

Appendix 'A'

Method of Entry Equipment and the Tiered Response to the Use of Forced Entry Techniques by Police

Introduction

- A1 The purpose of this guidance is to outline the policy of the Police Service of Northern Ireland (PSNI) regarding forcible entry to premises and defines the structured and tiered response that is to be applied according to the requirements of each situation. It also highlights the authorised equipment that will be used at each level of the tiered response and the associated training required for police officers.
- A2 Forced entry should only be used in circumstances where it is appropriate and there is a legal power of entry. Police officers may be required to effect forced entry to premises for a number of reasons, for example:
- Performing a search ('rapid entry' and 'slow to contact').
 - Executing a warrant.
 - Assisting members of the public in an emergency situation.
 - To rescue hostages (Dynamic Intervention) and to arrest and secure readily disposable evidence (Dynamic Entry and rapid entry techniques).
- A3 The Police Service will be provided with a 'means of entry capability' that will be applied in a tiered response approach in order to deal with the particular requirements of each situation.

Human Rights

- A4 With regard to forcible entry, officers are reminded of certain obligations placed upon the PSNI by the European Convention of Human Rights (ECHR):
- Article 2, guarantees the right to life. This Article requires that (i) the planning and control and (ii) the execution of all police operations, shall be designed to minimise any risk to life.
 - Article 3, guarantees the right to freedom from torture and inhuman or degrading treatment or punishment. It extends beyond the traditional notion of 'torture'. Any recourse to force by a police officer, which has not been necessitated by a person's conduct, will, in principle, raise an issue under Article 3. Police tactics involving excessive use of force are likely to result in a finding of a violation of Article 3. In addition, inappropriate conduct may raise an issue under Article 3 (e.g. excessive restraint, humiliation, failure to provide medical assistance if required). All use of

force by the police must be lawful, must pursue a legitimate aim and must not be disproportionate to the aim sought to be achieved.

- Article 8, respect for private and family life. A forced entry into a person's home (whether they are the owners of the premises or not) will invariably constitute an interference with the right to respect for private life. All persons that live at the premises will be affected. Under Article 8, any interference must be in accordance with the law, necessary in a democratic society and in pursuance of a legitimate aim (which will usually be the prevention of disorder or crime, or possibly in the interests of public safety or national security). In concrete terms, therefore:
 - ◆ There must be a legal basis for the search.
 - ◆ The search must be an appropriate measure to take in the circumstances.
 - ◆ There must be a clear objective to the search.
 - ◆ Any inconvenience to persons affected must be minimised, as far as possible.
 - ◆ Adequate records must be kept, for example of the decision process that led to the search and of any alternative courses of action considered. This will assist in showing that the requirements of Article 8 and the relevant domestic legislation have been complied with. The guidance set out below should be followed.
 - ◆ Article 1 of the 1st Protocol, guarantees the right to the peaceful enjoyment of property. Any interference by the police with a person's property must be lawful, necessary and proportionate. For example, all reasonable steps must be taken to minimise any damage caused to a person's property during a forced entry. 'Property' is broadly defined, and it should be assumed to include anything of any value which a person may own.
- Officers are also reminded that they are required to carry out their duties in accordance with the provisions of the PSNI Code of Ethics. A breach of its standards could lead to a loss of public support and in appropriate circumstances, a criminal or disciplinary investigation.

A5 In this respect, all forcible entries made during a search or otherwise should have a legal basis and be both necessary and proportionate to the legitimate aim pursued. Forcible entry may not always be necessary, for example, where residents are present in premises or a dwelling house to be searched, a simple knock on the door may suffice where appropriate. Also, where access can be gained by waiting a reasonable time, for instance when a keyholder can be made available, the officer in charge or Search Team Leader should consult with the Senior Investigating Officer (SIO) or SIO's representative. The following issues may be worth considering:

- The aim of the task and the urgency of it.

- Whether delay is undue and would cause a waste of police resources or put officer's safety at risk.
- The possible loss of evidence.
- The community impact of any delay.
- The possible compromise of the investigation.

- A6 If premises have to be entered by force the officer in charge shall, before leaving them, satisfy themselves that they are secure either by arranging for the occupier or their agent to be present or by any other appropriate means.
- A7 Before entering premises, consideration should always be given as to whether it is appropriate to contact a Firearms Tactical Adviser (FTA) for advice on method of entry (MOE) equipment and techniques. The FTA can provide a range of MOE advice, and can be contacted via FIM, ICC on a 24 hour basis. Other sources of information and advice include the MOE Training Team (COT) and POLSAs (via TSG Ops).
- A8 Occasionally incidents may arise where there is a serious and immediate risk to life to someone inside premises. In accordance with Article 2 ECHR, police officers have a duty to protect life, both the lives of others and of their colleagues. Police officers may be required to enter a structure to save the life of a potentially fatally injured person, and there is reason to suppose that the subject is incapacitated or is otherwise no longer posing a threat in the immediate vicinity. This procedure is solely to rescue a potentially fatally injured person and not to search for a subject. A potentially fatally injured person is anyone who has been so severely injured that, after considering the available information, it is believed the death of that person is imminent if steps are not taken to save their life. Once the person has been rescued and is being treated for their injuries, officers should withdraw to containment positions.
- A9 Officers are reminded of the importance of record keeping and where forced entry has been used or incorporated into operational plans, the circumstances of its use should be fully documented within Policy files, journals, search records and official notebooks, as applicable. If initiated, Gold/Silver/Bronze Commanders Firearms Incident logs should be kept updated.

Procedure and guidance

Tiered Response to Method of Entry

- A10 The tiered response system is designed to allow for a flexible approach to various problems and situations.

Training

- A11 COT will be responsible for the delivery of MOE training.

- A12 As the training and the operational role associated with MOE work is physically demanding, personnel recommended for MOE training should be physically fit, in good health and free from injury. Prior to acceptance into training, students will be required to demonstrate the physical competencies required for this role. A physical assessment has been designed by Physical & Health Education and can be viewed on the Occupational Health & Well-being (OHW) intranet site under Physical & Health Education, Physical Competence Assessments.
- A13 Training will be competency based, and only personnel who demonstrate evidence of the predetermined competency levels during training will be licensed for operational deployment.
- A14 Operational licence will last for a period of 2 years from the date of successful completion of the initial or revalidation course. Officers must attend and successfully complete revalidation training within the current 2-year licence period.

Risk Assessment

- A15 All supervisors are reminded of the need to create and maintain local risk assessments with regard to method of entry operations being undertaken by their personnel. These must reflect the reality of the task to be undertaken and be reviewed and revised when appropriate in line with current PSNI policy. PSNIGRA – 44 refers.
- A16 When using MOE equipment, officers should wear their personal protective equipment in accordance with risk assessment and training.
- A17 Due to the range of situations that can occur, and to which police are required to respond, nothing in this guidance is intended to restrict police officers from taking innovative action to effectively resolve an emergency in ways that are not included in this guidance. The above paragraphs do not preclude an entry where immediate action is necessary to save life or avoid serious injury, despite the risks involved, on the basis that, on balance, it is more likely to prevent death or serious injury than would otherwise be the case. This should be dynamically risk assessed and documented by the senior officer present.

FIGURE 2 : FLOW CHART OUTLINING THE TIERED RESPONSE TO THE USE OF FORCED ENTRY TECHNIQUES BY POLICE (INCLUDING POTENTIAL USE OF FIREARMS AND FORTIFIED DWELLINGS)

