

SI1617

# Police Search

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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.

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## 1. Introduction

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

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 procedures outlined in Form 29 Search Record.

Search Teams can be tasked through the Operational Support Department Operational Planning HUB.

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

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 / Contact Management.

### Dealing with Bomb Warnings

For further information regarding the procedures see when dealing with a bomb warning.

## **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

#### 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

Counter Terrorism Search (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.

POLSA must be made aware of High Risk Searches.

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.

All Officers / Staff must ensure they have personal possession of all of their police issue equipment at all times during any incident and for Search Teams, there a process for checking in check out or 'search of the search' location prior to closing the scene.

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

Officers must use Body Worn Video in stop and search encounters involving Children, Young People and Vulnerable Persons as per current guidance: BWV Operational Guidance September 2021.

Community Impact Assessments (CIA): A Community Impact Assessment **should** be considered for every search conducted by police. Please see [SI0521 Critical Incident Management and Community Impact Assessments](#).

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 Local Policing, 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 European Court of Human Rights \(ECHR\)](#);
- [Section 32 of the 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 Assistant Chief Constable (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 (BWV) in Dwelling Search

Body Worn Video is available to support Officers in fulfilling their duties and should be used in dwelling search in accordance with current BWV Operational Guidance.

Previous direction from the Project Board is that 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.

## 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.

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, 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:

- a. Person Search;
- b. Primary and Secondary Search of Vehicles; and
- c. 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.

**Searches where Professional Standards Department (PSD) are the owning Police unit** – Retention of Form 29 in this instance will rest with PSD. On receipt of a completed Form 29, PSD will ensure that it is recorded on a Search Register and a CTC reference number is added. PSD should also inform the Compensation Agency in writing if necessary. PSD will retain the original Form 29 and be responsible for scanning it onto NICHE, dissemination, and secure storage.

### **PACE 1/TA**

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 the person is in a vehicle and both are searched and the object of the grounds of the search is the same only one record needs to be kept.

- Where unattended vehicles are searched (a record should be left on windscreen for example):
  - To account for any breakage or damage caused; and
  - 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.

The outcome of a stop and search must always be recorded on the PACE1/TA.

## **PACE 1A**

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.

[Article 20 of PACE \(NI\) Order 1989](#) 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 Officers' Official Notebook.

### **Searcher Qualification Record**

Records of completed searches will be recorded in the Search Team members' Logbook supplied by Tactical Training Faculty (TTF).

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 TTF Ballykinlar. The Searcher's Logbook must be produced to TTF 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.

**Required Documentation**

Other documentation which may be required in search operations:

IIRMACH Search Planning List
PACE 5 Complaint to Obtain Warrant
PACE 6 Warrant to Enter and Search
Form PT2 Arrest Pro Forma Terrorism Act 2000
Form 29B Constable Accompanying Military Search Team (Terrorism Act 2000)
Form 38 / 30 Exhibit Label
Item List Pro Forma Crime Branch Exhibits Officer

**8. Training and License Requirements**

The formal training in Search offered by PSNI provides various levels of knowledge and expertise to perform the required Policing roles.

## Appendix A – Other Search Related Guidance

### OTHER GUIDANCE

**Service Instruction – [Military Assistance to the PSNI](#).**

**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**

### **Service Instruction Author**

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