



**POLICE
SCOTLAND**

Keeping people safe

**FORCED ENTRY AND
INSECURE PREMISES**

Standard Operating Procedure

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1. PURPOSE

- 1.1 This Standard Operating Procedure (SOP) provides police officers and staff guidance on circumstances when forced entry to premises is necessary. It also outlines circumstances whereby premises are found to be insecure and a boarding up service is required to secure the premises. It shall explain the liability of costs for the boarding up service or in the event that damage to property is caused during forced entry.
- 1.2 Practices in relation to the recovery of costs incurred as a result of insecure premises may differ across the force area due to contractual arrangements. Refer to Geographical Appendices ('A – H') for local guidance. It is anticipated that as the lifetime of each contract expires this will allow parity to be drawn across Scotland with the introduction of new national arrangements for the Police Service of Scotland (herein referred to as Police Scotland) and Scottish Police Authority (SPA).
- 1.3 This SOP sets out broad guidelines to be followed, however it is not possible to cover all eventualities and each case must be considered on its own merit. Ultimately, the police officer attending a scene, or supervisor, will decide whether or not entry is to be forced.
- 1.4 **The overriding factor should always be the protection of life and property.**

2. BACKGROUND

- 2.1 Police officers are regularly required to attend and secure properties against intrusion often utilising the services of a boarding up service where required. Officers may also force entry into premises as part of pre-planned operation or as part of a spontaneous incident requiring immediate action.
- 2.2 Officers may undertake these functions using a range of legislation including S.20 of the Police and Fire Reform (Scotland) Act 2012 which states that it is the duty of a constable to:
- prevent and detect crime;
 - maintain order;
 - protect life and property;
 - to take such lawful measures, and make such reports to the appropriate prosecutor, as may be needed to bring offenders with all due speed to justice;
 - where required, to serve and execute a warrant, citation or deliverance issued, or process duly endorsed, by a Lord Commissioner of Justiciary, Sheriff, Justice of the Peace or Stipendiary Magistrate in relation to criminal proceedings.
- 2.3 Furthermore, a constable is empowered at common law to enter a house or other building without a warrant for the purposes of:

- Protecting life and property;
- On hearing the noise of a serious disturbance in the premises, to inquire into the cause or suppress the disorder;
- Close pursuit of a person who has committed or attempted to commit a serious crime, e.g. murder, rape, robbery or theft by housebreaking.

3. FORCED ENTRY TO PREMISES

3.1 Where an officer enters a property, either by force or consent, corroboration should be obtained if possible. If the property owner or other responsible person is present their permission to force entry should be recorded in the officer's notebook or PDA.

3.2 UNPLANNED OPERATIONS – FORCED ENTRY

3.2.1 Where there appears to be an **immediate threat to the occupant or property** and any delay in accessing the property may be detrimental to the health of the occupant, or any other person, or cause rapid escalation of damage, an officer should force entry to the property, having due regard to:

- The personal safety of the officer and others;
- Causing the minimum amount of damage; and
- Contacting other emergency services or approved contractors used for the purposes of gaining and securing property as necessary

3.2.2 Where there is an **ongoing threat to the occupant or any property** and a short delay would not be detrimental to the health of the occupant, the officer attending should first consider:

- Telephoning the locus or key holder, if a telephone number is known, and
- Carrying out brief door-to-door enquiries to ascertain if a neighbour holds, or knows the location of a key to the property.

3.2.3 If these courses of action are unsuccessful, the officer should then consider:

- Forcing entry to the property, following consultation with a supervisor;
- Contact the Area Control Room (ACR) to request the services of a joiner (from either the Local Authority or Housing Association or for private premises one who is contracted to the Police) in order to minimise any damage caused (subject to his or her timeous attendance at the scene);
- The personal safety of the officer and others; and
- Contacting other emergency services or other agencies as necessary.

3.2.4 Where the **threat to the occupant or any property is unknown** as the occupant has not been seen for some time and there is no information to suggest that the occupant is within, the attending officer should first consider the age and vulnerability of the occupier.

3.2.5 The officer should then carry out local enquiries (e.g. door-to-door enquiries, telephoning known relatives or friends, checking the Command and Control system for previous calls to the address and making contact with local hospitals) in an effort to ascertain the whereabouts of the owner or occupier of the property.

3.3 PRE-PLANNED OPERATIONS – FORCED ENTRY

3.3.1 Where the incident is a pre-planned event the locus will be photographed or video recorded if possible. Officers should be encouraged to record any damage caused to the premises during entry in order to mitigate any future complaint or litigation.

3.3.2 The use of fully trained officers in Method of Entry (MOE) techniques should be utilised if available for pre-planned operations. The techniques to be used must be documented in the specific risk assessment prepared in advance of the operation. For further guidance see Risk Management Process SOP.

3.4 FORCED ENTRY TO PREMISES – IMMEDIATE RISK TO LIFE

3.4.1 Police Scotland regularly receive reports from members of the public and the Scottish Ambulance Service (SAS) intimating that there appears to be an **immediate risk to life** for the occupier of a premises and requesting that officers force entry to the property on their behalf. Both Police Scotland and the Scottish Fire and Rescue Service (SFRS) share a statutory responsibility for protecting the public.

3.4.2 Where an ambulance has been called and are unable to gain entry and where there appears to be **an immediate risk to the life of the occupant**, the SAS will directly request the SFRS to attend and force entry to the premises. If no SFRS response is possible the SAS will thereafter contact Police Scotland who will coordinate a suitable response. If there are any physical threats of violence at the locus then the police will be the service requested to attend.

3.4.3 Where SFRS have gained entry and SAS have removed a patient for immediate treatment and there is no relative present to take control of the premises then a police response will be required to secure the premises. This will be requested by the SFRS. Where a police response is required for other matters e.g. the patient is deceased or there are other concerns, then the SAS will request police attendance.

3.4.4 Where officers directly encounter a situation themselves where there appears to be **an immediate risk to the life of the occupant** and suitable police resources are nearby and immediately available e.g. a suitably trained local policing officer or an Operational Support Unit, then they should attend without delay. Where no police resource is immediately available and there is a possibility that SFRS will be able to expedite entry quickly to save life, the ACR will contact SFRS control and request their attendance.

3.4.5 The SAS or SFRS will not bear any responsibility for the re-securing of the premises where entry has been forced. Neither will the SFRS be liable for any costs associated with re-securing the premises in these circumstances.

Police will arrange for the property to be secured up via the ACR in line with Section 4 of this SOP.

3.5 HEALTH AND SAFETY CONSIDERATIONS

- 3.5.1 In order to protect staff from injury, Method of Entry techniques should be utilised in pre-planned operations or in response to emergency situations occurring in everyday policing (criminal, public assistance or otherwise) to force entry to a dwelling or premises. For further guidance please see the Public Order SOP.
- 3.5.2 It is important that checks are carried out on all police systems together with those of the Local Authority and Social Work Department prior to undertaking pre-planned incidents. This will indicate who may be occupying the property and whether there are children or other vulnerable person(s) present. This information may impact on the tactics employed, having due regard to the safety and vulnerability of occupants.
- 3.5.3 Trained Public Order Tactical advisors should be considered at the planning and implementation stage of every operation if available. The decision not to involve a tactical advisor must be documented.
- 3.5.4 An advisor can provide information and recommend courses of action that highlight the advantages and disadvantages of such action. Please refer to the Public Order SOP for further guidance.
- 3.5.5 In dynamic unplanned operations where forced entry is required immediately, officers should use their judgement on the safest route and means of entry, taking into account their own safety and that of persons within the premises.

3.6 CULTURAL CONSIDERATIONS

- 3.6.1 Where the property in question is a building of religious significance, regardless of whether it is a pre-planned operation or is in response to an ongoing incident, officers should give due consideration to the cultural and religious sensitivities associated with the premises where possible. This should never prevent an officer from entering a building by force to protect life and property, or in pursuance of a legitimate aim.
- 3.6.2 Supervisors should consider whether or not the circumstances may impact on community cohesion, for further guidance refer to the Community Impact Assessment SOP.

3.7 RESPONSIBILITY FOR COSTS

- 3.7.1 When the police force entry to premises the responsibility rests with the owner/occupier of the property. Therefore, in the majority of cases Police Scotland will not be considered liable for the costs.
- 3.7.2 Local Policing Area Business Managers (or equivalent) should confirm the circumstances giving rise to a claim to determine whether or not it would be inappropriate to seek to recover monies outstanding, e.g. sudden deaths,

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incidents involving an elderly or infirm occupier etc.

- 3.7.3 Having given consideration to 3.7.2, the responsibility for costs are detailed in the following table:

Type of Incident	Responsibility for Costs
Forced entry with legal warrant to occupied or unoccupied premises by Police Officers for crime investigation purposes.	Owner/occupier or insurance company
Forced entry to premises by Police Officers under suspicious circumstances.	Owner/occupier or insurance company
Forced entry for medical emergency or to protect life	Owner/occupier or insurance company
Property is subject to a forensic examination with the owner's consent or is necessary as part of a serious criminal enquiry.	Owner/occupier or insurance company.
Forced by police at incorrect address.	Police Service liable for payment.

- 3.7.4 Owner/occupier's are encouraged to settle directly with the boarding up company for any amount outstanding having been invoiced by them for services provided. Boarding up company's will exercise all due diligence in attempting to recover money outstanding.
- 3.7.5 If having undertaken this process, the owner/occupier makes no attempt to pay the boarding up company will forward the invoice and all associated correspondence to the Local Policing Business Unit for action.
- 3.7.6 The business unit will correspond with the owner/occupier to request payment. Upon receipt of payment this will be paid to the boarding up company without delay.
- 3.7.7 If payment remains outstanding the Local Business Manager should make an assessment if PSoS should take further action to recover the costs through litigation. Thereafter, if deemed appropriate and proportionate, a full report of the circumstances should be submitted to Legal Services for consideration.

4. INSECURE PREMISES

- 4.1 Officers are frequently called upon to attend properties that are insecure and require to be secured against intrusion. Officers engaged in such a task may

utilise powers conferred in S. 61(1) Civic Government (Scotland) Act 1982:

- Where any premises have been left open, unlocked or otherwise insecure, and
- in the opinion of a constable the insecurity of the premises is likely to conduce to the commission of an offence,
- the constable may take such reasonable steps as he may consider necessary to make the premises secure’.

4.2 Where the owner/occupier is present they are responsible for arranging a boarding up service and all costs involved in securing the property. Police Scotland may assist in contacting boarding up services only after the owner/occupier is made fully aware that they will be responsible for all costs provided by the boarding up service. Officers are encouraged to have the owner/occupier sign their notebook confirming that they understand this and update the ACR who will contact a boarding up service on their behalf.

4.3 Where the owner/occupier is not present or available to attend, the ACR will organise an authorised boarding up service to attend and secure the premises. Officers attending must be mindful that the premises may have been the subject of a housebreaking or other criminal act. Consideration must be given to securing any evidence prior to the boarding up service carrying out its repair.

4.4 Where no individual is available to take responsibility for the insecure property, the police have responsibility for the property until it is secured.

4.5 The flowchart in Appendix ‘K’ summarises the police action in relation to insecure premises.

4.6 RESPONSIBILITY FOR COSTS

4.6.1 In all circumstances when premises are found insecure, regardless of the circumstances, **liability** for securing the property rests with the owner / occupier, regardless of whether the police make arrangements to secure the premises in the absence of an appropriate person.

4.6.2 If Police Scotland incurs costs in fulfilling its responsibilities in securing property as per the powers conferred in the Civic Government (Scotland) Act 1982, Section 61(1), it will be competent to recover these costs from the owner/occupier.

4.6.3 Prior to seeking the recovery of costs from the owner/occupier the Local Policing Business Unit (or equivalent) should assess if it is appropriate and ethical to do so in similar terms to 3.7.2, e.g. some cases may involve an elderly or infirm occupier, or it may affect community relations should Police Scotland pursue the debt.

4.6.4 If the decision is made to seek recovery, then a full report with copies of all relevant correspondence must be made to Finance instructing them to settle the invoice and commence recovery proceedings. This is on the understanding that the boarding up service or sub-contractor can provide

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evidence that reasonable efforts were made to recover payment from the owner /occupier.

- 4.6.5 'Reasonable effort' is considered to be at least two attempts to recover payment with documentary evidence supporting this.
- 4.6.6 Subsequent correspondence with the owner/occupier should highlight that the assumption of the debt does not represent an admission of liability on the part of Police Scotland.
- 4.6.7 If the owner/occupier pays within the two week period then the money and paperwork including the joiner's bill should be sent to the Local Policing Business Unit who will bank the appropriate funds and pass the joiners bill to the Creditors for payment.
- 4.6.8 If the owner/occupier does not respond after a two week period and is known to reside at the address then all relevant paperwork is sent to Finance Department to raise an invoice.

5. AREA CONTROL ROOM (ACR) RESPONSIBILITIES

- 5.1 All requests for boarding up services to attend, where the owner/occupier is not present, **must** be directed through the ACR who will establish if the property is owned by the local authority or owned privately. Officers should intimate what service they require; the type of premises; the nature of the insecurity and approximate dimensions of windows/door etc.
- 5.2 Where possible the ACR will obtain an estimated arrival time of the boarding up service.
- 5.3 With regards to all incidents involving damage to property or where the assistance of a boarding up service is required, wherever possible, officers should obtain and record the following information on the Command and Control incident:
- Name of the owner/occupier (residential premises) or company/business name (commercial premises) – this is particularly important as the boarding up service will require these details to recover costs where appropriate;
 - If commercial premises, whether the business is currently trading;
 - Reason for having premises secured; and
 - Enquiry carried out prior to requesting the contractor.
- 5.4 In circumstances where officers are involved in forcing entry to premises in a division other than their own, they must, unless operational reasons prevent them from doing so, immediately alert the ACR covering that area with details of the address they are attending.
- 5.5 At the conclusion of the incident the ACR must be informed that the officers are now leaving the area and a detailed account must be recorded on the Command and Control system of any damage caused, including details of the boarding up service attending.

5.6 In every case, all information surrounding the circumstances and actions taken should be recorded in the officer's notebook or PDA and the following information recorded on the relevant Command and Control System:

- The reasons why forced entry was or was not effected;
- Details of any enquiries carried out prior to entry being forced;
- The method used to force entry;
- The officer/supervisor who made the decision to force entry;
- Details of any person called out to effect entry or secure the property; and
- Details of any person who may be liable for costs of repair, if known.

6. BUSINESS PREMISES KEY HOLDERS

6.1 An index of all main key holders should be maintained on Command and Control Systems. The proprietors of business premises are to be encouraged to provide details of any changes to their list of key holders as soon as possible to ensure the accuracy of the register.

6.2 Where such changes are required, the particulars of the key holder should be verified prior to input to the register.

7. KEYS TO PRIVATE PROPERTY

7.1 As a general rule the police will not hold keys to private premises.

7.2 The Patrol / Response Inspector may agree to hold keys on a short-term basis in exceptional circumstances.

7.3 Police Officers and Police Staff working in 'P' Division should refer to the protocol with Fife Council for local arrangements.

8. EMERGENCY JOINERS / GLAZIERS

8.1 In the event that trade services are required, details of the address and the work to be undertaken will be communicated by the appropriate ACR. See geographical appendices ('A – H') for local procedures.

8.2 The appropriate ACR will ensure that a contractor is fully aware of the limits of the repair and that no further work should be undertaken other than that requested.

8.3 The tradesperson will only carry out work in order to make the premises safe and secure. No further work should be carried out without the approval of the owner/occupier, further work undertaken should be accompanied by a written quotation prior to the work commencing.

- 8.4 On completion a notice of advice must be provided to the owner/occupier by the tradesperson. Where the owner/occupier is not in attendance, the notice of advice must be left in a prominent place within the premises.

'C' DIVISION

4. INSECURE PREMISES

- 4.2 The legacy force Alarm Manager, based within the Policing Management Unit, will be responsible for managing communications with BOING UK Ltd and the day-to-day liaison between BOING UK Ltd and legacy force Central Scotland Police.

'P' DIVISION

3. FORCED ENTRY TO PREMISES

3.1 In Fife, where the premises concerned are under the control of the Local Authority and it is necessary to force entry, dependant upon the circumstances, consideration should be given to contacting Fife Council to facilitate entry. Such requests should be made via the ACR.

3.6 RESPONSIBILITY FOR COSTS

3.6.1 Where an invoice is to be paid to Boing (UK) Ltd by the 'P Division, Divisional Admin Support Unit will organise payment, in conjunction with the Finance Department. ACR staff will be responsible for contacting Boing (UK) Ltd who will be provided with the following information:

- STORM reference number;
- Category of call-out (i.e. what service is required);
- Location of premises;
- A description of the work and whether a police officer is remaining at the scene. Where a police officer is remaining at a location, Boing (UK) Ltd will categorise the call at the highest level in order to release the officer as quickly as possible.

3.6.2 Boing (UK) Ltd will notify Divisional Administration Support Unit at Detroit Road, Glenrothes of all call-outs requested by police. The Support Unit will determine whether call-outs are to be paid by Police Scotland or the owner/occupier of the premises. Having made this determination, Boing (UK) Ltd will inform the contractor where to send the invoice.

In relation to private premises, where the Divisional Admin Support Unit establishes that the owner/occupier/letting agency etc. is to pay for the call-out, they will provide Boing (UK) Ltd, with the following information:

- Name of the owner/occupier/letting agency; and
- Full address of the owner/occupier/letting agency

If this information is not detailed on the STORM incident log, Divisional Administration Support Unit will interrogate police systems to obtain the relevant information required, this will also include the Registers of Scotland.

3.6.5 Where there is dubiety regarding who is responsible for meeting the costs of the call-out, ACR operators should inform Boing (UK) Ltd, "Police to Advise" (this will trigger the appropriate communication from Boing (UK) Ltd to Divisional Administration Support Unit).

6. BUSINESS PREMISES KEY HOLDERS

- 6.1 In relation to commercial premises, where Divisional Administration Support Unit establishes that the company/business is to pay for the call out, it will be sufficient that this is the only information passed to Boing (UK) Ltd. Details of key holders and other employees will not be given to Boing (UK) Ltd.

7. KEYS TO PRIVATE PROPERTY

- 7.1 Where it has been necessary to secure the premises with a steel door, for security reasons, Boing (UK) Ltd will only supply one key. It is important, therefore, that this key is stored safely and securely and returned to Boing (UK) Ltd at the conclusion of the investigation. By design, steel doors are constructed to prevent unauthorised entry and the loss of the key will result in considerable time and expense being given to remove the door.

8. EMERGENCY JOINERS / GLAZIERS

- 8.1 Where there is a requirement for the police to make use of a private contractor, this will be facilitated through Boing (UK) Ltd. Boing (UK) Ltd will administer the procedure for the emergency call-out of all contractors on behalf of the police. Boing (UK) Ltd retains details of local contractors who are willing to be contacted for emergency call-out work. Boing (UK) Ltd will advise police once contractors have been contacted and contractors should arrive on scene within 30 - 45 minutes, depending on geographical location.

'E' AND 'J' DIVISIONS

3. FORCED ENTRY TO PREMISES

3.1 In Edinburgh, where the premises concerned are under the control of the Local Authority and it is necessary to force entry, and dependant upon the circumstances, consideration should be given to contacting the City of Edinburgh Council (CEC) to facilitate entry. The CEC have a number of operatives who have been trained to quickly force entry with the minimum of damage. Such requests should be made via the Communication Centre.

3.6 RESPONSIBILITY FOR COSTS

3.6.1 Where an invoice is to be paid to Boing (UK) Ltd by the 'E' or 'J' Divisions, Admin and Facilities, Business Management will organise payment, in conjunction with the Finance Department. ACR staff will be responsible for contacting Boing (UK) Ltd who will be provided with the following information:

- STORM reference number;
- Category of call-out (i.e. what service is required);
- Location of premises;

Description of work and whether a police officer is remaining at the scene. Where a police officer is remaining at a location, Boing (UK) Ltd will categorise the call at the highest level in order to release the officer as quickly as possible.

3.6.2 Boing (UK) Ltd will notify Administration and Facilities, Business Management Unit at Fettes Avenue, Edinburgh of all call-outs requested by police. The Business Management, in consultation with Central Services, will determine whether call-outs are to be paid by police or the owner/occupier of the premises. Having made this determination, Boing (UK) Ltd will inform the contractor where to send the invoice.

In relation to private premises, where Admin and Facilities, Business Management decide that the owner/occupier/letting agency etc. is to pay for the call-out, they will provide Boing (UK) Ltd, with the following information:

- Name of the owner/occupier/letting agency; and
- Full address of the owner/occupier/letting agency

If this information is not detailed on the STORM incident log, Admin and Facilities, Business Management will contact the requesting officer to provide details for the completion of an Emergency Contractor Call-Out Report.

- 3.6.5 Where there is dubiety regarding who is responsible for meeting the costs of the call-out, ACR operators should inform Boing (UK) Ltd, "Police to Advise" (this will trigger the appropriate communication from Boing (UK) Ltd to Admin and Facilities, Business Management).

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8. EMERGENCY JOINERS / GLAZIERS

- 8.1 Where there is a requirement for the police to make use of a private contractor, this will be facilitated through Boing (UK) Ltd. Boing (UK) Ltd will administer the procedure for the emergency call-out of all contractors on behalf of the police. Boing (UK) Ltd retains details of local contractors who are willing to be contacted for emergency call-out work. Boing (UK) Ltd will advise police once contractors have been contacted and contractors should arrive on scene within 30 - 45 minutes, depending on geographical location.

'G', 'K', 'L', 'Q', 'U' DIVISIONS

5. AREA CONTROL ROOM (ACR) RESPONSIBILITIES

- 5.3 In the event that trade services are required, details of the address and the work to be undertaken will be communicated by the appropriate ACR to Sitex Orbis Ltd. The appropriate ACR will ensure that Sitex Orbis Ltd are fully aware of the limits of the repair and that no further work should be conducted other than that requested. An estimated arrival time will be provided to the ACR.

8. EMERGENCY JOINERS / GLAZIERS

- 8.1 Within 'G', 'K', 'L', 'Q' and 'U' Sitex Orbis Ltd provide a single point of contact to access trade services. This will assist in situations where emergency repairs or assistance with entry are required to non-police, non-council premises, in the course of operational policing business.

'D' DIVISION

3. FORCED ENTRY TO PREMISES

3.6 RESPONSIBILITY FOR COSTS

- 3.6.1 When the Scottish Fire and Rescue Service (SFRS) contact Police Scotland requesting police and Dundee Council Contract Services attendance to secure a property following a fire, where the building is a tenement and numerous doors have been forced to preserve life, the SFRS will not be responsible for meeting the cost of damage caused as this has been undertaken to preserve life. In these circumstances 'D' Division will meet the costs of damage caused.

LIST OF ASSOCIATED LEGISLATION

- Fire Services Act 1947
- Police and Fire Reform (Scotland) Act 2012
- Misuse of Drugs Act 1971
- Civic Government (Scotland) Act 1982
- Criminal Procedure (Scotland) Act 1995
- Health & Safety at Work etc. Act 1974

LIST OF ASSOCIATED REFERENCE DOCUMENTS

- Public Order SOP
- Risk Management Process SOP

INSECURE PREMISES – POLICE ACTION FLOWCHART

