Module 2: Principles of Working as a Door Supervisor in the Private Security Industry

Chapter 1: Crimes relevant to door supervision

The role of a door supervisor

A door supervisor is anyone who provides a security service in or at any premises, building or event that is licensed to sell alcohol to the public.

Door supervisors can be seen working at pubs, wine bars, nightclubs, hotels and restaurants in most of our towns and city centres most nights of the week. All door supervisors, no matter who they are employed by, are required by law to have an SIA licence to be able to carry out their roles.

Door supervisors need to be aware of a variety of civil and criminal laws and they also need to know what powers they have to deal with different situations when laws are broken.

Types of crimes

There are many serious offences that you may have to deal with during the course of your duties as a door supervisor. These are mostly 'criminal' offences for which people can be arrested and prosecuted, and a guilty verdict in court can result in a wide range of punishments such as probation orders, fines and terms of imprisonment.

As a door supervisor, you need to be aware of the most serious and most common of these offences so that you can deal with them appropriately if you encounter someone committing any of them. Serious offences include:

MURDER

This is committed when a sane person over 10 years of age, through some deliberate act or omission, causes the death (which takes place within a year and a day of the attack) of a human being, either intending to kill that person or some other person, or intending to cause grievous bodily harm.

The unintentional killing of another person is often charged as manslaughter (common law).

SCO

MURDER (Scots law)

This is committed when a sane person over 12 years of age, carries out any wilful act causing the destruction of life, whether wickedly intended to kill, or displaying such wicked recklessness as to imply a disposition depraved enough to be regardless of the consequences.

(Common law)



ASSAULT (GBH WITH INTENT)

Whosoever shall unlawfully and maliciously by any means whatsoever wound or cause grievous bodily harm to any person with intent to do grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of an offence.

(Sec. 18 Offences Against the Person Act 1861)



Module 2

Chapter 1: Crimes relevant to door supervision

ASSAULT (GBH)

Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with any weapon or instruments shall be guilty of an offence.

(Sec. 20 Offences Against the Person Act 1861)

SCO

Aggravated assault (serious) (Scots law)

An assault is classified as serious if the victim sustained an injury resulting in detention in hospital as an in-patient, or any of the following injuries, whether or not they were detained in hospital: fractures, internal injuries, severe concussion, loss of consciousness, lacerations requiring sutures which may lead to impairment or disfigurement, or any other injury which may lead to impairment or disfigurement.

(Common law)



ASSAULT (ABH)

It is an offence to assault any person thereby occasioning him actual bodily harm.

(Sec. 47 Offences Against the Person Act 1861)

SCO

ASSAULT (Scots law)

Assault may be very simply defined as an 'attack' upon the person of another.

An 'attack' ranges from the violent infliction of personal injury to very trivial 'attacks' and indeed need not involve any personal injury at all.

Examples would be a punch which is aimed but does not connect, a gun pointed without being fired, or a dog being set upon another person, but where that person receives no actual injury.

(Common law)



COMMON ASSAULT

An offence of common assault is committed where a person either assaults another person or commits battery.

(For very minor injuries only – not indictable.)

(Sec. 39 Criminal Justice Act 1988)

RAPE

A person (A) commits an offence if:

(a) he intentionally penetrates the vagina, anus or mouth of another (B) with his penis;

(b) (B) does not consent to the penetration; and

(c) (A) does not reasonably believe that (B) consents.

(Sec. 1(1) Sexual Offences Act 2003)

Scotland: Sec. 1(1) Sexual Offences (Scotland) Act 2009 and common law

NI: Art 5 Sexual offences (NI) Order 2008

SEXUAL ASSAULT

A person (A) commits an offence if:

(a) he intentionally touches another person (B);

(b) the touching is sexual;

(c) (B) does not consent to the touching; and

(d) (A) does not reasonably believe that (B) consents.

(Sec. 3(1) Sexual Offences Act 2003)

Scotland: Sec. 3(2)(b),(c), Sexual Offences (Scotland) Act 2009

NI: Art 7 Sexual offences (NI) Order 2008

Chapter 1: Crimes relevant to door supervision

Crimes against property and premises

DAMAGE WITH INTENT TO ENDANGER LIFE

It is an offence for a person without lawful excuse to destroy or damage any property, whether belonging to himself or another, intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged, and intending the destruction or damage to endanger life of another or being reckless as to whether the life of another would be thereby endangered.

(Criminal damage by fire is called '**arson**'.)
(Sec. 1(2) Criminal Damage Act 1971)

SCO

Reckless endangerment

A person commits the crime of reckless endangerment if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person. 'Reckless' conduct is conduct that exhibits a culpable disregard of foreseeable consequences to others from the act or omission involved.

(Common law)

CRIMINAL DAMAGE

A person who without lawful excuse destroys or damages any property belonging to another, intending to destroy or damage any such property, or being reckless as to whether any such property would be destroyed or damaged, shall be guilty of an offence.

(Sec. 1(1) Criminal Damage Act 1971)

SCO

Vandalism (Scots law)

Any person who, without reasonable excuse, wilfully or recklessly destroys or damages any property belonging to another shall be guilty of the offence of vandalism.

There must be either a deliberate intention to damage the property or an act so reckless as to show utter disregard for the consequences.

This statutory charge of vandalism is used when property is damaged in the vast majority of cases. If the value is particularly high however, the common law crime of malicious mischief may be more competent as punishment can be greater.

Attempted vandalism may be a competent charge if there has not been damage or destruction of property.

(Sec. 52(1), Criminal Law (Consolidation) (Scotland) Act 1995)

Malicious mischief

Malicious mischief consists in the wilful, wanton, and malicious destruction of, or damage to, the property of another person. There must be malice, either actual or inferred, on the part of the perpetrator, as destruction or damage caused by accident, or under a reasonable belief of right, is not criminal.

(Common law)

NI

Threats to destroy or damage property

A person who without lawful excuse makes to another a threat, intending that the other would fear it would be carried out:

(a) to destroy or damage any property belonging to that other or a third person; or

(b) to destroy or damage his own property in a way which he knows is likely to endanger the life of that other or a third person; shall be guilty of an offence.

(The Criminal Damage (NI) Order 1997)

'Aggravated offence' i.e. where the life of another person may be endangered, relates to any property belonging to the accused person or anyone else.

Chapter 1: Crimes relevant to door supervision

THREATS TO DAMAGE

A person who without lawful excuse makes to another a threat intending that the other would fear it would be carried out, to destroy or damage any property belonging to that other or a third person, or to destroy or damage his own property in a way which he knows is likely to endanger the life of that other or a third person, is guilty of an offence.

(Sec. 2 Criminal Damage Act 1971)

ROBBERY

A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person, or puts or seeks to put any person in fear of being then and there subjected to force.

(Sec. 8(1) Theft Act 1968

SCO

Robbery (Scots law)

Robbery is the felonious appropriation of property by means of violence or threats of violence.

Violence or threats of violence are an essential element of robbery and must have been used with the theft.

The appropriation of the property must be simultaneous with the violence used or threatened.

(Common law)



BURGLARY

The offence of burglary is committed by a person who enters a building or part of a building as a trespasser with intent to steal anything therein, or inflict grievous bodily harm on any person therein, or do unlawful damage to the building or anything therein, or having entered any building as a trespasser steals or attempts to steal anything or inflicts or attempts to inflict grievous bodily harm on any person therein.

(Sec. 9 Theft Act 1968)

SCO

Housebreaking (Scots law)

The offence of housebreaking refers to incidents where somebody broke (or attempted to break) into someone else's home without permission and stole (or attempted to steal) something. This includes breaking into any office, private business, etc.

(Common law)

NI: Burglary - Section 9 Theft Act 1969

THEFT

A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; and 'thief' and 'steal' shall be construed accordingly.

(Sec. 1(1) Theft Act 1968)

SCO

Theft (Scots law)

Theft is 'the taking and appropriating of property without the consent of the rightful owner or other lawful authority'.

In other words, taking something belonging to someone with the intention of not giving it back.

Theft (and all its aggravations) is an arrestable offence for door supervisors, as it is a crime against the common law.

(Common law)

Chapter 1: Crimes relevant to door supervision

FRAUD

(1) A person is guilty of fraud if he is in breach of any of the sections listed in subsection (2) (which provide for different ways of committing the offence).

(2) The sections are:

(a) Section 2 – fraud by false representation

(b) Section 3 – fraud by failing to disclose information

(c) Section 4 – fraud by abuse of position

(Sec. 1 Fraud Act 2006)

SCO

Fraud (Scots law)

The common law of fraud in Scotland is very broadly defined. All that is required is that the accused, by a false pretence, induces the victim to do something which he or she would not otherwise have done.

An example could be obtaining services by deception.

Unlike other legal systems, there is no requirement that fraud has an economic element, or any requirement that the victim has been induced to act to his or her detriment.

(Common law)

Possession of an offensive weapon

It is an offence for any person without lawful authority or reasonable excuse, proof whereof shall lie on him, to have with him in any public place an offensive weapon.

Offensive weapons can be classed as any article made or adapted for use to cause injury to the person or intended by the person having it with him for such use. This includes vehicles, knives, glass and baseball bats.

(Sec. 1 Prevention of Crime Act 1953)

Scotland: (Sec. 47 the Criminal Law (Consolidation) (Scotland) Act, 1995)

Possession of bladed or sharply pointed articles

It is an offence for a person to have with him any article which has a blade or is sharply pointed in a public place without good reason or lawful authority, the onus of proof being on the carrier (this includes a folding pocket knife if the cutting edge of its blade exceeds 3 inches/7.62 cm).

(Sec. 139 Criminal Justice Act 1988)

Scotland: (Sec. 49 the Criminal Law (Consolidation) (Scotland) Act, 1995)

Examples include:



Made as a weapon:

Knuckle-dusters, batons, flick knives, swords.



Adapted as a weapon:

Razor card, chains with sharpened links, bottle smashed in half prior to use.



Intended to use as a weapon:

Hammer, baseball bat, kitchen knife, bottle, vehicle.