

THE POST OFFICE

Security & Investigation Services

Security Foundation Programme – Open Learning

PACE Codes of Practice



INVESTOR IN PEOPLE

Acknowledgments

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All Training Centre materials are presently being evaluated by Portsmouth University for accreditation towards their Higher Education Programme.

On completion of this module, Accreditation of Prior Learning (APL) in terms of knowledge and understanding may be used as part of the assessment process for those candidates following the National Vocational Qualification (NVQ) in Investigation.

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Open Learning: PACE Codes of Practice

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SECURITY FOUNDATION PROGRAMME

Introduction

The Police and Criminal Evidence Act 1984 (PACE) is a key area of legislation affecting Post Office Security Managers. The Codes of Practice are the guidelines which Police Officers and others tasked with investigating criminal offences have to follow.

There are five Codes of Practice covering all areas of investigation work, and a detailed working knowledge of them is essential for Security Managers to carry out their duties.

The importance of this module cannot be overestimated as all interviews, searches and other areas of your duties have to be conducted in accordance with the Codes of Practice. Failure to comply with the Codes will inevitably lead to prosecutions being unsuccessful.

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How to use this Workbook

This workbook has been designed to enable you to work at your own pace. Give yourself time to think about the topics covered in each section before going on to the next one. At various points in the workbook you will be asked to take part by completing an Activity. The workbook is for you to keep, so you should write your answer to each Activity in the space provided.

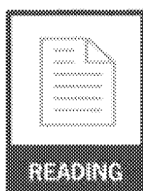
Activities will be identified by the following symbols in the margin:



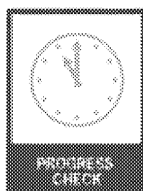
You will be asked to carry out a variety of activities throughout this workbook. These will help you to explore issues and check your understanding.



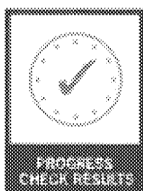
This will give the answer to, or information about, the activity you have just completed. Feedback is given for you to check your own ideas and responses.



You will be asked to read sections of certain documents before continuing.



A set of self-check questions or activities will appear at the end of the workbook. These will help you to assess your understanding of the complete workbook.



These will help you to check your answers to the Progress Check questions. If your response does not match the answer given, you should go back over the relevant part of the workbook to re-check your understanding of it.

This workbook should take you between 4-5 hours to complete, allowing for a considerable amount of reading.

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How to use this Workbook

Support

If you have any difficulty understanding the material in this workbook, you should first contact your Line Manager for advice.

If you need additional advice or guidance, please contact the Security Training Centre by e-mail at:

Security Training Centre@POSTOFFICE

Alternatively you can contact us by telephone Monday to Friday, 08.30 to 2000hours, on **GRO** or write to:

Security Training Centre
Impact House
2 Edridge Road
CROYDON
CR9 1PJ

Our aim will be to respond to all requests for support within 24 hours of receipt of your enquiry (Monday to Friday).

SECURITY FOUNDATION PROGRAMME

Objectives

After completing this workbook you will be able to:

- explain why PACE was introduced and who it applies to;
- identify the individual Codes of Practice;
- identify and explain the sections of the Codes most relevant to the Post Office Security Manager's role.

SECURITY FOUNDATION PROGRAMME

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Section 1: Background

What is the Police and Criminal Evidence Act 1984 (PACE)

The Police and Criminal Evidence Act 1984 (PACE), is the legislation which defines how Police Officers and others should investigate criminal offences.

You have received a copy of the Codes of Practice, which is effectively the Security Manager's 'bible'.

Before 1984 the conduct of investigations was controlled by the "Judges Rules". Because of various miscarriages of justice, PACE was introduced to protect the rights of individuals and to provide clear guidelines on how offenders/suspects should be treated, questioned and searched. It also strengthened the safeguards of the individual in respect of "Stop and search" powers.

The Five Codes of Practice

- Sections of PACE state that the Secretary of State shall issue Codes of Practice which cover the following areas of investigations. They are identified by the letters shown.
- CODE A: Stop and search
- CODE B: Searching of premises and seizure of property
- CODE C: Detention, treatment and questioning of persons
- CODE D: Identification of persons
- CODE E: Tape recording of interviews

These Codes do not apply to Scottish Law. Northern Ireland, however, has similar, but separate, Codes of Practice.

SECURITY FOUNDATION PROGRAMME

Section 1: Background

Why do Security Managers observe the Codes of Practice?

Section 67 (9) of PACE states:

“Persons other than Police Officers who are charged with the duty of investigating offences or charging offenders shall in the discharge of that duty have regard to any relevant provision of such a code.”

This simply means that any non-Police Law Enforcement Agency, such as The Post Office, has to follow the same guidelines as the Police when they carry out their duties.

Which Codes are used by The Post Office?

The answer is that all Codes apply to The Post Office, as any Law Enforcement Agency has to abide by the full Codes of Practice.

However, the reality is that the following two Codes are not used in general Post Office inquiries:

CODE A: Stop and search

CODE D: Identification of persons

This leaves three Codes which are crucial to your duty as a Post Office Security Manager:

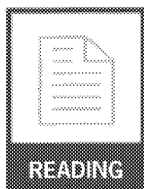
CODE B: Searching of premises and seizure of property

CODE C: Detention, treatment and questioning of persons

CODE E: Tape recording of interviews

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Section 1: Background



Please glance through your Codes of Practice book to familiarise yourself with the layout, and the way the topics contained in them are presented. You will see that, unlike some of the more formal legal documents, it is written in plain English!

The Codes of Practice must be readily available for anyone about to be interviewed, and also for Security Managers to consult during their inquiries. You will have seen at the end of many Sections there are "Notes for Guidance". These are not provisions of the Code, but are intended to assist in their application and interpretation.

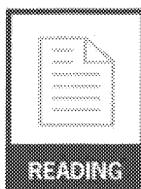
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Section 2: Code B – Searching



Please read Code B of the Codes of Practice booklet.
This is 12 pages long and covers all areas of searching.

One of the other modules in this Open Learning programme, the Search module, covers searching and the forms that are required. In this module we look again at the subject with specific reference to the Codes of Practice.

The main aspects of searching which are covered by Code B are:

- Search warrants and production orders
- Entry without a warrant
- Search with consent
- General considerations when searching premises
- Seizure and retention of property
- Action to be taken after searches

We now cover some key areas within these sections, followed by activities to assist your familiarisation with the Code.

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Section 2: Code B – Searching

Search Warrants

Most searches conducted by Post Office Security Managers are in respect of Post Office employees, and are carried out with the consent of the person concerned.

However, on some occasions it is necessary to obtain a search warrant, but these have to be obtained by Police Officers acting on information you supply to them. There is no authority for Post Office Security Managers to obtain search warrants themselves.

Some Courts allow the words “Officers from The Post Office” to be added to the warrant, and in those circumstances you are fully authorised to accompany the Police into the premises. If possible, the names of the Security Managers should be included in the quoted section on a warrant.

Section 17

The conditions under which Police Officers may enter and search premises without a warrant are set out in Section 17 of PACE.

Section 18

The powers of the Police to search premises occupied or controlled by a person (generally their home) when they have been arrested elsewhere is covered by Section 18 of PACE.

For example, if a postman is arrested at, say, a Mail Centre, the Police can search his home without a warrant. Normally, authority from a Police Inspector or above would be required, but that can be waived if it is thought necessary to conduct the search quickly. A valid reason might be if you thought stolen property existed at the home, which would be disposed of by someone else if the search was delayed while the Inspector’s authority was obtained.

SECURITY FOUNDATION PROGRAMME

Section 2: Code B – Searching

Section 32

The powers of the Police to search premises in which someone has been arrested, or where they were located immediately before an arrest, are set out in Section 32 of PACE.

For example, if a postman was arrested at his home by the Police, and no search warrant had been obtained in advance, this Section allows them to search the home without any additional authority being obtained.

The above Sections of PACE are often used in Post Office cases where an arrest has taken place and it is necessary to be fully aware of your powers within these Sections. There is a more detailed explanation of these Sections in the module on searching.

What if I carry out a citizen's arrest?

Although the Police can carry out searches in the circumstances detailed above after an arrest the same powers do not apply to Post Office Security Managers. **Even if you have arrested someone, you have no powers to carry out a search.**

General

Full details of the forms to be used when carrying out searches with consent are explained in the module on searching.

Searches must be carried out at a reasonable hour, unless this might frustrate the purpose of the search.

Searches must be conducted with due consideration for the property⁸ and privacy of the occupier of the premises.

SECURITY FOUNDATION PROGRAMME

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Section 2: Code B – Searching



Check your understanding of what we have covered so far by answering the following questions:

Q1. Name the five PACE Codes of Practice.

Q2. Which are the three Codes that are most relevant to Post Office Security Managers?

Q3. Why was PACE introduced?

SECURITY FOUNDATION PROGRAMME

Section 2: Code B – Searching



Check your understanding of what we have covered so far by answering the following questions:

Q1. Name the five PACE Codes of Practice.

Code A: Stop and search

Code B: Searching of premises and seizure of property

Code C: Detention, treatment and questioning of persons

Code D: Identification of persons

Code E: Tape recording of interviews

Q2. Which are the three Codes that are most relevant to Post Office Security Managers?

Codes B, C and E

Q3. Why was PACE introduced?

To protect the rights of the individual. To enforce the law effectively. To provide clear and workable guidelines to the treatment and questioning of suspects. Also to strengthen the safeguards of the individual in respect of "Stop and search" powers.

SECURITY FOUNDATION PROGRAMME

Section 2: Code B – Searching

Case Studies

During this module there will be case studies with scenarios which could exist in the 'real' world. If you had to deal with such a scenario you would need to know where to look in the Codes of Practice to receive guidance on how to react.

Read each scenario and look through Code B for the section which deals with the particular problem you are faced with. Write down the section number and a brief resume of how you would respond.

Case Study 1

You have interviewed Pete Cousins regarding alleged theft from the post. To date Pete has made no admissions. Pete has given you written consent (on form CS005) to search his home address. Form CS004 (Notice of Powers and Rights) has been served on him in conjunction with the search. So far you have not found anything. You go to look in a drawer in Pete's bedroom when he remarks "I don't want you to look in there, I'm withdrawing my consent and I want you to leave my premises now". You are intrigued to find out what is in the drawer. In accordance with the PACE Code of Practice what must you do in the first instance?

SECURITY FOUNDATION PROGRAMME

Section 2: Code B – Searching

Case Study 2

Nicola West is a Post Office Counter Clerk. She has admitted to a major Pension and Allowance fraud, netting £8,000. Amongst other things, Nicola tells you that she bought a Rolex watch for her boyfriend, Roger. During a search of her home address you meet Roger. As the watch has been bought with "stolen money" you ask Roger to surrender it. He refuses to do so, stating that it was of sentimental value as his mother had bought it for him, and that he was sure that she could produce a receipt. What do you do?

Case Study 3

You have received anonymous information from 'Crimestoppers' to the effect that Stanley Smith, an ex-postman at Lonsdale PDO, has bags of stolen letters at his house. You know that he is unlikely to consent to a search. Could you apply to the Police to get a warrant?

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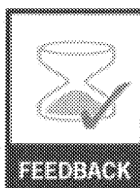
Section 2: Code B – Searching

Case Study 4

Martin Jamieson is a night sorter at Sandown Parcel Concentration Office. His normal hours are 23.00hours to 07.12hours, Monday to Friday. Martin has been caught red-handed stealing a parcel. You start an interview with him at 03.00 hours and are ready to carry out a search of his home at 04.00 hours. You do not want to wait until later because you have other commitments at 08.00 hours. Martin has given his full consent to the search but has a wife and two children, aged 3 and 13, who will be at home asleep. Will you carry out the search at 04.00 hours?

SECURITY FOUNDATION PROGRAMME

Section 2: Code B – Searching



Case Study 1

You have interviewed Pete Cousins regarding alleged theft from the post. To date Pete has made no admissions. Pete has given you written consent (on form CS005) to search his home address. Form CS004 (Notice of Powers and Rights) has been served on him in conjunction with the search. So far you have not found anything. You go to look in a drawer in Pete's bedroom when he remarks "I don't want you to look in there, I'm withdrawing my consent and I want you to leave my premises now". You are intrigued to find out what is in the drawer. In accordance with the PACE Code of Practice what must you do in the first instance?

Code B: Section 4.3

If consent for a voluntary search is withdrawn, you must stop the search immediately and leave the premises. You may consider whether the withdrawal of consent is due to an embarrassment factor, and reassure Pete accordingly. The available responses to this scenario will be discussed further during your practical training.

Case Study 2

Nicola West is a Post Office Counter Clerk. She has admitted to a major Pension and Allowance fraud, netting £8,000. Amongst other things, Nicola tells you that she bought a Rolex watch for her boyfriend, Roger. During a search of her home address you meet Roger. As the watch has been bought with "stolen money" you ask Roger to surrender it. He refuses to do so, stating that it was of sentimental value as his mother had bought it for him, and that he was sure that she could produce a receipt. What do you do?

Code B: Section 6.3

You cannot rule out the possibility that Roger is being truthful. However, you would be entitled to tell Roger he must not dispose of the item pending your further inquiries. Make a notebook entry of what you said and invite him to sign it as a correct record.

SECURITY FOUNDATION PROGRAMME

Section 2: Code B – Searching

Case Study 3

You have received anonymous information from 'Crimestoppers' to the effect that Stanley Smith, an ex-postman at Lonsdale PDO, has bags of stolen letters at his house. You know that he is unlikely to consent to a search. Could you apply to the Police to get a warrant?

Code B: Section 2.1

You can not apply for the warrant based solely on anonymous information. Additional inquiries would have to be carried out to support the original information, such as access/absence analyses.

Case Study 4

Martin Jamieson is a night sorter at Sandown Parcel Concentration Office. His normal hours are 23.00hours to 07.12hours, Monday to Friday. Martin has been caught red handed stealing a parcel. You start an interview with him at 03.00hours and are ready to carry out a search of his home at 04.00hours. You do not want to wait until later because you have other commitments at 08.00hours. Martin has given his full consent to the search but has a wife and two children, aged 3 and 13, who will be at home asleep. Will you carry out the search at 04.00 hours?

Code B: Section 5.2

Searches must be made at a reasonable hour unless it would frustrate the enquiries. This seems unlikely, and your own work commitments later that morning would not be enough to justify a search at 0400hours.

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Section 3: Code C – Detention, Treatment and Questioning

This Code covers all aspects of the detention, treatment and questioning of persons by Police, and therefore by Post Office Security Managers. The Code is particularly important as it includes interviews which are conducted on a voluntary basis, which is the case with most Post Office interviews.

As stated earlier in this module, the Codes were designed for Police Officers and that point is particularly relevant to Code C. Large parts of the Code are concerned with the completion of custody records, detention of people in custody, and other matters which are not directly dealt with by Post Office Security Managers.

However, it can not be overemphasised that you must have a full knowledge of the Code, even those Sections which do not directly affect you.

This Code is by far the longest and covers 55 pages.

It is necessary to read all 55 pages of this Code. However, it is suggested that you do so in two or three separate sessions and return to it later in the module.

The topics dealt with by Code C which are particularly important to Post Office Security Managers are shown on the next page with their Section numbers:

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Section 3: Code C – Detention, Treatment and Questioning

General which includes

Juveniles	1.5
Disabled people	1.6
Custody records	2
Initial action, which includes voluntary interviews	3
Detained persons property	4
Right to legal advice	6
Citizens of independent commonwealth countries or foreign nations	7
Conditions of detention	8
Treatment of detained persons	9
Cautions	10
Interviews, general	11
Interviews in Police Stations	12
Interpreters	13
Charging of detained persons	16

When you are reading the Code please bear in mind the following:

All aspects of interviews, cautions and juveniles referred to in Code C are dealt with in detail in other modules in this Open Learning programme.

Custody records are dealt with by Police Officers, and you therefore only need an overall understanding of their function.

SECURITY FOUNDATION PROGRAMME

Section 3: Code C – Detention, Treatment and Questioning



Case Study 5

Manish Patel is a Sub-Post Office Assistant. He is about to be interviewed by you in relation to the theft of Post Office cash. Manish states that he wants an interpreter present at the interview as he has difficulty in speaking English. You think that Manish is lying as, to work in a Sub-Post Office, he must be able to speak English. What do you do?

Case Study 6

Kay Simmons is suspected of stealing money from the till within the Quadrant restaurant where she works. She is deaf and has a minor speech handicap. You are just about to interview her. What rights does Kay have in relation to her disability?

SECURITY FOUNDATION PROGRAMME

Section 3: Code C – Detention, Treatment and Questioning



Case Study 5

Manish Patel is a Sub-Post Office Assistant. He is about to be interviewed by you in relation to the theft of Post Office cash. Manish states that he wants an interpreter present at the interview as he has difficulty in speaking English. You think that Manish is lying as, to work in a Sub-Post Office, he must be able to speak English. What do you do?

Code C: Section 13.2

You have no alternative but to arrange for an interpreter to be present.

Case Study 6

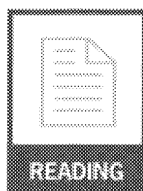
Kay Simmons is suspected of stealing money from the till within the Quadrant restaurant where she works. She is deaf and has a minor speech handicap. You are just about to interview her. What rights does Kay have in relation to her disability?

Code C: Section 13.5

Again, you have to arrange for an interpreter to be present.

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Section 4: Code E – Tape recording of interviews



This subject is fully covered in the separate module on cautions and interviews, and therefore for the purpose of this module we have just a brief overview of the contents of the Code.

All interviews with suspect offenders have to be tape recorded unless limited exceptions prevail. Every Post Office Security Manager has access to portable tape-recording equipment, and every Police Station designated to deal with arrested people has specific interview rooms with tape-recording equipment.

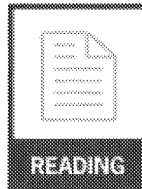
Please read Code E which is 12 pages long.

There are no additional case studies or questions on this Code, as it is covered in full detail in the module specifically on that subject. However, it is vital to relate the contents of Code E to the guidance given about tape recording in the other module.

Practical exercises on interviewing suspect offenders take place on the Investigation Practical Skills Course, and aspects of PACE will be incorporated into those exercises.

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Section 5: Further Reading



There has been a considerable amount of reading in this module, but the importance of understanding the Codes of Practice booklet can not be overestimated.

It is therefore strongly recommended that you re-read it on several occasions over a period of time to help firm up your understanding.

Additionally, the modules on Searching, Caution, Interview and Arrest are closely linked with this module and need to be read in conjunction with it.

SECURITY FOUNDATION PROGRAMME

Summary

In this module we have covered some of the key areas of the PACE Codes of Practice. The importance of this subject can not be over estimated, and great care must be taken with the studying of the module.

It is appreciated that the Codes of Practice booklet contains vast amounts of information that can not be assimilated overnight. The fact is, however, that as a Post Office Security Manager you are expected to have a good, overall, working knowledge of the Codes.

If you are called on to give evidence in Court, it is quite reasonable to expect Defence Barristers to question you on your knowledge of PACE if it is thought you have failed to comply with parts of the legislation.

You can therefore regard this subject as one of the most critical during your training programme.

During your practical training, all the exercises are related to the Codes of Practice to further your understanding of the subject.

In conclusion it must be said that if you breach PACE in situations like the Case Studies, it is probable that any evidence gained in those cases would be ruled inadmissible. PACE is all about the spirit of fairness, and any failures to follow the Codes would normally be dealt with in this way by a Judge.

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Progress Check



To check your understanding of the complete module, please answer the following questions:

Q1. What subjects are covered by Codes B, C and E of PACE?

Q2. What does Section 18 of PACE state about searches?
What powers do you have under this Section?

Q3. What does Section 32 of PACE state about searches?
What powers do you have under this Section?

SECURITY FOUNDATION PROGRAMME

Progress Check



Q1. What subjects are covered by Codes B, C and E of PACE?

Code B: Searching of premises and seizure of property

Code C: Detention, treatment and questioning of persons

Code E: Tape recording of interviews

Q2. What does Section 18 of PACE state about searches?

What powers do you have under this Section?

Section 18 authorises the Police to carry out a search of premises occupied or controlled by someone, after they have been arrested elsewhere. This usually means their home address, and applies when they have been arrested away from home. It normally needs the authority of an Inspector or higher, but that can be waived if it is thought necessary to conduct the search quickly.

Post Office Security Managers have no powers under this Section.

Q3. What does Section 32 of PACE state about searches?

What powers do you have under this Section?

Section 32 gives the Police power to search the premises where someone has been arrested, or where they were located immediately before an arrest. This would normally apply to someone arrested at home. No other authority is needed.

Post Office Security Managers have no powers under this Section.

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