

Legal feature

An inspector calls

Matthew Knight of Knights Solicitors explains what to do if you get a visit from the police.

IN MY ARTICLE 'GOOD HOUSEKEEPING' (KTB Summer 2013), I indicated the need for careful shoot and beat management and the importance of avoiding causing aesthetic or environmental offence to reduce the risk of complaints or external intervention. This article deals with what to do if and when such intervention happens.

The first you may know about this is when you get a telephone call from your wife or partner telling you that police officers are at your home with what they say is a search warrant demanding to be let in to execute it. She is rushing to get to work herself or she is trying to get the children off to school. She is very

Be prepared for a police visit and know what you can and cannot do.

upset and very worried. You jump onto your quad bike and race home. By the time you get there the police officers in uniform and a number of others not in uniform have broken into your potting shed and seem to be taking an unhealthy interest in your chainsaws and strimmers. Another group have started to remove flower pots and bags of compost from your greenhouse (when did you last have a chance to do some proper gardening?). Someone in overalls seems to be in the hen house. A larger group are milling around your house. You wonder what to do next as a uniformed police sergeant strides up to and asks you who you are. Rage and frustration tell you to give him a piece of your mind. The question is: what do you do next?

DO THEY HAVE A WARRANT?

The first step is to seek sight of the warrant and to read it. Check that the warrant actually identifies the property to be searched. Warrants are divided into "single" or "all premises" warrants. The latter allows law enforcement officers to search all premises identified with a named individual. Regardless of this distinction, the important point is that only premises named or capable of being associated with the individual concerned can be searched. It should also be remembered that, once executed, the powers granted to law enforcement officers expires and a new warrant has to be issued to make a search lawful.

Those tasked with searching premises have to be named on the warrant and they should be identified.

Only a police officer can seek search warrants under the Police and Criminal Evidence Act, although certain statutes afford other designated law enforcement or investigative officials powers eg. Trading Standards to apply under specific legislation. For instance the RSPCA has no power to search premises and will always seek to persuade the police to obtain warrants from the Magistrates Court. A search warrant may authorise



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anyone to accompany the officer who is executing it. Such persons (such as the RSPCA) have the same powers as the police, but they can only exercise them under the supervision, and in the supervision, of the police.

DO NOT INTERFERE, BUT KNOW LIMITS

Whatever the provocation or fault, never interfere with the search being conducted as it could amount to an obstruction of a police officer in the execution of his duty. If there is an error on the face of the warrant, politely and firmly point this out, never physically touch or try to restrain the officer as this could be an assault. If the officers fail to listen when they are in error then a complaint can be made later on and possibly a civil claim brought.

Sometimes police will conduct a search following an arrest. PACE allows the police to search the home address or any premises in which the suspect has been immediately before their arrest.

Make a record of the names and numbers of the police officers involved and if anyone is identified who is not named on the warrant they should be asked to leave the premises.

Police will very often seek to confine the occupants' household to a particular part of the premises. They have no actual power to do this and if anyone wishes to leave they are entitled to do so unless they are placed under arrest. The main reason for this form of domestic "kettling" is only appropriate to prevent interference with a search.

The police will often ask for or seek mobile telephones. The only reason they can justify seizing mobile phones is that they may contain evidence of a criminal offence because there may be interfer-

ence with the search. The argument will be that the phone may contain evidence including images which may or may not show the commission of an offence, but also contact between named individuals who may or may not be suspects.

RECORD WHAT TAKES PLACE

It is essential that, when police or others turn up, you record at the time what has happened and continue to do so during the search process. This will also give you something to do at what will be a pretty unsettling time. There is no magic in a policeman's notebook. The reason why police are allowed to refer to notebooks to refresh their memory is that they are contemporaneous records of what has happened. As the subject of a search if you record what has happened at the time you will be allowed to use your own records of what was said and

done. Write down and record what has happened, record all questions asked and all answers given. At the end of a search, ask the officer in charge of the search to read what is written and ask them to countersign that what you have recorded is correct. It is more than likely that the officer will have done the same with the police record.

Once a search has been concluded, take photographs of the premises always supposing that all cameras or mobile telephones have not been seized. Before the police go ask for an inventory of what has been seized. If it has not been possible to write down what has happened at the time, now is the time to do so.

The NGO has recognised the need for specialist legal advice and all members now have the benefit of a 24-hour legal helpline (see box above).

FURTHER INFORMATION

KNIGHTS SOLICITORS

Matthew Knight is the Senior Partner of Knights Solicitors, Tunbridge Wells. Knights Solicitors specialise in countryside and country sports litigation and have acted on behalf of gamekeepers throughout England and Wales. Tel: 01892 537311, www.knights-solicitors.co.uk. Ask for Matthew Knight, Richard Atkins or Joshua Quinn.

NGO FREE LEGAL HELPLINE

NGO members in need of emergency legal advice relating to gamekeeping and field sports can call the helplines below. Up to 30 minutes telephone advice is available free of charge as a benefit of your NGO membership.

For those in the South: Matthew Knight, Richard Atkins and Joshua Quinn, Knights Solicitors (Tunbridge Wells), 01892 537311 (24hr line).

For those in the North, Scotland and Wales: Michael Kenyon, Solicitor (Macclesfield), 01625 422275 or 07798 636460.



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