



Powers of Arrest
FOR ANY PERSON

Any Person Power of Arrest

AIM: - To introduce the PCSO to the principles of powers and processing of arresting offenders.

OBJECTIVES: -

1. State why an arrest is made.
2. Explain where the authority to make an arrest is found.
3. State the powers of arrest you may use under section 24A of Police & Criminal Evidence Act 1984, as amended by section 110 of the Serious Organised Crime & Police Act 2005.
4. State what powers a member of the public has to arrest offenders for offences.

Indictable offences

The power of arrest without warrant for **OTHER PERSON** relates only to offences that are **indictable**.

Indictable means triable at crown court and includes offences that are: -
Indictable only and **Triable either way**.

- **Indictable Offences:** - MURDER, MANSLAUGHTER, RAPE, SERIOUS ASSAULTS, POSSESSION AND SUPPLY OFFENCES OF UNLAWFUL DRUGS, CRIMINAL DAMAGE, THEFT, ROBBERY, BURGLARY, DECEPTION, MAKING OFF WITHOUT PAYMENT, POSSESSION OF AN OFFENSIVE WEAPON, GOING EQUIPPED, AGGRAVATED VEHICLE TAKING, EXPOSURE, CAUSING DEATH BY DANGEROUS / CARELESS DRIVING.
- **Summary ONLY Offences:** - TAKING A MOTOR VEHICLE WITHOUT OWNERS CONSENT (TWOC), LITTER, DRUNK & DISORDERLY, SECTION 5; 4a & 4 OF THE PUBLIC ORDER ACT 1986, COMMON ASSAULT, ASSAULT POLICE, OBSTRUCT POLICE, DANGEROUS / CARELESS & INCONSIDERATE DRIVING, DRIVING WHILST DISQUALIFIED, ALL OTHER TRAFFIC OFFENCES.

Section 24A PACE

Power of arrest without warrant

OTHER PERSON

A person other than a constable may
arrest without warrant: -

- Anyone who is **in the act** of committing an **indictable offence...**

Section 24A PACE

Power of arrest without warrant **OTHER
PERSON** cont...

Anyone whom they have

Reasonable Grounds for Suspecting

to be Committing

an

indictable offence...

Reasonable Grounds

Reasonable grounds MUST be based on objective facts

- their behaviour, in addition to,
- the time or place, and / or
- any property they are carrying, and / or
- information gained from a witness

Section 24A PACE

Power of arrest without warrant

Other Person cont...

Where an **indictable** offence

has been committed

a person other than a constable may
arrest without warrant...

Section 24A PACE

Power of arrest without warrant

Other person cont...

- Anyone who **is guilty** of the offence
- Anyone whom they have **reasonable grounds for suspecting** to be **guilty** of it.

Other Persons

The power of arrest is only exercisable if: -

- The person making the arrest has **Reasonable Grounds for Believing** that for any of the **4 reasons** it is necessary to arrest the person **AND...**

Cont...

Other person cont...

- It appears to the person making the arrest that it is **Not Reasonably Practicable** for a constable to make it instead.

Arrest Reasons

To prevent the person in question: -

- Causing physical injury to themselves or any other person
- Suffering physical injury

Cont...

Arrest Reasons

To prevent the person in question:

- Causing loss of or damage to property,

OR

- Making off before a constable can assume responsibility for them,
(requires **Reasonable Belief** to prevent person making off)

Assuming responsibility for the arrest

**You must comply with all aspects of
Police And Criminal Evidence Act
1984.**

Information to be Given on Arrest

- What they are under arrest for
(**offence**)
- The grounds for arrest,
and
- The reason for arrest being necessary
(**as many as apply to the
circumstances**)

Powers proposed by the Home Office

**These await a 'statutory instrument' enacted by
Parliament and expected sometime before
November 2006**

PCSO Powers to Deal with Traffic

- Power to direct traffic.
- Power to place signs.
- Power to require name and address for road traffic offences.

PCSO Power to Search Person for Alcohol & Tobacco

- **Reasonable Grounds to Believe** person is in possession of **Alcohol or Tobacco**.
- It is an offence to fail to consent to be searched.
- Can require **Name & Address**.
- Failure to give adequate details, can detain for up to 30 minutes.

Reasonable Grounds to Believe

Known Fact

10

Belief

Suspicion

5

0

Gut Feeling



PCSO Procedure Before Search

GO-WISELY

- **G**rounds for search.
- **O**bject of search.
- **W**arrant card - **Collar number**.
- **I**dentify of officer - name.
- **S**tation to which officer is attached.
- **E**ntitlement to a copy of the search record.
- **L**egal power used.
- **Y**ou are detained for the purpose of a search
(and provided no offences are revealed may leave once it is completed)

Conduct of Search

- **ALWAYS** consider your own personal safety.
- **ALWAYS** seek the co-operation of the person to be searched. Even if they initially object.
- A **forcible** search may **ONLY** be made if the person is unwilling to co-operate or resists. **Reasonable Force** may be used if necessary to detain or conduct search.



Conduct of Search

- The length of time for which a person may be detained will vary according to each individual circumstance.
- The conduct and extent of the search will depend on what is suspected of being carried by that person.
- The search **MUST** be conducted **AT** or **NEAR** the place where the person was first detained.

Conduct of Search

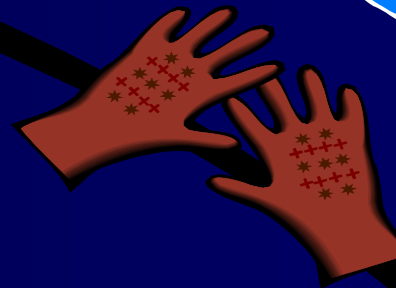
J O G

Jacket

Outer Coat

Gloves

Searches in a public place
MUST be restricted to a
superficial examination of
outer clothing.



Conduct of Search

- Any search requiring the removal of more than **JOG**, e.g. headgear or footwear may **ONLY** be made by an officer of the **SAME SEX** as the person being searched. It may **NOT** be made in the presence of anyone of the opposite sex **UNLESS** the searched person specifically requests this - **interpreter, appropriate adult etc.**

Procedure after Search.

A record **MUST** be made of the search at the time (**unless impracticable**) and **MUST** contain: -

- name or description of person searched.
- Note of person's self-defined ethnicity.
- Object of and grounds for search and the outcome.
- Time, Date and Place.
- Note of any injury or damage caused.
- Identity of officer(s) involved.

Definition of Public Place

- Any place, which at the time when officer proposes to exercise the power, members of the public or section of the public has access, on payment or otherwise. As of right or by virtue of express or implied permission.

OR

- Any other place to which people have ready access at the time.
- **Not a Dwelling.**

PCSO Power to seize Drugs Require Name & Address.

- Can seize **UNCONCEALED & CONCEALED**.
- If drugs are found during a search for **ALCOHOL or TOBACCO**
- It is an offence to fail to consent to be searched.
- Drugs **MUST** be retained until PC instructs on what to do.
- Can require **Name & Address**.
- Failure to give adequate details, can detain for up to 30 minutes.

PCSO Power to Search Detained Person

- **Reasonable Grounds to Believe** person is in possession of **dangerous item(s)**.
- Item(s) that could be used to **cause physical injury** to themselves or others.
- Item(s) that could be used to assist them to escape.
- Any item seized **MUST** be retained until arrival of PC.

PCSO Power to Use Reasonable Force

- **PCSO** duty to remain with **PC** when transferring a detained person to their custody.
- **PCSO** accompanying a detained person to police station, is under a duty to remain with detained person until under control of **PC / DO**.
- May use **Reasonable Force** when exercising these powers.

PCSO Limited Power to Enter Licensed Premises.

- May enter licensed premises for purpose of investigating relevant licensing offences.
- PCSO entering **ON** licensed premises **MUST** be in company with **Police Officer**.
- PCSO can enter **OFF** licensed premises if in company with another **PCSO**.