

# Forced Entry and Insecure Premises SOP

Standard Operating Procedure

This SOP provides clear direction and procedural instruction to provide a consistency of response in accordance with force policy, however it is recognised that policing is a dynamic profession and the standard response may not be appropriate in every circumstance. In every situation, your decisions and actions should be supported by the National Decision Model and based on the values and ethics of Police Scotland. You may be expected to provide a clear and reasonable rationale for any decision or action which you take.

## Notice:

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## Purpose

This Standard Operating Procedure (SOP) provides police officers and staff with guidance where forcing entry to premises may be required. 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.

This SOP sets out broad instructions 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 should request authorisation from their supervisor, or in time critical situations whereby the police officer’s supervisor is unavailable, ACR supervisors may authorise forcing entry, or will decide whether or not entry is to be forced. The overriding factor must always be the protection of life and property, particularly when dealing with risk and vulnerability.

## Background

Police officers are regularly required to attend and secure properties against intrusion often utilising the services of a boarding up service. Officers may also force entry into premises as part of a pre-planned operation or as part of a spontaneous incident requiring immediate action.

The requirement to force entry to premises may be necessary in the pursuance of the duties conferred on a constable under Section 20 of the Police and Fire Reform (Scotland) Act 2012 namely:

* 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.

Furthermore, an officer 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.

The constable may enter by force if refused admission. The constable must identify themselves as police officers and their reasoning prior to forcing entry. However, forcible entry should not be made utilising common law powers to arrest a person for a minor crime or offence. Officers may stand by the house to prevent the offender’s escape until a warrant is obtained if such a course is thought proportionate and justified, or the case may be reported for proceedings by citation.

## Article 2 and Article 8 of the European Convention on Human Rights

Police officers, when considering powers to force entry to a premises, must take cognisance of Article 2 (1) & (2) and Article 8 (1) & (2) of the European Convention on Human Rights (ECHR).

### Article 2 (1) & (2) ECHR

1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his convictions of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:
   * 1. in defence of any person from unlawful violence;
     2. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained
     3. in action lawfully taken for the purpose of quelling a riot or insurrection.

### Article 8 (1) & (2) ECHR

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Human Rights and Police Service of Scotland’s (Police Scotland) values of Integrity, Fairness and Respect are at the centre of the National Decision Model. Officers and their supervisors must ensure their actions are Proportionate, Legal, Accountable, Necessary and Ethical, taking into account Article 2 & Article 8 ECHR. The balance of negating infringement of the ECHR Act, to adhering to the ECHR Act, will fall upon the nature of the incident Police Officers attend.

This legislation has been directly lifted from the European Convention on Human Rights.

## Forced Entry to Premises

Where an officer enters a property, either by force or consent, corroboration must be obtained if possible. If the property owner or other responsible person is present, and a constable is supporting them gain legitimate access, their permission to force entry must be recorded in the officer’s notebook/mobile device/Personal Digital Assistant (PDA).

### Unplanned Operations – Forced Entry

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 suitable trained in Method of Entry (MOE) techniques must 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.

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 must 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.

If these courses of action are unsuccessful, the officer must 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 / Housing Association or for private/commercial premises one who is contracted to the Police) in order to minimise any damage caused (subject to timeous attendance at the scene);
* The personal safety of the officer and others;
* Contacting other emergency services or other agencies as necessary.

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 must first consider the age and vulnerability of the occupier.

The officer must 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.

Unless there are immediate concerns for the occupant, the local Sergeant or supervisor should be contacted for authorisation prior to forcing entry. If a local supervisor is not available at that time, and the attending officer feels unable to make the decision, they should contact the relevant Area Control Room (ACR) Supervisor within East, West or North ACR. The decision whether or not to force entry to a property must be made after a full review of the available information, leading to an informed assessment of the risk and vulnerability of the person concerned.

If the premises concerned are under the control of the Local Authority / Housing Associations and it is thought necessary to force entry, consideration should be given to contacting the relevant body to facilitate it. Such requests should be made via the ACR. Response times will vary depending on the geographical location. Supervisors should consider authorising external boarding up services upon consultation with Local Authority / Housing Associations, in any case whereby they cannot attend in a reasonable timeframe e.g. a prolonged periods whereby Police officer resources will be adversely affected and as a result would impact other operational demands.

### Pre-Planned Operations – Forced Entry

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

The use of fully trained officers in Method of Entry (MOE) techniques must 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 refer to MOE Training Generic Risk Assessment /Method of Entry (MOE) Recce / Request Form (Force Form 135-007).

### Forced Entry to Premises – Immediate Risk to Life

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.

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.

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.

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 MOE local policing officer or an Operational Support Unit) then they must 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.

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 via the ACR.

### Health and Safety Considerations

In order to protect staff from injury, MOE techniques must 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.

Forcing entry into premises presents a number of potential Health & Safety hazards. It is therefore important to implement the risk control measures as detailed in the relevant risk assessment (Form M-002) including the use of the prescribed personal protective equipment (PPE). The primary hazards include:

* Manual handling injury from incorrect handling of heavy MOE equipment;
* Physical injury from sharps/material ejected from the impact site and surrounding area;
* Adverse reaction from occupier.

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.

Trained Public Order Tactical Advisors must be considered at the planning and implementation stage of every operation if available. The decision not to involve a tactical advisor must be documented.

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.

In dynamic unplanned operations where forced entry is required immediately, officers must use their judgement on the safest route and means of entry, taking into account their own safety and that of persons within the premises.

### Cultural Considerations

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 must give due consideration to the cultural and religious sensitivities associated with the premises where possible. This must never prevent an officer from entering a building by force to protect life and property, or in pursuance of a legitimate aim.

Supervisors must consider whether or not the circumstances may impact on community cohesion. For further guidance refer to the Partnerships, Prevention and Community Wellbeing Community Impact Assessment Divisional Guidance.

### Responsibility for Costs

When the police force entry to premises the responsibility for costs will generally rest with the owner/occupier of the property. Therefore, in the majority of cases Police Scotland will not be considered liable for the costs associated with board up services and repairs.

In the first instance responsibility for costs are detailed in the list that follows:

* Break in by persons unknown: responsibility for costs lie with the owner/occupier or insurance company.
* Fire or criminal damage: responsibility for costs lie with the owner/occupier or insurance company.
* Locus found insecure (this does not include garden sheds, garages, outhouses, allotments, temporary structures etc.): responsibility for costs lie with the owner/occupier or insurance company.
* Locus is being secured (steel only where necessary) as it will be subject to a forensic examination / preservation of evidence. (Steel protection may be necessary when a locus requires to be secured for forensic examination or in the case of a suspicious death, to ensure it can't be tampered with until a post mortem or enquiries satisfy Police Scotland / Crown Office and Procurator Fiscal Service (COPFS) that there is nothing to be concerned about. The use of steel protection will be a decision for the Senior Investigating Officer (SIO) and / or Crime Scene Manager (CSM)): Police Scotland is liable for payment.
* Forced entry by police officer at incorrect address: Police Scotland is liable for payment.
* Forced entry by police officer in execution of warrant: Owner/occupier or insurance company.
* Forced entry by police officer in relation welfare / concern / missing person: Vast majority will be owner/occupier or insurance company payment.

Recovery of owner/occupier outstanding debt and the accounting for any subsequent costs will be the responsibility of the contractor boarding up the property. Nonetheless reputational risk from a contractor pursuing an outstanding debt is a concern to Police Scotland, and dispensation is available should there be certain social/welfare circumstances that would make it inappropriate to recover monies outstanding – for instance sudden death incidents involving an occupier who is elderly or infirm, or who has difficulties with hearing or vision.

Any decision in relation to welfare should have the appropriate level of governance and meet required criteria. While it is difficult to be prescriptive in this situation interrogation of previous incidents and linking in with partner agencies should form the basis of any decision to pursue costs.

Although empathetic in our service delivery, sympathy alone cannot be the leading factor. There must be an overwhelming cause that renders the individual devoid of any cost liability. When there is an inference of substance misuse, or if a person repeats their behaviour, then Police Scotland will not be responsible for costs.

In all circumstances when premises are found insecure, regardless of the circumstances, payment (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.

## Insecure Premises

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 Section 61(1) Civic Government (Scotland) Act 1982:

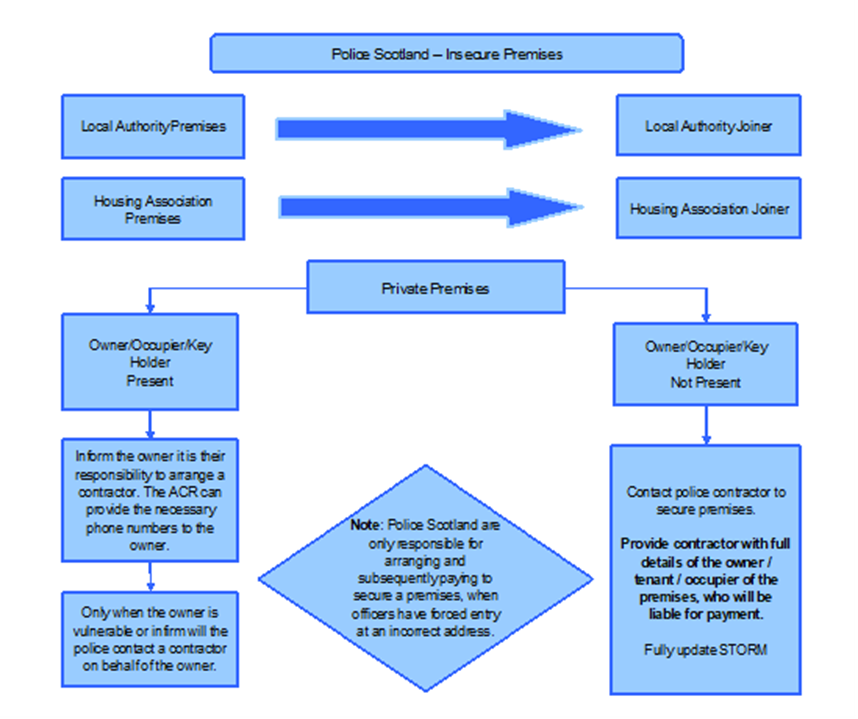
* Where any premises have been left open, unlocked or otherwise insecure; and
* In the opinion of an officer the insecurity of the premises is likely to conduce to the commission of an offence;
* The officer may take such reasonable steps as they may consider necessary to make the premises secure.

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.

Where the owner/occupier is not present or able 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.

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

The information below summarises the police action in relation to insecure premises.



1. If the property is a Local Authority Premises the Local Authority Joiner should be contacted.
2. If the property is a Housing Association Premises the Housing Association Joiner should be contacted.
3. If the property is a private property and the owner/occupier/key holder is present go to number 4. If the property is a private property and the owner/occupier/key/holder is not present, contact the police contractor to secure the premises. Provide the contractor with full details of the owner/tenant/occupier of the premises who will be liable for payment. Fully update STORM.
4. Inform the owner it is their responsibility to arrange a contractor. The ACR can provide the necessary phone numbers to the owner. Only when the owner is vulnerable or inform will the police contact a contractor on behalf of the owner.

Note that Police Scotland are only responsible for arranging and subsequently paying to secure a premises, when officers have force entry at an incorrect address.

## ACR Responsibilities

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, Housing Association or owned privately. Officers must intimate what service they require; the type of premises; the nature of the insecurity and approximate dimensions of windows/door etc.

ACR staff will be responsible for contacting the supplier, who will be provided with the following information:

* STORM reference number;
* Locus (address, Division/Sub-Division);
* Type of property (Commercial/ Domestic/ Local Housing Authority/Other);
* What is the reason for board up work;
* Category of call-out (i.e. what service is required);
* Officer at locus details (name and shoulder number);
* Who is responsible for payment;
* Details of property owner/occupier (if known).

With regards to all incidents involving damage to property or where the assistance of a boarding up service is required, wherever possible, officers must 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.

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.

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.

In every case, all information surrounding the circumstances and actions taken must be recorded in the officer’s notebook/mobile device/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.
* Time of arrival for those responsible for boarding up the property, relieving officers from duty. This is to ensure supplier performance can be monitored.

## Key to Private Property

As a general rule Police Scotland will not hold keys to private premises.

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

## Emergency Joiners/Glaziers

In the event that trade services are required, details of the address and the work to be undertaken will be communicated by the ACR. They will ensure the contractor is fully aware of the limits of the repair and that no further work should be undertaken other than that requested.

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.

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.

## Compliance record

EqHIRA completion/review date: 05/08/2022

Information Management Compliant: Yes

Health and Safety Compliant: Yes

## Version control table

| Version | History of amendments | Approval date |
| --- | --- | --- |
| 1.00 | Initial Approved Version | 11/09/2013 |
| 2.00 | Minor grammatical correction | 01/07/2014 |
| 3.00 | Section 3.4 – Forced Entry to Premises – Immediate Risk to Life added. | 10/11/2014 |
| 4.00 | Paragraph 3.4.2 removed referencing pilot scheme between Police Scotland, SFRS and SAS. | 28/09/2016 |
| 5.00 | Change of email address at paragraph 3.7.7. | 13/02/2017 |
| 6.00 | Rider added to front page. Grammatical error fixed. | 30/07/2019 |
| 7.00 | Content fully reviewed and reformatted under the terms of the SOP Review. | 07/10/2020 |
| 8.00 | Section 3 - Article 2 and 8 of the European Convention on Human Rights (ECHR) added. Sections 1 - 4 expanded to provide further clarification of instructions. Links and names of documents updated throughout. Grammar and formatting amended as per Formatting Standards. | 21/11/2022 |

## Feedback

All Police Scotland service delivery Policies, Standard Operating Procedures (SOPs) and National Guidance are subject to regular reviews. It is important that user feedback is taken into account when documents are reviewed.

If any officer/staff member wishes to provide comment, or make suggestions for improvements to this or any associated document, Force Form 066-014 should be used.