SEARCH OF
PREMISES
SUGGESTED IDEAS FOR
TEACHING AND LEARNING



SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:		Course:	A Level Law
		Topic:	Restrictions, including those restrictions permitted by the European Convention on Human Rights
		Session:	STOP and SEARCH and SEARCH OF PREMISES
Component:	A Level Components 2 and 3		
Ref. to specification:	Human Rights Law		
Suggested time allocation:	2-4 hours		

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

- **Explain** police powers relating to stop and search citing appropriate statutory provisions
- **Evaluate** statistics relating to stop and search
- **Explain** police powers relating to search of premises citing appropriate statutory provisions
- **Analyse** a range of different scenarios and **competently apply** the provisions to given facts

Main Teaching and Learning Activities

Teacher/ Lecturer Activities:

- Introduce subject for the session and briefly discuss objectives set out above
- Use PowerPoint presentation to introduce students to PACE 1984 and provisions relating to stop and search (including voluntary search and road checks), also refer to extended powers in CJA 2003, include Code of Practice A and safeguards on use of these powers – refer to Osman –v- DPP 1999, also cover additional powers in Misuse of Drugs Act 1971 and CJPOA 1994 s 60; allow for questions throughout
- Teacher/lecturer led whole group activity to question students on the stop and search provisions and develop a flow chart to consolidate learning
- Facilitate discussion relating to student research on statistics
- Use PowerPoint presentation to introduce students to the provisions in PACE 1984 relating to search of premises, include Code of Practice B, allow for questions throughout
- Teacher/lecturer led whole group activity to question students on the provisions relating to stop and search and develop a flow chart to consolidate learning
- Divide students into small groups and set task to work through scenarios that combine stop and search and search of premises
- Facilitate group work and question students individually to ensure a clear understanding
- Conclusion of session and review of objectives set out above – ask students to state one thing they have learnt in the session
- Set and explain consolidation work for students to complete individually at home and link to next lesson

Student Activities:

- Students to take notes throughout introduction of the subject
- Whole group task to answer questions on stop and search provisions to develop a flow chart
- Students to research statistics for stop and search and feedback to the whole group offering comparisons and explanations/opinions for what they have found out
- Take notes relating to search of premises and ask questions
- Participate in whole group activity and provide ideas to develop a flow chart for search of premises
- Small group task to work through scenarios and apply the learning from the whole session with feedback to the whole group, answering questions from teacher/lecturer throughout
- Give a clear statement of one point they have learnt during the session
- Write down homework requirements and ask any questions to ensure understanding

Suggested links/ resources:

- PowerPoint presentation
- Flowchart handouts
- Statistics research links: www.ipcc.gov.uk; www.homeoffice.gov.uk; www.blink.org.uk or others
- Scenario handouts
- Reference to appropriate English Legal System textbooks

Assessment

During the lesson	Students are questioned throughout the session ensuring that all students contribute – quieter students addressed directly to ensure understanding. Participation in whole group and small group activities is monitored throughout to ensure all students provide input and have the opportunity to give feedback.
Subsequent to lesson	Students will be set a consolidation exercise from a past exam paper to ensure they have fully understood what has been covered in the session.

TOPIC: STOP and SEARCH and SEARCH OF PREMISES

Questions:		Expected answers:
1.	What is the main provision in PACE relating to stop and search powers held by the police?	s 1 PACE – can stop and search persons or vehicles in public place or place to which public has access provided there are reasonable grounds to suspect they will find stolen or prohibited articles.
2.	Which Code of Practice governs stop and search?	Code A
3.	What does this Code provide?	Reasonable suspicion can never be based on personal factors alone such as race, age, sex, previous convictions or general stereotypes
4.	What safeguards are placed on the use of this power – refer to Osman –v- DPP?	Police must identify themselves and station where they are based and inform person of grounds for the search. In Osman the police officers involved didn't give their names or station so the search was unlawful. Only certain clothing can be removed. A written report of the search must be made as soon as possible thereafter.
5.	What are the rules relating to the removal of any clothing during a stop and search?	s 2(9) – outer coat, jacket and gloves can be removed in public headgear and footwear can be removed but this must be in privacy, e.g. in police van, and be done by officer of same sex.
6.	What is a voluntary search and how are the rights of those submitting to a voluntary search safeguarded?	The person being searched agrees to the search taking place voluntarily. Originally these searches didn't have to be recorded but under Code A (2004) they can now only occur in situations where the police have a power to search anyway. These searches now have to be recorded and must comply with Code A regarding reasonable suspicion.
7.	What are the provisions relating to road checks?	s 4 PACE – if a serious arrestable offence has occurred and the police have reasonable grounds to believe that the offender or witnesses are in a particular area, the Superintendent can authorize a road block in the hope of catching them.

8.	<p>What powers do the police have under PACE regarding the search of premises and which sections are these contained in?</p>	<p>s 8 – police can seize and retain items covered by a warrant to prevent their being concealed, lost, altered or destroyed</p> <p>s 17 – police may enter and search premises to make an arrest (with or without a warrant), to capture a person unlawfully at large or to protect people or prevent damage to property</p> <p>s 18 – after an arrest, police can search premises occupied or controlled by the suspect if they reasonably believe there is evidence of this offence or other offences there</p> <p>s 32 – after an arrest, police can enter and search premises where person was when arrested or immediately before arrest if there is reasonable suspicion to believe there is evidence of the offence there</p> <p>s 19 - once lawfully on the premises, police may seize and retain any item that is evidence of a crime.</p>
9.	<p>Which Code of Practice governs search of premises and what does it provide?</p>	<p>Code B – searches must be made at a reasonable time; only reasonable force can be used; and must show due consideration and courtesy to the property and privacy of the occupier.</p>