

SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY

SAULT STE. MARIE, ONTARIO



COURSE OUTLINE

COURSE TITLE: Police Powers 1
CODE NO. : PFP303 **SEMESTER:** 2
PROGRAM: Police Foundations / Law and Security Administration
AUTHOR: Jeff Barnes
DATE: Jan 2011 **PREVIOUS OUTLINE DATED:** 2010
APPROVED: "Angelique Lemay" Dec. 2010

CHAIR, COMMUNITY SERVICES

DATE

TOTAL CREDITS: Three
PREREQUISITE(S): PFP301
HOURS/WEEK: Three

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For additional information, please contact the Chair, Community Services
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I. COURSE DESCRIPTION:

This course is designed to set out and examine the principles and procedures with respect to powers of arrest, search and seizure authorities and various methods of compelling an accused to appear in court. The impact of the Canadian Charter of Rights and Freedoms on police procedures will also be studied. The course will emphasize the role, the responsibility and the accountability of the police.

II. LEARNING OUTCOMES AND ELEMENTS OF THE PERFORMANCE:

In general, this course addresses the following Police Foundation Vocational Outcomes:

- 1.- 3 Act in a manner consistent with all relevant law and legislation and professional, organizational and ethical standards
4. - 6 Assess the use of police powers with regards to pre and post arrest for offences where the public interest must be satisfied or considered
7. Based on given scenarios analyze information, classify offences and determine the appropriate forms and procedures that must be applied to the situation conforming with the applicable legislation
8. Based on relevant case, and common law determine various offences that allow for search without warrant.
9. Based on various legislation determine offences that allow for search without warrant.
10. Based on information from scenarios state the procedure and criteria required to successfully apply for and be granted a warrant to search.

In general, this course addresses the following generic outcomes:

1. Communicate clearly, concisely and correctly in the written, spoken and visual form that fulfills the purpose and meets the needs of the audience
11. Take responsibility for his/her own actions and decisions

Upon successful completion of this course, the student will demonstrate the ability to:

1. **Discuss various principles and concepts of the Canadian Charter of Rights and Freedoms with particular emphasis on the legal rights contained therein.**

Elements of the Performance:

- State the legal rights contained in sections 7,8,9,10 and 11 of The Charter
- Discuss how these rights impact police procedures
- Discuss the impact of section 24 of The Charter on police procedures
- Define other terms as set out by the instructor

2. **List citizens' arrest authorities and apply these authorities in various situations.**

Potential Elements of the Performance:

- State citizens' arrest authorities as contained in the Criminal Code of Canada
- From a given scenario, determine whether a citizen would have the authority to effect an arrest
- Define other terms as set out by the instructor

3. **List peace officers' arrest authorities and apply these authorities in various situations.**

Potential Elements of the Performance:

- State peace officers' arrest authorities as contained in the Criminal Code of Canada
- From a given scenario, determine whether a peace officer would have an authority to effect an arrest
- List the steps in effecting a proper arrest
- Define other terms as set out by the instructor

4. **State the criteria, which must be considered by peace officers before effecting an arrest and apply these criteria in various situations.**

Potential Elements of the Performance:

- Discuss the concept of "the public interest", which must be considered before effecting an arrest
- List the various components which comprise "the public interest"
- Discuss the various circumstances in which "the public interest" considerations apply
- Define other terms as set out by the instructor

5. **State the criteria, which must be considered by peace officers, after effecting an arrest and apply these in various situations.**

Potential Elements of the Performance:

- Discuss the concept of “the public interest”, which must be considered, after making an arrest
- Discuss the various circumstances in which “the public interest” considerations apply
- Define other terms as set out by the instructor

6. **State the criteria, which must be considered by an Officer-in-charge, after an arrested person has been turned over to him/her by a peace officer and apply these criteria in various situations.**

Potential Elements of the Performance:

- Discuss the concept of “the public interest”, which must be considered, after an arrested person has been received by the O-I-C
- Discuss the various circumstances in which “the public interest” considerations apply
- Define other terms as set out by the instructor

7. **List the various documents, which may be used by peace officers and Officers-in-charge to compel the appearance of an accused in court and state the elements, which are required in these various documents.**

Potential Elements of the Performance:

- List the options that are available to a peace officer, when considering the release of a suspect or an arrested person
- From a given scenario, determine the proper release option(s), which would apply.
- List the options that are available to an Officer-in-charge when considering the release of an arrested person
- From a given scenario, determine the proper release option(s), which would apply
- List and describe the various documents, which are commonly used by peace officers and O-I-C’s to compel the appearance of an accused in court, including but not limited to appearance notices, promise to appears and recognizance’s
- Describe other documents relevant to this topic, including but not limited to information’s, summonses, warrants and undertakings
- Define other terms as set out by the instructor

8. **State the common law authorities, which allow a search without a warrant and apply these authorities to various situations.**

Potential Elements of the Performance:

- State the common law authorities, which allow a search without a warrant
- From a given scenario, determine whether these authorities apply
- Define other terms as set out by the instructor

9. **State some statutory authorities, which allow a search without a warrant and apply these authorities to various situations.**

Potential Elements of the Performance:

- State some statutory authorities, which allow a search without a warrant and which are found in the Criminal Code of Canada and in the Controlled Drugs and Substances Act
- From a given scenario, determine whether these authorities apply
- Define other terms as set out by the instructor

10. **State the criteria to be considered in order to acquire a search warrant pursuant to either the Criminal Code of Canada or the Controlled Drugs and Substances Act.**

Potential Elements of the Performance:

- List places which may be searched with a search warrant pursuant to either the Criminal Code of Canada or the Controlled Drugs and Substances Act, respectively
- From a given scenario, determine which type of warrant would apply
- State the necessary steps in properly obtaining a search warrant
- State the necessary steps to properly execute a search warrant in another province
- Define other terms as set out by the instructor

III. TOPICS:

1. The Canadian Charter of Rights and Freedoms
2. Powers of arrest for citizens and peace officers
3. Considerations for release of a suspect or an accused person
4. Compelling the appearance of an accused in court
5. Introduction to search and seizure authorities

IV. REQUIRED RESOURCES/TEXTS/MATERIALS:

Basic Police Powers, 4th Edition Gino Arcaro

Criminal Code of Canada 2009

V. EVALUATION PROCESS/GRADING SYSTEM:

Mid Term Exam	35%
Test	15 %
Test	15%
Final Exam	35%

The following semester grades will be assigned to students in post-secondary courses:

<u>Grade</u>	<u>Definition</u>	<u>Grade Point Equivalent</u>
A+	90 – 100%	
A	80 – 89%	4.00
B	70 - 79%	3.00
C	60 - 69%	2.00
D	50 – 59%	1.00
F (Fail)	49% and below	0.00
CR (Credit)	Credit for diploma requirements has been awarded.	
S	Satisfactory achievement in field /clinical placement or non-graded subject area.	
U	Unsatisfactory achievement in field/clinical placement or non-graded subject area.	
X	A temporary grade limited to situations with extenuating circumstances giving a student additional time to complete the requirements for a course.	
NR	Grade not reported to Registrar's office.	
W	Student has withdrawn from the course without academic penalty.	

Note: For such reasons as program certification or program articulation, certain courses require minimums of greater than 50% and/or have mandatory components to achieve a passing grade.

Students enrolled in Police Foundations or Law and Security Administration Programs must achieve a minimum grade of 60% in each course to obtain a diploma.

It is also important to note, that the minimum overall GPA required in order to graduate from a Sault College program remains 2.0.

NOTE: Mid Term grades are provided in theory classes and clinical/field placement experiences. Students are notified that the midterm grade is an interim grade and is subject to change.

VI. SPECIAL NOTES:

Attendance:

Sault College is committed to student success. There is a direct correlation between academic performance and class attendance; therefore, for the benefit of all its constituents, all students are encouraged to attend all of their scheduled learning and evaluation sessions. This implies arriving on time and remaining for the duration of the scheduled session.

It is the departmental policy that once the classroom door has been enclosed, the learning process has begun. Late arrivers will not be granted admission to the room.

VII. COURSE OUTLINE ADDENDUM:

The provisions contained in the addendum located on the portal form part of this course outline.