

THE POST OFFICE

Security & Investigation Services

Security Foundation Programme – Open Learning

Search



Open Learning: Search

Contents

	Page
Introduction	2
How to use this Workbook	3
Objectives	5
Section 1: Searching with Consent	7
Section 2: Treatment of Recovered Property	15
Section 3: Health and Safety When Conducting Searches	25
Section 4: Searches Without Consent	29
Section 5: Seizing Computer Evidence	35
Section 6: General Search Considerations	39
Summary	43
Progress Check	44

Introduction

As a Security Manager you will conduct searches of official and private property, either under the control of, or occupied by suspects.

Search is one of the most important aspects of an investigation, and this is especially so in the crime of theft. Hard work will be wasted and offenders will not be prosecuted if searches are not carried out thoroughly and in accordance with the law.

Some suspects will not admit their offences until you confront them with sound proof. The proof may well be found during searches. As such you will agree that search is very important in criminal investigations and should not be undertaken lightly.

This module focuses on Post Office Policy, including Health & Safety and the Police and Criminal Evidence Act 1984 (PACE) pertaining to search.

How to use this Workbook

This workbook has been designed to enable you to work at your own pace. Give yourself time to think about the topics covered in each section before going on to the next one. At various points in the workbook you will be asked to take part by completing an Activity. The workbook is for you to keep, so you should write your answer to each Activity in the space provided.

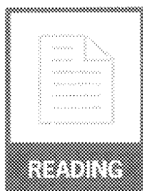
Activities will be identified by the following symbols in the margin:



You will be asked to carry out a variety of activities throughout this workbook. These will help you to explore issues and check your understanding.



This will give the answer to, or information about, the activity you have just completed. Feedback is given for you to check your own ideas and responses.



You will be asked to read sections of certain documents before continuing.



A set of self-check questions or activities will appear at the end of the workbook. These will help you to assess your understanding of the complete workbook.



These will help you to check your answers to the Progress Check questions. If your response does not match the answer given, you should go back over the relevant part of the workbook to re-check your understanding of it.

This workbook should take you between 1-2 hours to complete.

POST OFFICE SECURITY FOUNDATION PROGRAMME

How to use this Workbook

Support

If you have any difficulty understanding the material in this workbook, you should first contact your Line Manager for advice.

If you need additional advice or guidance, please contact the Security Training Centre by e-mail at:

Security Training Centre@POSTOFFICE

Alternatively you can contact us by telephone Monday to Friday, 08.30 to 20.00hours, on **GRO** or write to:

Security Training Centre



Our aim will be to respond to all requests for support within 24 hours of receipt of your enquiry (Monday to Friday).

Objectives

After completing this workbook you will be able to:

- state the grounds for conducting, and your powers of, search;
- record recovered property and maintain continuity of evidence;
- explain Post Office Policy, including the Health and Safety aspect, of search;
- 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 CS027 procedure.

SECURITY FOUNDATION PROGRAMME

Notes

Section 1: Searching with Consent

Grounds for search

Before a search is conducted there must be reasonable grounds for thinking that the person has committed an offence, and that they are in possession of stolen property, documents or articles which would be evidence of the offence for which they are suspected. They may also be in possession of anything obtained as a consequence of the offence.

Powers of search

Members of the Security Profession have no statutory powers of search, and it is important for Security Managers to avoid creating any misapprehensions on this point when dealing with suspected offenders, or with the Police.

In the absence of a search warrant a Security 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 The Post Office.

Search Record CS005

A universal Search Record, form CS005, should be completed and signed prior to all searches (except in the circumstances detailed above pertaining to the locker) and the suspect must also be handed a Notice of Powers and Rights form, CS004, prior to the searches taking place (there is more about this form later in the module).

A copy of form CS005 (Side A) is provided on the following page for you to see. You will notice that the section which needs to be signed by the suspect is shaded. If the suspect is not the owner or tenant of the property to be searched, you must obtain the consent of the person entitled to grant entry and they must sign to that effect, as well as the suspect. The section of the form they complete is the one after where the suspect signs.

SECURITY FOUNDATION PROGRAMME

THE POST OFFICE

S&I UNIT:

SEARCH RECORD OF *PERSON/LOCKER/CAR/HOME/OTHER (SPECIFY)

NAME: RANK/OCCUPATION:

HOME ADDRESS:

DATE: TIME SEARCH COMMENCED:

REASON FOR SEARCH:

PROPERTY FOUND: *YES/NO Details overleaf

SEARCHING OFFICER (S):

NAME: RANK: SIGNATURE:

SEARCH OF HOME OR OTHER PREMISES

*INTERVIEWEE

I have been told by of the Post Office that *he/she wishes to search my person/car* *premises/room(s) for the above reason. I have been told that I am not obliged to consent to the search and that anything seized may be produced in evidence. I fully consent to the searches being undertaken. I have received a notice of powers and rights from the officer.

SIGNED

*OR PERSON ENTITLED TO GRANT ENTRY TO PREMISES

I have been told by of the Post Office, that *he/she wishes to search for the above reason. I have been told that I am not obliged to consent to the search and that any property seized may be produced in evidence. I fully consent to a search of my premises being undertaken, including I have received a notice of powers & rights from the officer. (☐ Specify rooms, outbuildings etc.)

SIGNED STATUS RELATIVE TO PREMISES

NAMES OF OTHER PEOPLE ON PREMISES

NOTICE OF POWERS AND RIGHTS GIVEN AT (TIME)

COPY OF SEARCH RECORD REQUESTED: *YES/NO

*Delete as appropriate.
CS005 (SIDE A) (05/99)

Section 1: Searching with Consent



Read through the CS005 form on page 8 (if you have not already done so) and familiarise yourself with its layout and content. When you have done this, use the blank form to record the details of the following Case Study:

Case Study

You are a Security Manager for Royal Mail Service Delivery working in Midtown in East Territory.

You have interviewed Mr Brian Moore, a Postman at Midtown Delivery Office, and he has admitted theft of credit cards from the post. He has consented to the search of his person, locker, vehicle and home. You have so far searched his person, locker, and vehicle and are now about to search his home.

He lives with his wife, Kate, in their own home at 107 Keats Ave, Midtown MT1 1HF. You are at the premises and about to start the search, and his wife is present. Your two colleagues are Mr B Charlton, ML3 and Mr G Hurst, ML3. You handed to Mr Moore form CS004 during the interview at 09.51 hours, the time now is 11.15 hours on today's date. Mr Moore has requested a copy of the Search Record form be provided to him.

When you have done this, check your form with the correctly completed one provided on the following page.



Section 1: Searching with Consent

Notice of Powers and Rights Form CS004

You will have noticed in the Case Study activity that a form CS004 was provided to the suspect. This form explains what the individual's rights are when a request to search their premises has been made.

A copy of the CS004 form is provided on the following page. Read this form now and then answer the questions that follow.

THE POST OFFICE

**NOTICE OF POWERS AND RIGHTS UNDER THE POLICE
AND CRIMINAL EVIDENCE ACT 1984**

THE PROPOSED SEARCH OF YOUR PREMISES IS BEING MADE WITH YOUR CONSENT YOU HAVING SIGNED FORM CS005.

- 1) Before a proposed search of premises takes place a consent to a search must, if practicable, be given in writing on form CS005.
- 2) Consent must not be obtained under duress.
- 3) Where consent is withdrawn before the search is completed the search must stop.
- 4) If you reside in a lodging house or similar accommodation your Landlord can consent to your room or rooms being searched if you are unavailable at the time and the matter is urgent.
- 5) Searches must be made at a reasonable hour unless this might frustrate the purpose of the search.
- 6) If any of your property is kept by the Security Manager you are entitled on request to be provided with a list or description of the property within a reasonable time. Such applications may be made to the address shown below.
- 7) If you wish you or your representative will be allowed supervised access to the property so that you can examine it or have it photographed or copied. Alternatively you may be provided with a photograph or copy. In either case you are responsible for the costs. Access etc. will not be allowed if the Security Manager believes this would prejudice any investigation of an offence or any criminal proceedings.
- 8) Compensation may be payable in appropriate cases for damage caused in entering and searching premises. An application for compensation may be made to the address shown below.
- 9) A copy of the "Code of Practice" relating to search and seizure of property is available for you to consult at any Security Manager's Office (or any Police Station). This notice is a summary only of the main provisions of that code which should be consulted if you require further details.

B: Requests for a list of any property kept should be made to:-

The Post Office

* Business Unit should insert their own address.

CS004 (03/96)

Section 1: Searching with Consent



Answer the following questions which relate to the CS004 form you have just read. Tick the answer/s you believe to be right.

Q1. If a suspect is living in rented accommodation and is not available, can a Security Manager obtain consent from the Landlord to search the premises?

Yes

No

Q2. Where can a suspect obtain a copy of the "Code of Practice" relating to search and seizure of property?

A Police Station

Personnel Department

Security Manager's Office

Any Solicitor's Office

Post Office Legal Services

Q3. What needs to be entered at the bottom of the CS004 form before it is given to the suspect?

The suspect's name

Your Business Unit's address

The name of the Security Manager

The address of Post Office Legal Services

Q4. What is a suspect entitled to have, on request, if property is kept by a Security Manager following a search?

Access to the property before it is taken away

A list describing the property

Compensation for its seizure

SECURITY FOUNDATION PROGRAMME

Section 1: Searching with Consent



Check your answers with the following:

Q1. If a suspect is living in rented accommodation and is not available, can a Security Manager obtain consent from the Landlord to search the premises?

- Yes
- No

Q2. Where can a suspect obtain a copy of the "Code of Practice" relating to search and seizure of property?

- A Police Station
- Personnel Department
- Security Manager's Office
- Any Solicitor's Office
- Post Office Legal Services

Q3. What needs to be entered at the bottom of the CS004 form before it is given to the suspect?

- The suspect's name
- Your Business Unit's address
- The name of the Security Manager
- The address of Post Office Legal Services

Q4. What is a suspect entitled to have, on request, if property is kept by a Security Manager following a search?

- Access to the property before it is taken away
- A list describing the property
- Compensation for its seizure

Section 2: Treatment of Recovered Property

This section looks at how property seized during a search is recorded and treated to ensure it can be used as evidence.

Recording of property

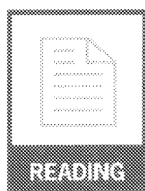
Full details of all property taken into possession as a result of any search must be recorded on Side B of the CS005 form (or in a Police exhibit book or search record, although for the majority of searches with consent, the form CS005 will be used).

Security Managers undertaking searches must also take with them exhibit labels, form number CS035, and exhibit bags, form numbers CS036 and CS037.

Immediately an item of property is seized:

- it must have an exhibit label attached, or be placed into an exhibit bag;
- the initials of the officer making the seizure, and a sequential number, must be recorded on the exhibit label or bag by way of an identifying mark (for example, BC/1, BC/2, etc.);
- these details must then be transferred to the back of the search form, CS005, immediately;
- the finder must initial the search form entry to acknowledge that the entry has been recorded correctly.

There is a copy of side B, form CS005, on the next page, and a couple of copies of exhibit label CS035 on page 17; have a look at them now (note: the exhibit bags have the same sort of information on them as the exhibit label).



SECURITY FOUNDATION PROGRAMME

Section 2: Treatment of Recovered Property

THE POST OFFICE

REGINA V. _____ EXHIBIT No _____

SIGNED _____ DATE _____

JUSTICE OF THE PEACE/CLERK TO _____ MAGS. COURT _____

DESCRIPTION OF ITEM _____

IDENTIFYING MARK _____ LAB REF. NO _____

M.C. ACT 1980.S.102, C.J. Act 1967.S.9. M.C. Rules 1981.R.70.

I IDENTIFY THE EXHIBIT DESCRIBED AS THAT REFERRED TO IN THE STATEMENT MADE AND SIGNED BY ME

SIGNED..... DATE

SIGNED..... DATE

SIGNED..... DATE

CS035 (03/96)

THE POST OFFICE

REGINA V. _____ EXHIBIT No _____

SIGNED _____ DATE _____

JUSTICE OF THE PEACE/CLERK TO _____ MAGS. COURT _____

DESCRIPTION OF ITEM _____

IDENTIFYING MARK _____ LAB REF. NO _____

M.C. ACT 1980.S.102, C.J. Act 1967.S.9. M.C. Rules 1981.R.70.

I IDENTIFY THE EXHIBIT DESCRIBED AS THAT REFERRED TO IN THE STATEMENT MADE AND SIGNED BY ME

SIGNED..... DATE

SIGNED..... DATE

SIGNED..... DATE

CS035 (03/96)

SECURITY FOUNDATION PROGRAMME

Section 2: Treatment of Recovered Property



Continuing with the Case Study we looked at in Section 1, complete Side B of form CS005, and the two CS035 forms you have just looked at, with the relevant information from below:

Case Study (continued)

Whilst searching Mr Moore's home you find two Barclaycard Credit Cards.

The details on the cards are as follows:

- the first is in the name Mr C Dickens, number [GRO] account number [GRO] sort code [GRO] and expires [GRO]
- the second is in the name Miss J Austin, number [GRO] account number [GRO] sort code [GRO] and expires [GRO]

The first card was found by Mr G Hurst at 12.00 hours on the coffee table in the middle of the lounge, and the second item was found by Mr B Charlton in the same room underneath the television at 12.14 hours.

The search was completed at 14.15 hours.

Section 2: Treatment of Recovered Property

Check your forms with the correctly completed ones over the next two pages.



SEARCHED FOUNDATION PROGRAMME

DETAILS OF PROPERTY FOUND (if any)

TIME	PLACE	DESCRIPTION OF ITEM	IDENTIFICATION MARK (A B /1 etc.)	FINDER'S INITIALS
12.00hrs	On the coffee table in the middle of the lounge	1 Barclaycard in the name Mr C Dickens, number [GRO] account number [GRO] sort code [GRO] expires [GRO]	GH1	GH
12.14hrs	Underneath the television in the lounge	1 Barclaycard in the name Miss J Austin, number [GRO] account number [GRO] sort code [GRO] expires [GRO]	BC1	BC
A diagonal line must be drawn after the last entry.				
TIME SEARCH COMPLETED 14.15hrs				
I confirm that the details recorded on this search form are correct. SIGNED Brian Moore				
CS005 (SIDE B) (05/99)				

SECURITY FOUNDATION PROGRAMME

Section 2: Treatment of Recovered Property

THE POST OFFICE

REGINA V. _____ EXHIBIT No. _____

SIGNED _____ DATE _____

JUSTICE OF THE PEACE/CLERK TO _____ MAGS. COURT _____

DESCRIPTION OF ITEM
1 Barclaycard in the name Mr C Dickens, number GRO
GRO account No GRO port code GRO expires GRO
 IDENTIFYING MARK GRO LAB REF. NO _____

M.C. ACT 1980.S.102. C.J. Act 1967.S.9. M.C. Rules 1981.R.70.

I IDENTIFY THE EXHIBIT DESCRIBED AS THAT REFERRED TO IN THE STATEMENT MADE AND SIGNED BY ME

SIGNED _____ DATE _____

SIGNED _____ DATE _____

SIGNED _____ DATE _____

CS035 (03/96)

THE POST OFFICE

REGINA V. _____ EXHIBIT No. _____

SIGNED _____ DATE _____

JUSTICE OF THE PEACE/CLERK TO _____ MAGS. COURT _____

DESCRIPTION OF ITEM
1 Barclaycard in the name Miss J Austin, number GRO
GRO account No GRO port code GRO expires GRO
 IDENTIFYING MARK GRO LAB REF. NO _____

M.C. ACT 1980.S.102. C.J. Act 1967.S.9. M.C. Rules 1981.R.70.

I IDENTIFY THE EXHIBIT DESCRIBED AS THAT REFERRED TO IN THE STATEMENT MADE AND SIGNED BY ME

SIGNED _____ DATE _____

SIGNED _____ DATE _____

SIGNED _____ DATE _____

CS035 (03/96)

Section 2: Treatment of Recovered Property

Completion of the forms

As a general rule you should describe the items seized in as much detail as is practical in the circumstances, with the view of individualising them. If you have a bulk find, again you have to try to individualise the items found. If possible, you should avoid words such as a "quantity of" and try to count the number of items recovered. Additionally, in the case of bulk finds, you should prepare a detailed schedule, which links evidentially to the search form, prior to the interview, which the suspect should be invited to examine and sign.

CS005 form

You will note that the correctly completed search record form CS005 is lined off after the last entry, and additionally the suspect has signed it at the completion of the search.

Identification Labels

In respect of the Identification (Exhibit) labels and bags (forms CS035, CS036 & CS037), the top of the labels should be filled out when the case goes to Court. The signatures and dates at the bottom of the labels, are completed when witnesses make written statements regarding the items.

We have been looking at the recovery of property. As a Security Manager, however, before you actually touch items you find you should consider two things:

- Firstly, ask yourself if it is worth taking a photograph to demonstrate the position of a find, or in the case of a bulk find to demonstrate its size. You should bear in mind that if you want to take photographs on private premises you should obtain verbal consent before you do so.
- Secondly, before you touch the item, has it got any fingerprint evidence which will be damaged by normal handling.

Section 2: Treatment of Recovered Property



Before we move on from Recovered Property you should read Section 3.7 of the Searching Policy of the Investigation Policies, which is about the continuity of evidence.

When you have done this answer the following questions.

Q5. Describe how property recovered must be kept.

Q6. Who should hold a duplicate key to evidence cupboards?

Q7. Original exhibits are not to be enclosed in case files.
What is enclosed instead?

Section 2: Treatment of Recovered Property



Check your answers with the following:

Q5. Describe how property recovered must be kept.

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

Q6. Who should hold a duplicate key to evidence cupboards?

The relevant Line Manager should hold a duplicate key.

Q7. Original exhibits are not to be enclosed in case files.
What is enclosed instead?

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

Section 3: Health and Safety When Conducting Searches

This section looks briefly at the action and care needed to ensure searches are conducted safely, and in accordance with the correct procedures.

Care when conducting searches

When conducting searches, extreme vigilance is required to prevent both accidental injury, and deliberate injury from suspects.

Obviously, the act of having your property searched, whether it is your personal locker, car or home, can be extremely stressful and the suspect may become agitated, upset and even confrontational during the process. This is particularly so if the suspect is faced with clear evidence found during the search.

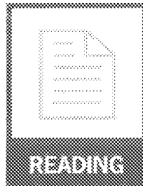
In view of this, The Post Office have produced Safe Working Practice Guidelines which must be followed when searching.

Search guidelines

The Guidelines in respect of search can be found in the Investigation Policies, Appendix 17 Section 3.7 (the remaining Safe Working Practical Guidelines are addressed in the Investigation Policies Module).

Please read Section 3.7 of Appendix 17 of the Investigation Policies now.

When you have read this section answer the questions on the following page.



SECURITY FOUNDATION PROGRAMME

Section 3: Health and Safety

When Conducting Searches



Q8. There is a specific order in which a suspect's property should be searched. List this order.

Q9. What are the rules in respect of your own hands when conducting a search?

Q10. What is the minimum number of Officers that should attend a search, and name the roles each has?

Q11. What action should be taken on gaining initial access to a premises?

SAFETY SECURITY FOUNDATION PROGRAMME

Section 3: Health and Safety When Conducting Searches



Check your answers with those provided on the following page.

The importance of the Safe Working Practice Guidelines cannot be overstated. The Health and Safety of you, your colleagues and the people you come into contact with during your work, is paramount.

Therefore, do not move on to the next section until you are totally comfortable with the procedures involved in conducting a safe search.

If necessary read Section 3.7 of Appendix 17 again, or ask your Line Manager for more information.

SECURITY FOUNDATION PROGRAMME

Section 3: Health and Safety When Conducting Searches



Q8. There is a specific order in which a suspect's property should be searched. List this order.

Searches should be conducted in the following order:

- * person
- * locker
- * vehicle
- * home

Q9. What are the rules in respect of your own hands when conducting a search?

You should wear protective surgical gloves and never put your hands where you cannot see.

Q10. What is the minimum number of Officers that should attend a search and name the roles each has?

Three is the minimum number of Officers that should attend a search – one to act as a Chaperone, one to actually conduct the search and one to act as an Exhibits Officer.

Q11. What action should be taken on gaining initial access to a premises?

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; additionally, arrange for any dogs or pets to be controlled. Explain to the people remaining the reasons for the search and be satisfied there is no hostility before commencing searches. Then search a sterile area and invite the residents to sit down in that area.

Section 4: Searches Without Consent

This section focuses on the actions required if a suspect refuses to give consent to a search. It also looks at the additional powers the Police have to search, without consent.

Suspect refuses a request to search

Security 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 Security Manager should explain 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 which, if consent is given, should be recorded in writing on the CS005 form.

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

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 stolen property is outstanding, the question of making an arrest will arise. Provided the Security Manager has the necessary power of arrest, he/she should consider arresting the interviewee. (See Powers of Arrest module for more information on this subject.) Once the suspect is under Police arrest, the Police may search his/her premises without consent under Section 18 of PACE.

Section 4: Searches Without Consent

Police powers of search

Section 18 of PACE allows the Police, following an arrest, to search any premises occupied or controlled by the arrested person. In normal circumstances these searches have to be authorised in writing by a Police Inspector.

However, there are occasions when a Constable can conduct a Section 18 search without obtaining an Inspector's authority; a Constable may use this power if he believes that by waiting for an Inspector's authority evidence might be disposed of.

The Police also have a power of search under Section 32 of PACE. This allows for 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.

Security Managers may accompany Police on these searches, but only if the occupier or person arrested provides permission for them to do so. You should only search if you are instructed to do so by the Police. You should also note that you have no power to seize property, so you will need to ask a Police Constable to seize the evidence for you. A search, without written consent and under police powers, should cease if the Police Officers leave the premises for any reason.

Search Warrants

Security Managers who feel that a search warrant is needed should address applications for the warrants to the Police. The Police will then make the application and execute any necessary searches. Warrants will usually be needed when an arrest is not anticipated, and consent is not expected to be given (or the owner of the premises cannot be located).

A warrant can be issued by a Magistrate under Section 8 of PACE. If the Police are applying for a warrant on your behalf, you should ask to be named on it, and you may have to go to Court with the Police to swear it.

Section 4: Searches Without Consent

Section 16 (Subsection 2) of PACE allows for you to be named on the warrant. Security Managers who are named on a search warrant can enter premises and conduct searches without obtaining the consent of the occupier.

Where the Police are accompanied by named members of the Security Profession under this Section, the Police must remain in clear control of the operation, otherwise the search and seizure may be rendered unlawful. This may lead to the award of substantial damages against the Police and The Post Office.

Legal Privilege

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

Items covered by Legal Privilege as defined in Section 10 of PACE cannot be seized during any search by anyone. (Items held with the intention of furthering a criminal purpose are not subject to Legal Privilege.)

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

Check your understanding of the powers of search without consent by considering the following Case Study and answering the questions on the next page.

Section 4: Searches Without Consent



Case Study

David Castle is being interviewed in respect of some missing items of mail believed to contain credit cards.

Mr Castle has agreed to allow a search of his personal locker and car, but has refused permission to allow Security Managers to search his home on the basis that he does not want his young family upset. A search of his locker has revealed 6 items of mail containing credit cards, together with receipts of items purchased using the cards, and Mr Castle admits that he has stolen the items.

The Security Manager, Mike Johnson, believes there are a number of missing items of mail still unaccounted for, and suspects they are at Mr Castle's home address. Believing that Mr Castle is likely to dispose of these items, and considering the strength of the evidence already obtained, Mike informs Mr Castle that he is under arrest for theft, and that the Police have been called.

Section 4: Searches Without Consent



Q12. What assistance can you offer the Police with the search of Mr Castle's house, and what must you get from Mr Castle?

Q13. If the Police get called away from the search, what must you do?

Section 4: Searches Without Consent



Check your answers with the following:

- Q12. What assistance can you offer the Police with the search of Mr Castle's house, and what must you get from Mr Castle?

You can be present at Mr Castle's house as long as you get his consent. Additionally, if the Police instruct you to do so you can search. You do not, however, have any power of seizure, so you must get a Police Officer to seize any evidence that you find.

- Q13. If the Police get called away from the search, what must you do?

If the Police get called away you can only continue to search if you get Mr Castle's written consent.

Section 5: Seizing Computer Evidence

As computers become more and more a part of everyday life it is expected that the number of offences involving them will grow. The recovery of computer evidence is a specialist area in which some members of the Security Profession 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 which will help to maintain the integrity of any potential evidence.

Seeking specialist advice

If it is thought that there may be evidence on a computer, specialist advice should be sought through the SIS Helpdesk. Appropriate arrangements can then be made for a forensically secure copy to be produced using a piece of equipment known as a Data Image Backup System. (DIBS).

You should note, however, that 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 they have a right to privacy. As such, a computer should only be seized where you are certain 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.

Section 5: Seizing Computer Evidence

Current Police Guidelines

Current Police 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 out of;
- 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.

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

- try to print anything that is on the screen;
- switch it off following normal close-down procedures, just remove the mains power to it;
- switch it on.

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

Section 6: General Search Considerations

There are a number of areas which 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 if inquiries do not reveal anything of an incriminating nature.

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

Extent of the search

Section 16(8) of PACE states that 'A search under a Warrant may only be a search to the extent required for the purpose for which the warrant was issued'. This must equally apply to searches without a Warrant. We should only be searching for the items we know we are looking for, and not doing a general sweep. The search must be in proportion to what we are looking for, e.g. if we are looking for large packets there is no need to look in small drawers.

Friends at searches

When a suspected member of staff is to be searched, the suspect must be **asked** if they wish to have a Post Office 'friend' present at each and every search conducted.

This offer of having a 'friend' present must be made, even if the suspect has already declined to have a 'friend' present at the interview itself, and the offer, as well as the reply, must be recorded.

In addition PACE allows a person whose premises are searched to have a 'friend' present if they **request** it, and it would not frustrate the purpose of the search or potentially endanger the officers involved.

Section 6: General Search Considerations

In normal circumstances the suspect should be present at all searches. If they refuse to be present when a search is conducted, they must provide a separate note in their own writing giving permission for the search to take place. This note can then be presented at the home by the Security Manager to anyone who is entitled to see it. As a precaution, it should be preserved in case it is needed as evidence. Lockers should be searched in the presence of a local supervising officer.

Personal Searches

Personal searches must be carried out by someone of the same sex. It is important to anticipate the possible need for such a person, and to ensure that a suitable Security Manager will be available.

People of the opposite sex can be present for the search of a person, providing the search does not involve the removal of more than the outer coat, jacket, gloves, headgear or footwear (unless the person being searched specifically requests it). Exceptionally, the professional services of a Police Officer can be considered.

Searches should be made at a reasonable hour unless this might frustrate the purpose of the search. The premises should be searched only to the extent necessary to achieve the objective of the search, having regard to the size and the nature of what is being sought.

Searches must be conducted with due consideration for the property and privacy of the occupier, with no more disturbance than is absolutely necessary.

Damage should not generally be caused during searches. However, in the event of damage, a record should be made of the fact in the Security Manager's notebook. Form CS004 details how compensation can be claimed.

Section 6: General Search Considerations

If, in the course of an inquiry, any member of staff (or certain agents for the Post Office: e.g. a Sub-Postmaster or Sub-Office Assistant) consents to a search and it fails to reveal any:

article which seems likely to have been stolen from the post;

or

property which they cannot account for satisfactorily;

or

article or document which suggest criminal conduct;

then a letter should be sent to them as soon as practicable.

Form CS027, which is a typist's draft, should be used to base the you letter on which is to thank the person for their assistance and apologise for the inconvenience caused. The letter must be typed on the relevant Business Unit headed paper, and it should be signed by the searched person's Line Manager. This should always be done without delay.

However, the letter should not be sent following a negative search when the person:

was given into custody ;

or

was suspended from duty immediately after the search;

or

has admitted dishonesty;

or

was not a suspect and insisted on producing the contents of their pockets;

or

was searched on the authority of a search warrant.

SECURITY FOUNDATION PROGRAMME

Section 6: General search considerations

When must the letter be used?

Irrespective of the Security Manager's own view as to the guilt of the person concerned, the letter must be sent in all cases where the search reveals nothing incriminating, other than in the circumstances listed above.

A suspected member of staff who produces the contents of his pockets at his own request and whose pockets are, with his consent, then examined to ensure that nothing incriminating remains concealed, should be regarded as having been searched, and should be sent the letter on the lines of CS027.

When the letter is intended for a Sub-Office Assistant it should be handed to the Assistant by the Sub-Postmaster, but it should be signed by the Retail Network Manager.

A copy of CS027 typist's draft is produced below.

The typist draft is as follows:

"On (date) at the request of
(name) /rank/business/office....."

you agreed to allow a search of your person and premises. The searches were carried out in order to satisfy The Post Office that you were not in possession of anything unauthorised. I am pleased to say that nothing which would cast doubt on your honesty was found during the course of the searches, and on behalf of The Post Office I would like to thank you for your assistance during these inquiries.

On a personal note, I would like to express my regrets that it was necessary to put you to this inconvenience.

LOCAL MANAGER

CS027

Summary

This module focused on the powers of search you have as a Security Manager.

In Section 1 we looked at searching a suspect, and/or their property, providing they give you their consent. We looked at the completion of the Search Record form CS005, and how suspects are advised of their rights under PACE with the Notice of Powers and Rights form CS004.

Section 2 looked at how property seized during a search is recorded and treated. The completion of form CS005, and labels/bags CS035, CS036 and CS037 were explained, and the guidelines on ensuring continuity of evidence were explored.

In Section 3 we dealt with the actions and care needed to ensure that searches are conducted in a safe manner.

Section 4 looked at what happens when a suspect refuses to give their consent. We explored the powers of the Police to search under Sections 18 and 32 of PACE.

In Section 5 we looked at what action is required if you need to seize computer equipment following a search.

Finally, Section 6 looked at the general search areas, including when it is appropriate to have 'friends' present at a search, how to conduct personal searches and what happens if evidence is not found following a search.

Progress Check



If you are uncertain about anything you have completed or read in this module so far, please speak to your Line Manager. If you feel confident with your knowledge of the powers of search, move on to the Progress Check.

To check your understanding of the complete module please answer the following questions:

Q1. What is the purpose of the CS005 form?

Q2. What is the purpose of the CS004 form?

Tick the answer that applies.

To record property seized during a search

To record the suspect's consent to allow a search to take place

To advise the suspect of their rights when a search is requested

To notify a member of staff that nothing was found when a search was conducted

Q3. List the three actions required immediately property is seized during a search.

Progress Check

Q4. Describe briefly how property seized during a search should be kept.

Q5. Consider the following situations and answer the questions that follow:

- a) You and a colleague are undertaking a search of a suspect's home. There are only two of you because the suspect has given their consent and is very calm about the situation.

Is having two Security Managers conducting the search appropriate given the circumstances? Give a reason for your answer.

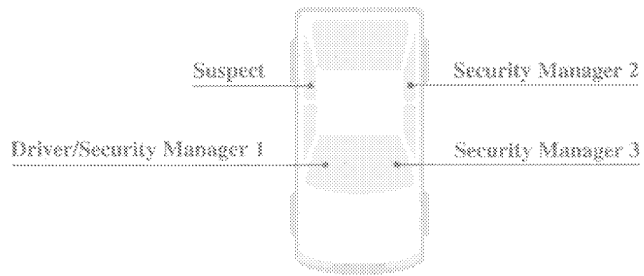
- b) You arrive at a suspect's home to conduct a search and discover the next-door neighbour is having coffee with the suspect's wife.

What should you do when confronted with a situation like this?

SECURITY FOUNDATION PROGRAMME

Progress Check

Q6. You are travelling by car to a suspect's home to conduct a search. You are sat in the following positions --- is this correct? Give a reason for your answer.



Q7. Briefly describe what should happen if a suspect changes their mind and withdraws their consent to a search at the last minute.

Q8. Are the following statements true or false?

a) If Security Managers are named on a search warrant they are in total control of the search.

True False

b) Security Managers have the power to search persons or premises without consent.

True False

c) The Police have to be in possession of a search warrant before they can conduct a search.

True False

SECURITY FOUNDATION PROGRAMME

Progress Check

Q9. Describe what you should do if, while conducting a search, you come across a computer, switched on, showing possible evidence on its screen?

Progress Check



Now check your answers with those on this and the following pages.

Q1. What is the purpose of the CS005 form?

The CS005 form is used to record the interviewee's consent (and the consent of a person entitled to grant entry to premises). It is also used to record details of any evidence seized during the search.

Q2. What is the purpose of the CS004 form?

Tick the answer that applies.

To record property seized during a search

To record the suspect's consent to allow a search to take place

To advise the suspect of their rights when a search is requested

To notify a member of staff that nothing was found when a search was conducted

Q3. List the three actions required immediately property is seized during a search.

- * Immediately an exhibit is seized it must have an exhibit label attached to it or be placed in an exhibit bag.*
- * It must be given the initials of the Security Manager making the seizure, and sequential numbers.*
- * The Security Manager who found the item should initial the relevant entry on the CS005 form as soon as possible.*

Q4. Describe briefly how property seized during a search should be kept.

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 to ensure the integrity of the evidence.

SECURITY FOUNDATION PROGRAMME

Progress Check

Q5. Consider the following situations and answer the questions that follow.

- a) You and a colleague are undertaking a search of a suspect's home. There are only two of you because the suspect has given their consent and is very calm about the situation.

Is having two Security Managers conduct the search appropriate given the circumstances? Give a reason for your answer.

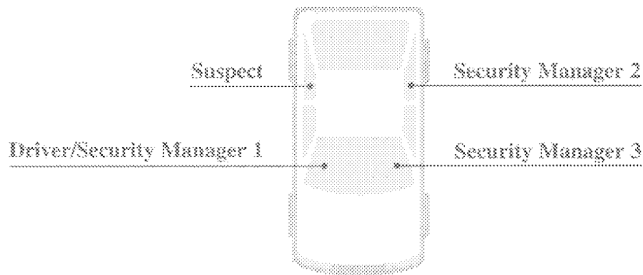
No it is not. There should be a minimum of three Security Managers at every search.

- b) You arrive at a suspect's home to conduct a search and discover the next-door neighbour is having coffee with the suspect's wife.

What should you do when confronted with a situation like this?

You should ask the suspect to request the neighbour leaves the premises before you start the search.

Q6. You are travelling by car to a suspect's home to conduct a search. You are sat in the following positions – is this correct? Give a reason for your answer.



No it is not – the suspect should be sat behind the front passenger seat behind Security Manager 3.

SECURITY FOUNDATION PROGRAMME

Progress Check

Q7. Briefly describe what should happen if a suspect changes their mind and withdraws their consent to a search at the last minute.

The search should not be carried out.

Q8. Are the following statements true or false?

a) If Security Managers are named on a search warrant they are in total control of the search.

True False

The Police are in total control of all searches conducted under a search warrant.

b) Security Managers have the power to search persons or premises without consent.

True False

Security Managers have no powers to search without consent.

c) The Police have to be in possession of a search warrant before they can conduct a search.

True False

No, Sections 18+32 of PACE allow the Police, following the arrest of a suspect, to conduct searches without a warrant.

Q9. Describe what you should do if, while conducting a search, you come across a computer, switched on, showing possible evidence on its 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 Processor Unit should then be unplugged – never switch the computer off in the normal way.