

## Police in the ED

- Police powers historically were granted under statute and the common law
- The Police and Criminal Evidence Act 1984 (PACES) removed most of these and renewed police powers of stop and search, entry and arrest
- Any breaches of the PACES code of conduct results in evidence being excluded in a court. For example, “if a person is in police detention at a hospital he may not be questioned without the agreement of a responsible doctor”. Without this agreement any information gained may not be used
- There are 2 *statutory* requirements for giving patient information to police
  - Road Traffic Act 1988 - we must provide the identity of a driver involved in a road traffic offence
  - Prevention of Terrorism Act 1989 - in particular with reference to Northern Ireland but the scope may now be widened
- In the following circumstances there may be an *ethical* obligation to provide information:
  - in the public interest
  - in the patient’s interests
  - with patient consent
- Disclosure in the public interest is fraught with difficulty and must be carefully thought out (in case the GMC get you). This is usually in the case of a “serious arrestable offence” (see separate list)
- Drugs
  - Misuse of Drugs Act 1971
  - Unconscious patient- no legal requirement to remove them; if you do give them to the police (and risk confidentiality) or destroy them (and risk obstructing the police)
  - Conscious patient - don’t get involved
  - If you do remove them NEVER give them back as it is dealing
- Alcohol
  - Police Reform Act 2002
  - They do not need consent to take blood
  - Taking a sample must not interfere with the clinical care of the patient
  - Let the police surgeon take the sample
  - Diagnostic samples are excluded
  - Blood level 80mg/dl and urine level 107 mg/dl
- Gunshots
  - Joint ACPO and BAEM guidance September 2003
  - If a patient with a gunshot wound attends call the police
  - They perform a risk assessment considering
    - Risk of further attack on patient
    - Risk to staff, patients and visitors
    - Risk of further shootings at original scene
  - Advise the patient and seek consent from them to speak to the police
  - If declined information can still be given in public interest
- Police can only be in the ED to arrest someone/recapture a prisoner/save life or limb/prevent serious property damage/deal with a breach of peace
- Beyond this if needed they can be asked to leave at which point they become trespassers (only a civil offence)