

arrest yourself.

Applying legal design to Part V of the
Police and Criminal Evidence Act 1984



problem space

Part V of the Police and Criminal Evidence Act 1984 sets out the statutory framework governing the questioning and treatment of persons whilst in police detention.

In addition to creating several police powers, such as the power to search detained persons (section 54); the power to carry out intimate searches (section 55); the taking of fingerprints (section 61); and other intimate samples (sections 62 and 63), Part V also creates a range of safeguards for the suspect. The safeguards include rights for the suspect in relation to searches; the right to have someone informed of their arrest (section 56); and the right to legal advice (section 58). Additional safeguards are created for children.

the challenge

In comparison with other statutory schemes out there, Part V of PACE follows a logical structure and the drafting style is relatively natural. However, this statute (just like every other statute) has been designed to achieve precision rather than comprehensibility. In other words, the statutory scheme was designed by lawyers for lawyers.

This probably wouldn't be a problem if it were the case that only lawyers found themselves in police detention, but of course in reality that's not the case!

The challenge, therefore, is find an effective way to communicate the police powers, rights and safeguards created and governed by Part V of PACE to the widest possible audience. The question we need to answer is "what will happen to me if I end up in police detention?".

notes

For the purposes of this exercise, you need only concern yourself with the following sections of PACE:

- Searches of detained persons (section 54)
- Searches and examination to ascertain identify (section 54A)
- Power to retain articles seized (section 54C)
- Intimate searches (section 55)
- X-rays and ultrasound scans (section 55A)
- Rights to have someone informed when arrested (section 56)
- Additional rights of children and young persons (section 57)
- Access to legal advice (section 58)
- Questioning and treatment of persons by Police (section 59)
- Audio and video recording of interviews (sections 60 and 60A)
- Notification of decision not to prosecute person interviewed (section 60B)
- Fingerprinting (section 61)
- Intimate samples and other samples (sections 62 and 63)
- Inclusion of DNA profiles on National DNA Database (section 63AA)

If you feel like going the extra mile, take a look at the provisions dealing with the destruction of samples and photography of suspects.

good luck

Have fun!