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## SI1617

### Police Search

This Service Instruction outlines Police Service of Northern Ireland specific search guidance in support of that provided in Authorised Professional Practice [Search](#) and relevant Codes of Practice.



## Table of Contents

1. Introduction.....	3
2. Procedures for Search Trained officers .....	3
3. Threat Assessment/Risk (Inc Covid 19).....	4
4. Searching Children Young People and Vulnerable Persons .....	5
5. Use of Body Worn Video in Dwelling Search .....	6
6. Securing Dwellings .....	7
7. Search Forms, Records and Logs .....	7
8. Training .....	10
Appendix A Other Search Related Guidance.....	11
Appendix B Contact Us .....	12

## 1. Introduction

The Police Service of Northern Ireland (PSNI) search policy is governed by Service Policy 1316. The College of Policing - Authorised Professional Practice (APP) Search provides the systematic procedures and appropriate detection techniques.

The PSNI has adopted APP Search. Personnel involved in police search should, where applicable, substitute England and Wales specific legislation contained in APP with the relevant Northern Ireland (NI) version.

In addition, personnel involved in police search should take cognizance of the following PSNI specific guidance.

## 2. Procedures for Search Trained officers

The criteria outlined below offer a graduated response which takes into consideration training, health and safety issues and a professional response to evidence gathering. Officers requiring a search to be conducted should be guided by the following procedures.

Search teams can be tasked through Operational Support Department Operational Planning HUB.

Police Search Advisor (POLSA) can be contacted through the Operational Support Department Operational Planning HUB/UCMC.

The PSNI Search and Rescue Team/Contracted Police Dive Team should only be tasked for search team duties when the search is beyond the capabilities of a Tactical Support Group (TSG) Search Team and a TSG Search Team is in attendance.

### PSNI Dog Section

Consideration of tasking PSNI Dog Section should be made at the earliest opportunity for any search activity where it is believed there is a concern in relation to the presence of a dog at the property. PSNI Dog Section can be contacted through the Operational Support Department Operational Planning HUB/UCMC.

### POLSA Consultation

POLSA consultation is not required for person or vehicle searches, (unless special circumstances exist as outlined below). Consultation with a POLSA must take place if:

- The views of the officer requesting the search and the officer-in-charge of a search team are conflicting.
- Seven or more search aware officers are required.

- Two or more search teams are required.

For searches connected with the following, irrespective of number of search aware officers or search teams required. It is at the discretion of the POLSA to attend the search:

- Serious Crime Investigations.
- Defensive Venue.
- Major Incidents.
- High Risk Missing Person(s).
- If special circumstances exist such as health and safety issues or other difficulties associated with the search.
- When circumstances give rise to the possibility that the search area falls into the category of a confined space.

If the search does not require POLSA consultation for any of the reasons outlined above, then the search can be conducted in compliance with current instructions, legislation and relevant Codes of Practice.

These procedures only refer to the response level required for actual searching. Those organising a search should take into consideration other matters connected to the search requiring additional personnel, such as method of entry, controlling occupants and public order.

### **Search Coordinator (POLSC)**

POLSC should be deployed when two or more POLSAs are involved in a search. They coordinate all major or significant search operations where the requirement of the coordinating role exists.

The POLSC within the PSNI is the POLSA coordinator within Operational Support Department who will maintain records of all search activity so that individual qualifications can be properly monitored.

## **3. Threat Assessment/Risk**

### **COVID19**

If searching a Covid19 environment officers should follow the most recent advice available on personal protection equipment.

### **Threat assessment**

Threat level assessments for defensive venue searches will be sought through D/Superintendent C3 Intelligence Branch who will undertake to liaise as required with any outside agencies, including the Security Services.

### **Risk**

CTS Operations are classified into one of two levels of risk:

- **Low Risk** - when there is no special reason to believe that a bomb or booby trap (explosive or otherwise) is present.
- **High Risk** - when there is either known to be, or special reason to believe, that a bomb or booby trap (explosive or otherwise) is present.

These definitions are contained within the relevant Home Office Circular and are intended as a guide for police officers.

There can be occasions when consideration may need to be given to the deployment of police officers under some circumstances, which fall outside the pure definitions of high and low risk. Under such circumstances the decision to deploy police officers in search operations which may be construed as 'high risk' should be confirmed by a National Police Chiefs' Council (NPCC) ranking officer.

Search team personnel must be made aware that the search is potentially 'High Risk' and given the option whether to search or not. Such circumstances where a search is required would be where life is in danger and military resources are not available and delay to the search may result in loss of life.

POLSA are made aware of the circumstances at which point they should

seek, military assistance through their line management.

Whilst the generic term 'High Risk' relates to the above definition, it must be considered there may be a high risk relevant to the actual search teams, particularly where the risk is afforded through environmental conditions.

#### **4. Searching Children Young People and Vulnerable Persons**

As per Assistant Chief Constable (ACC) Operational Support Department (OSD) direction, officers **must** use Body Worn Video in stop and search encounters involving Children, Young People and Vulnerable Persons.

Community Impact Assessments (CIA): A Community Impact Assessment should be considered for every search conducted by Police.

A Community Impact Assessment will be completed for every search where a child, young person or vulnerable person is believed to be present

Where a child, young person or vulnerable persons are believed to be on a premise which will be subject to search, consideration should be given to having Social Services on standby.

Following consultation with District Policing Command, Crime Operations Department and Operational Support Department the following principles have been agreed:

- 1) Protecting Life, Keeping People Safe, ensuring Article 2 European Court of Human Rights (ECHR) compliance and delivering our responsibilities in line with Section 32 of the Police Act will remain the priority.
- 2) A collaborative approach involving local command, investigators and officers conducting the operational activity will be vital.
- 3) All officers and staff involved in the operation have an equal and shared responsibility to reduce community and individual impact.
- 4) When considering whether to progress operational activity, a balance should be sought which takes Article 2 ECHR, Section 32 Police Act, Article 6 ECHR (fair trial), Article 8 ECHR (privacy) and Article 3 United Nations Convention on the Rights of the Child (acting in the best interests of the child) into consideration.
- 5) As per relevant Codes of Practice, searches should be conducted at a reasonable hour unless to do so would frustrate the purposes of the search or delaying the activity might generate greater community impact.

- 6) The National Decision Model should be used.
- 7) Where debate remains, the final decision in terms of the date or time of the proposed activity will lie with the District Commander or, if necessary, the duty ACC.

Stop and search powers do not specifically rule out searches of children of any age, however there are obvious public confidence issues involved. If an officer has strong grounds to suspect that a child has had a relevant item placed in their clothing etc. by an adult then the search of that child is an option that needs to be considered.

## **5. Use of Body Worn Video in Dwelling Search**

BWV should be used during the entry procedure when dwelling houses are being searched. When the entry procedure has been completed BWV can be turned off. BWV can be used again during the search at the discretion of the officers present, for example to record items which have been found and are to be seized as evidence, the location where they were found, or interaction with occupants.

BWV is available to support officers in fulfilling their duties. It should be used

accordingly in the context of the search of dwelling houses as advised above.

## 6. Securing Dwellings

In accordance with PACE Codes of Practice B6.13, police officers must ensure that if a dwelling has been entered by force, then before they leave the dwelling they must satisfy themselves that it is secure, either by arranging for the occupier or his/her agent to be present or by other appropriate means.

The officer should ensure that when the premises have been secured that the ControlWorks entry and Form 29 Search Record have been updated accordingly.

In circumstances where police enter a dwelling without force, including where the dwelling is insecure, for purpose of search/arrest and police are unable to secure the premises, reasonable steps should be taken to have the premises secured, for example by speaking with the family to seek assistance, before using other appropriate means.

Whilst police are under no legal obligation to secure premises in these instances, police have a positive obligation under Section 32 Police (NI) Act 2000 to protect life and property and to prevent crime. There is also a positive obligation on police

under Article 8 ECHR in respect of a person's home.

## 7. Search Forms, Records and Logs

### Defensive Venue Search Records

- DVS 1 Defensive Venue Search Record.
- DVS 2 Defensive Venue Tasking Sheet.
- DVS 3 Defensive Venue Seal Register.

The above forms are intended for use in addition to any search records required by the Police and Criminal Evidence (NI) Order 1989 or other relevant legislation. Whilst the completion of all search forms is self-explanatory, the following guidance notes may assist in the systematic completion of these records and logs.

### Form 29

This form will be completed in respect of all searches except in relation to:

- Person Search.
- Primary and Secondary Search of Vehicles.
- Defensive Venue Search.

In addition, Form 29 will be subject to all requirements and provisions of the Criminal Procedures and Investigations Act 1996 in respect of disclosure. Care must therefore be taken to ensure that what is recorded is accurate and reflects relevant statements

of evidence. It should not be given an exhibit number by the completing officer. Form 29 can only be produced in court by the officer/s that completed it. It is therefore imperative that individual searchers make their own notes.

The original must be delivered to the relevant Co-ordination and Tasking Centre (CTC) where the search took place. It must not be copied or distributed prior to being delivered. **FORM 29 IS CLASSIFIED AS OFFICIAL – SENSITIVE (CRIMINAL JUSTICE PARTNERS)**. The PSNI Information Security Standards refer to handling and transmission.

On receipt of a completed Form 29, the CTC will ensure that it is recorded on a Search Register and that a CTC reference number is added. The CTC should also inform the Compensation Agency in writing if necessary. The CTC will retain the original Form 29 and be responsible for scanning it onto NICHE, dissemination, and secure storage.

The security of information contained in Form 29 is of paramount importance and all members concerned should be familiar with the notes for guidance on the front of this form.

#### **PACE 1/TA**

As per ACC OSD direction, officers must use Body Worn Video when searching.

A PACE 1/TA will be completed on the Mobile Data Device on all occasions where a statutory power to stop/search a person/vehicle exists and the power is actually used.

The officer completing the PACE 1/TA must record the date and the Stop and Search reference number on the Stop and Search Information Card which must be handed to the person searched.

It is used as follows:

- Where any person or persons' vehicle is stopped and searched.

NB: If person is in vehicle and both are searched and the object of the grounds of the search is the same only one record need be kept.

- Where unattended vehicles are searched (a record should be left on windscreen for example).
- To account for any breakage or damage caused.
- To record details of documents examined or seized, or other articles seized. (Stop and search person/vehicle).

Where a technical issue prevents an officer from recording a stop/search onto a Mobile Data Device then the details must be recorded in the officer's police issue notebook for transfer onto the Mobile Data Device when the technical issue has been

resolved. In such circumstances the person stopped/searched must still be issued with the Stop and Search Information Card with sufficient information to enable the details of the stop/search to be retrieved, if required, at a later date.

An aide-memoire is available on the Mobile Data Device Izone to assist recording details in notebooks should the STOPS applicable be unavailable. The aide-memoire also contains notes for guidance for all officers regardless of which recording method is used.

### **PACE 1A**

As per ACC OSD direction, officers must use Body Worn Video when searching.

PACE 1A will be completed on all occasions when any premises are searched and on all occasions when a Form 29 is completed it is used as follows:

- Notification to occupier of premises or other place searched under Section 24 and Schedule 3(2) of the Justice and Security (NI) Act 2007, search warrant or under any Article under PACE (NI) Order 1989.
- To account for any breakages or damage caused.
- To record details of any documents examined or seized, or articles seized.

PACE 1A should be completed at the time under the above and a copy should be given to the owner/occupier at the time or left in a prominent position. The original is filed with the completed Form 29.

### **Search Warrant**

The warrant should state precisely the items to be searched for and a copy must be served on the owner/occupier or left in a prominent position by the search team leader prior to the start of the search, along with a copy of the Notice of Powers and Rights. The endorsed copies should be returned to the officer who requested the warrant's issue.

Warrants either executed or unexecuted after three months should be returned to the Clerk of Petty Sessions for the County Court Division in which they were issued.

### **PACE 20 Notice of Powers and Rights**

*(Not required for searches under Section 24 and Schedule 3(2) of the Justice and Security (NI) Act 2007)*

To be served on owner/occupier or left in a prominent position of premises to be searched, along with a copy of the warrant by the search team leader, at the beginning of the search.

To be completed in duplicate and a certified copy given to the owner/occupier or left in a prominent position. Original to

be endorsed accordingly and attached to the legal search documents.

PACE 20 also incorporates Consent to Search and Inspector's authorisation. Consent to Search to be completed and signed by the owner/occupier where premises are to be searched with consent, (i.e. no warrant or legal authority in use).

It must be remembered that where there is legal authority it must be used.

**NB:** Consent when a person is in custody is not required. Juveniles or persons who appear mentally vulnerable cannot give consent.

#### **Form SNB/LNB1** (Short Notebook/Long Notebook)

POLSA involved in Major Investigation Team (MIT) searches will use Form SNB/LNB1 as directed by the Senior Investigating Officer. POLSA will use Form SNB/LNB1 in all other searches where they provide their expertise and it is considered that the search will continue and another POLSA will require information of all previous search activity. The Form when completed is to be left with the investigating officer. In all cases the use of the SNB/LNB1 should be recorded in the officer's official notebook.

#### **Searcher Qualification Record**

Records of completed searches will be recorded in the search team members'

logbook supplied by Combined Operational Training (COT).

The 'qualification' searches can be either terrorist or crime related operations, however, they must be search operations conducted under these guidelines. The searchers' logbook assists the POLSA in monitoring the training and operational activity of each searcher.

Search team members receive a searchers' logbook on successful completion of the five- day course at COT Ballykinler. The Searcher's Logbook must be produced to COT search trainers by officers attending Search training immediately prior to training participation to facilitate qualification ratification.

#### **Form HES 1 (Hazardous Environment Search)**

Used for controlling entry and as a record of a safe system of work when working in a confined space.

## **8. Training**

For all search training contact should be made with Combined Operational Training (COT).

## **Appendix A Other Search Related Guidance**

### **OTHER GUIDANCE**

Dealing with bomb warnings

Generic Risk Assessment (GRA) 44 – Search

Generic Risk Assessment (GRA) 43 – Bomb warnings

Other service policies and instructions may also refer to search matters and officers should appraise themselves accordingly.

## Appendix B Contact Us

### Branch Email

[OTDU@psni.pnn.police.uk](mailto:OTDU@psni.pnn.police.uk)