

Tunbridge Wells Business Improvement District Training Presentation

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Powers of arrest for members of the public

- **Section 24A Police and Criminal Evidence Act 1984** (*source legislation.gov*)
- (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.
- (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.

What's an indictable offence?

This is an offence that can be tried in a crown court in front of a jury.

Examples include;

Theft

Assault

Criminal Damage

Use of force

Section 3 of the Criminal Law Act 1967 - A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

Common Law (R v Griffiths 1988)

Common Law recognises that there may be circumstances in which one person may inflict violence on another, without committing a crime. It recognises as one of these circumstances, the right of a person to protect himself /herself from attack and to act in defence of others and if necessary to inflict violence on another in doing so.

If no more force is used than is reasonable to repel the attack, such force is not unlawful. If you have an honestly held belief that you or another, are in imminent danger, then you may use such force as is reasonable and necessary to avert that danger.

Necessity/ proportionality

The three core questions for when force may be used, and to what extent *(source College of Policing)*

1. Would the use of force have a lawful objective (e.g. the prevention of injury to others or damage to property, or the effecting of a lawful arrest) and, if so, how immediate and grave is the threat posed?
2. Are there any means, short of the use of force, capable of attaining the lawful objective identified?
3. Having regard to the nature and gravity of the threat, and the potential for adverse consequences to arise from the use of force (including the risk of escalation and the exposure of others to harm), what is the minimum level of force required to attain the objective identified, and would the use of that level of force be proportionate or excessive.

Best Evidence

- CCTV – facial recognition – who do you know – keep up to date with intelligence – Safe Town Partnership
- Digital Asset Management System – text or email with link to system
- Description of the suspect – clothing, etc.
- Statements – keep notes – time/ day/ date/ location
- Witnesses – who else has seen what has happened
- Vehicles – car or van involved – get the registration – make/ model/ colour

National Business Crime Centre – Top Tips

- Proactive customer service shows staff are observant and is an effective deterrent to thieves.
- Keep high value products covered by CCTV if possible and away from entrances and exits.
- Ensure there is good natural surveillance in all areas of the premises.
- Avoid blocking sight lines or CCTV camera angles.
- Ban known offenders from your premises.
- Inform colleagues and partners that a ban has been issued.
- Work with partners such as police and business crime reduction partnerships to stay alert to potential offenders.



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