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Exam 1 – 04/09/2020

Question 1

A person is guilty of burglary if they enter a building or part of a building as trespasser with the intent to, inflict G.B.H or attempt to inflict G.B.H, steal or attempt to steal, to cause damage or attempt to cause damage.

Question 2

When arriving at the scene officers should assess, protect and communicate for a number of reasons. This is normally done via the NDM (national decision model). All processes in the police involve this model. An assessment of the situation should be carried out to enable all of the risks to be taken into account and in order to develop a working strategy. In terms of protect, a police officer's primary role is to save life and limb and to protect any vulnerable people in any given situation. Communication is key as the officers need to liaise with other agencies i.e. fire service, ambulance service, social workers etc. In addition communication is the best tool a police officer has and is vital when arriving at a scene to ensure the full facts are known, what needs to be done and by communicating effectively a scene is far less hectic.

Question 3

The golden hour is the initial hour immediately after an incident has been called. In this hour you have the best chance of obtaining the primary evidence relating to the incident. Any witness statements that need to be taken from witnesses or victims are best attained within the golden hour as its fresh in their mind and no bias has been involved as such.

Question 4

Section 8 (1) of the theft act 1968 is robbery. It is also known as an aggravated theft. A person commits robbery if they commit a theft under section 1 theft act and either immediately before or at the time of the theft they apply force or threaten the use of force or put a person in fear of the use of force. The threat doesn't necessarily have to be felt by the victim. The only exception to this is a baby who can't comprehend fear.

Question 5

Discretion is a professional judgement made by a police officer as they have the authority to make decisions having taken all possible options into account. Discrimination in contrast is treating someone differently based on a protected characteristic for example their race. To avoid professional discretion being seen as discrimination police officers need to base the incident on the facts and background rather than for example the colour of someone's skin.

Question 6

When a statutory offence has been committed a police constable can arrest without a warrant under section 24 Police and Criminal Evidence Act 1984. If they have reasonable grounds for believing that they have committed a statutory offence or have reasonable grounds for believing they are involved in an offence.

Question 7

Code G covers statutory powers of arrest. The necessity criteria needed for making an arrest are as follows. For a prompt an effective investigation, disappearance or chance of, to protect a child or vulnerable person, obstruction of the highway, to prevent physical injury to themselves or any other, loss/damage of property, failure to give name and address.

IDCOPPLAN

Question 8

Primarily officers rely upon section 117 PACE which defines that you can only use force that is reasonable in the circumstances and excessive use of force is illegal. Officers also have section 3 criminal law act 1968 and also common law in terms of self-defence.

Question 9

The information you must be provide to person on arrest is that they are under arrest, the offence they are under arrest for, the when questioned caution and the necessities for the arrest.

Question 10

The national decision model is a values based tool model which allows for a structured decision making process and stops police officers making brash decision. The model is underpinned by the code of ethics. The first stage is information gathering and intelligence this is used to gather as much information as you can about the situation. The second is assess the threat and develop a working strategy. The third is powers and policies, so what powers and polices are we able to use in this incident. The fourth is options and contingencies, so what options will be undertaken to best deal with the incident and lastly take action and review. So every decision you choose to take is constantly reviewed. This whole process is ongoing.

CIAPOAR

Question 11

Section 17 of PACE is a power of entry. Any Police constable may search a property if they have reasonable grounds to believe that the person in the property has a warrant for an indictable offence, to prevent a suspect fleeing (although this has to be within a minute or so of chasing the suspect). And to save life or limb but this only has to have a suspicion rather than a belief.

Question 12

RvGhosh 1968 case law would be applied to define dishonesty. Did the person believe what they did was lawful, did they believe they would have had consent and did they believe they took reasonable steps. Another case law would be Ivey v Genting Casinos.

Question 13

Call handlers use a grading system in terms of level of response to calls. The most urgent is a grade 1 and should be attended as soon as possible. This would be due to the nature of the offence, if the offence is still in progress and to save life and limb. A threat assessment would be carried out as the call is handled and if any of this apply a G1 would be called. G2's are typically attended within an hour. G3's up to 12 hours, G4's up to 24 hours and G5's would typically be your lowest level of response.

Question 14

Vulnerable means a person who isn't able to protect themselves from harm due to protected characteristics.

Question 15

Anti-social behaviour is defined under the crime and policing act 2014 as behaviour that is reckless and behaviour beyond the social norms in society. ASB is causing harassment, fear. It can often include signal crimes such as graffiti, littering etc.

Question 16

A section 35 dispersal power gives a police constable the power to move any member of the public they believe is involved in any anti-social behaviour in the area. It can also ban a person from an area for up to 48 hours if required. Although any extension to this needs an inspectors authority.

Question 17

Routine activity theory relates to analysis stage during problem solving as that is the activity that a criminal would mostly likely choose to take. It's the activity a criminal is known by and in breaking that activity you can help to keep criminal activity down.

Question 18

Evidence based policing or EBP puts evidence at the forefront of policing. It works on policing not just being a reactive but evidence led. By using EBP the police are able to utilise resources more efficiently, the police are seen as more professional and their work is given more credit by the criminal justice system as evidence is what you need when taking offenders to court. Without strong evidence cases can be easily lost.

Question 19

There are several problem solving models that can be used by the police to analyse and solve crime. The first being the PAT triangle. The problem analysis triangle encompasses three parts. The offender, the victim and the location. The model suggests that if you take out one from the triangle then you stop a crime occurring. For example if you offer the offender to take part in restorative justice and they actually see what impacts their crimes have had on the victim. This could potentially change their ways, hence taking them out of the triangle.

The e-PAT model. Is similar to the PAT model but it has more layers to it. In the outer triangle you have the controller who is influential to the offender, the guardian who is helpful to the victim and the manager who is aligned to the location. If these persons are present their stands a better chance to stop a crime happening or recurring. Then beyond the triangle you have the super controllers.

Another problem solving model is the OSARA model for solving problems. It aims to break down a problem into smaller chunks and deals with it by way of a process. The O stands for objectives which can be specific, measurable, attainable, relevant and timely for it to be beneficial. The S stands for scanning. It is best process to scan a problem before doing anything else. The third part is analysis, in analysing the problem you can come up with the most suitable response which is the next stage and finally assessment. In the assessment stage the solutions you have come up with are scrutinised and assessed to see if they have been effective.

Question 20

A critical incident is an incident where a person or persons have lost their life or have been seriously injured. It tends to involve large number of casualties or damage or both. A critical incident can be declared by any of the emergency services. Typically it would be the highest ranked police officer, paramedic or fireman responding to the scene.

Question 21

A police constable may detain any person or vehicle in any public place if they have reasonable grounds to believe that they have on them, a bladed article, stolen or prohibited item or a prohibited firework. Any such property can be seized.

Question 22

The mnemonic used for the information given prior to a section 1 search is GOWISELY. The person needs to be told the ground for the search, the object of the search, warrant card issued if in plain clothes, identity of the officer, the station attached to. That they are entitled to a copy of the search

and can apply up to three months after the search, the legal power used and finally the 'you are being detained for the purpose of a search.

Question 23

The principle aims of the best stop and search scheme was that member of public knew why they were being stopped and search and it was done fair and effectively. There was no discrimination involved and the use of it was necessary in comparison to an arrest. In addition the member of the public was treated with respect and as quickly as possible so they could go about their lawful business.

Question 24

The national intelligence model is made up of three levels. Level 1 is your local force and basic command unit. The intelligence is typically dealt with by a local intelligence officer. The second level includes neighbouring forces for example the joint firearms command unit encompasses both south Wales police and Dyfed Powys Police. Level 3 on the intelligence model is national and international. This is normally carried out by the national crime agency or UK border force. They will be responsible for the top secret intelligence

Question 25

There are several national guidelines and legislation governing data protection. These include the data protection act 2018 which sets out how data should be stored, sent and destroyed. The human rights act 1998 provides legislation that states that all persons have the right to a private life. The criminal procedures and information act governs the way in which the police handle peoples information and the procedures involved when dealing with that information.