

SEARCHING	
1.	<p>PURPOSE</p> <p>The aim of this policy is to set out clear instructions to investigators about the powers of search</p>
2.	<p>LINK TO ACCOUNTABILITIES</p> <p>Security Managers</p>
3.	<p>POLICY</p>
3.1	<p>POWER OF SEARCH - CONSIGNIA INVESTIGATORS</p> <ul style="list-style-type: none"> Members of the Security Community have no statutory power of search and it is important that officers should avoid creating any misapprehensions on this point when dealing with suspected offenders or with the Police. When the question of a search or searches of a suspected member of staff arises, the suspect must be asked if he/she wishes to have a friend present at each search. This offer of having a friend present must be made even if the officer has already declined to have a friend present at the interview itself and the offer as well as the reply must be recorded. In the absence of a search warrant an investigator may search a suspected offender, their home or private motor vehicle only if that person's consent has been obtained. It is vital that the details regarding the request for a consent search are minuted, documented and confirmed in writing by the suspected offender. It is also important that the area and the nature of search are completely proportionate to the loss being investigated and that all aspects of the search can be justified. Consent should also be obtained for a search of the personal locker but, if declined, the official locker can be searched on the basis that is the property of Consignia. Such consent, when obtained, should be recorded on tape (and/or in the notes of interview) to show clearly that the suspect is willing to allow a search of his person, locker, home and private motor vehicle. Additionally the relevant search form CS004 must be completed and signed. Care should be taken not to go beyond the consent of the suspect and/or occupiers consent as this could result in challenges under the Human Rights Act eg, searching the whole house and the parents bedroom when a young person is the suspect. Similarly, searches of the suspect's partner's underwear drawer or childrens bedrooms may also be the subject matter of challenges unless there is evidence to show that stolen property may be hidden there. In normal circumstances the suspect should be present at all searches. If, however, the person concerned refuses to be present when a search is conducted he should, in addition, provide a separate note in his own writing giving permission for the search to take place. This note can then be presented at the home by the Investigator 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 must be carried out by a person of the same sex. It is important to anticipate the possible need for such a situation and to ensure that a suitable officer will be available. Very exceptionally, the professional services of a Police Officer can be considered. Before a search of premises or vehicle is undertaken written consent MUST be obtained from the owner or occupier on form CS005 prior to written consent being given. The suspect should be told what the Security Manager wishes to search and the reason why. The suspect should also be told that they are not obliged to consent to the search and that anything seized may be produced in evidence. Additionally, Notice of Powers and Rights (CS004) must be handed to the owner/occupier which fully explains the conditions of the search.

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3.2	<p>POWER OF SEARCH - POLICE</p> <ul style="list-style-type: none"> In England and Wales the exercise by Police Officers of statutory powers of searching persons, premises and vehicles is governed by the Codes of Practice to the Police and Criminal Evidence Act 1984. Investigators are expected to be familiar with these codes of practice and the constraints which they place upon Police Officers. The codes of practice do not apply to the Aviation Security Act 1982, s27(2) or the Police and Criminal Evidence Act 1984 s6(1) which relates specifically to powers of constables employed by statutory undertakers on the premises of the statutory undertakers.
3.3	<p>SEARCH WARRANTS</p> <ul style="list-style-type: none"> Investigators should address applications for search warrants to the Police who will both make the application and execute any necessary searches. Under Section 16(2) of PACE, Consignia Investigators can be named on a search warrant. In these circumstances they can enter premises and conduct searches without obtaining the consent of the occupier. Where the police are accompanied by named members of the security community under this Section, the police must remain in clear control of the operation otherwise the search and seizure may be rendered unlawful and it may lead to the award of substantial damages against the police and Consignia. Under Sections 18 and 32 of PACE, Police Officers can enter and search premises without a warrant. If a Consignia Investigator accompanies Police Officers under such circumstances, permission to enter the premises must be obtained from the occupier or person arrested. A search, without written consent, should cease if the Police Officers leave the premises for any reason. Only the police officer has power to search without consent.
3.4	<p>GROUND'S FOR SEARCH</p> <ul style="list-style-type: none"> There must be reasonable grounds for thinking that the person has committed an offence and that he/she is in possession of stolen property or a document or article which would be evidence of the offence (theft or forgery) for which he/she is suspected before a search is conducted or a search warrant is applied for. When a search is conducted the utmost care must be exercised to avoid wounding the sensibilities of people who may be innocent. All practicable steps should be taken to ensure privacy during searches; to prevent other people in the office or house from taking offence to what must be a disagreeable procedure for them, and to preclude the risk of neighbours getting to know what is going on. There are no grounds for damaging or destroying property during the course of the searches.
3.5	<p>INTERVIEWEE REFUSES SEARCH</p> <ul style="list-style-type: none"> Investigators have no power to search persons or premises without either consent or as a named investigator accompanying the police on a search warrant pursuant to Section 16(2) of the Police and Criminal Evidence Act 1984. If the interviewee asks what will happen if he does not consent to a search, then again the investigator should explain that he would prefer to carry out the search with consent as he wishes to continue the investigation. The interviewee should again be asked whether or not he/she consents to the search. Consent must be recorded on the search form CS005 as should any withdrawal of consent. In the event that the interviewee will not give an unambiguous answer this should be treated as a refusal to give consent.

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	<ul style="list-style-type: none"> Unless the withdrawal of consent to the search takes place during a taped interview, a written record should be made either in the notes of interview or in a notebook of the withdrawal of consent. A search cannot commence or continue once consent has been withdrawn. The interviewee may only consent to a partial search, for instance of certain rooms only, in which case, only these areas can be searched unless the necessary police assistance is obtained. If the interviewee continues to decline a search and there is reason to think that property is outstanding, the question of making an arrest will arise. Provided the investigator has the necessary power of arrest he should consider arresting the interviewee at the end of the interview. Once the suspect is under police arrest, the police may search his/her premises without consent under PACE Section 18.
3.6	RECORD OF PROPERTY RECOVERED <ul style="list-style-type: none"> Full details of all property taken into possession as a result of any search should be recorded on form CS005, or in a police exhibit book or search record. Investigators should be careful for their own protection to report explicitly in the papers the final disposal of all such property, especially where money, documents or articles of value are involved. In addition, in relation to high value property the investigator should make a permanent record of the disposal/return of the property which record should be countersigned by a witness to the disposal/return of the same. This record should be retained indefinitely by the investigator.
3.7	CONTINUITY OF EVIDENCE <ul style="list-style-type: none"> Investigators undertaking searches must take with them exhibit labels CS035 and/or exhibit bags CS036 and CS037. Immediately an exhibit 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 (AB/1, AB/2 etc.) and these details must be transferred to the back of the search form immediately. The finder must initial the search form entry to acknowledge that it has been recorded correctly. Investigators must ensure that all property recovered is retained in secure conditions (locked cupboard/room etc.) Where more than one investigator has access, property must be retained in sealed exhibit bags and a control system for booking exhibits in and out held. If challenged, the investigator must be able to prove the integrity of the system for the continuity of evidence. To allow emergency access to exhibits at short notice but to retain security measures, a duplicate key should be held by the relevant line manager and a key issue record maintained. When high value or exceptionally bulky exhibits are recovered, investigators must discuss with their line managers the most suitable method of storage, including security, continuity and availability. Exhibits should be retained in accordance with instructions contained in the Post Office Code of Practice under the Criminal Procedure and Investigations Act 1996. If it is necessary for an original exhibit to leave the possession of the officer in the case, it must only be sent by Special Delivery or transferred by hand. For instance a seized postal packet sent to another part of the country and the obtaining of a sender's or an addressee's statement and recovery of the envelope would be sent by Special Delivery to another officer. In addition to the statement of the sender or addressee, the receiving officer must make a statement of receipt of the Special Delivery item containing the exhibit mentioning the delivery details and saying that he/she took the exhibit to the sender or addressee, received back the cover of the postal packet and returned it to the officer in the case by Special Delivery, quoting the delivery details. This officer must of course sign

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	<p>and date the exhibit label or bag.</p> <ul style="list-style-type: none"> When sending an exhibit, an entry must be made in the investigator's paper book or exhibit register, including the Special Delivery details. If necessary a photocopy of the paper book page can later, be tendered in evidence to prove continuity. The same procedure must be adopted when returning an exhibit to the case officer. Special Delivery details must be retained until the case has been finalised. Relevant entries and receiving signatures must be made in paper books or exhibit registers when exhibits are transferred by hand. Original exhibits will no longer be enclosed in case files. Good quality A4 size single-sided copies should be enclosed in the file in place of the exhibits. In cases of difficulty in making photocopies, for example where cash books are concerned, High Street print shops should be used and the cost claimed from the Business. In respect of the copying of cash books, any instructions and audit sections need to be copied, together with all entries shown to the interviewee during interview and any others of particular relevance to a prosecution case. All pages signed by the interviewee must be copied in full. Rather than send an original exhibit such as an accounting document to another part of the country for a witness to make a statement about it, the officer should consider whether the witness could be sent a photocopy exhibit in order to make the statement. This will allow the photocopy to be sent by pouch or first class post. The investigator in the case who copies the exhibit must include in a statement the making and sending of the photocopy. The photocopy then becomes a new exhibit to be produced by the investigator and it is suggested a suffix be added to the identifying mark of the original exhibit (e.g. AB/1a). The distant witness can then make his/her statement based on the photocopy exhibit.
3.8	<p>SEARCHES OF OFFICIAL LOCKERS</p> <ul style="list-style-type: none"> Prior to commencement of the enquiry the investigator should always ascertain from official records whether a suspected member of staff has an official locker and its number; it is also prudent to ask local supervision whether the suspect is known in practice to have unofficial use of any other locker. As lockers are official property but supplied for the purpose of housing personal effects of members of staff, consent of the key holder should normally be obtained before any official locker is searched. If, however, consent is withheld and it is considered essential that a search must be made, permission to use that particular locker should formally be withdrawn from the key holder and his key called in. In those circumstances, the contents of the locker should then be removed only if the suspect himself or a reliable local independent witness (preferably a staff side representative or local manager) is present throughout. This step of withdrawing permission to use a locker is clearly one which may be taken only when the facts can fully justify it.
3.9	<p>HEALTH AND SAFETY</p> <ul style="list-style-type: none"> When conducting searches of persons or premises extreme vigilance is advised to prevent accidental injury from sharp objects including used hypodermic needles. Experience has shown that heavy duty protective gloves give little protection against puncture and cannot be relied upon to prevent injury. Individuals should first be asked to empty their pockets before searches are conducted and surgical gloves should be worn to prevent contamination from suspect material. Further advice is included in Safe Working Practice Guidelines at Appendix 17.
3.10	<p>CS027 PROCEDURE</p> <ul style="list-style-type: none"> When, in the course of an enquiry, a member of the staff (or certain agents for Consignia e.g. a Sub Postmaster or Sub Office Assistant) is searched (i.e. person, locker, private motor vehicle or home) and the search does not reveal any article which seems likely to have been stolen from the post; or

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	any property which he/she cannot account for satisfactorily; or any article or document which suggest criminal conduct, a declaration based on form CS027 must be prepared as a draft and steps taken to have it typed and signed by the line manager. This should always be done without delay. The declaration should not, however, be given when the officer searched is given into custody or suspended from duty immediately after the search; or when he/she has admitted dishonesty; or when an officer, who is not a suspect, himself insists on producing the contents of his pockets; or when a search is conducted on the authority of a search warrant. It must, however, be given (whatever the investigator's own view as to the guilt of the officer concerned) in all other cases where the requested search reveals nothing incriminating. A suspected member of staff who produces the contents of his pockets on 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 given an apology on the lines of CS027. When a form CS027 is intended for an Assistant at a Scale Payment Sub Office it should be handed to the Assistant by the Sub Postmaster but it should be signed by the Retail Network Manager.					
4.	Links to other reference material (policies, processes and procedures, etc.)					
	Title	Author	Located	Version	Type	Policy No.
4.1	PACE (Codes of Practice)		Library	1984	Act	3.2
4.2	PACE (Sec 16/18/32)		Library	1984	Act	3.3
4.3	PACE (Sec 18)					
4.4	Criminal Procedure & Investigations		HMSO	1996	Act	3.7
4.5	Safe Working Practice		Database	3/2000	App 17	3.9
5.	Document details					
5.1	Author :					
5.2	Owner :	Head of Corporate Security				
5.3	Audience:	Security Community				
5.4	Enquiry point :	Programme Manager, Law & Legislation, Corporate Security, 4 th Floor, Impact House, 2 Edridge Road, CROYDON, CR9 1PJ				
5.5	Effective from :	January 2001				
5.6	Review date :	March 2002				
5.7	Last updated :	January 2001				
6.	Assurance Details					
6.1	Name	M Dunckley/J Spong				
6.2	Business Unit	SIS				
6.3	Assurance Date	31 January 2001				
7.	Final Review					
7.1	Approved by					
7.2	Documented (Hard Copy)	YES/NO	Location:			
7.3	“ (Electronic)	YES/NO	Location:			