

Objectives

Select a topic

Royal Mail Group

What You Will Learn

After completing this module, you will be able to:

- State the grounds for conducting a search and what your powers are.
- Record recovered property and maintain continuity of evidence.
- Explain Group Security policy in respect of searches including Health and Safety issues.
- State what powers of search the Police possess.
- Describe how you apply for a Search Warrant.
- Explain the correct treatment of computer evidence.
- Explain the GS027 procedure.



As stated earlier, some issues regarding searching are referred to in the PACE COP module. Therefore, some of the above objectives will be achieved in conjunction with studying that module.

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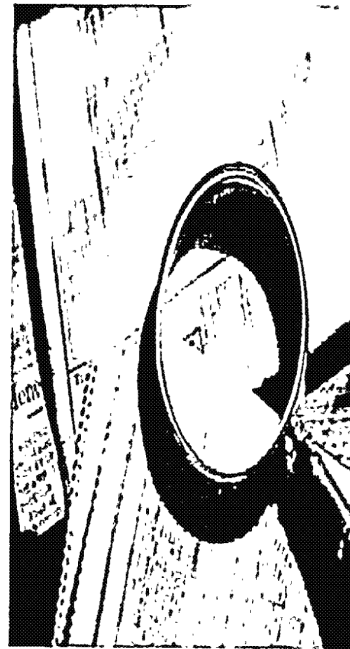
Searching With Consent

Select a topic

Royal Mail Group

Grounds for Search

Before a search is conducted, there must be reasonable grounds for thinking that the suspect has committed an offence, and that they are in possession of stolen property, or that they could be in possession of anything obtained as a consequence of an offence.



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Searching With Consent

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Powers of Search

Investigation Managers have no statutory power of search, and it is important to avoid creating any misapprehensions on this point when dealing with suspected offenders.

In the absence of a search warrant, an Investigation Manager may search a suspected offender, their private motor vehicle and their home, but only if that person's written consent has been obtained. Additionally, the person searched must be told that they are not obliged to consent to a search, and that, if anything is seized, it may be used in evidence.

Consent also needs to be obtained before a search of a personal locker can be carried out. However, if this consent is not given, the official locker can be searched on the basis that it is the property of Royal Mail Group.

A universal search consent form, GS005, should be completed and signed prior to all searches.

Click on the blue text to learn more.



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Searching With Consent

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Notice of Powers and Rights Form GS004

Prior to the search of premises and vehicles, the suspect must also be handed a Notice of Powers and Rights form GS004. This form explains what the individual's rights are when a request to search their premises has been made.

If the suspect is not the owner or tenant of the property to be searched, then you must get the consent of the person who is entitled to grant entry, and they must sign either form GS005a (vehicles) or GS005b (premises).

Click on the blue text to learn more.






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Searching With Consent		Select a topic	Royal Mail Group
<h3>Test Yourself</h3> <p>Answer the following questions, which relate to the GS004 form you have just read. Tick the answer/s you believe to be right.</p> <p>If a suspect is living in rented accommodation and is not available, can an Investigation Manager obtain consent from the Landlord to search the premises?</p> <p>Choose the correct option and click on Submit.</p> <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><u>Submit</u></p>			
		<div>Correct!</div> <p>If a suspect is living in rented accommodation and is not available, an Investigation Manager can obtain consent from the Landlord to search the premises.</p>	
<h3>Search</h3>		Click Next to continue. Back 04 of 07 Next	
 Introduction to Investigations		   	

Searching With Consent

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Test Yourself

Where can a suspect obtain a copy of the PACE Code of Practice relating to the search and seizure of property?

Choose the two correct options and click on Submit.

- ☒ A Police Station
- ☐ Personnel Department
- ☒ Investigation Manager's Office
- ☐ Any Solicitor's Office
- ☐ Royal Mail Legal Services

SUBMIT

Correct!

A suspect can obtain a copy of the Code of Practice relating to the search and seizure of property from a Police Station or the Investigation Manager's Office.

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Searching With Consent

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Royal Mail Group

Test Yourself

What needs to be entered at the bottom of the GS004 form before it is given to the suspect?

Choose the correct option and click Submit.

- ☐ The suspect's name
- ☒ Your Business Unit's address
- ☐ The name of the Investigation Manager
- ☐ The address of Royal Mail Legal Services

Correct!

Your Business Unit's address must be entered at the bottom of the GS004 form before it is given to the suspect.

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Searching With Consent

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Test Yourself

What is a suspect entitled to have, on request, if property is kept by an Investigation Manager following a search?

Choose the correct option and click Submit.

- ☒ List describing the property
- ☐ Compensation for their seizure
- ☐ Access to the property before it is taken away

Correct!

A suspect is entitled to have a list describing the property if it is kept by an Investigation Manager following a search.

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Treatment of Recovered Property

Select a topic

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Recording of Property

A record of each search must be made on a form GS005c and details of any property seized recorded on a form GS005d, using more than one form if necessary.

Investigation Managers undertaking searches must also take with them item labels (they are labels but have a form number GS035) and item bags (also known as exhibit bags) which are in different sizes.

Click on the blue text to learn more.



Click on the image to learn more.

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Treatment of Recovered Property

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Recording of Property

A record of each search must be made on a form GS005c and details of any property seized recorded on a form GS005d, using more than one form if necessary.

After Seizure

CLOSE

with
035)
ent

Immediately an item is seized during a search:

1. It must have an item label attached or be placed into an exhibit bag.
2. The initials of the Investigation Manager making the seizure and a sequential number must be recorded on the exhibit bag by way of an identifying mark (for example, BC/1, BC/2 etc.)
3. These details must then be transferred to the Record of Property Seized form, GS005d.
4. The finder must initial the search form entry to acknowledge that the entry has been recorded correctly.



Click on the image to learn more.

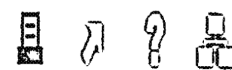
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Treatment of Recovered Property

Select a topic

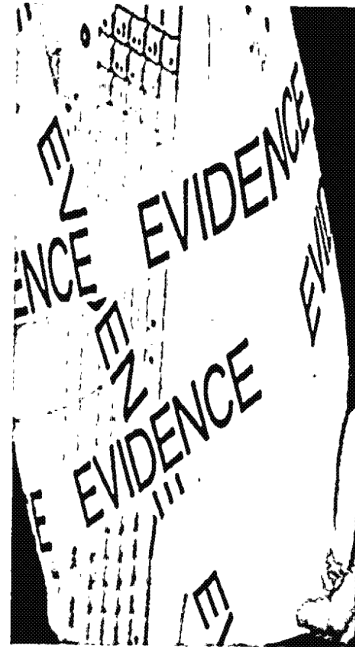
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Storage of Recovered Property

It is essential that property recovered at searches, and indeed any other items that may be exhibits in a prosecution, are stored safely. Each Investigation Manager has access to a secure area where exhibits can be stored. In addition to the key held by the Investigation Manager for the secure area, a spare should be held by the Line Manager.

If exhibits have to be removed for any reason a record must be kept for continuity purposes, showing who was in control of the item at all times.

If an item is removed from the secure area to be sent somewhere else (possibly for the purpose of obtaining a witness statement), this must take place by hand to hand transfer or the use of the Special Delivery service, again to ensure that continuity of control can be demonstrated in Court if necessary.



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Treatment of Recovered Property

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Use of Photocopies

Wherever possible, copies should be used to avoid the movement of original exhibits.

Additionally, when submitting case papers, only photocopies of exhibits should be enclosed, not originals. Where items are too bulky to copy, such as large quantities of recovered mail, they should be retained by the Investigation Manager and shown as "not copied" in any list of exhibits. If necessary, arrangements can be made for the exhibit in question to be viewed by interested parties such as Royal Mail Legal Services or Defence Lawyers.



Click on the image to see the summary.

Summary

CLOSE

To summarise the above points, it is essential to be able to prove in a Court case that the original exhibits have been kept secure and could not have been tampered with at any time. If it is essential for them to be sent elsewhere, full continuity must be able to be demonstrated, such as the use of the Special Delivery service.

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Treatment of Recovered Property

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Completion of the Forms

As a general rule, you should describe the items seized in as much detail as possible, with the view of individualising the entry.

Click on the button

A Few Other Considerations

CLOSE



In respect of recovered property, there are a few other considerations before you touch any items you find.

1. Consider if it is worth taking a photograph, to demonstrate the position of an item, or in the case of a bulk find, to demonstrate its size. Given as evidence in Court, a picture can be a far more effective way of describing a bulk recovery of property, or something secreted away, in preference to a written description.
2. If you are taking photographs on private premises, you should obtain verbal consent from the property owner before you do so.
3. Before you touch the item, consider if it could have any fingerprint evidence which will be damaged by normal handling.



Click on the image to learn more.

IF POSSIBLE YOU SHOULD
AVOID WORDS SUCH AS
"A QUANTITY OF MAIL"
AND TRY AND COUNT
THE NUMBER OF ITEMS
RECOVERED
NATURALLY THERE ARE SOME
CASES WHERE THIS CANNOT BE
Click Next to continue. Back 05 of 08 Next
ACHIEVED DUE TO THE NATURE
INVOLVED

Search



Introduction to Investigations



Treatment of Recovered Property

Select a topic

Royal Mail Group

Test Yourself

Before moving on from the subject of recovered property, please answer the following questions.

Describe how recovered property must be kept.

Write your answer in the text box. Then click on Submit.

in a secure location

Did you get that right?

All recovered property must be kept in secure conditions (locked cupboard, room, etc).

SUBMIT

Search


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Treatment of Recovered Property	Select a topic 	Royal Mail Group
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Test Yourself



Who should hold a duplicate key to secure areas where exhibits are stored?

Write your answer in the text box. Then click on Submit.

your line manager

Did you get that right?


The relevant Line Manager should hold a duplicate key.






|

Submit

Search

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 Introduction to Investigations



Treatment of Recovered Property

Select a topic

Royal Mail Group

Test Yourself

Original exhibits are not to be enclosed in case files. What is enclosed instead?

Did you get that right?

A good quality A4 size single-sided photocopy should be enclosed instead of the originals.

Write your answer in the text box. Then click on Submit.

photocopies



Submit

Search

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Health and Safety and General Search Issues

Select a topic

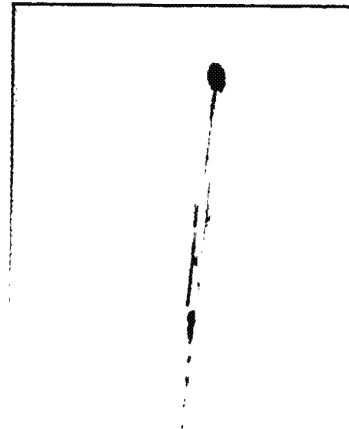
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Health and Safety

To assist your understanding of the Health and Safety issues and the practicalities of searching, please now read:

- The sections on searching within the Group Security Procedures and Standards document, P&S Doc. 3-X, "Health & Safety - Investigation Duties - Hazards & Risks"
- The Group Security handout on the subject, which is at Appendix A.

Click on the blue text to learn more.



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Introduction to Investigations



Health and Safety and General Search Issues

Select a topic

Royal Mail Group

Test Yourself

There is a recommended order in which searches should be carried out. List what this order is.

Write your answer in the text box. Then click on Submit.

person/locker/car/home

Did you get that right?

Searches should be conducted in the following order:

1. Person
2. Locker
3. Vehicle
4. Home

SUBMIT

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Introduction to Investigations



Health and Safety and General Search Issues

Select a topic

Royal Mail Group

Test Yourself

What are the rules in respect of your own hands when conducting a search?

Write your answer in the text box. Then click on Submit.

you should wear two pairs of gloves

Did you get that right?

You must wear two pairs of protective surgical gloves, as this significantly reduces the risk of contamination by needles compared to the wearing of just one pair. During a search, you should never put your hands where you can not see, for example down the back of seattees, due to the risk of injury.

SUBMIT

Search

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Introduction to Investigations



Health and Safety and General Search Issues

Select a topic

Royal Mail Group

Test Yourself

What is the minimum number of Investigation Managers that should attend a premises search, and what role does each have in the search?

Write your answer in the text box. Then click on Submit.

3 oct to look after the suspect, one to search and one to record exhibits found

SUBMIT

Did you get that right?

Three is the minimum number of Investigation Managers that should attend a premises search - one to act as a Chaperone, one to actually conduct the search, and the third to act as an Exhibits Officer.

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Introduction to Investigations



Health and Safety and General Search Issues

Select a topic

Royal Mail Group

Test Yourself

What action should be taken on gaining initial access to the premises to be searched?

Write your answer in the text box. Then click on Submit.

a quick search to see if others are present, if they are discuss this with the suspect, plus secure pets

SUBMIT

Did you get that right?

On gaining entry, you should carry out a check of the premises to establish who is present. If there is anyone present gather them together. If any non-residents are there, ask the suspect to request that they leave the premises, and additionally arrange for any dogs or other pets to be controlled. Explain to the people remaining the reasons for the search, and be satisfied that there is no hostility before commencing the search. Then search a sterile area and invite the residents to sit in that area.

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Introduction to Investigations



Searches Without Consent

Select a topic



Royal Mail Group

Suspect Refuses a Request to Search

Investigation Managers have no power to search persons or premises without consent. If the interviewee asks what will happen if they do not consent to a search, the Investigation Manager should explain that they would prefer to carry out the search with consent, as they wish to continue with the investigation. The interviewee should again be asked whether or not they consent to the search, and if consent is given, it should be recorded in writing on the GS005 form.

In the event that the interviewee will not give an unambiguous answer, this should be treated as a refusal to give consent.

Click on the blue text to learn more.



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Searches Without Consent

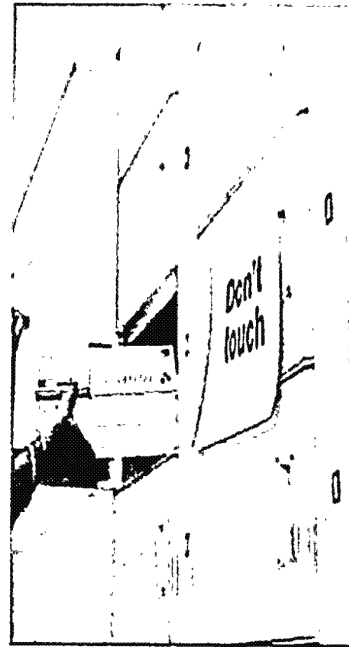
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Action if Consent is Withdrawn

A search cannot commence or continue once consent has been withdrawn. The interviewee has the right to choose to give consent to a partial search (for example, to search certain rooms only). In these cases, only the specified areas can be searched unless the necessary Police assistance is obtained.

If the interviewee persists in declining a search and there is reason to think missing property is outstanding, the question of making an arrest will arise. Provided the Investigation Manager has the necessary power of arrest, they should consider arresting the interviewee. For more information, check the Powers of Arrest module.



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Searches Without Consent

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Police Powers of Search

Once the suspect is under Police arrest, the Police may search their premises without consent under Section 18 of the Police and Criminal Evidence Act 1984 (PACE).

Section 18 searches are detailed in the PACE COP module. Please re-read the relevant parts of that module if you are not entirely clear on this subject.

The Police also have a power of search under Section 32 of PACE. This allows a constable to search any premises in which an arrest takes place, or any place in which the arrested person was immediately before arrest, for evidence of the offence the person was arrested for. As with Section 18 searches, this topic is covered in the PACE COP module.

Search warrants and how they affect Investigation Managers are also covered in the PACE COP module.



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Searches Without Consent

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Legal Privilege

Legal Privilege is the definition given to communications between a professional legal advisor and his client in connection with legal advice.

Items covered by Legal Privilege, as defined in Section 10 of PACE, cannot be seized during any search by anyone.

Police Officers have other Powers of Entry and Search under Section 17 of PACE, but these have little relevance to Royal Mail Group cases.



Click on the button

Tip Zone

CLOSE

Items held with the intention of furthering a criminal purpose are not subject to Legal Privilege.



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Introduction to Investigations



Seizing Computer Evidence

Select a topic

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Seizing Computer Evidence: Overview

As computers become more and more a part of everyday life, it is expected that the number of offences involving computers will grow. The recovery of computer evidence is a specialist area in which some Investigation Managers have been specifically trained.

While you are not expected to be an expert in the area of computer evidence, this section will give you the basic knowledge required to ensure that, when you do seize computer evidence, you do so correctly, and in a way that will help to maintain the integrity of any potential evidence.



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Introduction to Investigations



Seizing Computer Evidence

Select a topic

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Seeking Specialist Advice

If it is thought that there may be evidence on a computer, then specialist advice should be sought from the Royal Mail Letters Fraud Team who deal with computer crime. If appropriate, arrangements can be made for a secure copy of the hard disk to be produced.

You must be able to justify why the seizing of the computer is necessary, particularly if it is in the home and is used by all members of the family. As such, a computer should only be seized where you can justify your belief that it contains vital evidence.

The remainder of this section deals with cases where specialist advice is not available, or a decision is made on the spot to seize a computer at an actual search.



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Seizing Computer Evidence

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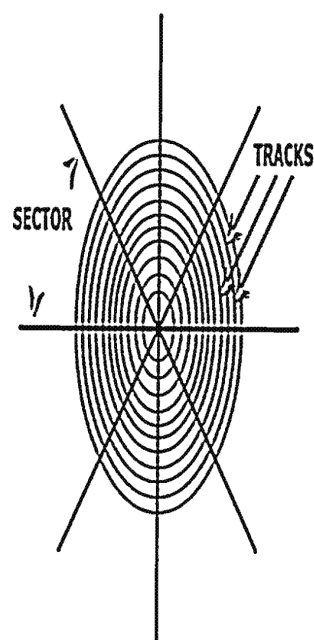
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How Does a Computer Work?

Before you seize a computer, it is important to appreciate in very simple terms how a computer works, and the consequence of incorrect handling. The diagram of a computer hard disk is provided for you.

The disk is divided into individual rings called Tracks, and cross-sectionally into Sectors. Each Sector is capable of storing 512 bytes of data. One full page of text corresponds approximately to 1024 bytes (1Kb).

An index lists the location of the data in each Sector. When you ask the computer to retrieve the letter that you stored as Memo1.doc, for example, the hard disk looks at the index, finds where this letter is stored and retrieves it. The letter may have been stored in one or more Sectors, depending on size.



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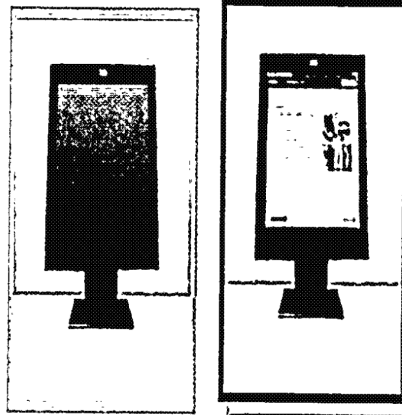
Seizing Computer Evidence

Select a topic

Royal Mail Group

Recovering Deleted Data

When a user deletes a file the contents of the deleted file are not lost. The areas of the hard disk the file occupied are simply marked as available to be "written over" and reused. These deleted files can be recovered if they are not written over.



Click on each of the computers in the image to learn more.

Computers Found Switched Off

CLOSE

When a computer is switched on, the operating system will automatically write a number of temporary files to the hard disk as part of the start-up procedure. At worst, these temporary files could write over the "deleted" files that hold the evidence you are seeking. At best, the physical evidence - the disk - has still been altered by this action. Never turn on a computer you find in a switched off state.

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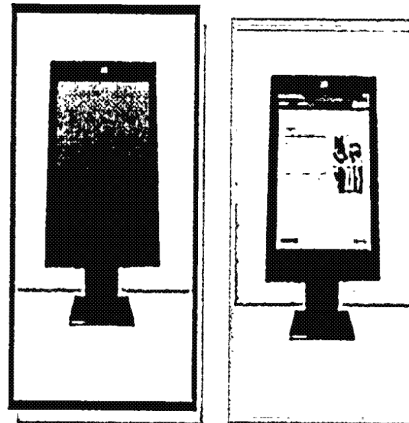
Seizing Computer Evidence

Select a topic

Royal Mail Group

Recovering Deleted Data

When a user deletes a file the contents of the deleted file are not lost. The areas of the hard disk the file occupied are simply marked as available to be "written over" and reused. These deleted files can be recovered if they are not written over.



Click on each of the computers in the image to learn more.

Computers Found Switched On

CLOSE

If a computer is found on and you switch it off in the normal way, then again temporary files may write over the deleted files as part of the shut down procedure - the same thing could happen if you try to print off what is showing on the screen. If you find a computer switched on, you should make a notebook entry concerning what is displayed on the monitor, or perhaps consider taking a photograph. The computer should then be unplugged at the mains - never switch the computer off in the normal way.

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Seizing Computer Evidence

Select a topic

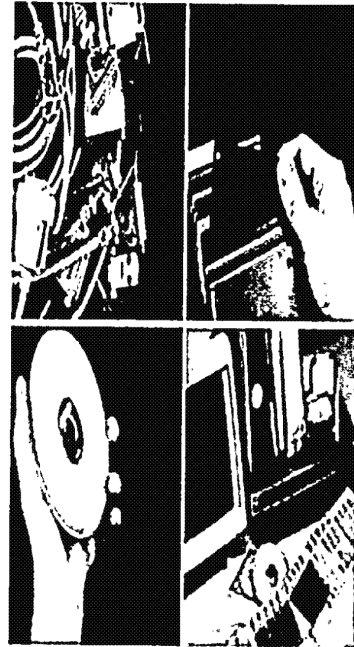
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Current Guidelines

Current guidelines recommend that:

- All components of a suspect PC are seized, and if you disconnect any leads, then make a note of which jack socket they came from.
- Passwords that are used as part of the computer operation should be obtained from the suspect if possible, as they may be helpful, although they are not essential

Click on What to Avoid to learn more.



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Seizing Computer Evidence

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Current Guidelines

Current guidelines recommend that:

- All components of a suspect PC are seized, and if you disconnect them they can be damaged.

- Passwords should be backed up before seizure.

Click on What



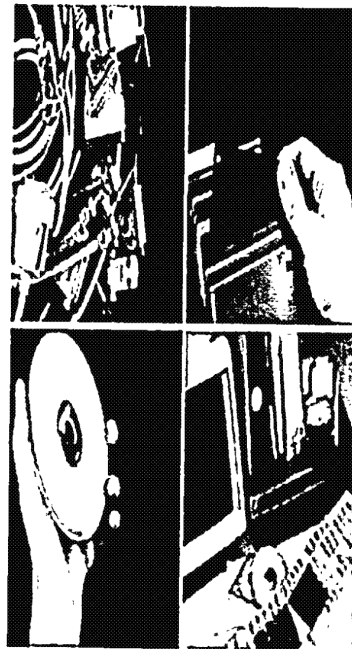
Things Not to Do

CLOSE

To summarise, if you decide to seize a computer, leave it in the state you find it and never:

- Try to print off anything that is on the screen
- Switch it off following normal close down procedures - just disconnect it from the mains power
- Switch it on

You can assure the owner that these above actions will not damage the computer. The computer, once confiscated, is then treated in the same way as any other seized property.



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Introduction to Investigations



General Search Considerations

Select a topic

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General Search Considerations: Overview

There are a number of areas that need to be considered when conducting searches, such as:

- Searching to the extent required for the purpose of the search
- Should a friend be allowed to be present, if requested?
- The rules relating to carrying out a personal body search
- How people should be treated should our searches reveal nothing of an incriminating nature.

This section looks at the actions that should be taken in these circumstances.



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Progress Check


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
Progress Check

List the three actions required immediately after an item has been seized during a search.

Write your answer in the text box. Then click on Submit.

to give it a number, to put it in a sealed bag and to sign the exhibit bag 





Did you get that right?


The actions are:





- Immediately an item is seized, it must have a label attached to it or be placed in an exhibit bag.
- It must be given the initials of the Investigation Manager making the seizure and the next sequential number.
- The Investigation Manager finding the item should initial the relevant entry on the GS005d as soon as possible.

Search


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 Introduction to Investigations

Progress Check

Select a topic 

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Progress Check



Describe briefly how property seized during a search should be kept.

Write your answer in the text box. Then click on Submit.

in a secure location, cupboard

Did you get that right?


The seized property must be kept in secure conditions at all times. It must be retained in sealed exhibit bags, and a control system for booking exhibits in and out must be maintained, in order to ensure the integrity of the evidence.



Submit

Search

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