



Learners who have successfully completed this lesson will be able to:

1. **State** the lawful authority that is used for entering premises.
2. **Identify** when a lawful search can take place.

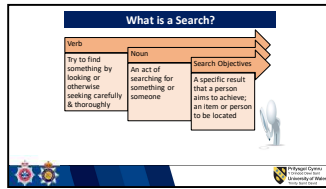
When considering a search, always remember that the right to respect for private and family life and respect for peaceful enjoyment of personal property and possessions are key principles of the European Convention on Human Rights Act. Powers of entry, search and seizure should be fully and clearly justified before use.

PACE Code B requires police to:

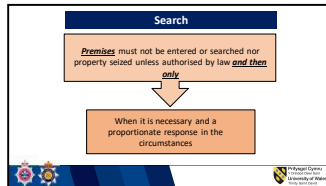
- Exercise their powers courteously and with respect for persons and property
- Only use reasonable force when this is considered necessary and proportionate to the circumstances.

If the provisions of PACE, and Code B, are not observed, evidence obtained from a search may be open to question.

If it becomes necessary during a premises search to search an individual who has not been arrested, then that search must be carried out under Code A. (Stop & Search)



QTS – what is a search?



Protection of human rights

Officers need to be aware of the relevant provisions of the Human Rights Act 1998 and in particular Schedule 1, Article 8

Article 8 of the European Convention on Human Rights and Fundamental Freedoms provides for the right to respect for private and family life.

- 8.1 Everyone has the right to respect for his private and family life, his home and his correspondence.
- 8.2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Other Articles (trainer to review and have understanding)

- *European Convention on Human Rights - article 5 - right to liberty and security*
- *European Convention on Human Rights - article 9 - freedom of thought, conscience and religion*
- *European Convention on Human Rights - article 17 - prohibition of abuse of rights*
- *European Convention on Human Rights - first protocol - article 1 - protection of property*



QTS - What are premises? Write up ideas on a white board.

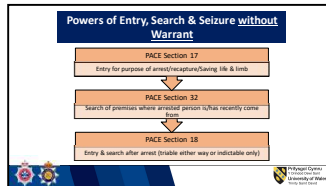
The meaning of 'premises'

The term 'premises' is used within various different definitions of powers to enter, or enter and search, therefore the meaning of the term is important to remember.

"Premises" is defined in Section 23 PACE

- vehicle, vessel, aircraft, hovercraft
- offshore installation (such as oil or other drilling rigs, and the accommodation platforms or vessels associated with them)
- renewable energy installation as defined in the Energy Act 2004 Section 104
- tent or moveable structure.

Premises defined as 'any place' would include the places normally associated with premises such as private dwellings and commercial buildings.

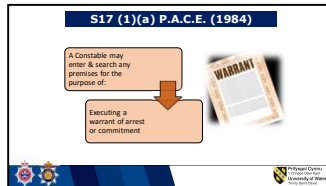


Trainer to give out PACE Handouts to students



Section 17 Police and Criminal Evidence Act 1984

In order to exercise this power of entry under any of the circumstances, (stated below) you must have **reasonable grounds to believe** that the person whom you will arrest or recapture is on the premises that you want to enter.

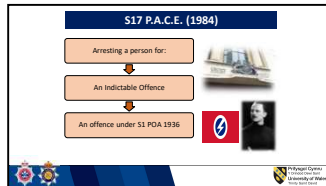


Under section 17 of PACE, a Police Constable may enter premises:

Search any premises for the purpose of executing:

- A warrant of arrest issued in connection with or arising out of criminal proceedings, for example where an arrest warrant has been issued following the failure of a person to answer a summons. Warrant - Does not apply where an offender has defaulted on his payment of a fine unless the offender is being ordered to appear before a court
- A commitment warrant - commitment to a specific place - one of few occasions when prisoner not taken to a police station

In the case of premises which consist of two or more separate dwellings (e.g. bed sits) you enter and search only, parts of those premises which the person uses in common with other occupants, and any dwelling within those premises in which you have reasonable grounds for believing you will find the person you are seeking.



Indictable offence means an offence which, if committed by an adult, is triable on indictment, whether it is exclusively so triable or triable either way

An indictable offence is one that can be heard in **Crown Court**, so anything that is not a summary offence.

Section 1 of the Public Order Act 1936 creates an offence of wearing a uniform associated with a political purpose in a public place or at a public meeting.

Section 1 Public Order Act 1936 (Prohibited Uniforms)

Oswald Mosley formed a new political party in 1932 called the British Union of Facists.

They had found problems with disruption of New Party meetings, and instituted a corps of black-uniformed paramilitary stewards, nicknamed blackshirts.

The party was frequently involved in violent confrontations, particularly with Communist and Jewish groups and especially in London.

The government was sufficiently concerned by the organisation and its politics and policies that they passed the Public Order Act 1936, which, amongst other things, banned political uniforms and quasi-military style organisations.

- O'Moran v DPP / Whelan and others v DPP 1975 A beret may be a uniform in some circumstances

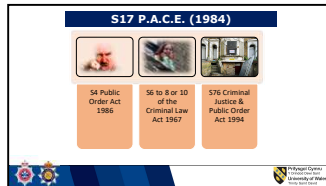
In the first case, O'Moran and others were members of a 'colour party' at the funeral of an IRA member in London. In the second case, Whelan and others were taking part in a rally in support of the Provisional Sinn Fein and other groups.

At both events the only common piece of uniform worn was a black beret. At the respective trials a police sergeant gave evidence that for the previous four years at demonstrations connected with the republican cause in Northern Ireland, the people near flags and banners had worn black berets.

In the O'Moran case, the colour party had acted in a disciplined manner escorting the coffin which was draped with an Irish flag and had a black beret on it.

In Whelan's case the berets had been distributed by the organisers to people escorting banners and placards.

All the defendants were convicted



Section 4 Public Order Act 1986 (fear or provocation of violence)

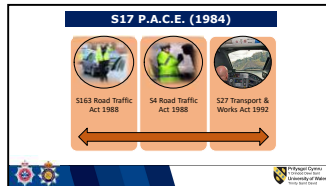
Sections 6,7,8 or 10 Criminal Law Act 1977 are offences of entering or remaining on property, or squatting

Section 144 Legal Aid, Sentencing and Punishment of Offenders Act 2012 creates additional offences in relation to squatting in a residential building

Section 76 Criminal Justice and Public Order Act 1994

Relates to failure to comply with an interim possession order as a result of squatting

Interim possession order: (so entitled) made under rules of court for the bringing of summary proceedings for possession of premises which are occupied by trespassers



Section 163 of the Road Traffic Act 1988 relates to failure to stop when required to do so by a constable in uniform

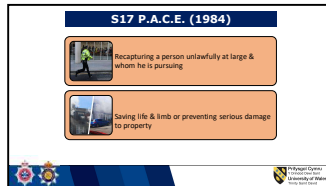
Section 4 Road Traffic Act 1988 relates to driving under the influence of drink or drugs.

“To arrest a person who was driving, attempting to drive or in charge of a mechanically propelled vehicle on a road or public place, if the person is reasonably suspected to have been unfit through drink or drugs.”

Section 27 Transport & Works Act 1992 relates to offences involving drink or drugs in relation to transport system workers

Animal Welfare Act 2006 & Animal Health Act 1981 offences relating to the prevention of harm to animals

Children and Young Persons Act 1969 Section 32(1A) arresting, in pursuance of, any child or young person who has been remanded to local authority accommodation or youth detention accommodation



- Recapturing any person who is, or is deemed for any purpose to be, unlawfully at large while liable to be detained -
 - (i) in a prison, remand centre, young offenders institution or secure training centre, or
 - (ii) in pursuance of section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 (dealing with children and young persons guilty of grave crimes), in any other place
- Includes those unlawfully at large from a mental hospital

Pursuit has to have been within a few seconds/minutes of the entry – immediate pursuit. The pursuit must be 'fresh' in that, you **must actually be pursuing**, not when seen or from information given at a later time.

Officers are not entitled to form an intention to arrest and then go to premises where the person might be - R v D'Souza 1992

Saving 'life or limb' or preventing serious damage to property

Section 17 PACE allows entry to a premises, if the purpose of the entry is to save life or limb or prevent serious damage to property:

- the officer exercising the power does not need to have reasonable grounds for believing that the person sought is on the premises, &
- the extent of the search is not limited by the fact that the premises consists of two or more separate dwellings. However, the search must only be to the extent that is reasonably required in the prevailing circumstances.

An officer exercising this aspect of the section 17 power does not need to be in uniform at the time.

Saving 'life or limb' relates to human life only. Animals, in most cases will be property and will therefore come under the 'prevent serious damage to property' element. Eg gaining entry to a vehicle to save a dog in distress on a hot summers day.

It is important to note that you only require **reasonable grounds to suspect** someone is on the premises in order to enter to save life and limb. This power may also be conferred on designated officers such as PCSOs.

You must only enter those areas where you reasonable suspect the person to be when searching shared accommodation

Reasonable Grounds to Believe or Suspect?

The criteria for reasonable grounds to believe or suspect is the legal threshold for the exercise of almost all the coercive powers available under PACE . Senior police officers who may authorise the exercise of certain powers need to be satisfied there are reasonable grounds to believe that the exercise of those powers is justified. In the absence of reasonable grounds to believe or suspect, the exercise of those powers is not permitted and any consequential interference with the freedom of an individual is unlawful.

- Whether or not a constable has reasonable cause to suspect or believe is for a court to decide. The different formulations seek to impose a higher threshold for powers requiring "reasonable grounds to believe" which involve the invasion of a person's privacy, continued detention etc and decisions

which require more mature reflection and consideration. In contrast, powers which are frequently exercised, for example stop and search and arrest powers are conditional upon the existence of "reasonable grounds to suspect. This is a much lower standard than "believe". In legal terms "reasonable grounds to believe" requires something close to certainty.

It is not necessary to have substantial proof before one can be said to "believe" but the existence of a belief implies that there is more information available. For example in the offence of handling stolen goods the mental element is "knowing or believing" that the goods are stolen.

Simple test

If there are ten steps from mere suspicion to certainty, then

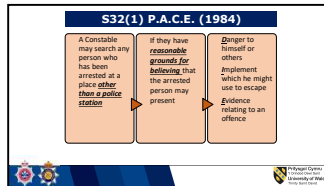
- reasonable suspicion may be as low as step two or three, whilst
- reasonable belief may be as high as step seven or eight.

A police officer may receive information from various sources, some of it anonymous, stating that a person is responsible for an offence; he would have reasonable grounds to "suspect" but certainly not "believe".



There is a power to search a person under arrest under Section 32 PACE 1984 where the officer has reasonable grounds for **believing** they may present a danger to themselves or others or have concealed on them items to assist their escape or which might be evidence of an offence.

Note: that it uses the term '**reasonable grounds to believe**'. This will require a higher level of proof than 'reasonable grounds to suspect'



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A post-arrest search **must** comply with the all the principles and guidelines of Code A

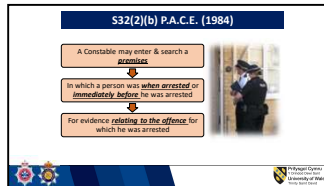
Relevant, Length of time, Cooperation, Same sex searches, Public View, Removal of clothing, documentation, respect & courtesy, minimise embarrassment, aware of individual needs.

The power to search conferred is only a power to search to the extent that it is reasonably required for the purpose of discovering any such implement or any such evidence.

The power to search the person is only to the extent reasonably required to discover any such thing or evidence and can only require removal of a jacket, outer coat and gloves (**JOG**) in a public place.

It does, however, authorise a search of a person's mouth as in these circumstances it is not considered an intimate search.

Can use mnemonic **D.I.E** to assist in remembering search powers for S32.



In some circumstances, you may have cause to believe that evidence will be found on premises where a person is at the time of arrest or was immediately before the arrest. Section 32(2)(b) of PACE provides a power to enter and search such premises following an arrest for an indictable offence. (includes either way offences)

If you have **reasonable grounds for believing** that there is evidence on premises where the arrested person was when arrested or immediately before he or she was arrested, you may enter and search the premises for evidence relating to the offence.

The power is only granted when a police officer has a **genuine belief** that there is evidence on the premises

Power is to search to the extent that is reasonably required for the purpose of discovering any such thing or any such evidence.

When the premises is shared then the power to search is limited to:

Any dwelling in which the person was when or immediately before arrest and any part which had common use.

This power only applies to searches conducted at the time of arrest where the suspect is in, or coming from, the premises in question.

It does not, therefore, apply to an arrest which takes place at a police station.

This power does not relate to items subject to legal privilege

Legal Privilege

- (a) communications between a professional legal adviser and his client or any person representing his client, made in connection with the giving of legal advice to the client;
- (b) communications between a professional legal adviser and his client or any person representing his client, or between such an adviser or his client or any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and
- (c) items enclosed with or referred to in such communications and made -

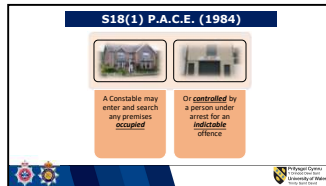
- (i) in connection with the giving of legal advice; or
- (ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

when they are in the possession of a person who is entitled to possession of them.

10(2) Items held with the intention of furthering a criminal purpose are not items subject to legal privilege



Section 18 PACE covers the power to enter and search premises occupied or controlled by a person under arrest for an **indictable offence** if there are **reasonable grounds for suspecting** that there is evidence that relates to that, or another, indictable offence which is connected or similar to that offence. A constable may seize and retain anything that fits the criteria.



OCCUPIED

in this context refers to premises where the arrested person resides or works and may include occupancy as an owner, tenant or 'squatter'.

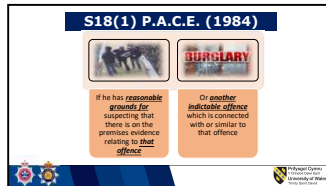
CONTROLLED

in this context includes premises in which the arrested person holds some interest – i.e. he owns, rents, leases or has use of the premises.

The powers conferred by S18 PACE may not be exercised unless an officer of the rank of **Inspector** or above has authorised them in writing

You should be in possession of the written authority unless it is impracticable, but you must state where the record is held.

If the person who was in occupation or control of the premises at the time of the search is in custody at the time the record is to be made, the officer shall make it as part of the custody record.

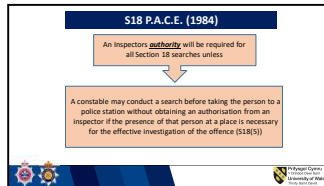


Sec 18(1) PACE states that there must be **reasonable grounds to suspect** that there is evidence on the premises that relates to either the offence in question, or to some other related indictable offence.

Sec 18(3) limits the power to search to the extent that is reasonably required for the purpose of discovering relevant evidence.

For example, if you were searching for a stolen TV you would not be entitled to search drawers or small cupboards. But you would be able to if you were looking for packaging, receipts or other documents relating to the TV.

Once whatever is being sought is found, the search should be discontinued, unless there are reasonable grounds for suspecting that there are more to be found. The power extends to search premises controlled as well as occupied, if there are reasonable grounds to do so. Whilst conducting searches, you may find items indicating another offence. In this case, the person may be arrested for that offence and **another** Section 18 search may begin for items relating to that or a similar offence.



Section 18 PACE covers the power to enter and search premises occupied or controlled by a person under arrest for an **indictable offence** if there are **reasonable grounds for suspecting** that there is evidence that relates to that, or another, indictable offence which is connected or similar to that offence. A constable may seize and retain anything that fits the criteria.

A constable **may** conduct a search under Sec 18(5) before the person is taken to the police station and without obtaining written authorisation if:

- The presence of the person is necessary for the effective investigation of the offence - If a search is carried out under these circumstances then an officer of the rank of Inspector or above should be informed as soon as practicable

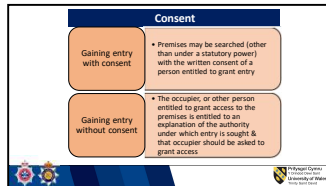
If a search is carried out under these circumstances then an officer of the rank of **Inspector** or above should be **informed as soon as practicable**. *Advisable to check it out with your supervisor first.*

If the person who was in occupation or control of the premises at the time of the search is in custody at the time the record is to be made, the officer shall make it as part of the custody record.
The authority of an Inspector does not automatically constitute a lawful search.

If the premises is occupied the officer must explain to the occupiers the reason for the search.

You may find that during your search, your grounds for the search cease. It could be that information comes to light that places the reasonable grounds to suspect move onto another person, or even cancels the original suspicions that a possible crime has or may have been committed. Explain this to the person, explain they are no longer being detained and thank them for their cooperation.

Your grounds may also change as a result of the search, as well as the power under which you are conducting the search.



If it is proposed to enter & search premises with consent, then officers should first consult with a supervisory officer – Although this is not a requirement under law, it is good practice

The consent must, if practicable, be given in writing on the Notice of Powers & Rights before search commences

An officer cannot enter & search premises or continue to search premises with consent, if such consent was given under duress or is withdrawn before the search is completed

PACE Code of Practice B - (b) Entry other than with consent

6.5 If the premises are occupied the officer shall, *before the search begins -

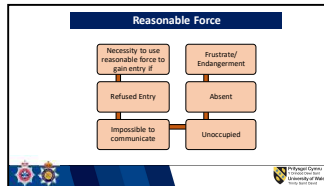
- (i) identify him or herself, show their warrant card (if not in uniform) and state the purpose and grounds for the search,
- (ii) identify and introduce any person accompanying the officer on the search (such persons should carry identification for production on request) and briefly describe that person's role in the process

*This is not necessary whereby alerting the occupier would cause the loss of evidence, present a danger, etc.

PACE Code of Practice B - (b) Entry other than with consent

6.4 The officer in charge of the search shall first try to communicate with the occupier, or any other person entitled to grant access to the premises, explain the authority under which entry is sought and ask the occupier to allow entry, unless -

- (i) the search premises are unoccupied;
- (ii) the occupier and any other person entitled to grant access are absent; or
- (iii) there are reasonable grounds for believing that alerting the occupier or any other person entitled to grant access would frustrate the object of the search or endanger officers or other people



- the occupier or person entitled to grant access has refused a request to allow entry to the premises
- it is impossible to communicate with occupier or any person entitled to grant access
- the premises to be searched are known to be unoccupied
- the occupier or person entitled to grant entry are known to be absent
- reasonable grounds for believing that to alert occupier etc would frustrate object of search, or endanger officers or other people

PACE Code of Practice B - (b) Entry other than with consent

6.6 Reasonable and proportionate force may be used if necessary to enter premises if the officer in charge of the search is satisfied the premises are those specified in any warrant, or in exercise of the powers described in 4.1 to 4.3, and if -

- (i) the occupier or any other person entitled to grant access has refused entry;
- (ii) it is impossible to communicate with the occupier or any other person entitled to grant access; or
- (iii) any of the provisions of paragraph 6.4 apply (SEE PREVIOUS SLIDE)

Reasonable Force

Section 117 of the Police and Criminal Evidence Act 1984 provides that a constable can use reasonable force in the exercise of any power under this Act

Where any provision of this Act -

- (a) confers a power on a constable; and
- (b) does not provide that the power may only be exercised with the consent of some person, other than a police officer,

the officer may use reasonable force, if necessary, in the exercise of the power.

Notes

- (i) Searches, arrests and any other duties governed by PACE, including taking fingerprints and samples, are all subject to the use of reasonable force.
- (iii) Officers should only use sufficient force to achieve their objectives

Reasonable force:

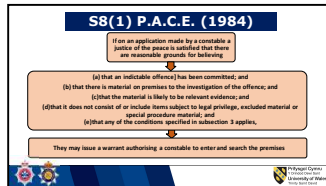
- Only if it is necessary because of the occupiers co-operation can't be obtained
- The co-operation is insufficient for the purpose of the search

Powers of Entry, Search & Seizure with a Warrant

PACE Section 8 (Search Warrant)

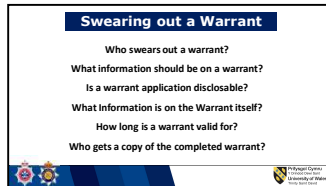
To search for evidence for indictable offences, a search warrant should only be used to search for specific items where there is sufficient evidence and intelligence to support an application.





The conditions mentioned in subsection (1)(e) above are

- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
- (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the evidence;
- (c) that entry to the premises will not be granted unless a warrant is produced;
- (d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.



Trainer to pose questions on slide to students. Trainer to use notes below to debrief.

Search warrants

A search warrant should only be used to search for specific items where there is sufficient evidence and intelligence to support an application.

The application for a search warrant must be made by a police officer or by an individual who has relevant designated powers, for example, a police staff investigator who has been designated powers under the Police Reform Act 2002.

Applications should be made following consultation with a supervisor, and should be authorised by a supervisor or above prior to submission.

Application

The applicant should ensure they are familiar with the legal requirements of the search power they are relying on, the case and the material they are looking for. The applicant should also be able to provide answers to any questions that the judge may ask.

Relevant application forms are available on GOV.UK([opens an external website in the same tab](#)). They include guidance notes to help with completion.

Information required

Section 15 of PACE places an obligation on the person applying for a search warrant to set out in the application:

the grounds for making the application

the power under which the warrant will be issued

whether the application is for a warrant authorising entry and search on more than one occasion, in which case the applicant should also set out:

the grounds on which the applicant applies for such a warrant

whether they are seeking an unlimited number of entries, or, (if not), the maximum number of entries

required

the articles or persons to be sought, so far as is practicable

The application should also provide information about the following:

The offence committed and the investigation.

The suspect(s) and their previous offending history, including where they have no previous criminal convictions or cautions. If suspects are known, they should be named in the application. See *R (Van der Pijl) v Kingston Crown Court* [2012].

The person who controls the premises and any other occupants, including any children or vulnerable adults.

Information that both supports and undermines the application, for example this could include background information about the suspect that may support a non-criminal explanation for the material sought. See *R (on the application of Golfrate Property Management Ltd) v Southwark Crown Court* [2014] EWHC 840 (Admin).

The premises to be searched. If the warrant applies to multiple premises, this includes the person who is in control or occupation of the premises, as well as any premises that can be specified. Set out why it is necessary to search all the premises controlled or occupied, and why it is not practicable to specify all or any of the individual premises. Failure to correctly identify the premises may result in an unwarranted invasion of privacy (*Williams v Summerfield* [1972] 2 QB 512). The address must be verified, even if the information is from someone purporting to be the occupier of premises. In *Keegan v UK* [2007] 44 EHRR 33 although the suspect provided the address, it was incorrect.

Why it is believed that the material sought will be found on those premises.

The item(s) being sought. Avoid catch-all phrases such as, computers, shoes, clothing or any other documentation. As detailed in section 3a of the warrant application 'Articles or person(s) sought. Identify what, or who, you are looking for, in as much detail as practicable. Explain how those things, or people, meet the criteria for the issue of a search warrant prescribed by the main search power'.

What parties to the search, for example, the searchers and the occupier(s) or controller(s) of the premises will need to know, and any action they may need to take.

See also Legally privileged material.

Relevant evidence and Intelligence

The application must set out all relevant evidence and intelligence that supports the warrant application.

Avoid jargon, acronyms and wording such as 'it is believed' or 'it is suspected'.

Officers should try to anticipate questions that a magistrate may ask and address these in the application.

If the application is based on sensitive intelligence, sufficient detail must be provided for the magistrate to assess its credibility. This may include:

the amount of intelligence

its age and currency

its intelligence grading with a supporting explanation

Reasonable steps should be taken to check that the information is accurate, recent and not provided maliciously. The identity of an informant need not be disclosed, but the officer should be prepared to answer questions about the accuracy of previous information or intelligence they have provided, as well as any related matters.

Disclosure of warrant application

Following execution of a warrant, information contained within a warrant application can be disclosed. See *Commissioner of Police for the Metropolis v Bangs* [2014] EWHC 546 (Admin).

Officers should ensure that sensitive information is placed on a separate sensitive schedule. Magistrates will read the sensitive information but they cannot make a record of the information or retain it. The Magistrate may sign and date documents to confirm they have seen it. These should be retained by a force intelligence department.

Oversight

A supervisor with experience of warrant applications and hearings should review and authorise all applications. They should make sure that the application form is completed correctly and includes all relevant material that both supports and undermines the application. It is important to make sure that the applicant has included this information. Supervisors should also consider any potential questions that the magistrate may raise and whether these have been addressed.

The Hearing

Ideally, two officers or staff members will attend the application hearing. The applicant will present the application and information, and will answer questions from the issuing authority. The other officer or staff member should make comprehensive contemporaneous notes of any discussion as well as any questions and answers. This will provide an audit trail.

Courts may want to consider operational details about the execution of the warrant – for example, time of entry to the premises and the number of officers involved – to compare with the information provided in the application and to aid their decision making. The applicant should, where possible, have this information available for the hearing.

The Warrant

The searchers and the occupier will only see the warrant, not the application. The warrant should therefore set out:

the premises to be searched

details of material sought

the offences being investigated

names of the suspects, where known

the type of warrant (for example, PACE section 8)

who is entitled to be on the premises during the search (for example, officers and crime scene investigators)

Although the identity of those executing the warrant will not always be known at the time of the application, officers due to enter the premises will be defined as ‘those authorised to execute the warrant (with powers) and those authorised to accompany (without powers)’. The officer in charge of executing the warrant does not need to be named.

When entering the premises, a copy of the Warrant and a Notice to Occupier should be handed to the occupant. Where practicable, these documents should be explained to the occupant before starting the search.

The notice to the occupier provides information about the powers under which the search is being executed.

Execution

A search warrant must be executed within three calendar months from the date of issue.

Officers carrying out the search should be familiar with executing search warrants and should be familiar with the relevant legal requirements. In particular, they should know and understand PACE section 16([opens an external website in the same tab](#)) and PACE Code B, paragraphs 6, 7 and 8, which provides general considerations and rights of seizure and retention of material.

Search teams should be briefed prior to executing the warrant. Every member of the search team should:

understand the background to the search, and why a warrant is necessary

be assigned a role and/or search area, and understand their role

know what items are covered by the warrant

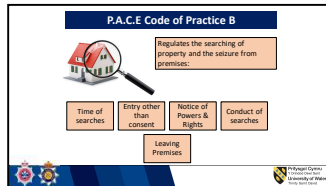
know which locations to focus on

A briefing document covering these points will help team members remember what is required. For clarity it may be helpful to reflect the exact wording of section 3a of the warrant application in relation to items sought.

See also: College of Policing (2019) APP Search([opens an external website in the same tab](#))
(Official sensitive)

Record keeping

A record of the search should be made with an inventory of all material seized completed. See PACE Code B, paragraph 8.



The following provides information regarding certain general considerations which must be taken into account.

This slide is to summarise a, c, d & e of the code (b having previously been covered). Section ‘f’ of the code concerns searches under Terrorism Act

The code provides information regarding certain general considerations which must be taken into account:

(a) Time of searches

- 6.1 Searches made under warrant must be made within three calendar months of the date of the warrant's issue
- 6.2 Searches must be made at a reasonable hour unless this might frustrate the purpose of the search
- 6.3(see code).....
- 6.3A(see code).....
- 6.3B(see code).....

(c) Notice of Powers and Rights

6.7 If an officer conducts a search to which this Code applies the officer shall, unless it is impracticable to do so, provide the occupier with a copy of a Notice in a standard format -

- (i) specifying if the search is made under warrant, with consent, or in the exercise of the powers described in paragraphs 4.1 to 4.3. Note: the notice format shall provide for authority or consent to be indicated, see 4.3 and 5.1);
- (ii) summarising the extent of the powers of search and seizure conferred by PACE and other relevant legislation as appropriate;
- (iii) explaining the rights of the occupier, and the owner of the property seized;
- (iv) explaining compensation may be payable in appropriate cases for damages caused entering and searching premises, and giving the address to send a compensation application; See Note 6A
- (v) stating this Code is available to be consulted at any police station.

6.8 If the occupier is -

- present, copies of the Notice and warrant shall, if practicable, be given to them before the search begins, unless the officer in charge of the search reasonably believes that to do so would frustrate the object of the search or endanger the officers concerned or other people:
- not present, copies of the Notice and warrant shall be left in a prominent place on the premises or appropriate part of the premises and endorsed subject to paragraph 2.9 with the name of the officer in charge of the search, the date and time of the search

The warrant shall be endorsed to show this has been done

(d) Conduct of searches

6.9 Premises may be searched only to the extent necessary to achieve the purpose of the search, having

regard to the size and nature of whatever is sought.

6.9(A) A search may not continue under -

- a warrant's authority once all the things specified in that warrant have been found
- any other power once the object of that search has been achieved

6.9(B) No search may continue once the officer in charge of the search is satisfied whatever is being sought is not on the premises (unless further information received)

6.10 Searches must be conducted with due consideration for the property and privacy of the occupier and with no more disturbance than necessary (reasonable force may be used only where this is necessary)

6.11 A friend, neighbour or other person must be allowed to witness the search if the occupier wishes unless the officer in charge of the search has reasonable grounds for believing the presence of the person asked for would seriously hinder the investigation or endanger officers or other people. A search need not be unreasonably delayed for this purpose. A record of the action taken should be made on the premises search record including the grounds for refusing the occupier's request.

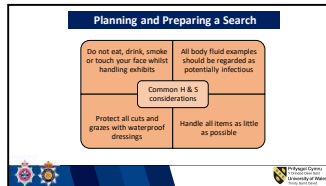
6.12.....(see code).....

6.12A.....(see code).....

(e) Leaving premises

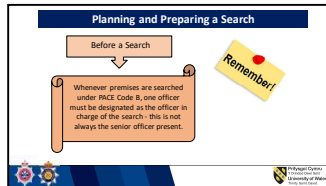
6.13 If premises have been entered by force, before leaving the officer in charge of the search must make sure they are secure by -

- arranging for the occupier or their agent to be present;
- any other appropriate means



Trainer to ask class “ What things do we need to consider before we conduct a search?”

Good liaison with the communications centre is vital to successful policing and to keeping yourself safe. You should never venture into any incident without first informing the communication centre of your location, what you are dealing with and whenever that situation changes. This is no different when your intention is to search a person. Obtaining sufficient details to be able to carry out a PNC check of the person before you start your search will provide the communication centre with additional information relating to the incident and person that you are dealing with. This may also increase your safety if the communication centre reports a warning marker on PNC regarding this person. Even if the person is not known on PNC or there are no warning markers, you should not be complacent regarding your safety and that of others. Always remain vigilant so that you can respond to and deal with the unexpected if it occurs.



Before a search, as much information as possible should be obtained about the premises and occupiers, including whether the premises have been searched before, and how recently. This will assist in risk assessment of the proposed course of action, and allow the necessary safeguards to be put into place, such as extra staff, specialist resources etc.

Once the necessary power or authority to enter and search premises is obtained, the following things may need to be considered:

- Do you have the necessary copies of the warrant, as well as the original?
- Is the custody suite aware?
- Do you have sufficient transport for detainees and property?

o If anyone is arrested, where are they to be taken? Is it appropriate that they all go to the same custody suite, or does the nature of the offence mean they have to be split up at separate sites? Will it only be one or two people or several - does the custody unit have the space? Is the custody officer aware of the search and all it may entail?

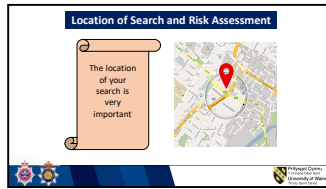
o Bulk or large quantities of property needs serious consideration, as does the destination - is it suitable for the detained property store at the local police station, or will specialist or bulk storage be required?

The following considerations may affect the size of the search team:

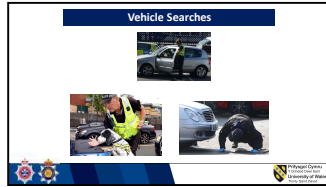
How big are the premises in relation to the item being searched for? Small items of jewellery could be difficult to find even in a small property, whereas large items such as electrical goods or vehicles would be relatively easy to find regardless of the size of the premises.

What exactly is being searched for - will a specialist search dog assist?

Once assembled, the officer in charge will brief the search team on their individual tasks. The search team will consist of those carrying out the search, the officer in charge and the exhibits officer. If the search will consist of anything more complicated than one room, a plan may need to be drawn up detailing who will enter and search each room. It is vital that any plan is adhered to and that the search team only go into the areas they are allocated. Only the officer in charge and the exhibits officer should go to all rooms in the property so that if there is cross contamination of evidence, the only common denominators would be those two officers.



If you are conducting a search outside in a public area, consider who may be able to observe the search. Whilst it is professional to be open and transparent in our practice, we need to consider the feelings of the person being searched and minimise any potential embarrassment. You must balance this with risk assessing your own safety.



By conducting systematic searches you can be sure that you have not missed vital evidence, brief other officers if they arrive to assist on what has been searched and what still requires searching.

Using approved and appropriate methods will enable you to carry out effective, systematic and safe searches. The following notes supplement the following NCALT e-learning packages: The national Standard Search, Searching Premises, Missing Persons Search and Stop and Search. You may search for a missing person within premises, vehicles or open areas therefore it is essential you consider this whilst reading the following notes as well as complete the related Missing persons search e-learning.

The subject of searching vehicles is not a new one.

However as those who chose to break the law become more sophisticated then the professionalism and methods adopted to detect offences must also be improved and become more methodical.

The process is as follows:

The driver and passengers alight from the vehicle identifying and taking possession of their personal items. The searcher takes possession of the ignition keys as security and health and safety precautions.

The occupants and their possessions are searched. The security and sterility of the vehicle must be maintained during this period.

The vehicle is physically searched.

The owner or driver may observe the search from a position where they are able to witness the correctness of the procedure without being able to interfere with the routine.

Items used during the search such as torches and mirrors are accounted for.

The appropriate paperwork as required legally and force policy is completed.

After the search the vehicle is returned to its original condition & left secure.

Consider Health & Safety Risks

There are many potential hazards during the process of searching vehicles, and the process of stopping vehicles is not risk-free either. To minimise risks, contact the communication centre before or immediately after stopping the vehicle and always conduct a PNC check on the vehicle and occupants, paying particular attention to any warning markers present.

Searching vehicles that have been involved in an accident or have been burnt out can be dangerous, even fatal, because of heat, corrosive fluids, fire and noxious gases. Be aware of the dangers of sharps and discarded substances which can lead to potential contamination by blood and other bodily fluids. If in any doubt, contact a vehicle specialist or your supervisor.

When searching vehicles, think about the geography of the immediate area and any hills, bends, hidden dips and close corners that may obscure you from other motorists. Be aware of possible escape routes by any suspects and any areas of thick undergrowth where objects could be hidden or thrown. You

should also consider the weather under which a search is to take place. Poor weather conditions could result in loss of evidence or danger from other road users.

Overcoming communication difficulties caused by physical noise (aircraft, traffic, crowds etc.) can be relatively easy to deal with. You may need to speak up, wait until the noise obstruction has gone, move the person a short distance to a quieter location or ask other people to be quiet. It is important that the person that you are searching can hear your instructions. If you are dealing with a person who is deaf, deafened or hard of hearing you should try and ascertain their preferred method of communication, for example, lip reading, writing things down or using sign language with the help of an interpreter.



There are 5 distinct areas utilised for the purposes of searching.

Area 1 - Interior

Area 2 - Boot or cargo area

Area 3 - Engine compartment

Area 4 - Outside

Area 5 - Underneath

These areas further classified as 'clean' and 'dirty' areas for obvious reasons and clearly, whilst searching the interior of the vehicle will have possible dangers attached, particular care must be taken when touching the interior of the engine compartment.

A vehicle should be systematically searched from **Area 1** to **Area 5**, starting with the interior and progressing through to the underneath of the vehicle from the general to the specific



The interior of the vehicle is split into four sections - driver area, front passenger area and the two rear passenger areas; each is searched in turn,

Seat should be checked for any protruding needles, sharps or other items that may cause personal injury, prior to entering the vehicle.

Seat belts should be pulled out to its full extent.

Ensure the roof lining and any other interior fixtures are searched.

In the dashboard area attention should be paid to the ventilation and heater hoses with access from both ends of the hose, the radio, CD, tape, speakers, satellite navigation or other system.

Consider seizing SatNav and Bluetooth kit which can contain valuable forensic opportunities

Check the ashtray contents and the void behind when it has been removed

The central tunnel consul including any void; the foot well, the side panel, the Internal side trim along the inside at the bottom of the door frame, underneath the carpet and any mat and the glove box

Check the driver's and front passenger's seat and surrounding area, then systematically search the rear passenger sections.



Next, carry out a visual check of contents and internal structure of the boot.

Check for any new welding, paint, mastic, glue, under-seal or pop rivets

Loose items within the boot are searched in situ and then placed outside the vehicle in a safe place

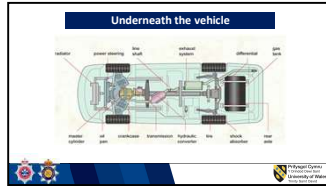
Search the boot lid and any voids created in manufacture.

Check the back of the rear seat(s), underneath the carpet, the spare tyre, and its housing, the fuel tank, to establish if it has been tampered with and the rear light clusters.

Return items that are not subject to further enquiry



It is not necessary for you to be an expert in the workings of the internal combustion engine but ensure that you search areas that are easy to access, for example, air filters, battery boxes and fuse boxes.



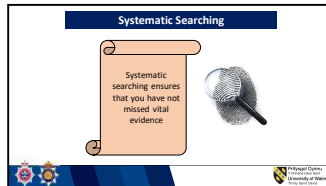
Check for signs of new underseal or welding and compare wheel nuts on existing wheels.

Check wheels and tyres for signs of tampering.

Search any voids/spaces that you are able to access

Once the search is complete:

- The vehicle is returned to its original condition
- Items used during the search such as torches, mirrors and gloves are accounted for.
- Complete all relevant documentation in line with Force Policy
- Any seized items or objects are correctly packaged, sealed and labelled.



By conducting systematic searches you can be sure that you have not missed vital evidence, brief other officers if they arrive to assist on what has been searched and what still requires searching.

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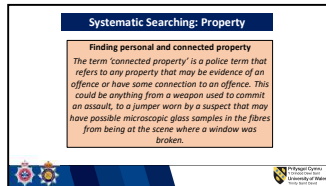
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You do not have to know this as a fact, if you have reasonable grounds for believing that it is evidence of an offence or it has been obtained in consequence of the commission of an offence, then you have a power to seize it if you also believe that it is necessary to do so to prevent it being concealed, lost, altered, damaged or destroyed. This power is under **Section 19 PACE 1984**.

You need to take care of all items found that may be evidence of an offence or used as a weapon. Once you have removed the item from the person, consider where you put it during the remainder of the search. It must be safely out of reach of the person you are searching, yet remain within your sight.

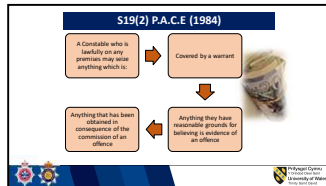
This is where the value of a second officer cannot be over estimated.

A second officer can observe the search, watching for your safety as well as helping you to deal with any items found. If you are searching a person on your own, you will need to quickly risk assess the situation and decide if it is appropriate to go ahead with the search. You will then need to continue to conduct a dynamic risk assessment throughout the search, remaining alert to any changing circumstances. Ensuring that the person's personal items are handled with care is equally as important as dealing with connected property. Factors such as weather conditions must be taken into account. If there is nowhere clean, dry and safe to place the item once you have searched it and are satisfied that it is safe, you could consider handing it back to the person. For example, in the case of a coat or jacket you could ask them to hold it in their hand outstretched in view for the remainder of the search, or they could put it back on if it would not hinder your continued search.



Section 19 Police and Criminal Evidence Act 1984

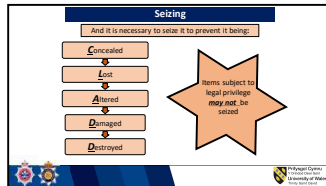
Creates a general power to seize and retain property under certain circumstances.



A constable may require any information which is stored in electronic form and is accessible from the premises to be produced in a form which can be taken away. This can include opening up computers to access hard drives, however as this is a specialist area the advice of a supervisor should be sought.**s19(4) PACE**

Items of subject to 'legal privilege', for example communications between a solicitor and their client and any items contained within those communications, are **exempt** from the seizure process.

The important word here is **lawfully**. If you have a warrant or authorisation then you will be acting lawfully.



An easy way to remember the reasons you can lawfully seize property is by remembering the mnemonic **CLADD**. You can seize items if the seizure is necessary to prevent it being:

Concealed

Lost

Altered

Damaged or **D**estroyed

Under **section 22 of PACE 1984** seized property may be retained for specific reasons only. The possible reasons for retention are that the property seized is:

- For use as evidence in a trial (unless a photograph or copy would suffice)
- Forensic examination
- Further investigation
- Establish the lawful owner.



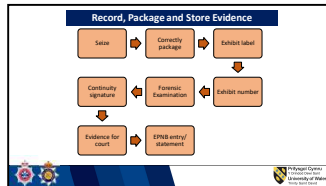
When the extent or complexity of a search mean it is likely to take a long time, the officer in charge of the search may consider using the seize and sift powers inserted into PACE by the CIPA 2001(Sec.50)

This power relates to the seizure of a large quantity of property or where it is not reasonably practicable to separate the legally seizable part from the rest, e.g. where the material is in a filing cabinet, and allows officers to sift through it at another place.

It should only be used when it is not reasonably practical to do it any other way.

What is reasonably practicable will be different in each case but will include the time it would take to separate material and also the risk of accidentally altering or damaging anything.

Where legally privileged material forms part of the 'whole thing' then this too can be seized and section 19(6) of PACE does not apply.



One of the tactics used by a defence team is to attack forensic evidence in court. They will seek to discredit the continuity of the item by questioning the packaging, storage, contamination or loss of evidence, as well as the maintenance of a documented chain of continuity. In order to prevent this you should always follow the correct pocket book, or evidence and action book, entry recording, packaging and storage procedures. See the module notes titled ‘Scene preservation and exhibits’ for more detail.

Any property seized must be done so following the correct procedure.

Identify the item to be seized

Seize the property

Package for continuity of evidence and prevention of contamination

Exhibit label, exhibit number completed and ensure continuity signature is completed

Send for **forensic examination**

Treat as **evidence** for court

Record all items in a statement/PNB/search book



Knowledge Check

Split class into pairs and put all books away

Handout question paper – 20 mins

Share answers with the class