

### Police Protocol

This document builds on a model agreement developed by the Metropolitan Police on behalf of ACPO. It forms an agreement between Surrey Police and the Guildford Town Centre Chaplaincy (the “Chaplaincy”) which governs key aspects of the operation of the Chaplaincy’s Street Angels programme. In particular it provides protocols to facilitate the surrender of firearms, drugs and offensive weapons to police by Street Angels

#### **Introduction:**

1. The Guildford Town Centre Chaplaincy organises a programme of pastoral support for vulnerable people through a network of volunteers known as Street Angels. Street Angels work in small groups in areas where young people and others who may benefit from pastoral care gather, such as in the vicinity of certain clubs. Street Angels will generally operate between 10pm and 4am on Friday (and eventually Saturday nights) during which times they may possibly come into contact with people in possession of drugs, weapons and occasionally firearms.
2. Amongst the aims of the Street Angels programme are improving community cohesion and encouraging people, who distrust authority in general and the police in particular, to surrender illegally held items voluntarily. The Chaplaincy is keen to preserve the integrity of Street Angels so as not to disrupt their pastoral work.
3. Surrey Police recognises the independence of the Chaplaincy and the Street Angels, and wishes to offer them all possible assistance in bringing about the safe surrender of firearms, other weapons and drugs in order to reduce crime and the risk of injury. At the same time, Surrey Police accepts the need to maintain a clear understanding regarding its relationship with the Chaplaincy and the Street Angels so that the risks faced by them in their pastoral work are not increased by any perception that they work with, or indeed for, the police.
4. With these points in mind, this agreement between the Chaplaincy and Surrey Police defines the responsibilities and expectations of each party in respect of the work of the Street Angels.

#### **Parties to the agreement:**

5. This agreement is between Surrey Police and the Guildford Town Centre Chaplaincy. The Home Office and Crown Prosecution Service both

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support a similar agreement between the Metropolitan Police Service and the Ascension Trust on behalf of the Street Pastors.

#### **Circumstances in which this policy will apply:**

6. Provisions of this agreement that relate to the sharing of information by Surrey Police with Street Angels will apply at any time. Provisions regarding police action in response to Street Angels coming into possession of firearms, other weapons, or controlled drugs will apply to Street Angels who are on duty at the time and clearly identifiable as such. Nothing in this agreement affects the provisions of the Terrorism Act, 2000, under which it is an offence to withhold information relating to terrorism.

#### **Underlying principles:**

7. Surrey Police and the Chaplaincy agree that it is the civic duty of every person to do what they can to prevent crime. Surrey Police and the Chaplaincy also recognise that, except where required to do so by law, Street Angels are not obliged to report crimes and that it is up to the conscience of each Street Angel to decide when it is appropriate to report an incident/observation and when it might be appropriate to exercise some discretion in order to build trust with the people who they are there to serve.

#### **Statement of intent:**

8. Surrey Police and the Chaplaincy intend to cooperate in line with this agreement which enables the Street Angels to facilitate surrender of firearms, offensive weapons and controlled drugs by people who possess them illegally without the Street Angels becoming subject to proceedings for illegal possession of items that they take charge of. The Street Angel must have completed suitable training in the handling and packaging of firearms, weapons and drugs and must not be prohibited from 'possessing' a firearm under Section 21(1) Firearms Act 1968. Surrey Police will provide such training as part of the Street Angels training programme.

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#### Details:

#### Working relationship:

9. Surrey Police and the Chaplaincy will establish a working relationship based on an understanding that the Chaplaincy and Street Angels must maintain their independence and integrity. In support of this relationship, and to enable Street Angels to decide where they want to carry out their duties, Surrey Police will make available to Street Angels de-personalised information about criminal and anti-social behaviour in the areas in which they intend to operate. Surrey Police will not direct the Street Angels to go to a particular area, nor will the Street Angels be asked for any information or task them in any way. This does not prevent Surrey Police from passing information, which may assist Street Angels' operations within the community, nor does it prevent Street Angels, as any concerned citizen, passing information to the police which they consider may be of benefit.
10. Surrey Police Service will nominate an appropriate supervisor, preferably of Inspecting rank, to act as a point of contact for the Street Angels in Guildford. At the commencement of this agreement that supervisor will be the Guildford Safer Neighbourhood Inspector.
11. Surrey Police Service will not pass any sensitive information to Street Angels, nor will information about planned police activity or operations be given to them. Surrey Police will, however, advise Street Angels if there is specific information that puts them at risk.
12. The Chaplaincy will nominate the Street Angels Coordinator (the "Coordinator") as a point of contact for Surrey Police. The Coordinator, or Street Angels Team Leader on duty, will notify the police of the number of Street Angels being deployed, of the areas they will be in and the times between which they will be working on every occasion that they go out. They will also inform the police when they withdraw from an area. The Street Angels will wear the distinctive uniform as approved by the Chaplaincy while they are working. The Street Angels undertake to call police immediately if they come across any incident in which the life or safety of any individual is in danger, or where private property is at risk of serious damage. The Street Angels acknowledge their civic duty to assist in the prevention and detection of crime.

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13. The Street Angels and the Chaplaincy are responsible for assessing the risk to Street Angels, and for taking any measures they consider necessary to mitigate the risks identified. They may ask Surrey Police for de-personalised information to assist in the risk assessment process. Surrey Police will respond to any calls for assistance by Street Angels as urgently as circumstances allow.

**Drugs, Weapons and Firearms:**

14. In the course of their community duties, it is possible that Street Angels may come into possession of drugs, offensive weapons, and firearms. Possession of all of these items may amount to a criminal offence for which, depending on the circumstances, Street Angels may be liable to prosecution. This part of the agreement details the circumstances in which Surrey Police undertakes not to initiate action against Street Angels in possession of illegal items. Where drugs, weapons or firearms are found by a Street Angel, and there is no contact between them and any person connected with the item, the Street Angel should call police to the scene to deal with the matter unless such action would, in the view of the senior Street Angels present, lead to additional risks. In those circumstances, the articles should be dealt with in accordance with the paragraphs below.
15. The law allows a defence of 'reasonable excuse' for persons in possession of controlled drugs in circumstances where the drugs are being taken into safe custody. **The defence is applicable to simple possession of drugs only, and not to more serious matters such as possession with intent to supply, etc** Surrey Police will assume that a Street Angel on duty who is given drugs by a member of the public wishing to dispose of them safely has a reasonable excuse for possession of the controlled drugs, and will not initiate any action against the Street Angel concerned. This assumption is dependent on the following.
- a. Whilst on-duty, the Street Angel will be wearing the distinctive uniform provided;
  - b. The controlled drugs are sealed in secure packaging, which will be provided by Surrey Police, and then kept in a closed bag or holdall in the custody of the Coordinator or Street Angels Team Leader on duty;

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- c. Police have been advised by the Coordinator or Street Angels Team Leader that suspected controlled drugs have been handed to a Street Angel. The Team Leader will arrange, via the radio system, for the collection of the drugs by Police at the first available opportunity.
16. Surrey Police will provide the Street Angels with secure packaging for controlled drugs, and advice on handling them safely. No attempt will be made by any Street Angel to examine or identify any substance handed to them.
  17. If examination of the drugs indicates that an investigation to identify their source or to identify an individual concerned in offences related to them, Surrey Police will fulfil its obligations to carry out the investigation.
  18. If Street Angels come into possession of offensive weapons; the same provisions as those detailed in paragraphs 14-16 above in respect of controlled drugs will apply. Secure packaging for bladed weapons will be provided by Surrey Police as will advice on safe handling of such items and other common offensive weapons.
  19. The law on firearms is more complex. Recent changes to legislation reflect the seriousness of gun crime and possession of firearms, most of which are now prohibited. Furthermore, legislation has imposed a **minimum** sentence of five years imprisonment for possession of prohibited weapons.
  20. Surrey Police Service is committed to reducing the level of gun crime, and therefore agrees not to initiate any action against Street Angels who come into possession, in good faith, of real or imitation firearms or ammunition, whether prohibited or subject to licensing conditions, as long as the following conditions are met:
    - a. Where a Street Angel is given a firearm (imitation or real) by a member of the public while on duty he or she must be wearing the distinctive clothing of a Street Angel and he or she must be working at a time and in an area previously notified to the police in accordance with paragraph 12 above;
    - b. The firearm must be placed in suitable packaging (such as Police Approved Gun Bags as discussed at point 21), which will be provided by the Police Service to the Coordinator or Street Angels Team Leader on duty in every location where they are working. The

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Street Angel is not to handle the firearm other than to place it in the bag. No attempt should be made to examine the weapon to see whether it is real or imitation, or whether it is loaded, or whether it is in a safe condition.

- c. Once a firearm is handed to a Street Angel, the Coordinator or Street Angels Team Leader on duty will notify the police and make arrangements to pass the gun bag to the police. Surrey Police undertakes to respect the judgement of the Coordinator or Street Angels Team Leader on duty concerning the most appropriate time and place to effect the handover, although it should be done as soon as possible, bearing in mind that the person handing the firearm to the Street Angel, or someone else, may decide they want to take it back.
21. Surrey Police will provide police approved gun bags to Coordinator or Street Angels Team Leader on duty, and will also provide training to familiarise them with different types of firearm.
22. As part of an investigation it may be necessary to take fingerprints or other samples from the Street Angel concerned for elimination purposes, and to ask questions of him or her. Surrey Police will, as far as possible, respect the confidentiality of the relationship between a Street Angel as a pastoral worker and a person seeking their assistance in accordance with general legal principles. Surrey Police will therefore not ask the Street Angel to identify the person who gave them the drugs although a Street Angel may disclose the information of their own volition. However, under UK case law, a court may decide that the public interest dictates that the principle of confidentiality may take second place to a duty to give evidence where that evidence is judged to be sufficiently important. It will be a matter for the Street Angel, as for any other citizen, to decide how, and to what extent, they will assist an investigation, but they have no more immunity from judicial investigative measures and investigative police powers than anyone else.
23. The Chaplaincy and the Street Angels accept that they are responsible for assessing and managing the risks to themselves that may follow once it becomes known that they are prepared to receive illegal drugs, weapons or firearms and give them into police custody.
24. This agreement does not form the basis of an amnesty for possession of illegal items by members of the public, and it will not be promoted as

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such. The Chaplaincy accepts that its Street Angels will receive no indemnity from prosecution for offences other than simple possession of drugs, weapons, or firearms that are obtained by them in the course of their pastoral duties and in good faith.

#### **Other matters:**

25. The Street Angels may be given other items that are not in themselves illegal to possess, but which may be stolen or evidence of a crime. Surrey Police will adhere to the same principle of confidentiality if the Street Angel who has been given the items considers that the person surrendering them would have an expectation of such confidentiality. Items that are not illegal or dangerous which are handed to, or found by, Street Angels should be handed to the police at the end of the work period. Surrey Police will regard such items as property found in the street and deal with them accordingly.
26. This agreement will be monitored and reviewed annually by representatives of Surrey Police, together with the Chaplaincy.

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**Appendix A**

**Misuse of Drugs Act 1971**

27. DEFENCE TO FULL OFFENCE OF POSSESSION

5(4) In any proceedings for an offence under subsection 5(2) above in which it is proved that the accused had a controlled drug in his possession, it shall be a defence for him to prove -

(a) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to destroy the drug or to deliver it into the custody of a person lawfully entitled to take custody of it;

**OR**

(b) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to deliver it into the custody of such a person .