



## **Module Specification**

### **Core Policing Functions: Legislation and Powers**

Version: 2023-24, v2.0, 13 Jul 2023

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## Part 1: Information

**Module title:** Core Policing Functions: Legislation and Powers

**Module code:** UZSYFT-30-1

**Level:** Level 4

**For implementation from:** 2023-24

**UWE credit rating:** 30

**ECTS credit rating:** 15

**Faculty:** Faculty of Health & Applied Sciences

**Department:** HAS Dept of Social Sciences

**Partner institutions:** None

**Field:** Sociology and Criminology

**Module type:** Module

**Pre-requisites:** None

**Excluded combinations:** None

**Co-requisites:** None

**Continuing professional development:** No

**Professional, statutory or regulatory body requirements:** None

## Part 2: Description

**Overview:** This module provides an overview of the role of police constable and explores the legislation that allow officers to lawfully use their policing powers to prevent and detect crime. The decision-making process and how officers provide justification for their use of powers is an important aspect of being a police officer as well as having informal options available that do not involve individuals being exposed to the criminal justice system where an honest mistake has been made. Understanding the role and purpose of response policing and how the roads are

policed will provide a valuable insight to the complexities of the response policing function along with a detailed exploration of legislation, policies and guidance relating to stop and search powers.

**Features:** Not applicable

**Educational aims:** The module explores the legislation related to policing powers, the extent of powers available to police officers, the Special Constabulary, PCSO's, police staff, and how these powers are regulated. The module provides learners with a broad understanding of legislation and functions associated with detaining and escorting a suspect to custody. Learners will understand the principles and guidance provided by the Police and Criminal Evidence Act (PACE, 1984) Codes of Practice and the specific codes that apply to the detention, treatment and processes that should be followed within a police custody suite. Learners will understand the time constraints associated with the detention of persons, including situations where the detention period requires to be extended. The module examines legislation that applies to the interviewing of detainees as well as identifying the roles of others associated with pre-charge bail processes, including authorisations, and the importance of necessity and proportionality in the decision-making process for using bail, including street bail. Learners will be able to explain the government policy for 'out-of-court' disposals that may be used within policing.

The module brings the National Decision Model (NDM) to the forefront by highlighting the individual components, describe the flexibility of the approach it provides, recall the Mnemonic 'CIAPOAR' (Code of Ethics, Information, Assessment, Powers & Policy, Options, Action and Review) along with identifying the link between the NDM, Code of Ethics, and intelligence products. Human rights implications in decision making will focus learners' attention on the proportionality of police actions, the legality, accountability, and necessity further aided by recall of the mnemonic 'PLANE'. The module explains the definition of the term "discretion" and describes how discretion plays an important part in the decision-making process in policing while analysing the applicability of autonomy and discretion in effective policing, and outlines the measures to be put in place to ensure that discretion is applied ethically and professionally by on-the-spot accountability, accurate record keeping, briefing and debriefing, supervision, reviewing decisions and learning lessons (case reviews)

and continuing professional development.

Examining barriers/obstacles to effective decision-making provide a platform for learners to formulate effective strategies to provide mitigation as well as considering the application of discretion within the NDM, and explore instances where the use of discretion might/might not be available. The module highlights the College of Policing's Authorised Professional Practice (APP) risk principles while analysing the public interest test, fair and justified application of the law and discretion, and recognising the risks involved when discretion is used as part of the decision-making process, along with exploring the effect and influences of bias on the decision-making process enabling learner to recognise instances of disproportionality, prejudice, stereotyping discrimination, the differentiation between conscious and unconscious bias, implicit bias, and direct and indirect discrimination.

Linking to the Core Policing Functions: Culture and Structure module, this module describes the relevance of police occupational culture and the structural, institutional, and individual explanations for bias and discrimination, while reflecting on the effects of personal experiences, personal bias, values, cultural norms, and emotions within ethical decision-making. Examples for which could be personal resilience, cynicism, empathy, policing culture, and the effect of using a 'default position' for decision-making based upon previous experience.

The module provides example case studies that highlight the importance of reviewing the principles that underpin decision recording, rationale, justification and demonstrating flexibility within decisions, and reflecting on the decisions made. While recognising the importance of accountability when assessing risk, the module compares the allocation of correct risk to the correct person and explain the definitions of the terms 'false-positive' and 'false negative'. The module highlights the concept of 'constabulary independence' and provides definitions of the term's 'risk', 'risk assessment', 'risk aversion' and 'risk avoidance' and reflect on each of these terms when assessing the effects on decision-making processes. Understanding how varying circumstances can exert influence upon the decision-making process will enable learners to explore the implications of making decisions in 'slow time' and 'quick time', particularly when making decisions in complex and

unpredictable circumstances.

The module explores core policing functions and strategies relating to policing the roads. This will include identifying commonly used terms in policing the roads and making the link to the National Chiefs' Council (NPCC) Roads Policing Strategy. The module looks at health and safety risks within the roads policing environment, the role of partner agencies, and the role and function of family liaison in roads policing incidents, and identifies key legislation, police powers and details the most common offences associated with policing the roads. The module looks at the range of police powers and regulations in relation to commercial vehicle enforcement. Examples for which include the Road Vehicles (Construction and use) Regulations (1986), legal documentation required by vehicles, driver hours, rules and regulations relating to the transportation of dangerous goods and hazardous materials, weight of vehicles and abnormal invisible loads.

The final strand of the module explores the purpose of, and reviews the evidence base for response policing by facilitating the study of the role of response police constables, the role of others including call takers, control room staff, duty inspectors and how response policing operational models meet the views and expectations of the public. This includes understanding public scrutiny and perceptions, management of community expectations whilst maintaining professional standards. Key considerations in response policing include safeguarding, intelligence, investigations, variations to response approaches for different environments and the use of crime pattern analysis. Response policing makes effective use of technology and learners will examine and evaluate how technology helps to lower policing risk, ease the administration burden, improve investigation opportunities, same time, improve efficiency and enables interrogation of police information systems quickly and effectively. The module analyses the use of body-worn video cameras, and Unmanned Ariel Vehicles (UAV) (commonly known as 'drones') including evaluating the positive and negative aspects of its use in modern-day policing.

In recent times where the right to protest and the balance between peaceful protesting and disorder are being tested, the module explores the legislation relevant to public order policing, provides the definition of 'public order' and

highlights the offences associated with public order contrary to the Public Order Act (1986), the Crime and Disorder Act (1998) and the Criminal Justice Act (2002). The module examines the role of the police in public order incidents and links to recent instances reported in the media and subsequent investigations that have taken place. The module details the powers that enable police constables to lawfully stop and search a person, defines at the purpose of a 'stop and search' under Section 1 of PACE 1984, and explains the difference between a 'stop and account' to a 'stop and search'. The module aims to underpin the importance of employing an ethical 'stop and search' process according to the Best Use of Stop and Search Scheme and provides learners with a forum to debate the potential impact of a 'search' or 'stop and search' on individuals and the community.

**Outline syllabus:** CoP Curriculum:

Understanding the Police Constable Role:

5 Understand the extent of police powers and how these powers are regulated

5.1 Extent of powers applicable to:

- Police officers
- Special Constabulary
- PCSOs
- Police staff

5.2 How police powers are regulated:

- Legislation
- Professional Standards

6 Understand how to exercise police powers and procedures fairly and without bias

6.1 Legal requirement to use the least level of power necessary to achieve a proportionate, legal, accountable and necessary aim:

- Human Rights Act 1998
- Mnemonic PLANE

6.2 Statutory responsibilities where police need to provide an explanation to an individual prior to applying police powers e.g. reasons for arrest

6.3 Balance between the effect (and the implications) of using police powers and the benefits being sought

#### 6.4 Specific legislation applicable when dealing with typical policing incidents:

- Offences Against the Person Act 1861
- Criminal Damage Act 1971
- Misuse of Drugs Act 1971
- Theft Act 1968/Theft Act 1978
- Police and Criminal Evidence Act (PACE) 1984
- Public Order Act 1986
- Road Traffic Act 1988
- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Police Reform Act 2002
- Sexual Offences Act 2003
- Licensing Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- Psychoactive Substances Act 2016
- Investigatory Powers Act 2016
- Policing and Crime Act 2017
- Offensive Weapons Act 2019
- Other legislation as relevant to local force area e.g. Wildlife and Countryside Act 1981

#### Decision-making and Discretion:

##### 1 Understand the rationale for development of the National Decision Model (NDM)

###### 1.1 Key influences on the decision-making process

###### 1.2 Background and key drivers for development of the National Decision Model (NDM)

###### 1.3 Purpose and benefits of the NDM

##### 2 Explain the elements of the National Decision Model (NDM) and the flexibility of approach it provides

###### 2.1 The National Decision Model (NDM):

- Mnemonic CIAPOAR (Code of Ethics, Information, Assessment, Powers & Policy, Options, Action and Review)

## 2.2 Link between the NDM and the Code of Ethics

## 2.3 Human rights in decision making:

- Mnemonic PLANE (Proportionality, Legality, Accountability, Necessity, Ethical)

## 2.4 Flexibility within the NDM

## 3 Examine the role of discretion in the decision-making process

### 3.1 Definition of the term 'discretion'

### 3.2 How discretion plays an important part in the decision-making process in policing

### 3.3 The applicability of autonomy and discretion in effective policing

### 3.4 Measures to be put into place to ensure that discretion is applied ethically and professionally, including:

- On-the-spot accountability (e.g. information provision)
- Record keeping
- Briefing and debriefing
- Supervision
- Reviewing decisions and learning lessons (e.g. case reviews)
- Continuing professional development (CPD)

## 4 Examine barriers to effective decision-making and strategies to mitigate these

### 4.1 Obstacles to making effective decisions

### 4.2 Strategies for effective decision-making

### 4.3 Application of discretion within the NDM

### 4.4 Where the use of discretion might/might not be applicable

### 4.5 Application of Authorised Professional Practice (APP) risk principles

### 4.6 Public interest

### 4.7 Applying the essence of the law

### 4.8 Risks involved when discretion is used as part of the decision-making process

### 4.9 Justifying the application of discretion in any decision-making process

## 5 Analyse the effect of bias on the decision-making process

### 5.1 The influences of bias on the ethical decision-making process:

- Disproportionality
- Prejudice, stereotyping and discrimination
- Conscious and unconscious bias, including implicit bias
- Direct and indirect discrimination
- Relevance of police occupational culture



- Structural, institutional and individual explanations for bias and discrimination

5.2 Effects of personal experience, personal bias, values, cultural norms and emotions upon ethical decision-making, including:

- Personal resilience
- Cynicism
- Empathy
- Policing culture

5.3 The effect of using a 'default position' for decision-making based upon previous approaches

6 Explain how to apply the National Decision Model to a given professional situation, demonstrating effective professional judgement and decision making

6.1 Reviewing example case studies

6.2 Recording decisions and rationale

6.3 Demonstrating flexibility within decisions

6.4 Justifying the decisions made

6.5 Reflecting upon the decisions made

7 Understand the significance of recording all decisions and the associated rationale

7.1 Principles underpinning decision recording, and rationale

7.2 Methods of recording decisions and rationale

7.3 Contents of records

8 Understand the importance of accountability in assessing risk

8.1 Allocation of correct risk to the correct person ('false-positive' and 'false-negative')

9 Evaluate the impact of risk aversion and risk avoidance on the ability of the police to deliver an effective service

9.1 Definition of terms 'risk', 'risk assessment', 'risk aversion' and 'risk avoidance'

9.2 The concept of 'constabulary independence'

9.3 Effect of risk avoidance and risk aversion on decision-making processes

10 Understand how varying circumstances can exert influence upon the decision-making process

10.1 Making decisions in 'slow time' and 'quick time'

10.2 Making decisions in complex and unpredictable circumstances

## Criminal Justice:

1 Explain the criminal justice system and the legislation and processes that support it

1.1 Function and purpose of the criminal justice system (CJS) and the police role within it

1.2 Definitions of key criminal justice terms, including 'material', 'relevant' and 'disclosure'

1.3 Roles of key partners/stakeholders involved in the criminal justice system

1.4 Relevant legislation applicable to the criminal justice system, including PACE Code G

1.5 Legislation associated with criminal justice, including:

- Civil Evidence Act 1995
- Criminal Procedure and Investigations Act 1996
- Youth Justice and Criminal Evidence Act 1999
- Criminal Justice Act 2003
- Criminal Procedure Rules 2015
- Policing and Crime Act 2017

3 Describe the alternative options to arrest available to a police constable, including out-of-court disposals

3.1 Alternatives to arrest and when these should be used

3.2 Instances when it may be appropriate to use discretion

3.3 Police service obligations and considerations relating to suspects

3.4 Procedures associated with applying discretion

3.5 Government legislation and policy on 'out-of-court' disposals

3.6 How to identify the most appropriate type of out-of-court disposal:

- Restorative justice
- Adult and youth 'out-of-court' disposal regimes
- Intervention and diversion services

3.7 How to manage and record the use of 'out of court' disposals

4 Understand the legislation and functions associated with detaining and escorting a suspect to custody

4.1 Function of detention and custody in the criminal justice system

4.2 Legislative requirements for escorting persons to custody and detaining the

person, including:

- Police Reform Act 2002
- PACE Code of Practice

5 Explain statutory processes relating to a person detained in police custody

5.1 Time constraints associated with detention of persons, including extensions to the detention period

5.2 Legislation associated with interviewing of detainees

6 Understand the roles associated with pre-charge bail

6.1 Roles associated with pre-charge bail processes, including authorisations

6.2 Importance of necessity and proportionality in the decision-making processes for using bail, including street bail

7.1 Policies and legislation relevant to charging, including:

- Bail Act 1976
- Police and Criminal Evidence Act 1984 (and relevant Codes) (specifically bail post-charge under section 38(1))
- Prosecution of Offences Act 1985
- CPS (2016) Guidance on Joint Enterprise Charging
- Policing and Crime Act 2017
- Director of Public Prosecutions Guidance (DPPG) on Charging
- The Code for Crown Prosecutors
- National File Standard

7.2 Importance of understanding the influences on charging, including:

- What is done at initial contact can affect the outcome of the case and potential charge
- Type and nature of the incident and the potential trajectory of the investigation
- Relationship between the investigation and the likely outcome of the case
- Process to acquire early investigative advice and the need to document it
- Process associated with pre-charge engagement (PCE) and when it can be used
- The investigative strategy, including decision making records and aspects of rebuttable presumption, in line with the likely outcomes of the investigation
- Implications and disclosure requirement associated with any admission, denial or plea offered by the suspect (anticipated 'guilty' or 'not guilty')

7.3 The decision to charge, including:

- Decisions made by the police

- Decisions made by the CPS
- Charging of children and young adults
- Postal requisition or postal charge

7.4 How a prosecution is undertaken and how to work with lawyers in the CPS, including:

- Explaining logic, decision making and evidence in a case to a legally qualified person
- The full code test, including the evidential and public interest stages
- The threshold test and conditions underpinning it
- Director of Public Prosecutions Guidance (DPPG) on Charging

7.5 Setting out the charge correctly, including:

- Points to prove
- Using Police National Legal Database (PNLD) and gravity matrices (adult and youth)
- Charging to the correct court"

8 Explain the processes for provision of materials for disclosure by CPS

8.1 Specific disclosure legislation and common law, including the Crown Prosecution Service (CPS) Disclosure Manual, Attorney General's Guidelines on Disclosure and CPIA Code of Practice

8.2 Roles and responsibilities of those associated with the disclosure of material

8.3 The disclosure process for recording, retention and revelation of material

9 Explain the stages of the court process

9.1 Types of courts, legal proceedings, hearings and their purposes

9.2 The court process, including the Crown Court Sentencing Guidelines, the Sentencing Council Magistrates' Court

9.3 Orders and requirement options available to various courts

9.4 Key terminology used in a court, including trial agenda

9.5 Personnel involved

9.6 Role of experts

9.7 Charging process

9.8 Enhanced sentencing for hate crimes, including where there is evidence of hostility

9.9 How actions at the court stage can affect the prosecution

10 Understand the court process, including interpretations and analysis that can be

drawn from evidence given

10.1 Understand the court process, including interpretations and analysis that can be drawn from evidence given

10.2 Preparing an evidence file for prosecuting authority

10.3 Complexities associated with giving evidence, including disclosure, confidence admissibility and credibility

10.4 Defence tactics that may be used and strategies to deal with such tactics, including inducement defence

Response Policing:

1 Review the overall scope of the response policing role

1.1 Purpose of, and evidence base for, response policing

1.2 Relevance of the following to response policing:

- The Code of Ethics
- National Decision Model (NDM)
- Joint Decision Model (JDM)
- National Intelligence Model (NIM)

1.3 Role of first responders, including administrative and reporting responsibilities

1.4 Role of others, including call takers, control room staff, duty inspector

1.5 Meeting public views and expectations of police contact:

- Public scrutiny and perceptions
- Management of community expectations
- Maintaining professional standards

1.6 Key considerations in response policing:

- Safeguarding
- Intelligence
- Investigation
- Variations to response approach for different environments e.g. care homes
- Use of crime pattern analysis

1.7 Effective use of technology in response policing:

- To lower policing risk
- To ease administrative burden

- To improve investigative opportunities
- To save time
- To improve efficiency
- To interrogate information systems quickly and effectively

1.8 Use of body-worn video, including the positive and negative aspects of its use

1.9 Potential threat/risk of harm to self and others

1.10 Complexities of incident-handling on the ground

1.11 Principles of incident management:

- Taking the lead
- Recognising critical or major incidents
- Getting it right first time
- Dynamic risk assessment
- Recognising and taking steps to resolve/refer underlying issues
- 'Soft skills' required to defuse, negotiate, provide reassurance, manage and resolve situations

4 Understand how to establish grounds and authority for carrying out a lawful search/entry and search

4.1 What is meant by the terms 'search' and 'search objectives'

4.2 Establishing whether there are grounds for a lawful search or a lawful entry and search

4.3 Establishing the authority for the search before starting a search

4.4 Limitations when carrying out a search

5 Understand appropriate powers to stop and search a person under Section 1 PACE 1984

5.1 Definition of a 'stop and search' under Section 1 PACE 1984

5.2 Difference between a 'stop and account' and a 'stop and search'

5.3 Importance of employing an ethical 'stop and search' process according to the Best Use Of the Stop & Search Scheme

5.4 Potential impact of a 'search' or 'stop and search' on individuals and the community

16 Apply appropriate responses when dealing with an incident involving a Unmanned Aerial Vehicle (UAV)

16.1 Definition of what is meant by the term Unmanned Aerial Vehicle (UAV) and the terms by which they may be known e.g.

Drone, Remotely Piloted Aerial System (RPAS) etc.

16.2 Legislative requirements for flying drones, including weight, separation distances, operator registration, pilot qualifications etc.

16.3 The role of the Civil Aviation Authority (CAA) in relation to Unmanned Aerial Vehicles (UAVs) and associated CAA permissions and Operational Authorisations

16.4 Police powers available when responding to an incident involving drones, contained in the Air Traffic Management and Unmanned Aircraft Act 2021

Policing the Roads:

1 Explain core policing functions and strategies relating to policing the roads

1.1 Commonly-used terms in policing the roads

1.2 Principal police functions in relation to policing the roads

1.3 The National Police Chiefs' Council (NPCC) Roads Policing Strategy

1.4 Health and safety risks within the roads policing environment

1.5 Partner agency roles

1.6 Role and function of family liaison in roads policing incidents

2 Explain legislation, police powers and the most common offences associated with policing the roads

2.1 Key legislation including:

- Road Traffic Act 1988
- Highway Act 1835, 1980 and 1988
- Road Traffic Regulation Act 1984

2.2 Police powers relating to:

- Vehicles
- Use of the highway
- Documentation offences

2.3 Roads-related offences:

- Vehicles, including anti-social behaviour
- Use of the highway
- Documentation offences
- Breaches of legislation by commercial vehicles

### Part 3: Teaching and learning methods

**Teaching and learning methods:** The module will employ a combination of lectures, seminars, and workshops. Our pedagogy is interactive, discussion-based, and student-facing. Students are an active part of the learning process, and will be asked to contribute ideas, questions, and critical standpoints. The learning environment is designed to promote peer-to-peer support and exchange.

While teaching and learning will be predominantly classroom based, appropriate use will be made of online resources and learning environments.

**Module Learning outcomes:** On successful completion of this module students will achieve the following learning outcomes.

**MO1** Describe the function of detention and custody by examining key legislation, codes of practice, statutory processes in the criminal justice system.

**MO2** Explain the importance of necessity and proportionality in the decision-making process and the key roles involved in pre-charge bail procedures.

**MO3** Explain the use of discretion, how the National Decision Model influences the decision-making process and the range of potential 'out-of-court' disposal options that may be used within policing.

**MO4** Demonstrate ability to make decisions which are safe and lawful using professional judgement and discretion using the National Decision Model.

**Hours to be allocated:** 300

**Contact hours:**

Independent study/self-guided study = 228 hours

Lectorials = 72 hours

Total = 300

**Reading list:** The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://rl.talis.com/3/uwe/lists/871199AE-0A93-FCD9-FBD7-9F4B82494BDB.html?lang=en-GB&login=1) via the following link <https://rl.talis.com/3/uwe/lists/871199AE-0A93-FCD9-FBD7-9F4B82494BDB.html?lang=en-GB&login=1>



## Part 4: Assessment

**Assessment strategy:** Summative assessment for this module will be a 2 Hour Exam.

The assessment strategy for this module is related to the occupational pressures, considerations, and knowledge relevant to front line police officers. The exam is designed to run a format as close as possible to the exams police officers are required to undertake in practice. This therefore gives students a real-life insight into the operational policing world as well as testing their knowledge of fundamental legislation and powers.

Formative assessment of learning will take place during scheduled teaching building on content taught and independent study tasks. Methods comprise of practice exam questions, group discussions and debates, in-class knowledge checks, and work products as produced.

### Assessment tasks:

#### Examination (First Sit)

Description: 2 Hour Exam.

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4

#### Examination (Resit)

Description: 2 Hour Exam.

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4

## **Part 5: Contributes towards**

This module contributes towards the following programmes of study:

Professional Policing [Frenchay] BSc (Hons) 2023-24

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