



## **DRUG HANDLING POLICY**

**V1.3**

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## **Forward**

This guidance recognizes the complexities of working within the law in respect of handling controlled substances and it is intended to provide clarity and guidance in respect of some of the issues. It recommends best practice that has been developed as a result of Government research.

This policy is intended to complement any existing arrangements that events/festivals/venues may have with their local police licensing unit and they should always be consulted in these matters in determining how this code of practice might assist and complement existing arrangements.

Vespasian Security are committed to reducing the availability of drugs within our sphere of influence. Whilst police authorities have the option to take a lenient view of the possession of drugs for personal use, i.e. by way of street warnings for possession of small quantities of cannabis, this is not within the remit of private security contractors. Vespasian Security therefore issue strict guidelines that our team members must operate by to ensure there can be no suspicion of mismanagement in the matter of illegal substances.

Alternatively, the law permits the disposal of very small amounts of suspected drugs, but in the case of tablets and capsules and the increase in the availability of “legal highs” there might be benefits of adding to existing intelligence by not doing so. Matters, such as how much and what, in respect of arrest or destruction, must be discussed with the police licensing officer that is local to the event/festival/venue location. This officer will advise according to local need.

The final decisions in respect of what action is taken will be that of each individual team member in each given situation. This decision will need to be lawful and justified.

## **Introduction**

Vespasian Security recognises that the circumstances of drug possession and use that team members will come across might vary enormously. Some people will be carrying drugs for their own recreational use while others are looking to profit from the sale of drugs regardless of the consequences.

Foreign tourists might not realise the implications of our drug laws. This guidance is set out to help you take the correct course of action on the occasions when you become aware of the presence of a suspected drug at the premises you are working at. This will usually be either through finding or as a result of a body search.

This guidance has become necessary due to the variety of policies that are being adopted across the UK police authorities and is viewed as a major contribution to ensuring the safety of all of the Vespasian Security team and customers. Our combined priorities must be to prevent all forms of drug taking within your premises and to tackle the availability of drugs through restricting the supply, whilst at all times acting within the law.

## **Background**

### **Misuse of Drugs Act 1971:**

Creates a number of offences around specific drugs that are classified in respect of their strength and harmful effects on health.

Class 'A' - 'Hard Drugs' like Heroin, Cocaine, Crack and Ecstasy (**Possession 7yrs Imprisonment, with intent to supply - Life imp.**)

Class 'B' - 'Soft Drugs' like Cannabis resin and Amphetamine (Speed) (**Possession - 5yrs imp., with intent to supply - 14yrs imp.**)

Class 'C' - Other less dangerous drugs like Flunitrazepam (Rohypnol) GHB and some of the steroids (**Possession - 2yrs imp., with intent to supply - 14yrs**)

The penalties are relevant and will be referred to later.

You should be aware of some of the common offences in connection with drugs; being in possession (the user), unlawful supply (dealer), being concerned with the unlawful supply (i.e. the lookout, bodyguard, go-between, or holder of money) and allowing premises to be used (i.e. Crack houses and public houses where nothing is done to discourage obvious use).

You should also be aware that the law changes from time to time and that it is the responsibility of the individual to ensure that they keep up to date. Whilst Vespasian Security will endeavour to update this code of practice they do not accept any responsibility for any action taken that may be contrary to current legislation. The advice contained within this Drugs Handling Policy is based upon Police.

### **The Public Entertainment Licences (Drugs Misuse) Act 1997**

This piece of legislation gave the local authority - on the advice of the police - the power to close premises where a serious drug problem is perceived along with other matters relating to licensing.

The premises that Vespasian Security team members are deployed to may be subject to the following condition: -

“The licensee shall enter into a written and binding agreement with the Licensing Authority regarding door supervision policy, searching of patrons and procedures associated with the seizure of unlawful items. The focus of such an agreement will be The Public Entertainment Licences (Drugs Misuse) Act 1997”

Even if no such condition exists, Vespasian Security team members should operate in line with the above condition as a matter of best practice.

## **Application of Legislation**

### **What constitutes an arrest**

An arrest will be deemed to have been made when a suspected offender is deprived of their liberty or freedom. The fact that a person has been 'detained' 'for the purpose of...' makes no difference. It doesn't matter what you chose to call it still amounts to the same thing. Therefore if a suspected offender is taken to an office and prevented from leaving then they have been arrested. Even words that are considered by the person to compel them into doing something and as a result they submit to that compulsion, may amount to an arrest.

### **Powers - Arrest**

Whilst the police have a wide range of powers, a member of the public has the power to arrest and is defined as:

Sections 24A of the Police and Criminal Evidence Act 1984 provides the power of arrest for persons other than constables and designated persons (e.g. members of the public).

24A (1) A person other than a constable may arrest without a warrant -

- (a) Anyone who is in the act of committing an indictable offence;
- (b) anyone whom he has reasonable grounds for suspecting to be committing an indictable offence.

24A (2) Where an indictable offence has been committed, a person other than a constable may arrest without a warrant -

- (a) Anyone who is guilty of the offence;
- (b) anyone whom he has reasonable grounds for suspecting to be guilty of it.

24A (3) But the power of summary arrest conferred by subsection (1) or (2) is exercisable only if -

- (a) The person making the arrest has reasonable grounds for believing that for any of the reasons mentioned in subsection (4) it is necessary to arrest the person in question; and
- (b) it appears to the person making the arrest that it is not reasonably practicable for a constable to make it instead.

24A (4) the reasons are to prevent the person in question -

- (a) Causing physical injury to himself or any other person;
- (b) suffering physical injury;
- (c) causing loss of or damage to property; or
- (d) making off before a constable can assume responsibility for him.

Where the offender could get five years imprisonment or more on first conviction (all of the above except possession of a Class 'C' drug.)

With the exception of the possession of class 'C' drugs, the power to arrest exists for each of the other offences listed above provided you have 'reasonable grounds' to suspect an offence is being committed. Once again, 'reasonable suspicion' should be given its normal understanding and not manufactured to fit the circumstances. This 'reasonable suspicion' cannot be based on stereotyping of individuals through race, colour, gender, sexual orientation or appearance.

As a rough guide, a piece of Cannabis resin the size of a small fingernail would be considered by many police authorities and Vespasian Security to be a 'personal' use amount. Likewise a 'wrap' with a tiny amount of powder or a couple of tablets might also be considered to be personal use. It is widely accepted by many but not all police authorities that an operational security team will often be very busy and may have insufficient staff to take any positive action, but the police tend to discuss any findings when they call to collect them from the premises or responsible person.

## **Making an arrest**

Most drugs encountered are likely to be either Class 'A' or 'B'. The powers of arrest have already been stated in respect of these offences. Having made your risk assessment in respect of the likelihood of any personal injury, take the person away from any others that might have been arrested and into a convenient area, making it quite clear that they have been detained and will be held until the police arrive. You can only use as much force as is **reasonable and necessary**.

Care should be taken with the seized items. They should remain in the possession of the finding person and then handed directly to the initial attending Police officer, thereby avoiding any continuity issues. The seized items are in effect the seizing person's exhibit. It remains a piece of evidence. Therefore consideration must be taken to preserve it in its natural form. It must remain in its original packaging and at the earliest opportunity placed in a police evidence bag, sealed and the labelling correctly filled out. When operational requirements dictate, the finding person may hand over the seized items to a senior Vespasian team member that is taking charge of the incident. Each team member involved in this should make a note of the time this exchange took place including a description of the seized items at the time of the handover.

Your safety and the safety of others are paramount. The police should then be called immediately, via the Vespasian Security radio network or if the event or location has no control room, the police should be contacted via 101. The team member calling for police attendance should ask the operator for the incident number and an estimated time for their attendance. If the police are unable to attend due to other priorities, this incident number may therefore become even more relevant at a later date and should be noted in your drug occurrence/incident book.

If it becomes clear that an offence has not been committed then the person must be released immediately and the police informed accordingly.

If it is not practical to arrest or detain the person, then they should be ejected from the premises and a record made of the incident for your protection. If possible this record must include the detained person's details.

### **Powers of Search**

Only the police have powers to search people without their consent. The only way in which you may search a person is by consent, as a condition of entry or by consent as a condition to remain on the premises. In exceptional circumstances you have the power to search under common law in order to protect yourself or others from harm. There is no automatic power to search someone whom you have detained or arrested.

In keeping with the lawful powers to search by police, you should ensure that you only engage in same sex searches and restrict the search to outer garments, hats, gloves, bags and asking them to turn out their pockets followed by a 'gentle pat down'. There are no clear guidelines that can be provided in respect of searching gay, lesbian or transgender people, but common sense must prevail, with respect being shown for the individual and being sensitive to any requests. Where possible, making searches within view of CCTV or Vespasian team members that are using evidential recording cameras can ensure further protection from any allegations.

The frequency of searches carried out should be based on a risk assessment that is drawn from the expected venue or event demographic.

Special efforts should be made to arrest for possession with intent to supply, which is any amount more than for personal use. The Police will determine their intent. Where ever possible a visual record (photograph or video) should be secured of each individual suspect. A reference should be made to this visual record when itemising the incident in the drugs log book. The log book can take the form of a file of completed incident reports submitted by the individuals involved in each seizure/find. This log will be kept within event control with the security radio controller.



## **Use of Drugs Dogs**

Vespasian Security recommend the use of Drug Detection Dogs. Drug search dogs should be present at entry search lane positions to take advantage of the funnelling aspect of this part of the venue/event locations. These dog units are to be supplied by a specialist third party company. Drug search dogs will predominantly used to search the venue before the premises opens and also in respect of queuing patrons.

## **Drug Offences within the Premises**

If you witness or suspect any drug offences by customers who have already been admitted to your premises then you should take them to the main entrance. Once at the main entrance, they should be given the opportunity to leave or be subject to a search should they wish to remain. Failure to consent should result in ejection as a condition to remain on the premises. Refusal to even go to the main entrance should be enough to confirm your suspicions and result in immediate ejection.

## **Drug Dealers**

Detecting drug dealers is a major priority for Vespasian Security. Anyone suspected of dealing in drugs should be approached and robustly challenged but your own safety is a priority. At the very least we request each team member to obtain as much relevant intelligence as is possible. Any intelligence linked to suspected Drug Dealing will be passed to the Police either via ELT meetings or immediately via on site communications network or by phone.

## **Drugs Found on or Near the Premises or During a Search**

Drugs found during a search where the person is not detained or found during the search of your premises, including inside or just outside in any queuing or holding area should be recorded and made secure.

The Misuse of Drugs Act 1971 provides you with a defence to the possession of drugs for the purpose of preventing another from committing an offence, and as soon as possible take all reasonable steps to deliver them into the custody of the police or other person with lawful authority.

We accept that it is not practicable to call the police on every occasion and neither is it desirable, but the law says as 'soon as possible'. Due to the availability of ELT this communications route will be used to alert police. When police are not present on site then the 101 number will be used. It will therefore be expected that it will be the responsibility of the designated premises supervisor (DPS) or nominated person to ensure that the drugs are delivered into the custody of the police within a pre determined time span. An expected time would be after operations on the day of the find. The police may not attend for a couple of days after the call but you have exercised your responsibility.

Any delay on the venue contacting the police may negate any defence in law surrounding lawful possession.

The collecting procedure will be by way of - a venue representative ringing the Police on the non emergency "101" number and explaining that drugs have been found / seized on their premises. An incident number will be allocated; this number is attached to the corresponding records. An officer will then be deployed "slow time" to collect the drugs. The Police Officer collecting, will ensure that the drugs are properly placed in a sealed evidence bag and the date, time, person finding / depositing clearly marked and signed. This will be cross referenced with the venue/event drugs book, for best practice, this should be made on camera if possible. In certain cases the Vespasian senior team may be in possession of drugs evidence bags to enable the secure containment of each seizure.

Each member of staff should read this guidance and sign it to say that they understand it and will comply with the advice that it contains.

If the venue/event does not operate a drug safety deposit box, the venues/events safe must be used. This safe can be located either in the main production office or in the care of Vespasian Security.

### **Recording of incidents**

All drug searches, drug refusals and drug ejections, on and into the premises must be recorded.

The logs should be countersigned at the end of each day, preferably by the DPS or Production Director.

All logs shall be made available to the Police for inspection.

### **Preventative measures**

Venue/event will take preventative measures to deter drug taking inside the venue. These measures will include the displaying of anti drug posters in key areas of the event/venue, toilet areas and pinch points, gates, doorways should be the considered locations.

### **Amnesty Bins**

Amnesty bins can be requested by venue owners/production managers. Items placed in amnesty bins will be classed as seizures and treated as so for the purposes of recording before being handed to local police authority. Items removed from amnesty bin must be placed in evidence bags with number of items seized, time and date being recorded as well as control log number.

Fig.1

Number	Date & Time	Staff Member	Details	Location	Action
N/A	1/7/11 19.30hrs	Danny Dealer	1" line of white powder on toilet seat	Number one gents toilet cubicle	Wiped with toilet paper and flushed down the toilet
12/2011	6/7/11 01.15hrs	Bob Blunt	One white tablet found with dove motif	In the queuing area	Placed in evidence bag and put in deposit box
N/A	7/7/11	Steve Straight	Suspicious male	Around pool table	Invited to entrance to submit to search. Search declined. Male ejected. CCTV camera recording and retained for police. Message left for licensing officer to advise.

## **Safety**

Whilst the above guidance is offered to the mutual benefit of all parties the list is not exhaustive. Above all else - but not to be used as a get out clause - is the safety of customers and Vespasian Security team members.

With the use of hypodermic needles comes considerable risk but generally speaking most of the drugs used on your premise will be ingested, smoked or sniffed. Drug dealers can sometimes get aggressive either through the use of drugs themselves or because of the potential impact Vespasian team members actions might have on their 'earnings'. Even in the absence of an arrest there is often valuable intelligence about the emerging trends behind drug misuse.

The drugs themselves are also likely to be a toxic substance and care should be taken when handling the substance. It is also a misconception that by sniffing or tasting the substance, you can identify it. This is glamorised by TV and under no circumstances should it attempted.

Consideration should therefore be taken to the wearing of disposable gloves when handling a suspected illegal drug.

# **Nobody's personal safety should be put at RISK !!**

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