



POLICE PROTOCOL

This agreement sets out the Police Protocol for *The Living Room* and outlines the lawful activities that they may undertake in order to fulfil their aims and objectives.

Aim

The Living Room is a temporary service offered during the winter months, enabled by volunteers, to provide a safe place to spend the night for those who would otherwise be sleeping on the streets or unsafe accommodation.

Drugs

Legislation does cover instances when members of the public will come into innocent possession of illegal drugs and the wording of the legislation is below:

Section 5 (4) Misuse of Drugs Act 1971 states:

- a) Knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that as soon as possible after taking possession he took all such steps as were reasonably open to him to destroy the drug or deliver it into the custody of a person lawfully entitled to take custody of it. Or*
- b) Knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to the custody of it and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to deliver it into the custody of such a person.*

Point a) covers the removal of a drug from an individual and point b) would cover the finding of drugs unattended and taking steps to remove them.

Because of the various Health and Safety issues and also the need to display integrity, accountability and transparency, *The Living Room* staff / volunteers should not destroy drugs that come into their possession but instead ensure that they record the quantity of drugs taken into possession in the shelter log. Preferably the *The Living*

Room staff / volunteer is accompanied by another, then this should be witnessed. They are not expected to obtain the details or descriptions of the individual handing over the items. Contact the Norfolk Police Force Operations Room on telephone number 101 and advise of any seizures by *The Living Room* staff / volunteers. They should, as soon as is reasonably practicable, deposit the drugs at Great Yarmouth police station and record the shoulder number and name of the receiving officer.

Drugs Paraphernalia

There are many Health and Safety issues relating to drugs paraphernalia, in particular used needles. *The Living Room* staff / volunteers should be discouraged from accepting used needles or paraphernalia such as foil etc. If they are forced into a position where they have to accept such items, they will be responsible for the disposal of these items themselves in the sharps disposal bins in the buildings (see Health and Safety policy)

Weapons (not firearms)

There exists different legislation concerning the possession of weapons in a public place, namely *Prevention of Crime Act 1953, Section 139 Criminal Justice Act 1988 and Section 139A as amended by the Offensive Weapons Act 1996, Section 141 and 141 A Criminal Justice Act 1988, The Knives Act 1997.*

The Prevention of Crime Act 1953 defines an offensive weapon as *any article made, adapted or intended or the purpose of causing injury to another.* Thus any implement could fall into this category depending on the intention of the holder. *The Living Room* staff / volunteers may be handed a number of articles or weapons by individuals.

In general *The Living Room* staff / volunteers should avoid touching weapons at all and should contact the police immediately. If it is absolutely essential for public and personal safety to move the weapon then it should be placed in a small bag or container in order to keep it out of sight from the public and locate it in the boot of a vehicle ensuring that it remains out of sight. *The Living Room* staff / volunteers and visitors should move away from the person surrendering the weapon. It is best that everyone should be evacuated from the building until the police have arrived. The reason for this is that the person may change their mind, attempt to recover the

weapon and even use it against someone.

The current legislation affords some protection in the case of members of the public coming into innocent possession of such articles; *A person does not commit the offence if he has lawful authority or reasonable excuse for having with him the offensive weapon ...but the onus is on the individual to prove the excuse.*

For the purposes of Great Yarmouth, any of *The Living Room* staff / volunteers coming into possession of an offensive weapon as part of their pastoral work will be allowed an amnesty to retain possession of the weapon provided. *The Living Room* staff / volunteers deposits it at a local police station or to a Police Officer as soon as is reasonably practicable.

In practice, *The Living Room* staff / volunteer should record the fact that they have been given the weapon in the log and have another member of *The Living Room* witness this. For reasons of Health and Safety the weapon should be placed in a container. It is important for *The Living Room* staff / volunteer to state to the person handing over the weapon that it will be handed in at a local police station where it may be forensically examined in case it has been used in any serious assaults. This protects the *The Living Room* staff / volunteers during their long-term role in the area.

Should it transpire that the weapon has been used in a serious assault or unlawful killing *The Living Room* staff / volunteers may be called to give evidence in court.

Alcohol

The Living Room staff / volunteers will be responsible for disposing of any alcohol handed to them. Due to the need to display integrity, accountability and transparency *The Living Room* staff / volunteers should record the fact that they have been given alcohol, the date, time, location, quantity and type. They should further record how it was disposed. This can be a very simple process e.g. pouring down a nearby drain and throwing the container into a bin.

Vulnerable Person

The Living Room staff / volunteers will come into contact with a number of vulnerable persons for a variety of reasons. They must take great care when dealing with these individuals.

If *The Living Room* staff / volunteers feels that the individual has been the victim of a serious assault or even sexual abuse without consent, they should seriously consider notifying the police regardless of the individual's wishes.

Sex Industry

The Living Room staff / volunteers will occasionally come into contact with those connected with the sex industry. There is no hard and fast rule concerning these individuals but the *The Living Room* staff / volunteers should take great care during their encounter. In particular there may be other individuals in the area protecting the sex trade and the *The Living Room* staff / volunteers may find themselves vulnerable to assault if they are seen to be preventing the Town sex work.

Allegations of Crime

There is no obligation on *The Living Room* staff / volunteers to report crime. *The Living Room* staff / volunteers will from time to time come into contact with the perpetrators of crime as well as the victims. However where there is mention of a crime involving an ongoing situation of abuse (including domestic violence) or where an individual's life is in immediate danger, where an individual's life has been endangered or even taken, *The Living Room* staff / volunteers should involve police at a very early stage.

Details of any early allegation of crime should be recorded, namely what the individual said to them.

Firearms

There is no corporate amnesty surrounding the surrender of firearms either to police or to members of the public which include *The Living Room* staff / volunteers. There are occasions however when members of the public come to police stations with old guns and ammunition which they have located in a loft or have discovered on the death of an elderly relative. In these instances the weapon is taken by police and then submitted for destruction. No action is taken against the member of the public handing

the weapon in.

In addition legislation (Firearms Act 1968 and the Firearms Amendment Act) give very few lawful defences to possession of firearms and prohibited weapons.

The guidelines to *The Living Room* staff / volunteers who during the course of their pastoral duties are handed or find what appears to be a firearm or ammunition are as follows:

The immediate priorities are:

- The safety of *The Living Room* staff / volunteers
- Safety of other members of the public
- Safety of the person surrendering the weapon
- Safe recovery of the weapon
- Summoning help
- Notifying police

In general *The Living Room* staff / volunteers should avoid touching firearms at all and should contact the police immediately. In particular *The Living Room* staff / volunteers should not touch what appears to be any moving part of the weapon in particular the trigger mechanism. If it is absolutely essential for public and personal safety to move the firearm then it should be placed in a small bag or container in order to keep it out of sight from the public and locate it in the boot of a vehicle ensuring that it remains out of sight. *The Living Room* staff / volunteers and visitors should move away from the person surrendering the weapon and also any other person who is nearby. It is best that everyone should be evacuated from the building until the police have arrived. The reason for this is that the person may change their mind, attempt to recover the weapon and even use it against someone.

The Living Room staff / volunteers should then move to a quieter area and call police as a matter of urgency. The phone call should give the following information:

- Who they are
- Their location
- Their contact phone number and another phone number of another mobile if possible
- THE FACT THAT THEY HAVE JUST BEEN HANDED A FIREARM AND THE

LOCATION OF THE PERSON WHO HAS BEEN HANDED THE FIREARM

- A brief description of the handgun if possible
- That they require immediate police attendance. They MUST EMPHASISE THE URGENCY OF THE SITUATION TO THE POLICE OPERATOR.

They should then await the arrival of a police officer.

In the interests of the safety the *The Living Room* staff / volunteers should not be proactive in trying to obtain the details of the person handing over the weapon nor should they attempt to detain the person surrendering the weapon.

The Living Room staff / volunteers will not be prosecuted for POSSESSION OF A FIREARM or ammunition by Norfolk Police under these circumstances.

The Living Room staff / volunteers may be called to give evidence later in court.

Searching Premises

Police can legally search premises:

- when they have the consent of the occupier
- when a warrant has been obtained
- following an arrest, they may search the detained person’s premises
- to capture an escaped prisoner
- to arrest someone for public order, or certain other offences
- to protect life or to stop serious property damage

Under other laws the police have specific power to enter premises.

Obstruction the police or hampering enquiry can result in prosecution.

Signatures

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On behalf of the Divisional Commander Great Yarmouth Police.

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On behalf of the *The Living Room* staff / volunteers