



Guidance to Police Officers Applying for Out of Hours Search Warrants

Contact the Duty Legal Advisor for the Relevant Court Area (As Detailed Below)

Court Area	Boroughs	Contact Number
Central & South East	<ul style="list-style-type: none"> ▪ Hammersmith & Fulham ▪ Kensington & Chelsea ▪ City of Westminster ▪ City of London ▪ Bexley ▪ Bromley ▪ Greenwich ▪ Lewisham ▪ Lambeth ▪ Southwark ▪ Croydon ▪ Sutton 	DPA
North & East	<ul style="list-style-type: none"> ▪ Hackney ▪ Tower Hamlets ▪ Newham ▪ Waltham Forest ▪ Redbridge ▪ Havering ▪ Camden & Islington ▪ Enfield ▪ Haringey 	DPA
North West & South West	<ul style="list-style-type: none"> ▪ Barnet ▪ Brent ▪ Ealing ▪ Feltham ▪ Uxbridge ▪ Richmond upon Thames ▪ Merton ▪ Wandsworth 	DPA

The Out of Hours Scheme Applies

Monday to Friday	5pm to 7am*
Saturday and Bank Holidays	4pm to 7am
Sunday, Christmas Day and Good Friday	Midnight to midnight
<i>Applications outside of these hours should be made to a magistrates' court. On Saturdays or Bank Holidays these applications may be heard at Lavender Hill, Thames, Highbury, Barkingside, Willesden, Westminster, Camberwell Green and Bromley.</i>	

* Between the hours of 5pm and 7pm it may not be possible to guarantee to return a call in the time periods set for the normal scheme.

Guidance Notes

- Where a call cannot be answered immediately, police officers will be invited to leave a message and any call will be returned within 60 minutes
- **The out-of-hours service should be used only where the need to execute a warrant is sufficiently urgent that it cannot wait until the next business day**
- Police officers must **only** use the contact numbers provided above and should never approach a magistrate directly
- Police officers should expect magistrates to allow only **one** officer into their home to make the application
- Police officers will be required to produce their warrant card before being allowed into a magistrates' home
- The magistrate will retain the information and any relevant schedules or copies and return them to the court.

1(b) If you are not a constable, how does the legislation allow you to make this application?

N/A.

2) The investigation. What you need to explain will depend on the offence(s) under investigation.

2(a) What are you investigating? Explain briefly.

Police are investigating the unexplained death of Mr Anthony Patrick WALGATE.

On Thursday 19.06.2014 police were called to outside 59, COOK STREET, BARKING, ESSEX, IG11 7AF by a member of the public. Mr Stephen PORT of 62, COOK STREET, BARKING, ESSEX, IG11 7AF. He stated that he came home from work in the early hours of the morning, saw a male slumped against the entrance to his block of flats. To gain entry he moved him, subsequently called the London Ambulance Service and then went to be.

At the location was a deceased male - Mr Anthony Patrick WALGATE Date of Birth; 08.05.1991 of DPA DPA He was found propped up against a bin cupboard in an open pedestrian area. Life was pronounced extinct at 07:51 a.m. Mr WALGATE had no visible injuries.

On Friday 20.06.2014 a Special Post Mortem was conducted at Queens Hospital Romford by Dr BIEDRZYCKI. The result of this was inconclusive and the results to toxicology are outstanding. The pathologist noted that the deceased had a 'heavy brain & heavy lungs' indicating drug use. At this time the death remains unexplained.

A friend of the deceased, Miss China DUNNING has provided lifestyle information and has stated that he worked as a male prostitute. She stated that he had arranged to meet a client on 17.06.2014. The client provided the deceased with his details as follows;

Joe DEAN DOB 02.02.1986 of 72, ST. ANNES ROAD, IG11 7AF.

Miss DUNNING stated that the client agreed a price of £800.00 for the services of the deceased. The deceased was concerned about this as the client agreed to the price. (This is unusual as the deceased would have expected some discussion over the price).

Miss DUNNING provided a distinctive description of the client that was shown to her by the deceased on his mobile phone on 17.06.2014. Police compared this description to a photograph of Mr Stephen PORT (the original informant) held on police indices and noticed similarities. As a result, the image was shown to Miss DUNNING on 25.06.2014 and has stated that she is 97% certain that this is the same male as the photo shown to her by the deceased.

Enquiries on the deceased's Oyster Card has shown that he exited Barking Train Station on 17.06.2014 at 22:13 Hrs.

On 19.06.2014 Mr Stephen PORT provided a statement to police and stated that he happened to pass by the y the deceased and found him in the street. This account is now believed to be false. There is now information to indicate that Mr PORT that Mr PORT had arranged to meet with the deceased on 17.06.2014 and that the deceased travelled to meet him in Barking to engage in sexual activity. The deceased was found some 15-20 meters from the front door of Mr PORT and the post code of the client that the deceased was due to meet - IG11 7AF - is the same as Mr PORT'S home address.

2(b) Why do you believe that the offence(s) under investigation has/have been committed? Explain briefly.

Mr PORT has made arrangements to meet the deceased. He has provided a statement to police and gave a false account. There are grounds to believe that the deceased may have been inside the address. The post code given by the client matches that of Mr PORT. The deceased's mobile phone remains outstanding and has not been recovered by police. This phone was in possession of the deceased when he travelled to Barking on 17.06.2014 (evidenced by a witness).

The pathologist noted that the deceased had a 'heavy brain & heavy lungs' indicating drug use. Mr PORT was arrested on 31.12.2014 for Rape of a male over 16. It was alleged that Mr PORT gave his partner drugs and had non-consensual anal sex. No further action was taken as the victim was unwilling to substantiate the allegation.

3) Material sought.⁶ Explain how what you are looking for meets the criteria set by section 8 of PACE.

3(a) What are you looking for? Identify the material for which you want to search in as much detail as practicable.

1. Mobile phone belonging to the deceased, Mr Anthony Patrick WALGATE.
2. Controlled Drugs that may have contributed towards the death of the deceased, Mr Anthony Patrick WALGATE.
3. Evidence that the deceased, Mr Anthony Patrick WALGATE was at 62, COOK STREET, BARKING, ESSEX, IG11 7AF.

3(b) Why do you believe that the material for which you want to search is likely to be of substantial value to the investigation? Material may be of substantial value by itself or together with other material.

This information will be of substantial value to the investigation in the following ways;

1. The victim's mobile phone may be recovered.
2. Other evidence will be recovered that will assist the Coroner in determining the cause of death for the deceased, Mr Anthony Patrick WALGATE.
3. Evidence confirming the presence of the deceased, Mr Anthony Patrick WALGATE at the address would assist in disproving the initial account provided by Mr Stephen PORT.

3(c) Why do you believe that the material for which you want to search is likely to be relevant evidence? There may be nothing to add to the answer to (b) above.

As outlined at 3(b).

3(d) Is there any reason to think that the material for which you want to search consists of or includes items subject to legal privilege, excluded material or special procedure material?

At this time there is no evidence to suggest that items subject to Legal Privilege, Excluded Material or Special Procedure Material is at the address. The Police Briefing and Risk Assessment with outline action to be taken by officers should such material be encountered.

⁶ See guidance notes 6 to 10 at the end of this form.