

Further information relating to ferroguard poles can be obtained from the

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reduction unit

Violence is preventable, not inevitable.

Ferroguard poles

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Introduction

Violence involving weapons is a big issue for Scotland: in 80% of all serious violent incidents, a weapon will be present. The weapon of choice is the knife, which is used in around 4,000 assaults across the country every year.

For the police, one of the biggest challenges is preventing knife and weapon related assaults occurring. One of the best ways of doing it is via the use of metal detecting poles – Ferroguard poles – to conduct random searches at key locations.

This practice note provides a brief guide to Ferroguard poles and their use.

What is a Ferroguard pole?

A Ferroguard pole is a ferromagnetic metal detection system that scans passers by and automatically indicates (silently or audibly, depending on settings) if any metallic objects are detected. The poles are good for use in areas requiring unobtrusive or portable security. They are simple to use and as a stand alone device can be deployed quickly, used and then taken to another location.

The poles can be powered from a normal mains socket or from a re-chargeable battery.

Using Ferroguard poles

The most effective way of using Ferroguard poles is to deploy them at locations where large numbers of people routinely pass through. These include:

- 1 entrance to shopping mall
- 2 within underground rail stations, bus station or similar premises
- 3 licensed premises

The benefits of using Ferroguard poles are multiple:

- high visibility operation which helps offer reassurance to general public
- high level of direct interaction between large numbers of people and the police to help build on reassurance
- offers opportunity for swift visible justice if weapons are detected
- sends out clear message to those thinking of carrying a knife / weapon that such behaviour is not acceptable.

Police Powers

The following powers exist in relation to the search of persons for weapons

- Section 48, Criminal Law (Consolidation)(Scotland) Act 1995
- Section 50, Criminal Law (Consolidation)(Scotland) Act 1995
- Section 60, Criminal Justice and Public Order Act 1994.

It should be noted that officers have no direct power to search people who turn away or refuse to walk past the Ferroguard pole under Section 48 or Section 50. Other contributing factors must be present which give reasonable cause for suspicion before an officer can use either Section 48 or Section 50. An officer exercising these powers must record their suspicions fully within a police report if an offence is detected.

Where a Section 60 power of search has been authorised officers are able to search any individual within a designated area.

Where a person activates the Ferroguard pole, powers under the Criminal Law (Consolidation) (Scotland) Act 1995 can be used to resolve the issue of offensive weapon/bladed article vs innocent metallic object.

Local search procedures should be adopted by officers deployed in using this equipment.

Regulation of Investigatory Powers (Scotland) Act (RIPSA)

There may be occasions when plain clothes officers are deployed in support of operations where Ferroguard poles are used. The questions that need to be answered are

1 Do we need a Directed Surveillance Authority (DSA) for the deployment of the device?

2 Do we need a DSA for the deployment of the plain clothes officers?

As with all matters covert, the definition of directed surveillance is the crucial issue.

The Regulation of Investigatory Powers (Scotland) Act 2000 Sec1 (2) defines Directed Surveillance as:

Surveillance is directed if it is covert but not intrusive and is undertaken

- a) For the purposes of a specific investigation or a specific operation;
- b) In such a manner as is likely to result in the obtaining of private information about a person (whether or not one is specifically identified for the purposes of the investigation or operation); and
- c) Otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Act to be sought for the carrying out of the surveillance.

In the first situation, uniformed officers inviting members of the public to walk past a device which will indicate they may be carrying weapons is not covert and therefore the surveillance is not directed.

In relation to the deployment of plain clothes officers, the key question is that of the likelihood of gaining private information. Plain clothes officers monitor queues outside nightclubs, at bus stops, football matches etc, every day of the week. It is part of their normal duties and they are looking for suspicious activities or crime taking place. The fact that they are in plain clothes does not mean they need to be authorised to carry out surveillance as they are not likely to obtain private information.

When these poles are deployed what is the purpose of the plain clothes officers? The presumption is that it would be to take appropriate and proportionate action when they see some form of suspicious activity prompted by an individual who sees uniformed police officers inviting members of the public to submit themselves to some form of electronic search.

They are not there to monitor decent members of the public subjecting themselves to the request of the police to allow an electronic search for weapons or taking images covertly of those who do comply, they are at the locus to respond to suspicious activity in support of an overt operation.

This is entirely different from, say, plain clothes officers covertly watching the local off sales. In these circumstances they are covert, focusing on identified premises over a period of time to gain information regarding patrons who frequent the premises, staff who work in the premises and, if using recording devices, even those who may just happen to be in the vicinity

The plain clothes officers deployed with the poles would in effect be responding to spontaneous suspicious activity prompted by a high visibility police operation and the likelihood of gaining private information is negligible.

If on the other hand you are deploying your poles covertly and focusing observations on individuals who are unaware that they are being monitored and acting after you get a positive you are undoubtedly carrying out directed surveillance.

There is no doubt that deployment of the equipment is a tactic that should be considered when tackling violence and weapons carrying.

Summary

It is recommended that prior to any high profile deployment (e.g. multiple pole deployment, high levels of resources) the local Procurator Fiscal should be contacted and made aware. It is likely that such operations will attract the media and involving the Procurator Fiscal will prepare them for not only potential cases but also for media questioning.