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Territorial Policing – Patrol OCU
Search Powers Prior to Arrest
Standard Operating Procedures
Issue 1

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**METROPOLITAN
POLICE**

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How to use Standard Operating Procedures

Structure

The Search Powers Prior to Arrest, Standard Operating Procedure (SOP) has been carefully structured so that it will be easy to use.

Formatted tables

Some types of information have been formatted in specific ways to help you find key content quickly and to identify important steps and responsibilities.

Red tables

Whenever you read content presented in a red table like the one shown below, you can be certain that you will be reading principles, this includes the responsibilities in respect to a particular role or the description of a particular issue.

Item	Responsibility

Yellow tables

Whenever you read content presented in a yellow table like the one shown below, you can be certain that you will be reading facts, such as who supplies/to whom/why.

Example	Information Type

Green tables

Whenever you read content presented in a green step/action table like the one shown below, you can be certain that you will be reading the procedure of exactly how to do something.

Step	Action

Blue tables

Whenever you read content presented in a blue table like the one shown below, you can be certain that your will be reading what processes need to be carried out.

When.....	Then.....

Search Powers Prior to Arrest

Overview



- Introduction** This Standard Operating Procedure (SOP) supports the Metropolitan Police Service (MPS) Policy on Stops and Searches and must be read in conjunction with:
- Principles for Stops and Searches;
 - Code A of the Codes of the Police and Criminal Evidence Act 1984;
 - Race Relations (Amendment) Act 2000; (RRAA).

Contents This publication contains the following topics:

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Grounds for Searching



Mnemonic 'SHACKS'

Officers often refer to a 'gut feeling' or a 'sixth sense'. 'Hunches' which cannot be explained will never be considered as reasonable grounds.

A mnemonic identified as good practice, (designed by the North London Training unit) can assist in thinking through the process of:

- reasonable grounds; and
- the completion of a search record in a professional and logical format.

Mnemonic	Information to be noted
S een	What have you Seen? Include: • Actions • Behaviour • Drugs paraphernalia present
H ear	What have you Heard? Include: • Conversations • Alarms • Breaking glass etc.
A ctions	What did you do? Include: • What they did in response • Whether their actions increased or decreased your grounds for search
C onversation	What did you say to them? Include: • What they said to you? • Whether their reply increased or decreased your grounds to search
K nowledge	What is already known? Include information known about: • The individual
S mell	What could be smelt? Include any smells that might give rise to suspicion that: • Drugs may be present • Dangerous substances may be present

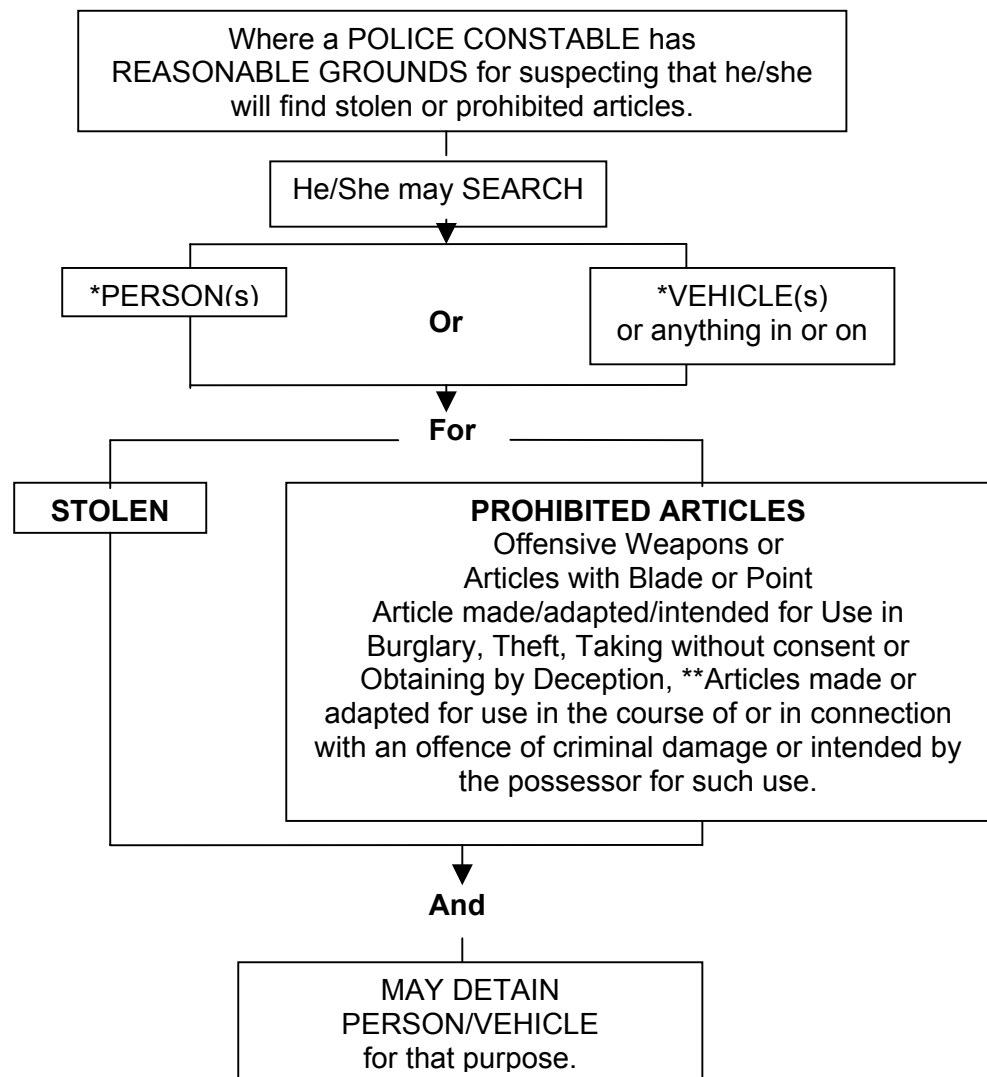


Power to Search under S.1 PACE Act 1984



Definition

Section 1 - Police and Criminal Evidence Act 1984



*Where exercisable

This power is exercisable where there is public access.

Note: See also section on 'Restrictions on Searching' and 'Location of Searches'.

**Articles in connection with criminal damage

Examples:

- A spray paint can is being carried with **intent** to cause graffiti;
- An etching tool is in the possession of someone who **intends** to deface a window;
- The relevant **intent** is to use a brick to smash windows.



Information before a Search



Information to person searched

Officers must take reasonable steps to bring certain information to a person's attention **before starting the search**.

GOWISELY is the minimum information that should be given to the person detained for the purpose of a search.

Mnemonic	Information to be given
G	Grounds for the search • <i>Information as given in 'SHACKS' mnemonic</i>
O	Object of search • <i>What the officer is searching for</i>
W	Warrant Card if not in uniform • <i>In cases of terrorism or where fear of danger, see below</i>
I	Identity • <i>The officers name ...(except in the case of enquiries linked to the investigation of terrorism, or otherwise where the officer reasonably believes that giving his or her name might put him or her in danger, in which case a warrant or other identification number shall be given)...</i> - Code A 3.8b
S	Station to which attached
E	Entitlement to a copy of the search form - (form 5090)
L	The legal search power being exercised
Y	'You' must tell the person stopped that they are being detained for the purpose of a search

Further explanation

It is important to be mindful of other's needs and perceptions and that further explanations could be helpful.



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Search Restrictions under s.1 PACE



Searching in gardens or yards PACE s.1(4)

If a person or vehicle is in a garden or yard occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable may not search in the exercise of the power conferred by this section unless the constable has reasonable grounds for believing:

- (a) that the person (or the person in charge of the vehicles) does not reside in the dwelling; and*
- (b) that he/she (or the vehicle) is not in the place in question with the express or implied permission of a person who resides in the dwelling.*

Voluntary searches are unlawful

A person must not be searched where no power to search exists, even if the person stopped gives permission.

Exception: This does not apply to searching persons entering sports grounds where searches are still carried out with consent as a condition of entry.

Removal of clothing Code A, 3.5

“There is no power to require a person to remove any clothing in public other than an outer coat, jacket or gloves”

Searching in public place Code A, 3.5

“..... A search in public of a person’s clothing which has not been removed must be restricted to superficial examination of outer garments.”

Extent of search in public Code A, 3.5

“This does not, however, prevent an officer from placing his or her hand inside the pockets of the outer clothing, or feeling round the inside of collars, socks and shoes if this is reasonably necessary in the circumstances to look for the object of the search or to remove and examine any items reasonably suspected to be the object of the search.

Searching hair Code A, 3.5

“For the same reasons, subject to the restrictions on the removal of headgear, a person’s hair may also be searched in public (see paragraphs Code A 3.1 and 3.3 Codes of Practice).”

Gender of officer conducting the search Code A, 3.6

“Any search involving the removal of more than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it [See Notes 4,7, and 8 – Codes of Practice].”



Ownership



Ownership	The commissioning, ownership and approval of this SOP resides with the Stop and Search Strategic Committee.
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Development of document	This SOP was developed by the Territorial Policing Patrol OCU.
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Implementing	This SOP will be implemented by: • Operational Officers; • Supervisors; • Duty Officers; • Superintendents; • Borough Intelligence Officers; • Diversity & Citizen Focus Directorate; and • Metropolitan Police Special Constabulary (MSC).
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Note: PCSO's will not implement these procedures but should have knowledge of them, giving them an understanding of how they will impact on their duties.

Review of document	The review of this SOP will be the responsibility of the Territorial Policing Patrol OCU
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Associated Documents



Legislation

- The Police & Criminal Evidence Act 1984 Code of Practice - Code A
- Police (Property) Regulations 1997
- Knives Act 1997
- Crime and Disorder Act 1998
- Human Rights Act 1998
 - (Article 3 – prohibition of torture, inhuman or degrading treatment, Article 5 – the right to liberty, Article 8 – the right to respect for private life, Article 10 – the freedom of expression, & Article 14 – the prohibition on discrimination)
- Home Office Circular 7/99
-
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000; (RRAA)
- Freedom of Information Act 2000

Relevant documents

ACPO guide to the use of stop and search
MPS Risk Assessment – Searches prior to Arrest

Policies and SOP's

- MPS - Policy on Stops and Searches
- MPS - Principles on Stops and Searches



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Feedback – Searches Prior to Arrest SOP



Continued review

This SOP will be reviewed on a regular basis.

Information to be provided

If you would like to provide feedback about this document your e-mail must include the following information:

Step	Action
1	Name.
2	Rank/Post.
3	The department/unit/OCU/community group you represent.
4	Contact information.
5	The title of the section being commented on.
6	The label of the block(s) being commented on.
7	The benefit(s) of your suggestion.
8	Details of the changes suggested, (at this point it will be necessary for you to type exactly the words you are suggesting for replacement).

Submitting comments

Send your comments to:

StopsandSearches-TPHQ@met.police.uk

Where possible you will be sent an acknowledgement.

Making changes

Your comments will be taken alongside those of others submitted and your changes may or may not be implemented.



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