

SFJCA1

Use law enforcement actions in a fair and justified way



Overview

This unit focuses on the use of law enforcement actions in a fair and justified way. It is a general unit and applies across the use of all powers (statutory, non-statutory) and procedures. This could include, for example: stop and search, search of persons and property, arrest and detention of suspects and powers of entry.

You must be able to apply principles of reasonable suspicion or belief. Objective facts and information must support the use of reasonable suspicion or belief.

You must also be able to use law enforcement actions proportionately and fairly. This means you must use legitimate, necessary and lawful actions in dealing with a situation. Your actions may be based on powers or procedures. Such actions must be non-arbitrary and fair. `Non-arbitrary' means objective, justified and intelligence led. `Fair' means you are doing it in line with other considerations and factors.

There are three elements

1. Apply principles of reasonable suspicion or belief
2. Use law enforcement actions proportionately
3. Use law enforcement actions fairly

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Performance criteria

Apply principles of reasonable suspicion or belief

- You must be able to:*
- P1 carry out any necessary checks of **information** and sources before acting on reasonable suspicion or belief
 - P2 exercise actions, which rely on reasonable suspicion or belief fairly and without bias
 - P3 ensure the use of reasonable suspicion or belief is supported by objective facts and **information**
 - P4 apply principles of reasonable suspicion or belief in accordance with legislation and current policy
 - P5 deal with individuals in an ethical manner, recognising their needs with respect to race, diversity and human rights
 - P6 record accurately and within the required time the **information** on which reasonable suspicion or belief is based

Use law enforcement actions proportionately

- You must be able to:*
- P7 consider options available before taking **action**
 - P8 balance the severity of the effect of taking **action** with the benefit being sought
 - P9 use the least restrictive **action** that can be reasonably expected to achieve the legitimate lawful aim
 - P10 deal with individuals in an ethical manner, recognising their needs with respect to race, diversity and human rights
 - P11 use legitimate, necessary and lawful **actions** in dealing with a situation
 - P12 ensure that **actions** are directed in a **non-arbitrary** and fair way
 - P13 record any **actions** correctly and within the required time

Use law enforcement actions fairly

- You must be able to:*
- P14 use **actions** fairly and without bias, acting on reliable and objective information and observation
 - P15 use **actions** in accordance with current legislation, policies and procedures
 - P16 inform the **subject** clearly of the reason for the use of **actions** and check their understanding
 - P17 question the **subject** about the circumstances that gave rise to them being subjected to **actions** in accordance with legislation and current policy
 - P18 keep others appropriately informed of the use of **actions**
 - P19 deal with individuals in an ethical manner, recognising their needs with respect to race, diversity and human rights
 - P20 record the use of **actions** correctly and within the required time
 - P21 report the use of **actions** to the relevant authority

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Knowledge and understanding

You need to know and understand:

Legal and organisational requirements

- K1 current, relevant legislation, policies, procedures, codes of practice and guidelines for using law enforcement actions
- K2 current, relevant legislation, policies and procedures in relation to human rights and diversity
- K3 current, relevant legislation, policies and procedures in respect of health and safety
- K4 the importance of adhering to national guidelines relating to working appropriately with children and young people
- K5 the restrictions on interviewing arrested/detained persons and urgent interviews

Applying principles of reasonable suspicion or belief

You need to know and understand:

- K6 the reasons why you must check information and sources before acting on reasonable suspicion or belief
- K7 the types of information on which reasonable suspicion or belief is based, including history, source, events and descriptions
- K8 how to exercise law enforcement powers and actions fairly and without bias
- K9 the need for objective facts and information to support the use of reasonable suspicion or belief

Using law enforcement actions proportionally

You need to know and understand:

- K10 the legitimate, necessary and lawful use of law enforcement actions to deal with situations
- K11 the reasons why all options must be considered before taking action
- K12 the meaning of non-arbitrary actions and why this is so important to law enforcement work
- K13 how to direct law enforcement actions in a non-arbitrary and fair way

Using law enforcement actions fairly

You need to know and understand:

- K14 the types of law enforcement actions, including; powers (statutory, non-statutory) and procedures
- K15 the fair and unbiased use of law enforcement actions
- K16 the need for reliable and objective information and observation
- K17 how to inform subjects of the reasons for law enforcement actions
- K18 the reasons why you must check that the subject understands the reasons for the use of law enforcement actions
- K19 the use of questioning techniques and effective communication skills

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K20 the need to consider how others, who may be observing your actions, may react

Record keeping

You need to know and understand:

K21 how to record information on law enforcement actions

K22 the purpose of recording information on law enforcement actions

K23 the relevant authorities to whom law enforcement actions must be reported

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Additional Information

Scope/range related to performance criteria

Apply principles of reasonable suspicion or belief

1. **information**
 - 1.1 history
 - 1.2 events
 - 1.3 descriptions

Use law enforcement actions proportionately

2. **actions**
 - 2.1 law enforcement powers (statutory, non-statutory)
 - 2.2 procedures
3. **non-arbitrary**
 - 3.1 only aimed at those responsible
 - 3.2 has minimum effect on those not responsible and is non-discriminatory

Use law enforcement actions fairly

4. **actions**
 - 4.1 law enforcement powers (statutory, non-statutory)
 - 4.2 procedures
5. **subject**
 - 5.1 suspect
 - 5.2 non-suspect

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Developed by Skills for Justice

Version number 2

Date approved February 2008

Indicative review date February 2010

Validity Current

Status Original

Originating organisation Skills for Justice

Original URN SfJ CA1

Relevant occupations Public Services; Public Service and Other Associate Professionals;

Suite Policing and Law Enforcement

Key words Powers, procedures, arrest