

POLICE SEARCHES OF DOMESTIC RESIDENCES



A Report under Section 60A
Of the
Police (Northern Ireland) Act
1998

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FOREWORD

I am very pleased to publish this report on Police Searches of Domestic Residences. It contains the findings of a major research project that involved the examination of public attitudes to searches, police records and complaints received by my Office. The PSNI have publicly stated that they are seeking to establish the best possible relationships with those whom they serve. When police arrive to conduct a search of a home it can be a difficult and traumatic occasion for the people who live in that home. On occasion the effects of a search cannot be avoided: it is simply the case that the search must be conducted. Equally the search can be difficult for police, particularly when they are conducting searches in areas, where there is known hostility to the police.

However, over the years the way in which police conduct such searches has repeatedly attracted adverse comment. Where the methodology of a search is disproportionate, or where the law is not complied with damage may be done not only to the relationship between police and the occupants of the property which was searched, but also to the relationship between police and people in the area. In addition to this if a search is unlawful police may be liable to pay damages in any civil action taken by the occupant of the property. This diverts resources, which should properly be used for the protection of life and the prevention and detection of crime.

I appreciated the co-operation that we received from many within the Community and from NGOs involved in the research. During this research we also worked closely with the PSNI who were keen to identify anything which might enhance the instructions that they give to officers as to how to conduct such searches. The PSNI have responded very rapidly to the recommendations that we made and we are pleased to be able to publish them at the same time as the research itself.

It is my hope that this research will serve to inform the actions of the PSNI in relation to the conduct of future searches. I hope also that it will serve to inform the general public discussions in relation to policing by providing a clear statement as to the law in relation to searches and as to the findings of the three strands of the research – the qualitative focus group work, the analysis of police search records and the analysis of complaints about searches made to my Office.

Nuala O'Loan

October 2006

INTRODUCTION

Section 60A of the Police (Northern Ireland) Act 1998 [as inserted by Section 13 of the Police (Northern Ireland) Act 2003] empowers the Office of the Police Ombudsman to investigate current police policy or practice if:

- (a) the practice or policy comes to his attention under Part VII of the Act.
- (b) he has reason to believe that it would be in the public interest to investigate the practice or policy.

This report presents the findings of a policy and practice investigation conducted by the Office of the Police Ombudsman during 2005/06 into issues surrounding police searches of domestic property.

The policy and practice investigation comprised three elements:

- qualitative research on the views, experiences and perceptions of members of the community on:
 - the proportionality of search procedures and how these affect relationships with police;
 - why police searches of their property took place and when they occurred;
 - the use of warrants and their understanding of how these related to the search of their property;

- damage incurred during searches of their properties, the involvement of civil representatives¹ and the costs involved/compensation paid;
- how the Police Ombudsman or any other bodies or organisations dealt with complaints that they made in relation to police searches of their property;
- how they or others present during searches of their property were treated by the police. This in particular includes the experiences of vulnerable individuals and groups such as children, the elderly or persons with disabilities and minority ethnic groups;
- an analysis of records held by police in relation to searches of property. This has been broken down to Divisional Command Unit level;
- an analysis of records held by the Office of the Police Ombudsman relating to complaints arising from police searches of property.

¹NIO employees who liaise with applicants for compensation to the Compensation Agency for damages in relation to searches of property.

EXECUTIVE SUMMARY

Qualitative Research within the Community

This research was conducted on behalf of the Office of the Police Ombudsman by Trademark. Using a combination of interviews and focus groups Trademark sought the views of individuals and communities throughout Northern Ireland on the subject of police searches of domestic properties. The main findings identified in the research include:

1. The perceived imbalance in proportionality was a key issue raised by all respondents who felt generally that the approach of police officers did not fit the nature of offences being investigated.
2. There was the suggestion that the police had apparently revisited the same property and conducted searches using the same warrant or if returning to the same address for a second time did not produce a warrant.
3. Respondents were unhappy at the level of information provided regarding the proposed length of the search and/or the length of their confinement (not under arrest) during the search.
4. The research indicated that incidents of entry without a warrant and surprise entry with a warrant were not always proportionate to the strength of intelligence and the degree of seriousness of the offence being investigated.
5. On several occasions the intelligence on which the police based their searches and forced entries was perceived to be deeply flawed and the response of the police varied dramatically indicating a lack of clear policy and practice in this regard.

6. The issue of the extension of warrants to other addresses suggests that at times the warrant follows the individual regardless of the address designated.
7. A majority of respondents expressed concern at the lack of clear and consistent information about the nature of the search, their rights during the search, and the identification of the officer in charge.
8. There were concerns expressed by all at difficulties involved in the return of seized property.
9. The research suggests that there is little in the way of practice guidelines in terms of addressing the treatment of vulnerable groups during police searches.
10. The research indicates that police searches involving transnational migrant workers and less well established minority ethnic groups are at times conducted with less than complete adherence to established policy and practice.
11. There is also concern over the role of the police in assisting immigration services and the ability of those searched and arrested or detained to make complaints about police conduct.
12. It is unclear from this research whether a clear policy in terms of interpretation services exists for searches and search warrants in households with little or no English and if so whether it is applied appropriately and with any consistency.
13. The conduct of police and issuing of warrants for police searches within the travelling community needs addressed in order to formalise the use of warrants for individual caravans within sites generally.

14. The reporting of complaints to the Police Ombudsman's Office is affected by:

- local informal conflict resolution patterns;
- fear of further searches and harassment;
- confusion over investigation of 'operational' procedures.

15. There is an indication of the emergence of macho and aggressive cultures during the conduct of police searches.

As an entirely qualitative piece of work these findings can only be indicative of aspects of police policy and practice in the conduct of searches of domestic property; nevertheless Trademark believe that the specific targeting and profile of interviewees and focus groups gave the research team a significant insight into current issues and lent weight to the findings of the assignment.

Analysis of Police Records

This research was conducted by the Office of the Police Ombudsman. The analysis found that, of the property search records sampled:

- 51 per cent were conducted using non-specified warrants and 12 per cent were conducted under the Terrorism Act;
- 62 per cent resulted in a positive find;
- occupants were present in 81 per cent;
- persons were arrested in 17 per cent;
- the average number of police officers present during searches was 6;

- 22 per cent recorded damage to property;
- 77 per cent took place between 9am and 9pm;
- forced entry was recorded in 21 per cent.

Analysis of Police Ombudsman Records

This research was conducted by the Office of the Police Ombudsman. The analysis found that, of the property search complaints made to the Police Ombudsman:

- North Belfast District Command Unit attracted the greatest percentage of complaints;
- failure in duty constituted 63 per cent of allegations;
- 28 per cent of complainants failed to cooperate with the Office of the Police Ombudsman;
- almost half of complaints came from the Catholic community;
- 35-44 year olds constituted the largest age band of complainants;
- 40 per cent of complaints were made by females.

Recommendations

The Police Ombudsman makes the following recommendations, to which the PSNI have been given the opportunity to respond.

1. Police officers are reminded of the importance of ensuring that warrants are accurately completed and used solely for the purpose they are intended to avoid claims for wrongful searches.

PSNI Response: Agreed: the PSNI search manual provides direction on accurate completion of all search documentation in Section 6.

2. Police officers are reminded of the correct use of appropriate search documentation, including the serving of PACE 20s, copies of warrants and PACE IA documentation;
3. Police officers are reminded of the importance of fully and accurately completing search records;

PSNI Response: Agreed: the PSNI search manual provides direction on accurate completion of all search documentation in Section 6.

4. Police officers are reminded of the importance that property seized is returned as soon as practicable;

PSNI Response: Agreed: the PSNI policy directs that searches are carried out in compliance with legislation and the PACE codes of Practice. PACE Codes of Practice B provides guidance on dealing with property.

5. Police officers are reminded of their duty to adhere to policies and practices in relation to property searches with particular emphasis on guidelines for dealing with vulnerable groups including ethnic minorities and migrant workers;

PSNI Response: The issue of dealing with ethnic minority groups is an emerging problem with the increase in transnational migrant workers, asylum seekers, refugees and undocumented workers now living in the province. In

addition, both our regions are increasingly working with the United Kingdom Immigration Service and one of the major issues is that of language and interpretation.

Following consultation with our Community Safety Branch, the following solutions are suggested as practicable steps towards addressing the communication issues:

- Search documentation (Warrants, PACE Article 20, Pace 1/TA)
- Raise awareness amongst TSG and others conducting domestic premises searches of the NIS facility (National Interpreting Service – 150 languages).

Our Operational Policy and Support Branch has been liaising with Community Safety Branch over these issues.

6. Police officers are reminded of the importance of securing unoccupied dwellings following searches;

PSNI Response: Agreed: an Interim Direction has been issued by Operations Policy that highlights the PACE codes of Practice directions on securing premises after a search. Work is ongoing to provide practical assistance to operational police in this area.

7. Police officers are reminded that complaints made to police must be forwarded immediately to the Office of the Police Ombudsman. There should be no attempts by police officers to “deal with a matter privately”.

PSNI Response: Agreed.

8. At least one female police officer be in attendance during all searches of domestic properties carried out by police;

PSNI Response: Agreed. The PSNI 'Gender Action Plan', published in September 2004, raised concerns about the proportion of female officers serving in specialist units generally. Vacancies in TSG were specifically mentioned: *'female officers were proportionally more successful than male officers but applied in much smaller numbers. This may be due to female officers' perceptions about the type of work involved in some specialist units and the possibility of long hours culture.'* The report proceeded to make the following practical recommendations:

- Welcoming statements to be included in vacancy bulletins which are issued for jobs in specialist units where females are under-represented; and
- Commanders of specialist units to be tasked with producing action plans to address under representation.

Positive steps were taken to attract female recruits to TSGs. Several 'open / information days' were organised and this appears to have had a positive impact. The latest establishment figures show that, within urban region, TSGs have each at least two female officers. A project team has been established within rural region to examine the under representation of female officers within its TSGs, and it will report later [in 2006].

The revised Search Record (Form 29), which will be released [by November 2006] Section 8, which is part of the planning stage of the search, reads as follows: *'Persons believed to be present at (if it is known or suspected that females will be present, a female officer should attend).'*

9. Police review the proportionality of the number of police officer involved in search operations against the nature of the offence being investigated and the potential impact on community relations;

PSNI Response: The proportionality of police actions is a crucial consideration under Human Rights. The PSNI Search Manual states: *'Where*

the search objective can be achieved in more than one way, the least intrusive method should be chosen'. Under the RAPIDS (Reactive and Proactive Intelligence Driven Support) bidding system, Districts and Departments seeking TSG assistance to conduct searches are required to conduct or at least consider a 'community impact assessment'. This will not only give an indication of the potential impact on community relations of the proposed searches, but will also inform the decision making process in terms of the numbers of search teams or units required to undertake the operation. Commanders have a duty of care for their officers and, therefore, have to consider carefully all of the issues pertaining to the proposed search and not just to the search itself.

Factors to be considered include:

- the area within which the search is to take place;
- the likelihood of a hostile reception, which may necessitate additional officers to secure the area and provide public order support or security; and
- the climate under which searches are to take place (for example, heightened tensions as a result of an ongoing loyalist feud).

Responses that may appear 'over the top' and disproportionate, may in fact be entirely justifiable and appropriate, and the PSNI search manual advises that when either seven or more search aware officers or two or more search teams are required for a search, a Police Search Advisor should be consulted.

Statistics show that only in four per cent of searches are more than ten police officers present and in over half of all searches no more than six officers are involved.

10. All intelligence is verified and validated prior to searches being conducted;

PSNI Response: Agreed: Direction on this is contained in PACE Code of Practice A, Section 2.

11. The police officer in charge of the search always make himself/herself known to the occupants and is available to deal with any issues that may arise resultant from the police search;

PSNI Response: The PSNI search manual directs that officers in charge of search teams make themselves known to the occupants on entry to any premises and explain the nature of the search, the occupants' rights during the search and the fact that they may remain to oversee and deal with any issues that may arise. Several questions are also asked of the occupier before the search commences. Form PACE 1/A search record, a copy of which is left with the occupant on the termination of the search, provides details of the officer in charge of the investigation and a contact number.

12. Police review guidelines relating to searches of traveller sites with particular reference to the use of warrants.

PSNI Response: Agreed: whilst the PSNI policy directive does not specifically mention traveller sites, the guidance and direction it contains clearly states that **all** searches must be conducted in accordance with current legislation and be human rights compliant.

BACKGROUND

The Police Service of Northern Ireland may enter and search domestic dwellings under a number of different powers. The Police and Criminal Evidence (Northern Ireland) (PACE) Order 1989 provides powers to enter and search premises and in conjunction with the Codes of Practice governs the conduct of all searches of premises.

PACE Article 10 provides a search warrant that authorises entry and search of premises to search for evidence that otherwise would not be obtainable under a search warrant issued under any other statute.

Under PACE Article 34 following an arrest an officer may also carry out a search of the premises in which the arrest took place for evidence of the offence for which arrested. No warrant is required.

Under PACE Article 20 an officer may enter and search any premises occupied or controlled by a person who is under arrest for an arrestable offence, if he has reasonable grounds² for suspecting that there is on the premises evidence, other than items subject to legal privilege³, relating to that offence or a similar or connected arrestable offence.

² The need for reasonable suspicion of some fact is required in many of the powers covered in PACE and the general rules governing entry and search. Where reasonable suspicion is required it must relate to the particular circumstance in question and arise because of some fact or feature relevant to that event. It must not be because the person or premises involved belongs to a particular group or class. The concept of reasonable suspicion means a fairly strong suspicion based on fact that would be apparent to an objective third person.

³ In general terms legal privilege is any communication between a professional legal adviser and their client, their client's representative or any other person in connection with legal proceedings.

The power to search as part of an ongoing investigation of crime or terrorism is contained within the particular offence being investigated. For drugs offences the power to search is contained within the Misuse of Drugs Act. For offences of theft the power to search is contained within the Theft (NI) Order or the Theft Act. For terrorist offences the power to search is contained within the Terrorism Act. Other pieces of legislation e.g. Criminal Damage Order, Fisheries legislation etc. also contain powers of search. The searches are carried out under a warrant obtained from a magistrate. All searches are governed by the PACE Codes of Practice B and Art 17 & 18 PACE (NI) Order 1989.

The Terrorism Act (2000) Schedule 5 provides for searches under an application to a magistrate for a warrant. This covers searches for defined relevant material in relation to terrorist investigations but also enables an officer to seize any further relevant material without having to go back to court for a further warrant. The Terrorism Act Schedule 10 provides for police to search for munitions and transmitters on reasonable grounds and under the authorisation of an Inspector. This includes a power to restrict movement of persons present on premises which are in the course of being searched. The Terrorism Act has its own Codes of Practice.

Premises may be searched only to the extent necessary to achieve the object of the search, having regard to the size and nature of whatever is sought (PACE Codes of Practice B para 5.9).

General Rules for all powers of Entry & Search

The PACE Codes of Practice Section 'B' applies to any power of entry and search of premises including premises searched with consent. The general rules do not apply to searches conducted in the following circumstances:

- routine scenes of crime searches;
- calls to a fire or burglary;

- searches following the activation of a fire or burglar alarm;
- bomb threat calls;
- searches which may not require consent (see below).

The PSNI has appointed regional search co-ordinators who scrutinise all search bids to ensure appropriate and proportional responses. Their operations office, in conjunction with the relevant District Command Unit Community Impact Assessment then determines the appropriate uniform style and vehicle type. Rural region performs over eighty per cent of its searches in normal police uniform. While, on occasions, land rovers are used, the PSNI states that this is on health and safety grounds to protect the officers from stones, bottles and other missiles and that in such circumstances, the use of saloon vehicles would see dramatically increased injuries to officers.

Search with Consent

Premises may be searched (other than under a statutory power) with the written consent (given on a PACE 20 form) of a person entitled to grant entry. In the case of a lodging house or similar accommodation a search should not be carried out solely on the consent of the landlord unless the lodger is unavailable and the matter is urgent.

An officer cannot enter and search premises or continue to search premises with consent if such consent was given under duress or is withdrawn before the search is completed.

Entry other than with Consent

The officer in charge should first attempt to communicate with the occupier or any other person entitled to grant access to the premises by explaining the authority under which he seeks entry to the premises and ask the occupier to allow him to enter, unless the premises to be searched are known to be unoccupied, the occupier or any other person entitled to grant access is

known to be absent, or there are reasonable grounds for believing that to alert the occupier or any other person entitled to grant access by attempting to communicate with him would frustrate the object of the search, endanger the officers concerned or endanger other people (Codes of Practice 'B' Para 5.4)

Before a search begins, where the premises are occupied, an officer must identify himself (if not in uniform), show his warrant card, state the purpose of the search and the grounds for undertaking it (Codes of Practice 'B' Para 5.5). This is not necessary where the last reason of Codes of Practice Para 5.4 applies, ie there would be no point in an officer identifying himself to someone he does not wish to alert, given of course the belief that it would frustrate/endanger the search.

It may be unnecessary to seek consent if it is reasonable to assume that innocent occupiers would agree to the search and to seek consent may cause unreasonable inconvenience to the occupier or person concerned. However, if the officer in charge believes that the time is no longer unreasonable, damage has been caused or the extent of the search has widened the Codes of Practice must be applied.

Use of Force to Enter

Article 88 of the Police and Criminal Evidence Order (Northern Ireland) 1989 provides the power to use reasonable force, if necessary, to exercise any power given by the Order. If it is necessary, reasonable force may be used to enter premises when exercising powers under PACE (or any other statute providing powers of entry), if the occupier or any other person entitled to grant access has refused a request to allow entry to his premises, it is impossible to communicate with the occupier or any other person entitled to grant access, the premises to be searched are known to be unoccupied, the occupier and any other person entitled to grant access are known to be absent, or there are reasonable grounds for believing that to alert the occupier or any other person entitled to grant access by attempting to communicate with them would

frustrate the object of the search, endanger the officers or endanger other people.

The Deputy Chief Constable has stated that *“forced entry is always a last resort and must be clearly justified, necessary and proportionate in the circumstances. Entry by consent is always the ideal scenario, but in many cases, for example drugs searches, where evidence can quickly be destroyed, forced entry may be the only option.”*

Force to Search

Reasonable force may be used in conducting a search of premises only if it is necessary, in cases where the occupier's co-operation cannot be obtained or the co-operation given is insufficient for the purpose of the search.

Considerations when Searching

All searches must comply with the PACE Codes of Practice. They must be made at a reasonable hour unless this would frustrate the purpose. They must be conducted with due consideration for the property and privacy of the occupant. Premises can be searched only to the extent necessary to achieve the object of the search. This means that once the item(s) has been found the search must cease.

Should the occupier of the premises wish some other person to be present while the search is carried out, this should be allowed unless there are reasonable grounds to believe that it would seriously hinder the investigation. A search should not be unreasonably delayed because of the occupier's request.

Seizure of Property

During a search of any premises under any statutory power or with the consent of the occupier, an officer may seize anything covered by warrant and anything which he has reasonable grounds for believing is evidence of an offence or has been obtained in consequence of the commission of an offence.

Items under the latter, may be seized only where this is necessary to prevent their concealment, loss, alteration, damage or destruction. No item may be seized which is subject to legal privilege.

An officer may photograph or copy, or have photographed or copied, any document or other article that may be seized. If there is evidence on a computer an officer may require it to be produced in a legible form to take away.

Retention of Property

Anything that has been seized may be retained only for as long as is necessary. An item may be retained for use as evidence at a trial for an offence, for forensic examination or other investigation in connection with an offence, or, if there are reasonable grounds for believing that it has been stolen or obtained in the commission of an offence, in order to establish its lawful owner. For the first two points the property cannot be retained if a copy or photograph would suffice for the purposes.

Security of Premises

Before leaving premises that have been entered by force they must be secured. This can be achieved by either arranging for the occupier or his agent to be present on the premises, or by any other appropriate means.

Notice of Power & Rights

If a search to which the PACE Code of Practice applies is conducted, unless it is impracticable to do so, the occupier should be provided with a copy of a PACE 20 form before commencing the search. The PACE 20 Form outlines the following:

- specifies whether the search is made under warrant, or with consent, or in the exercise of any powers;
- summarises the extent of the powers of search and seizure conferred in the Police and Criminal Evidence Order;
- explains the rights of the occupier, and of the owner of property seized; and
- states that a copy of the Codes of Practice is available to be consulted at any police station.

If the occupier is present, copies of the PACE 20 Form and of the warrant (if applicable) should, if practicable, be given to the occupier before the search begins, unless the officer in charge of the search reasonably believes that to do so would frustrate the object of the search or endanger the officers concerned or other people. If the occupier is not present, copies of the notice, and of the warrant where appropriate, should be left in a prominent place and appropriate part of the premises and endorsed with the name of the officer in charge of the search (except in the case of enquiries linked to the investigation of terrorism, in which case the officer's identification number shall be given), the name of the police station to which the officer is attached and the date and time of the search. The warrant itself should be endorsed to show that this has been done.

Damage

The service guidelines regarding damage contained in the PSNI search manual are quite specific:

- “No deliberate damage should be caused without prior reference to the team leader / search advisor;
- Accidental damage is to be immediately reported;
- A damage check of the property should be conducted before and after the search by search team and occupant.

Action after Search

When a search has been carried out in accordance with the Codes of Practice the officer in charge should ensure that a PACE 1A Form is completed and a copy given to the owner/occupier. The PACE 1A Form contains the following:

- address of the premises;
- date, time and duration of the search;
- authority under which the search was made;
- names of all the officers involved;
- names of persons on the premises at the time (if known);
- list of articles seized;
- whether reasonable force was used, if applicable;
- details of any damage caused and how.

If the owner/occupier is not present at the termination of the search a copy of the PACE 20 and PACE 1A will be left in a prominent place and appropriate part in the premises.

COMMUNITY CONSULTATION

In the following section Trademark detail the methodology used in conducting the research including the scope of the study, the targeted areas and the key questions that the research addressed.

Aim

The purpose of this research was to carry out qualitative research on the views and experiences of individuals / groups on police searches of domestic residences through dedicated focus groups and interviews and the production of a comprehensive report of this research.

Scope

This project focuses on searches of private residential property. It examines the views and experiences of a representative sample of the public, including both of the main political/religious traditions in Northern Ireland. It includes the views of individual members of communities, community groups, those who have made complaints in relation to property searches, vulnerable and minority groups⁵. Analysis of the findings includes specific reference to issues that impact upon public confidence in relation to police property searches.

Targeted Areas

The targeted areas were chosen to reflect the geographic spread of Northern Ireland. The areas included in this study are:

- Belfast;
- Foyle;

⁴ NIO employees who liaise with applicants for compensation to the Compensation Agency for damages in relation to searches of their property.

⁵ i.e. Members of minority ethnic groups including transnational workers, invisible indigenous minority ethnic groups, people with disabilities, the elderly and the young.

- Newry;
- Armagh;
- Dungannon and South Tyrone;
- Fermanagh; and
- East and North Antrim.

Stakeholders

Following consultation with the Police Ombudsman's Office, Trademark identified a number of key gate keepers within each of the targeted areas and from within agreed and relevant stakeholder groups representing the community and voluntary sectors. The gatekeepers⁶ were experienced and respected members of each sector who were then able to, as appropriate, direct Trademark to other individuals and organisations who they felt would have views and experiences on police searches that they would be willing to share with the research team. Trademark then approached these individuals by telephone and email and conducted a series of semi-structured interviews with two key purposes, firstly to discuss the key issues surrounding police searches and also secondly to build credibility into the research process. In an attempt to deal with research fatigue Trademark believed it was important to establish at an early stage the commitment of both Trademark and the Police Ombudsman's Office to this research. This commitment formed a key part of the discussions with the gatekeepers, ensuring that they had a sense of ownership over the research process and to avoid the sense of researchers 'parachuting' into their communities.

Based on previous experience, and exploratory conversations within some of the target areas, Trademark felt it would be beneficial to hold separate 'single identity' focus groups in some areas in order to keep the focus on the specific issues of police searches. In circumstances where focus groups could not be

⁶ For guidelines on use of gatekeepers Trademark adhered to the Government Social Researchers Professional Guidance: Ethical Assurance for Social Research in Government (September 2005).

held due to lack of numbers available they ensured that a range of views were heard by conducting further semi-structured interviews. In total 8 focus groups were conducted in the targeted areas and 20 interviews. This amounted to 60 participants taking part in the research.

Due to its extensive track record throughout Northern Ireland in the community development and community relations sectors Trademark have a well respected profile within each of the targeted areas. This undoubtedly helped facilitate contact with gatekeepers and ensured that they gained co-operation on this research.

Key Research Questions

The key issues that stakeholders were asked to discuss at interviews and focus groups included:

- Views on the proportionality of search procedures (e.g. how many officers carried out the search? Were there many vehicles present? Was this appropriate?) and how these affected their relationships with the police;
- How were they and those present in the house treated by the police during the search? (including the experiences of vulnerable individuals and groups such as children, the elderly or people with disabilities);
- What was the reaction of neighbours and the community to the search?
- Did they find it easy to communicate with the officers who carried out the search? Did they understand why police searches of their property took place?
- Was a warrant used? Did they understand what the warrant was for?
- Was there any damage caused during searches of their properties? Was compensation sought for the damage?

- How the Police Ombudsman or any other bodies or organisations dealt with complaints that they made in relation to police searches of their property?
- How did this experience with the police affect their views of the police and how they would relate to them in future?

As there is a dearth of research in this area, this assignment was largely exploratory in nature, as it sought to uncover people's experiences of police searches and the impact of searches upon those in the household and the community at the time of the search. The fluidity of the research design ensured that through both focus groups and the semi-structured interviews the research team was able to respond to new avenues identified by stakeholders in the process of discussions.

Findings

Setting the context

This report is an attempt to provide an account of the broad range of opinions and experiences encountered during this research. Trademark have at all times attempted to ensure clarity as to whether the opinions were widely held or were reflective of a personal experience that they felt warranted inclusion because of the potential lessons provided. Following the direction given by the Police Ombudsman's Office staff Trademark have brought together a wide range of opinion based largely upon a geographical and ethno-political spread.

As a qualitative and descriptive piece of research relying largely on personal experience and narrative it inevitably reflects opinions that arise out of particular and individual contexts; however Trademark believe that much of the information is a useful guide to some of the key concerns of people who have experienced police searches of their properties.

The structure of the findings section is based on Trademark's analysis of the data and reflects all the key issues that informed discussion throughout the research; quotes are used to highlight the most salient points and to bring some texture to the report.

The key areas that emerged from the research include:

- proportionality;
- warrants;
- re-use of warrants;
- length of search/confinement;
- forced entry without warrants;
- use of force against a person;
- 'surprise' entry with warrant;
- incorrect intelligence;
- proximity searches;
- communication;
- seizure of property and damage to property;
- compensation;
- vulnerable groups;
- minority ethnic groups;
- interpretation;
- issues specific to the Travelling Community;
- emotional impact of searches;
- complaints to the Police Ombudsman's Office;
- community relations.

Proportionality

Whilst the research findings suggest a number of different patterns within the policy and practice of police searches, proportionality, in terms of the size of the searches, was the theme which appeared in all interviews and focus groups. All respondents indicated that the number of officers and related vehicles in attendance at searches was excessive:

Twenty vehicles attended one house search...it was total overkill...and nothing was found... (PUL⁷ community member)

There were over twenty police at the house and a load of land rovers... I think the number of officers was overboard... they totally stripped the place...doors were pulled off...manholes lifted...stud walls pulled out... (CNR⁸ community member)

It appears not unusual for up to thirty officers to be involved in searches and an accompanying range of vehicles. The uniformity of the response from interviewees in terms of proportionality implies a standard approach in police policy and practice in this regard. Community activists with a wider knowledge and experience of police searches indicated that there seemed to have been a change in police practice:

There used to be low key searches...a couple of officers and a car...and at times there were the military style 'swamp the area' sort of thing...now its all big scale searches even for insignificant stuff...(PUL community representative)

The neighbours were all out watching...we'd had searches before when we lived in xxxxx ...then you needed lots of officers to react in case of a possible riot...this time that wasn't needed...it's a quiet area...a couple of cars would have done...(PUL community activist)

Whilst one respondent indicated that there might be an argument for larger numbers in attendance if the search takes place soon after a civil disturbance or is for serious terrorist related offences, most indicated that the arrival on scene of riot police, land rovers, search teams and forensic teams had the immediate impact of heightening tensions in the short term and damaging relations in the medium to long term. This was particularly the case in areas

⁷ PUL – interviewee was from Protestant / Unionist/ Loyalist community

⁸ CNR – interviewee was from Catholic / Nationalist /Republican community

where it was felt that there were good working relations between police and community representatives:

For the sake of the damage to relations you'd like to think the search was for something really serious...but half the time it's pointless... (PUL community representative)

Two respondents indicated a potential shift in policy and practice whereby the approach adopted for searches related to investigations into terrorist offences was being extended into searches related to criminal activities:

They can excuse large numbers in political type raids because of the argument that there is a risk to officers...but they're transferring this practice to low key and criminal raids...which opens them to charges of lacking proportionality....(Human Rights activist)

A number of interviewees also commented that the large number of officers present in the property during the search appeared to actually prevent effective searching:

Some of the police seemed to have no function except taking up space..... (PUL community representative)

A number suggested that this was either bad organisation and planning or that it was simply designed to intimidate:

There was no need for so many...it was just to make you feel scared... (CNR community member)

Warrants

In this research the use of warrants was not a particularly contested issue in relation to police searches of private property. In the majority of cases that this research encountered warrants were produced but not necessarily at the

beginning of the search. When they were issued at the start of the search there appeared little concern as to whether the individuals in receipt of them read or understood the content of the document or indeed the purpose of the search:

A bit of paper was thrust in front of my face...but I couldn't read it.....I was too nervous and upset.... (CNR community member)

A significant number of respondees referred to the fact that the warrants outlined very broad search targets and ones which, in retrospect, had little to do with the actual purpose of the search:

They told her they were searching for 'radio equipment' and other stuff including clothing, it was a very broad list...they arrested her and wanted her to identify others that were beside her during the trouble...I mean, what would she be doing with radio equipment then?...(PUL community activist)

The speed and aggression of entry was apparent in a number of cases even during planned searches, this method of entry often prevented any genuine perusal of the document:

They shoved it at me and just brushed past me and came into the house... (PUL community activist)

Re-use of Warrants

A number of focus groups, particularly in Loyalist areas affected by last summer's civil disturbances, indicated that the police revisited the same property and conducted searches using the same warrant or returned to the same address for a second time, without any warrant at all:

They came to a girl's house, entered and searched it but she wasn't there....they came back four or five days later with fourteen land rovers and searched the house again and lifted her...(PUL community member)

They were out looking for someone...they came out three times to one property in two weeks... I didn't see any warrants ... (PUL community member)

The re-use of warrants or indeed the re-entry into the same property on more than one occasion suggests a breach in procedure and potential abuse of police powers in terms of searches of private domestic property.

Length of Search / Confinement

There were no examples in which those being searched were informed of the specific length of the search. This added to general feelings of uncertainty and insecurity particularly in regards to disruption to family life and work:

I couldn't get the kids out and I couldn't contact their school...no-one would tell us anything...I wanted their granny to come and lift them... (CNR community member)

This was often compounded by the confinement of people in the house even after the principle suspect or target of the search had been arrested and taken away for questioning. A number of people spoke of being kept in one room of the house for over five hours, none was informed that the length of this confinement had a limit of four hours⁹ and none was given specific times for when the police would be bringing an end to the search:

{name} left after an hour...he was arrested...but they kept me there until after lunch...I was in the bedroom ...they were just sitting in the kitchen

⁹ This can only be extended with the agreement of an officer with the rank of superintendent or above.

chatting...I wanted them to leave my house but didn't know what to do...(non aligned Community worker)

They sledge hammered the door in and I was arrested and taken away within the hour. They stayed in the house until lunch time with my wife and kids there on their own. The raid happened at 7.20 in the morning... (PUL community member)

I heard them talking about overtime and that if they stayed a while longer they'd be getting it.... (PUL community member)

This issue of lengthy searches and overtime was mentioned by a few interviewees; often they had over-heard officers in discussions on this. This obviously had a negative impact on their view of the police, one which they may have then shared with their community.

Power of Entry and Search without Warrants

A number of respondents had experienced forced entry into their property; in search terms these were therefore unplanned searches without warrants allowable under the criteria set down in articles 19 and 20 of the PACE (NI) Order¹⁰ and Schedule 10 of the Terrorism Act 2000¹¹.

They are by their nature more aggressive, traumatic for the recipients and possess the potential for the instigation of further criminal acts such as

¹⁰ Under articles 19 and 20 of the PACE (NI) Order, a police officer is able to enter and search premises without a warrant: where the officer wishes lawfully to arrest a person whom he or she reasonably suspects is present on the premises; where the police wish to search premises occupied or controlled by a person who has been arrested for an arrestable offence because they have reasonable grounds for suspecting that the premises contain evidence relating to that or some other connected arrestable offence; where entry is necessary in order to prevent serious personal injury or serious property damage; where entry is necessary in order to deal with or prevent a breach of the peace; where any statutory provision so permits, e.g. the Food Safety (NI) Order 1991, article 33.

¹¹ Under the Terrorism Act 2000 searches of any place can be made by the police: to arrest a suspected terrorist (s.81); to look for explosives, firearms, ammunition or transmitters (Schedule 10); to look for persons who have been kidnapped (s.86).

resisting arrest. Such unplanned searches following forced entries also possess the potential to be less procedural as standard search procedures may not apply with the unavailability of “appropriately trained officers”¹². For all these reasons their occurrence should be limited and based upon sound intelligence.

On one occasion officers involved in an entry without a warrant were challenged by a neighbour, the officers told them it was a ‘section 18’ search and they could enter without permission or a warrant. Quoting section 18 appears to refer to section 18 of the now repealed EPA, which implies a search for terrorist related materials or suspects; the interviewee expressed surprise at this as the search was on a traveller site. The inappropriate application of search powers is a serious breach, it follows that this could be construed as an illegal search:

[A family member] lost the front door key and was awaiting repair... while they were away shopping the police came to the door, tried it, found it open, entered the premises, went upstairs turned the lights on stayed for 5 minutes and then left. The same thing happened the following week. This time they were challenged by a neighbour who was told under ‘section 18’ they could enter and search. One of the officers mentioned the name of someone who did not live there... (Member of the Travelling Community)

The fact that this was the second search on the same premises within the space of a week suggests that there was enough time to arrange a planned search with an accompanying warrant and that entry without a warrant was unjustified action on behalf of the police in this instance.

On another occasion within a PUL estate a family had all been away at a funeral and on return discovered that the front door had been broken in, they were extremely fearful entering the house suspecting that burglars may still be present, it was only after some time that they discovered that it wasn’t a break

¹² Policy Directive - Police Searches – PD10/05 HQ ref:Ops/2005/2402/7

in but a 'forced entry' by the police as the police had left a "*note on the mantelpiece*".

The presence of police in private property with or without warrants in the absence of householders or tenants was considered a serious issue for a number of interviewees as there was a genuine fear that:

The officers might plant something and then return to raid the premises and arrest us later... (Member of the Travelling Community)

Use of Force against a Person

The only example of the use of force against a person occurred in an entry without a warrant, as might be expected. One interviewee spoke of a forced entry in search of a suspect of a recent crime¹³. The suspect was arrested and removed from the property immediately; the other members of the household were also arrested, handcuffed and removed. We have quoted at length:

*...they pulled my husband out of the house, as he had been in bed he was bare chested and without shoes...I asked them to be careful as he had a major injury and suffered serious back problems with that...they pulled me by the arm to the ground and were beating me, my husband and son...I was in my bare feet and when they pulled me to the floor I twisted my ankle (photographs to show injuries)...we still didn't know what was going on and the sergeant said "if any of the other two open their mouths f***ing cuff them and arrest them". I was asking, "what's going on" and I was cuffed at this time, I kept asking what's going on and was told "to shut the f** up"... I was told they were arresting me, they told me to get up but I couldn't and my family weren't allowed to help me so the two police men picked me up and put me in the back seat of the car...(CNR Community Member)*

¹³ Article 19 of the PACE (NI) Order, a police officer is able to enter and search premises without a warrant where the officer wishes lawfully to arrest a person whom he or she reasonably suspects is present on the premises.

This case is now under investigation by the Police Ombudsman's office.

'Surprise' Entry with Warrant

Forced entries with a warrant are not unlawful¹⁴ under strict conditions. On a number of occasions highlighted during this research the use of force to gain entry was however clearly unwarranted, and appeared designed to intimidate and aggravate the situation:

a house was being searched and the occupants were on holiday...a relative approached the police and said "if you could wait a minute we can get a key"...the police replied "we've got our own" and sledge hammered the door in...it cost about £400 to get it fixed but they got compensation for the damage...wasn't a good PR move on behalf of the police though... (PUL Community representative)

Another respondent referred to a search of his elderly mother's house in which entrance was gained by smashing down the front door:

My mother's house was searched...she's very highly strung...they had kicked her. She phoned me and I went straight there...there were nine landrovers...it's a very quiet area...not a flashpoint area...they weren't going to let me in but I insisted, they were swarming all over the house...it's a very small house...tiny...and there were twelve officers...they had a warrant looking for radio equipment, clothing, weapons... (PUL Community representative)

The use of surprise entry is a serious event with the potential to have a negative impact on community relations and to be traumatic for the recipient; its use should therefore be directly proportional to the strength of intelligence and the potential offence being investigated.

¹⁴ Police and Criminal Evidence (NI) Order 1989 (PACE) Code B 5.6

Incorrect Intelligence

Planned searches under warrant¹⁵ using forced entry and forced entry without warrants are serious events for both police and householders. Their occurrence should therefore be based upon the best possible intelligence. It was clear that on several occasions the intelligence on which the police based their searches and forced entries was flawed and yet the police response to this varied dramatically.

On a number of incidents that were recounted during this research the police were made aware of and recognised their mistaken intelligence but continued nonetheless. On one occasion the search went ahead and was completed:

They came into the house before I came downstairs...they gave me a name of who they were looking for...I said he not been here for five years...they went and made a phone call...came back and said do it anyway... they gutted it...checked every place they could...but when they went to the right address...they were in and out in five minutes... they knew they were at the wrong address when they came here. I don't understand why they needed to keep searching... (CNR Community member)

As regards admittance of fault and acceptance of responsibility, one interviewee revealed that a young woman who had her door kicked during a forced entry made a complaint to the police following the incident:

They apologised and sent a bunch of flowers... (PUL Community Representative)

¹⁵ Police and Criminal Evidence (NI) Order 1989 (PACE) Code B 2.1

Proximity Searches

Whilst establishing patterns of police practice is difficult during qualitative research, there did appear to be an indication of a practice that involves the use of warrants for searches on other properties within close proximity to the original search¹⁶:

I asked them why they were there; they showed me a list of what they were looking for...I think they just raided me 'cause they had done next door...they came into the kitchen, opened a cutlery drawer, then a cupboard in the hall, and then went away again, that was it, they were in and out in five minutes...I'm a youth worker...they did it cause it's a Republican estate... (CNR Community member)

I wasn't at home at the time...they kicked in the back door...then they went to my ex-wife's house...where I was... and searched her house too... (CNR Community member)

The issue of the extension of warrants on to other addresses suggests that in the eyes of the police the warrant follows the individual regardless of the address designated on the warrant. On one occasion this was apparently taken to include members of the same family:

The police arrived and asked to search the house...after the women objected they realised that it was his (the target's) brother's house that they had the warrant for... they tried to search the house anyway but the wife again refused and there was a dispute as the police tried to force the issue...(CNR Community member).

This event may have suggested that the police were attempting to gain entrance with the consent of the householder, which is allowable under

¹⁶ Article 17 of the PACE (NI) Order states that the address to be searched must be specified on the warrant.

PACE Code B 5.1 but only if the person's consent is not pressurised and they are informed clearly that they are not obliged to consent.

Communication

A majority of respondents expressed concern at the lack of clear and consistent information about the nature of the search, their rights during the search, the length of time for a search and the identification of the officer in charge:

No officer identified themselves as in charge... (PUL Community member)

It was not clear who was in charge, no-one identified themselves as being in charge. I did not find it that easy to communicate with the officers who carried out the search... (PUL Community activist)

There was a significant number who commented on the aggression and deliberate non-co-operation of many of the officers; particular anger was directed towards younger police officers who were roundly criticised for their aggression and inability to communicate.

The younger ones were very hyped up; very aggressive...they just ignored all the questions and looked through you... (PUL Community member)

When searches took place in properties in which parents or other residents were unaware of the activities of the search target little concern was paid to addressing the fears and genuine concerns of those people. Many felt that they were simply treated as guilty parties:

There were lots of young officers...they're unable to communicate with people... do nothing to allay people's fears...the parents don't know their

kids are into drugs...so it's terrifying if the police arrive at the door.....(CNR Community activist).

Seizure of Property and Damage to Property

The research indicates that seizure of personal property in legal searches was largely procedural, within the wide parameters set by the law. A majority of those who had personal property seized complained of the types of broad and non specific nature of the headings of property to be seized, i.e. clothing, documents and so on:

They took my computer, disks, every conceivable document, and twelve pairs of shoes from trainers to flip-flops... (CNR Community activist)

There were concerns expressed by all those who had property seized at the speed with which property was seized, bagged and taken away, sometimes preventing the ability to agree the inventory provided by the police at the end of the search. There were also concerns expressed by all at the process of return of goods and very few were aware that the police can hold on to their goods indefinitely:

...Clothes were brought back damaged, ripped, no buttons, shoes scuffed... (PUL Community activist)

They took loads of stuff away with no rhyme nor reason...passports...photographs, even personal letters I still haven't got it all back... (CNR Community member)

There were three people arrested in xxx at the same time, and when we were having our property returned to us, it was all mixed up, but they were asking us to sign for stuff that wasn't even yours...I never had my mobile phone returned...They said they knew nothing about it...(CNR Community activist)

When material is taken away from a search and there is no case to answer. Getting the articles back is a major issue for people...The local police station is full of stuff that has been taken and not returned... (PUL Community Representative)

Forced entries of course caused damage to doors and windows, they also appeared to lead to an increase in damage to private property during the search; this may be as a result of lack of search-trained officers or the aggressive nature of the officers following a forced entry without a warrant.

Compensation

Information regarding compensation was largely restricted to incidents in which goods were damaged following forced entries:

The front door was busted, a stain glass window was broken, tiles and carpets were also damaged. He applied for compensation. The civil rep visited twice, he had to argue his case, and he eventually got compensated within a year of the incident (CNR Community activist)

On other occasions the landlord of the property, whether private landlord or the Housing Executive dealt with the damage and claims for compensation, and as such there was little direct experience from respondents on this issue.

The extent of information gathered on this theme disallows any further detailed comment regarding the process of awards of compensation.

Vulnerable Groups

This research identifies vulnerable groups as including children, the elderly or people with disabilities.

The research suggests that there is little in the way of practice in terms of a range of sensitive approaches in dealing with vulnerable groups during police

searches. In fact, some of the research would indicate that some social groups (vulnerable groups) offer an opportunity for police searches to be conducted with less than complete adherence to established policy and practice.

The absence of female officers in searches of properties with women and young girls was mentioned on a number of occasions:

My daughter was in the bath. I was very uncomfortable having them in the house knowing she was alone upstairs in the bath. They were all male. I asked if they could wait until I would get her out then they could search upstairs, they hesitated and then said they didn't want to go upstairs... (CNR Community member)

They were there for four and a half hours...one of the most distressing parts was they searched their daughter's room and said they found money in the teenage daughter's underwear drawer...this distressed her daughter as they also had been looking through her photographs...(PUL Community member)

In early morning searches or forced entries where women were likely or known to be present it was felt that there was the possibility of women and young girls feeling increasingly vulnerable in the presence of male officers particularly if the women/ young girls were in a state of undress. It was felt that in these early morning forced entries female officers should be present:

It was humiliating – there were no women present and they went through everything including emptying my tampax box... (CNR Community activist)

In a lot of searches they must know that there are women and children in the house but I haven't seen women police officers on the searches, particularly searches through clothing and particularly underwear...it's

upsetting...one policeman searching through teenager's underwear nearly caused a full scale riot... (PUL Community Representative)

If female officers are not present then women have on occasion been told to get dressed on their own behind closed doors; when female officers are present they have been asked to get dressed whilst under watch:

There were two female officers, the one in uniform mostly stayed with me. I was still in my nightdress. I had to get undressed in front of them and get changed. It was very difficult, I felt so self-conscious... (PUL Community activist)

This inconsistency might indicate a lack of policy in this regard or disregard of policy.

Whilst under PACE regulations people in the property other than the target of the search can be held for up to four hours, there seems to be no clear policy as to how this is applied to minors or those in charge of their care. On a number of occasions family members were allowed entry to the property so as to escort children away, on other occasions children were held with the adults:

There was a severely disabled child there all day...just the child and the mother in the house...the mother rang the husband and he came home but it took him a couple of hours to get there...they let him in but no-one else...she suffers panic attacks – she gets medical treatment for it...she'll never be the same... (PUL Community member)

There was an armed guard in the room...what harm are the kids going to do...its just cruel to hold them.... (CNR Community activist)

There was so many people in house, it was upsetting the kids...the officers came in overalls...then some were in forensic suits, my kids thought they were space men...I'd phoned my mum to come and get the kids...but they wouldn't let her in...not even into the garden...eventually

they searched me and let me leave with the kids... It's hard on the kids, my daughter hates the fact that men, strangers have been in her bedroom...in her things...I worry about the impact on them... (PUL Community activist)

My girlfriend and our five week old son were in the house with me, the police insisted they come out of the bedroom...we'd been up all night with the baby...they insisted she had to come out of the bedroom to search it...(CNR Community member)

They wouldn't let my wife leave. The three of us were in the house; my son also. It was a policy of contain and control... (CNR Community activist)

The searches were horrendous and intimidatory...a military force in your house...The house being raided so early in the morning left the family always on the edge, as you never knew when they would be back or what they would do.....(CNR Community activist)

There was one example of a search on a house in which the occupant was a registered alcoholic:

I live on my own and I'm a registered alcoholic... I heard a noise, the next thing the police are in the house in riot gear...they flashed a bit of paper in front of me, I didn't realise what it was...I have a person who does a bit of caring for me and at first they wouldn't let her in the house... I was very disorientated and needed her there... (PUL Community member)

Minority Ethnic Groups

It is important to distinguish the various categories of groups that come under the broad heading of 'minority ethnic' as this may refer to established minority ethnic groups, the various kinds of transnational migrant workers, asylum seekers, refugees and undocumented workers and the variety of legal situations that they find themselves in.

Whilst it was relatively easy to access information on established minority ethnic groups it is difficult to access information on searches of private domestic property of migrant workers as they lack the support networks and representation owned by established minority ethnic groups; however a small number of organisations have been working with these new communities and have been useful in providing us with up to date information. During these discussions it has become clear that transnational workers due to their transitory social context appear particularly vulnerable to impunity of action by the police:

There are a group of Lithuanians living here now, they had a party last weekend, the police arrived...there was a lot of aggro...one of them got roughed up by the police... when the police went into the house they pulled out the electricity wires and disconnected it on them...they knew they wouldn't complain...(CNR Community member)

There is also concern over the role of the police in assisting immigration services. There were a number of incidents relating to forced entries and searches on properties in which migrant workers were living and which were apparently conducted by the police on behalf of the immigration service. It is unclear following the research as to whether warrants are issued for these searches and as to whether immigration service are in attendance; on no occasion did anyone identify themselves as immigration or indicate under what legislation the search was taking place¹⁷.

There was an immigration raid last year looking for a Romanian...they broke door down...the people they were looking for had already moved out, the police were told that but they still searched the property, the people in the house had no idea what was going on, their English was very poor ... later we asked why the search had happened but everyone was passing on responsibility to someone else...the police said they had

¹⁷ Police and Criminal Evidence (NI) Order 1989 (PACE) Code B 5.4

*been instructed to enter the property... we have put in a complaint to the police but have had no information back yet...that was six months ago...
(Minority ethnic representative)*

Whilst the conduct of the police can be investigated under the statutory powers of the Police Ombudsman it is not clear who provides the oversight role for immigration officers if they are present during a search and to whom individuals might complain about their behaviour . There were also suggestions that the police were using their 'subcontracted' status whilst engaged in immigration searches to claim a degree of immunity from oversight.

This situation is compounded by the confusion as to whether migrant workers and indeed asylum seekers with various legal standings regarding their access to rights can make complaints about police behaviour in these circumstances. This confusion is also apparent within more established minority ethnic groups or indeed people of the same nationality / ethnicity as migrant workers but who have full resident status.

These issues are increasingly important as the research suggests that police assistance during immigration searches can lead to arrest, detention and deportation :

...we're aware that the Immigration Service are carrying out raids, searches and detentions without charge or trial, and the police are helping them...'undocumented migrants' ...are being 'disappeared'...they pick them up... then its police station-airport- fast tracked to detention centres in England...(Human Rights worker 1)

...immigration legislation is enforced vigorously...the police picked up a Brazilian woman, denied her medication and an interpreter...then passed her on to immigration...(Human Rights worker 2).

Interpretation

It is unclear from this research whether a clear policy in terms of interpretation services exists for searches and search warrants in households with little or no English and if so whether it is applied appropriately and with any consistency. Trademark are aware that that the Northern Ireland Centre for Ethnic Minorities have a 24 hour contract for providing interpretation services with the PSNI for interpretation but have no detailed information on its frequency and effectiveness of use:

NICEM have a contract with PSNI but it can take time, 3 to 4 weeks...the police need to be able to use local interpreters...the booking system is very slow...it's not helpful especially if they need questioning quickly ...I'm not sure if they use it for searches (Minority ethnic activist)

If a search is planned with any level of intelligence then the PSNI should be aware that an interpreter or bi-lingual warrant is needed in order to ensure that those being searched are fully aware of what is happening:

A search occurred on a Muslim family...the police didn't tell them why they were there...the police said there had been no need for an interpreter as they coped without one...police were looking for the owner of the flat...the family were renting from them...they didn't know what was going on...(Minority ethnic activist)

A number of respondents from minority ethnic groups also highlighted the lack of experience of new and younger officers in dealing with diverse groups of people, particularly during searches of private property:

new officers cause problems...they're not at all sensitive...that's when most problems occur...they do not seem to be trained in dealing with minority groups...(Minority ethnic activist)

Travelling Community

Of particular concern to members of the travelling community was the use of warrants to search private property in which the address named on the warrant is assumed by the police to apply to the whole site and not to a particular caravan:

If the police come with a warrant they use it to cover the whole site...they enter everyone's caravan...that can't be right... (Travelling Community activist)

Whilst it is problematic for both police and travellers because the police are unlikely to possess accurate intelligence on those present on site, this is exacerbated when police conduct searches on 'unofficial' sites:

The PSNI use the excuse that things have been stolen to come in and raid the whole site...it's a free for all... (Travelling Community activist)

Emotional Impact of Searches

The impact on those who have experienced searches is of course as diverse as the experiences themselves.

A number from both Loyalist and Republican backgrounds who have previous experience of searches stated that post 1998 they have become more procedural and with less aggression.

Others however who have experienced searches perhaps for the first time are unused to the invasion of privacy and seizure of property:

It's not nice...you know they're not guests in your house...its their territory and its never the same after they leave.... (PUL Community activist)

My partner cleaned the house from top to bottom...it's like having burglars in your house... (CNR Community member)

The apparent imbalance in proportionality during searches in some areas has led to a greater impact on the householders in terms of the trauma of the experience. This is particularly the case in terms of its impact on children and older people and the apparent absence of any clear policy and practice in this regard.

The emotional impact of searches even when procedural and carried out with sensitivity are still apparent and can be exacerbated by the lack of clarity about the purpose of the search:

My friend lives on her own, she is a pensioner. The police arrived at her door at 9.00 am one morning. They arrived in white suits and masks. They said they were looking for a person and items. She became very worried. They showed her the warrant and a list of what they were looking for. There were six landrovers and 3 teams doing the search. It was well organised, there was no damage caused. They were very nice, they kept asking if she was all right, but she wasn't allowed to contact anyone. She was allowed to get dressed, go to the bathroom, and make a cup of tea, but it was very scary for her being on her own with all those officers. When they left she was able to phone her daughter who came straight away. After she got her mother calmed the daughter phoned the police and all she was told was 'tell your mum not to worry'. But now she's very frightened about going home, home to an empty house. She is frightened because she doesn't know why her house was searched - was it false information? She feels very vulnerable, she is not sure if someone has a grudge against her...she should be told why the search happened, why she is not to worry, it should be explained properly ... (CNR Community activist)

In terms of the emotional impact of searches on the individual there were also concerns raised about how the community around them would react. On some occasions this resulted in the community showing concern for their neighbour, in other cases rumours spread that the house that had been searched had been used to store guns or drugs. As a result the person whose home had been searched was labelled as being involved in criminal activity and ostracised from the community.

Complaints to the Police Ombudsman's Office

Within the scope of this research only 15 per cent of searches resulted in complaints to the Police Ombudsman's Office. A small number of interviewees stated that this was due to previously unsatisfactory experiences and a general lack of satisfaction with the process.

Others declared that they were told by the Police Ombudsman's Office that they couldn't investigate 'operational' issues regarding the approach adopted by the police as opposed to the conduct of individual officers:

I complained to the Ombudsman and was told it was an 'operational issue' and I should take it up with the Chief Constable. My complaint was the justification of sledge hammering my door in at 7.20 am in the morning with my family in the house...It was a political decision to arrest me in that fashion, because someone had to deem it necessary to put my front door in. I feel the complaint was not properly dealt with and I was not satisfied with the outcome (CNR Community activist)

A number stated that they were scared to submit a complaint particularly after the police had been in their house. They expressed a genuine fear of victimisation. Others expressed concern that it might be suggested by the Police Ombudsman's Office that they should resolve the issue informally with the police:

No complaint was made, but issues were raised later with the police...the community officer explained the reasons for the search and that they needed lot of manpower to secure the area... (CNR Community activist)

If you make a complaint...they know what aggravates you...so the next time they'll know what buttons to push...so you just don't make a complaint... (PUL Community activist)

The travelling community won't put in individual complaints, as they are afraid of the repercussions if they do...more harassment.... (Travelling Community Representative)

Others had submitted a complaint but had no details of the officers in question as it was claimed that search teams were not identified and the police didn't appear to use local officers:

We have put a complaint into the Ombudsman but if you don't know all the details it makes it difficult to pursue- who they were, you can't see their badges, when we asked what they were doing all they said was 'you know why we are here'.... (PUL Community activist)

One interviewee indicated that complaining to the Police Ombudsman's Office was destined to be ineffectual when one of the search teams he encountered were seen sporting t-shirts under their search uniforms:

What's the point in complaining in this community...we don't see the results... the police are wearing 'TSG on tour' shirts They think they are above the law (PUL Community member)

Others have raised complaints directly with the police and have been told:

...senior officers try to whitewash it, or say “take your complaint to Nuala O’Loan”; they know fine well if you haven’t got all details...no witnesses...they know it won’t go far... (PUL community activist)

There is also evidence of the continuation of informal local resolution (which may suit people who have been searched as they are afraid of further raids and searches and therefore don’t want to ‘go official’):

The Superintendent asked our locally elected rep “can we deal with this privately” ... (PUL community activist)

This system of local resolution has also been established within a number of established minority ethnic groups:

We’ve built lot of good relationships with the police...so we’d rather resolve it at local levels...we’re afraid that complaints would affect our relationship with the police... (Minority ethnic representative)

As suggested above under the heading of Minority Ethnic Groups, a worrying pattern emerging relates to the use of police by the Immigration Service or when the police are searching for undocumented migrant workers or asylum seekers, in that the police might be using Immigration Service as a shield against complaints about their behaviour during searches:

Complaints have been made at local level...but sometimes they have said “our hands are tied...the orders came from the Home Office...there is nothing we can do”... (Minority ethnic activist)

Impact on Community Relations

PACE Code of Practice B / 3.5 relates to the potential for impact on community relations and the need to involve the community affairs branch¹⁸.

¹⁸ Also mentioned in Policy Directive - Police Searches – PD10/05 HQ ref:Ops/2005/2402/7

A clear dynamic has appeared in that that the number of searches in Republican / Nationalist areas had decreased in general terms over the last number of years:

Searches are much less frequent here, they are almost off the radar...(CNR Community activist)

At the same time there appears to be an increase of searches in PUL communities; the use of TSG search teams has led to an increasingly fractious relationship with the police:

The police were not from this area... they've no respect for local people or their property...the community then think all the police are like that ... (PUL Community member)

The community know police need to come in to investigate and gather evidence...but they see the police coming in over-zealous, a law unto themselves...this causes a lot of damage to relations...(PUL Community activist)

The behaviour of TSG teams is also a potentially contentious issue following the suggestion of the emergence of an 'on campaign' culture within at least one of the teams:

We've seen the police wearing 'TSG on tour t-shirts' under their search uniforms...(PUL Community member)

The appearance of cultures in which membership of search teams and their conduct is seen as a badge of honour indicates an aggressive and military style approach which does not fit with a modern police service.

Summary of Key Issues and Conclusions

The purpose of this research was to carry out qualitative research on the views and experiences of individuals / groups on police searches of domestic residences through dedicated focus groups and interviews and the production of a comprehensive report.

The research was designed as a qualitative and descriptive piece reflecting a variety of opinions that arose out of particular contexts. Trademark believe it is strongly indicative of currently held views.

Key Issues

The perceived lack of proportionality was a key issue raised by all respondents who felt generally that the approach did not fit the nature of offences being investigated.

There was the suggestion that the police had apparently revisited the same property and conducted searches using the same warrant or if returning to the same address for a second time did not produce a warrant.

Respondents were unhappy at the level of information provided regarding the proposed length of the search and / or the length of their confinement during the search.

The research indicated that incidents of entry without a warrant and surprise entry with a warrant were not always proportionate to the strength of intelligence.

On several occasions the intelligence on which the police based their searches and forced entries was perceived to be deeply flawed and the response of the police varied dramatically indicating a lack of clear policy and practice in this regard.

The issue of the extension of warrants to other addresses suggests that at times the warrant follows the individual regardless of the address designated.

A majority of respondents expressed concern at the lack of clear and consistent information about the nature of the search, their rights during the search, and the identification of the officer in charge.

There were concerns expressed by all at difficulties involved in the return of seized property.

The research suggests that there is little in the way of practice in terms of addressing the treatment of vulnerable groups during police searches.

The research indicates that police searches involving transnational migrant workers and less well established minority ethnic groups are at times conducted with less than complete adherence to established policy and practice.

There is also concern over the role of the police in assisting immigration services and the ability of those searched and arrested to make complaints about police conduct.

It is unclear from this research whether a clear policy in terms of interpretation services exists for searches and search warrants in households with little or no English and if so whether it is applied appropriately and with any consistency.

When police wish to search particular caravans in a travelling community site they should obtain warrants for the individual caravans to be searched.

The reporting of complaints to the Police Ombudsman's Office is affected by:

- Local informal conflict resolution patterns
- Fear of further searches and harassment
- Confusion over investigation of 'operational' procedures.

There is an indication of the emergence of macho and aggressive cultures during the conduct of police searches.

ANALYSIS OF POLICE RECORDS

Methodology

Section 7 of Code B of PACE Codes of Practice (Code of Practice for the Searching of Premises by Police Officers and the Seizure of Property Found by Police Officers on Persons or Premises) requires an officer in charge of a search of property to make, or have made, a record of the search. This records details of the purpose, conduct and outcome of the search (see Annex). Section 8 of the same Code requires search registers containing copies of, or references to, all search records to be maintained at each designated police station.

The PSNI provided the Policy and Practice Directorate of the Office of the Police Ombudsman with a sample of records from the search registers maintained in Northern Ireland. Twenty seven of the 29 DCUs maintain such registers. Search records from Ards DCU are maintained within North Down and records from Moyle DCU are maintained in Ballymoney. The Office of the Police Ombudsman designed a database to record the required information for the 100 most recent search records at each DCU and a member of PSNI Operational Support Department input the data.

Data Validation

The Office of the Police Ombudsman carried out a random data validation exercise on a 3 per cent sample of search records by requesting copies of the records from DCUs and comparing their content with that on the database. This exercise supported the integrity and validity of the data collected.

Results

Overall, 2,738 search records were obtained, 100 from each DCU area (with the 100 from North Down including Ards and the 100 from Ballymoney

including Moyle) apart from Larne, where 74 records were obtained, and Belfast East, where 164 were obtained. The records covered searches that took place between March 2003 and February 2006.

Authority to Search

Overall, just over one fifth, 566 (21 per cent) of the cases sampled were searches under PACE Article 20 (entry and search of premises occupied or controlled by a person who is under arrest), 343 (13 per cent) were under PACE Article 10 (power of justice of the peace to authorise entry and search of premises), 227 (8 per cent) were under Terrorism Act Schedule 5 (searches under warrant), 112 (4 per cent) were under Terrorism Act Schedule 10 (searches under statutory power), 83 (3 per cent) were under PACE Article 34 (search of any premises where an arrested person was arrested or where they were immediately before arrest) and 1,405 (51 per cent) were under 'other' non-specified warrants (such as the Theft or Drugs Acts) (Figure 1).

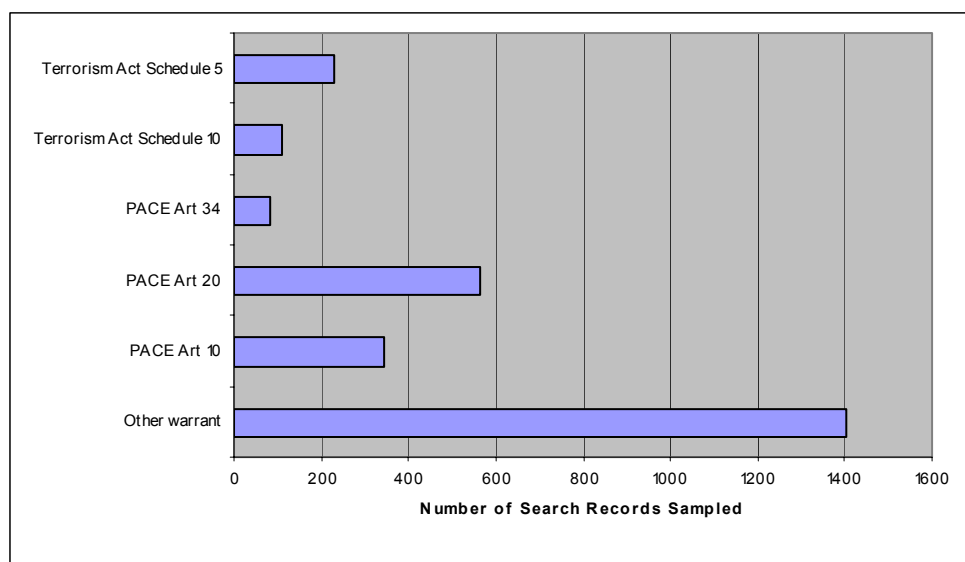


Figure 1: Authority to Search

There were differences in these distributions across DCUs. For example, Limavady DCU undertook 83 per cent of its sampled searches under 'other' warrants and none under the Terrorism Act, while more than a quarter of the

sampled searches in Ballymoney, Belfast East, Belfast West, Castlereagh and North Down and more than half in Belfast North were under the Terrorism Act (Figure 2).

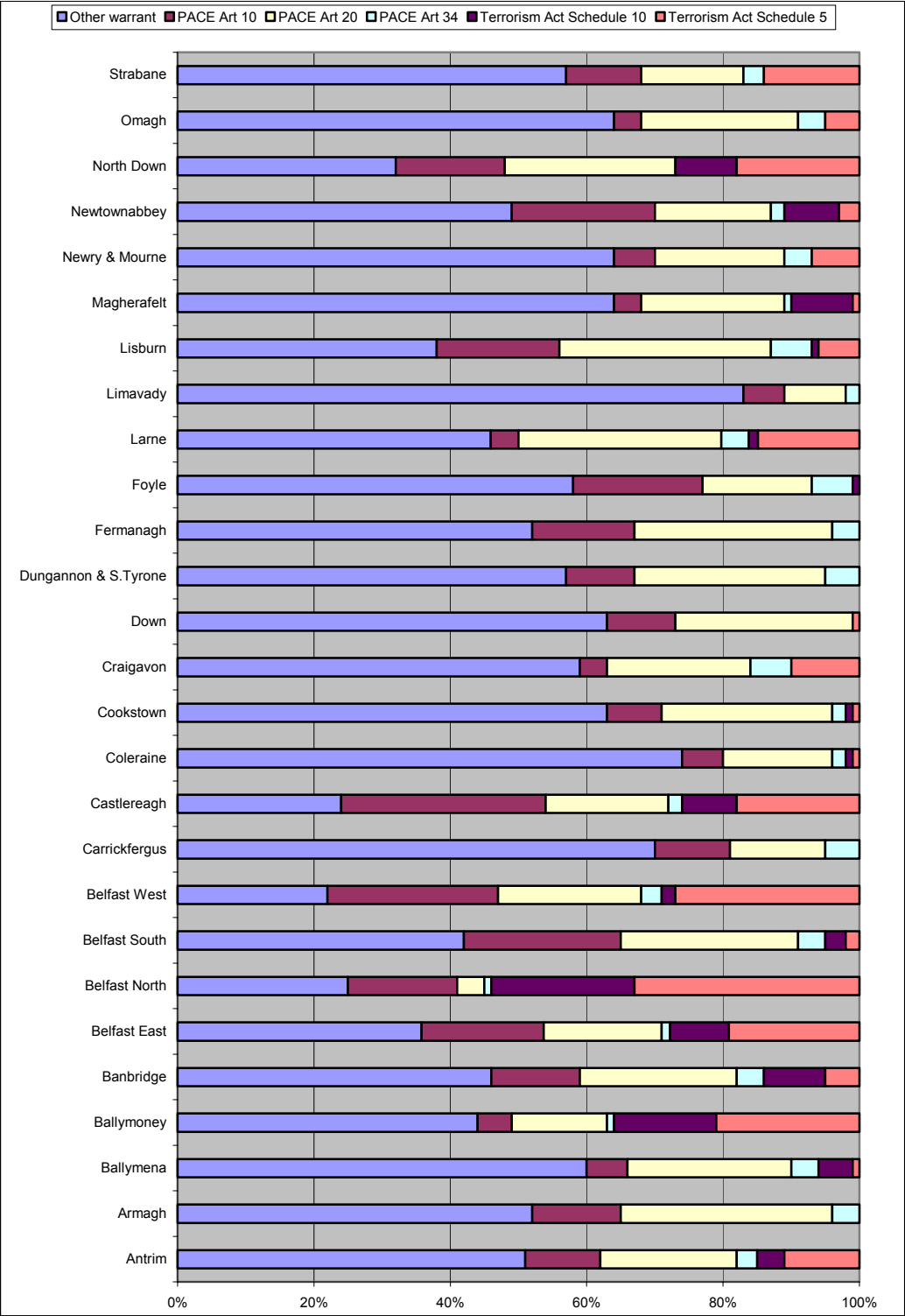


Figure 2: Authority to Search by DCU

Almost half (48 per cent) of searches sampled were for evidence, 23 per cent were for drugs, 15 per cent for stolen property and 14 per cent were for 'other' items, including counterfeit goods (5 per cent) and munitions (4 per cent). Forty four per cent of searches under 'other' warrants were for drugs, 30 per cent were for stolen property and 19 per cent were for other items including counterfeit goods, firearms and fireworks. All PACE Article 10 and PACE Article 34 and 99 per cent of PACE Article 20 searches were for evidence. Ninety nine per cent of Terrorism Act Schedule 5 searches were for evidence and 99 per cent of Terrorism Act Schedule 10 searches were for 'other' items – all munitions (Figure 3).

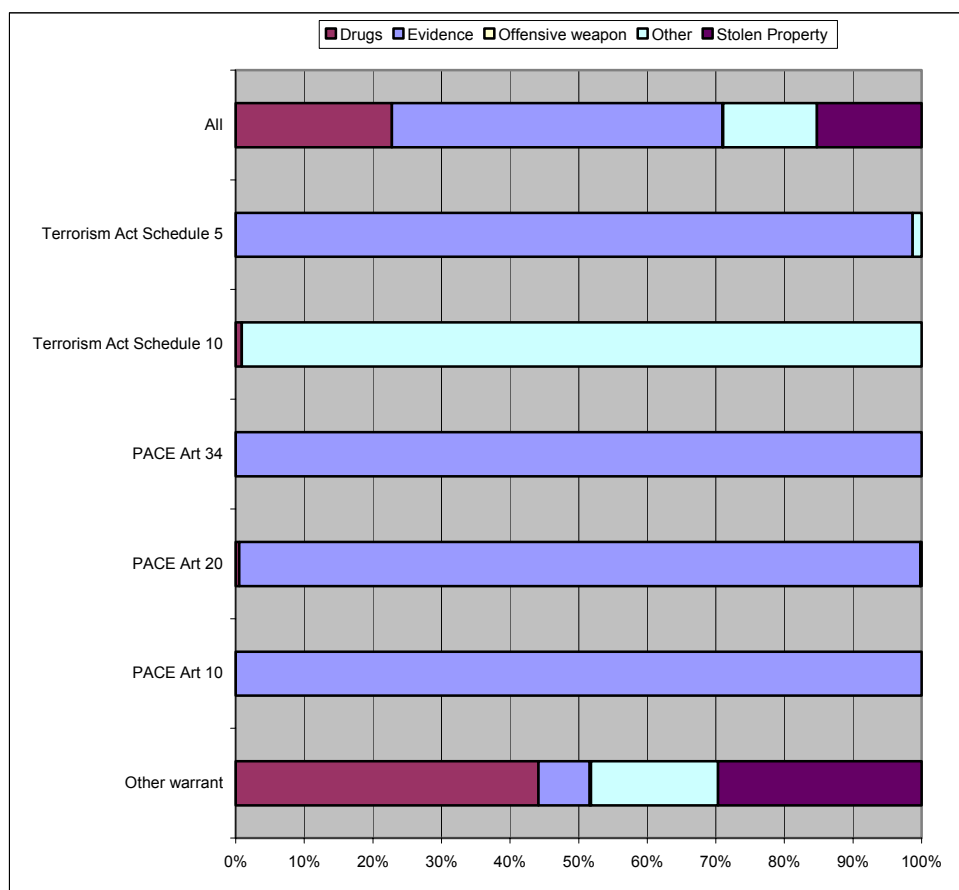


Figure 3: Object of Search by Authority to Search

Of all searches sampled, 62 per cent resulted in a positive find. This varied according to the authority to search; 76 per cent of PACE Article 10 searches, 73 per cent of Terrorism Act Schedule 5 searches, 66 per cent of PACE Article 34 searches, 61 per cent of 'other' warrants, 57 per cent of PACE

Article 20 searches and 46 per cent of Terrorism Act Schedule 10 warrants resulted in a positive find (Figure 4).

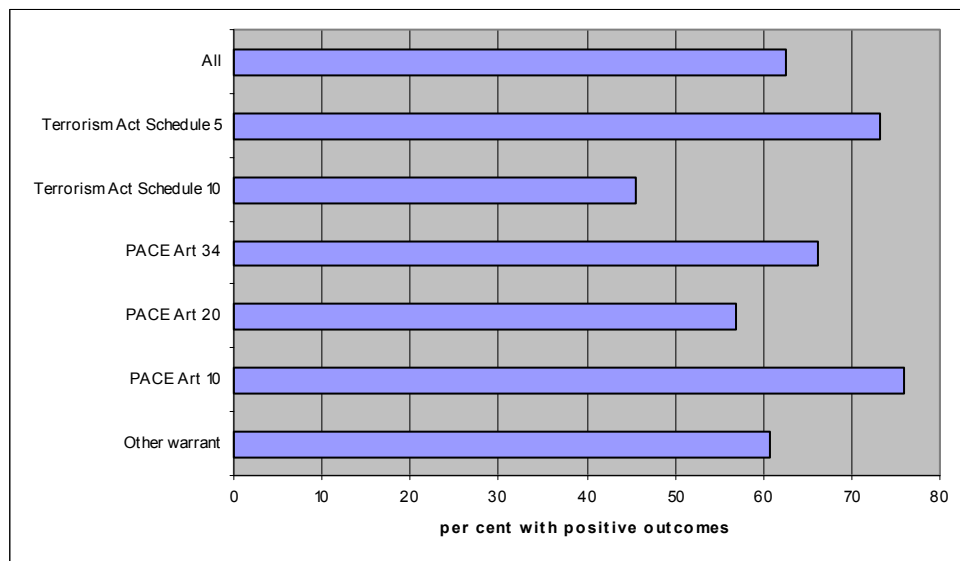


Figure 4: Proportions of Searches with Positive Outcomes by Authority to Search

Section 7 of Code B of PACE Codes of Practice requires a copy of the search record to be given to the occupier of the premises, if present, or left or affixed in an appropriate part of the premises, endorsed with the identification of the officer in charge of the search and the name of the police station to which enquiries should be addressed. This copy is known as the PACE 1A form. In 96 per cent of all searches the PACE 1A form was served. This varied slightly according to the authority to search, ranging from 93 per cent of PACE Article 34 searches, 94 per cent of PACE Article 20 searches, 95 per cent of Terrorism Act Schedule 10 searches and 97 per cent of PACE Article 10, Terrorism Act Schedule 5 and 'other' searches (Figure 5).

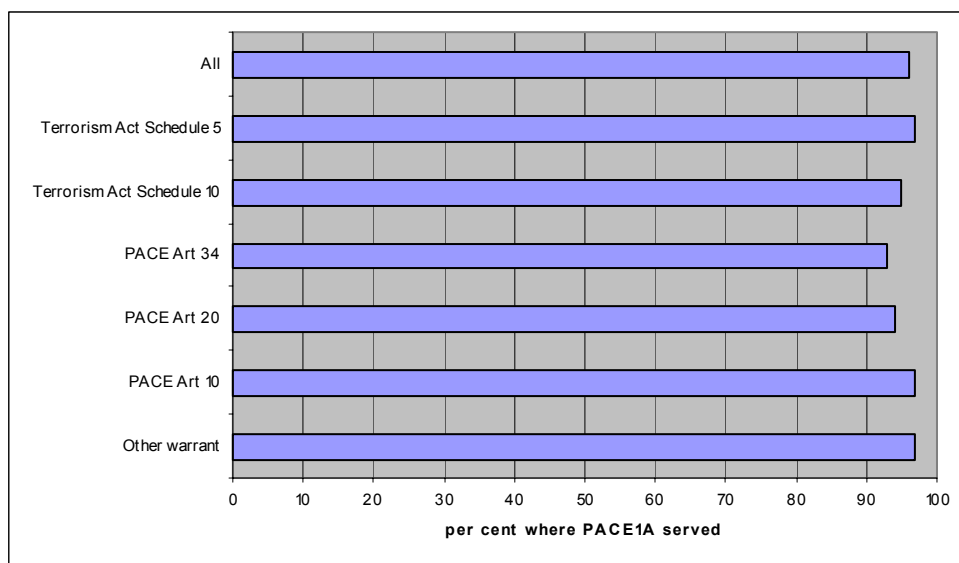


Figure 5: Proportion of Searches Where PACE1A Served by Authority to Search

Overall, there were occupants present in 81 per cent of the searches sampled. Occupants were most likely to be present during PACE Article 34 (87 per cent) and searches under ‘other’ warrants (85 per cent). Searches under PACE Article 20 were more likely than searches under other statutory authorities to take place without occupants present (31 per cent were undertaken without the occupants present) (Figure 6).

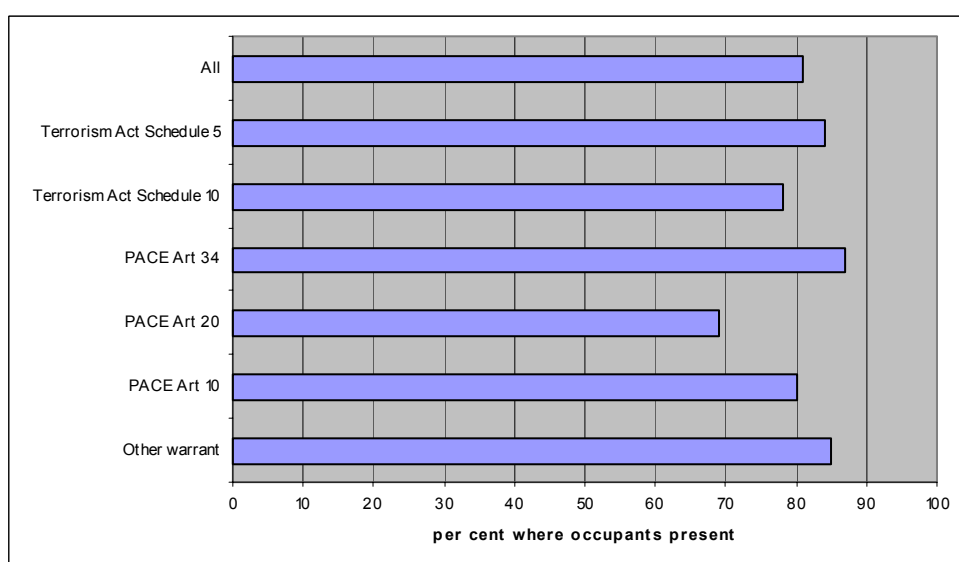


Figure 6: Proportion of Searches Where Occupants Present by Authority to Search

Persons were arrested in 17 per cent of searches sampled. Persons were most likely to be arrested under PACE Article 34 searches (57 per cent) and least likely under PACE Article 20 searches (5 per cent).

There were 14 (0.5 per cent) occasions within the searches sampled where the wrong address was searched. Six of these 14 occurred under 'other' warrants.

In 78 per cent of searches where it was relevant (i.e. the search took place under warrant) a copy of the search warrant was served. There were 51 PACE Article 34 searches where there was a search warrant: a copy of the warrant was served in 9 (18 per cent) of those; of the 63 Terrorism Act Schedule 10 searches where there were warrants, a copy was served in 12 (19 per cent). Copies were also served in 69 (28 per cent) of the 248 relevant PACE Article 20 searches, 110 (50 per cent) of the 221 relevant Terrorism Act Schedule 5 searches, 308 (905) of the relevant PACE Article 10 searches and 1,311 (93 per cent) of the 1,405 'other' searches (Figure 7).

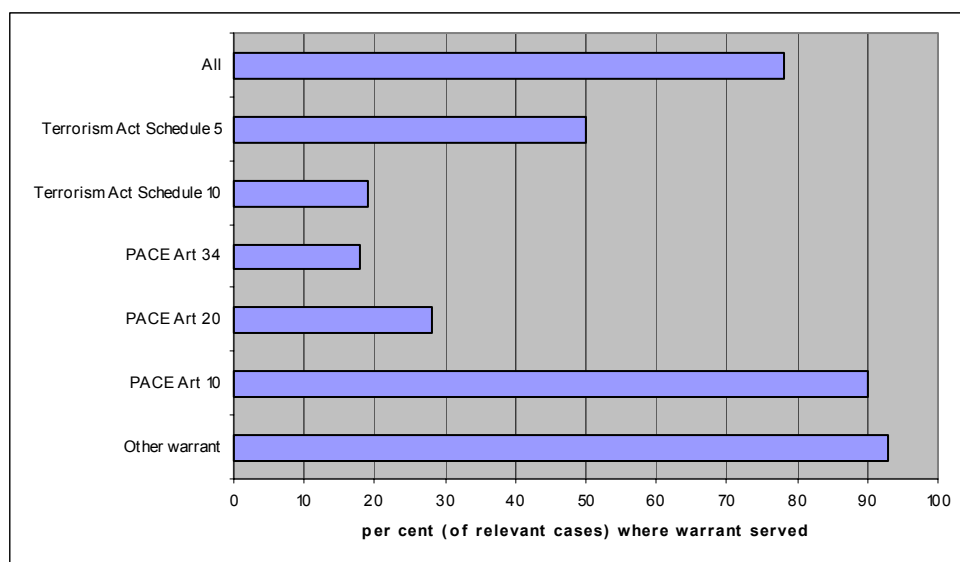


Figure 7: Proportion of Searches Where Warrant Served by Authority to Search

Number of Officers

A police search team should normally consist of six officers. However, details of all officers who enter the property are required to be logged and recorded on the search record. This will include other functions, such as Criminal Investigations Department, scenes of Crime Officers and Photography. The PSNI has stated that there will be occasions where the number needs to be substantially more than the normal and give the examples of forensic or large building searches. In 'Rapid Entry' searches additional officers will be used as part of a 'method of entry' team.

Of the searches sampled, the average number of officers present at a search was 6. Half of all searches involved no more than 6 officers, 85 per cent involved no more than 8 officers and 90 per cent involved no more than 9 officers. Four per cent of searches involved 11-15 officers and under 1 per cent (16 searches) involved 16 or more officers.

There was little variation in the average number of officers present at searches across DCUs. However, there were some variations in the proportions of searches that had more than 6 officers; 78 per cent of searches in Belfast North, 74 per cent in Belfast West, 67 per cent in Newry and Mourne, and 61 per cent in Castlereagh involved more than 6 officers (Figure 8).

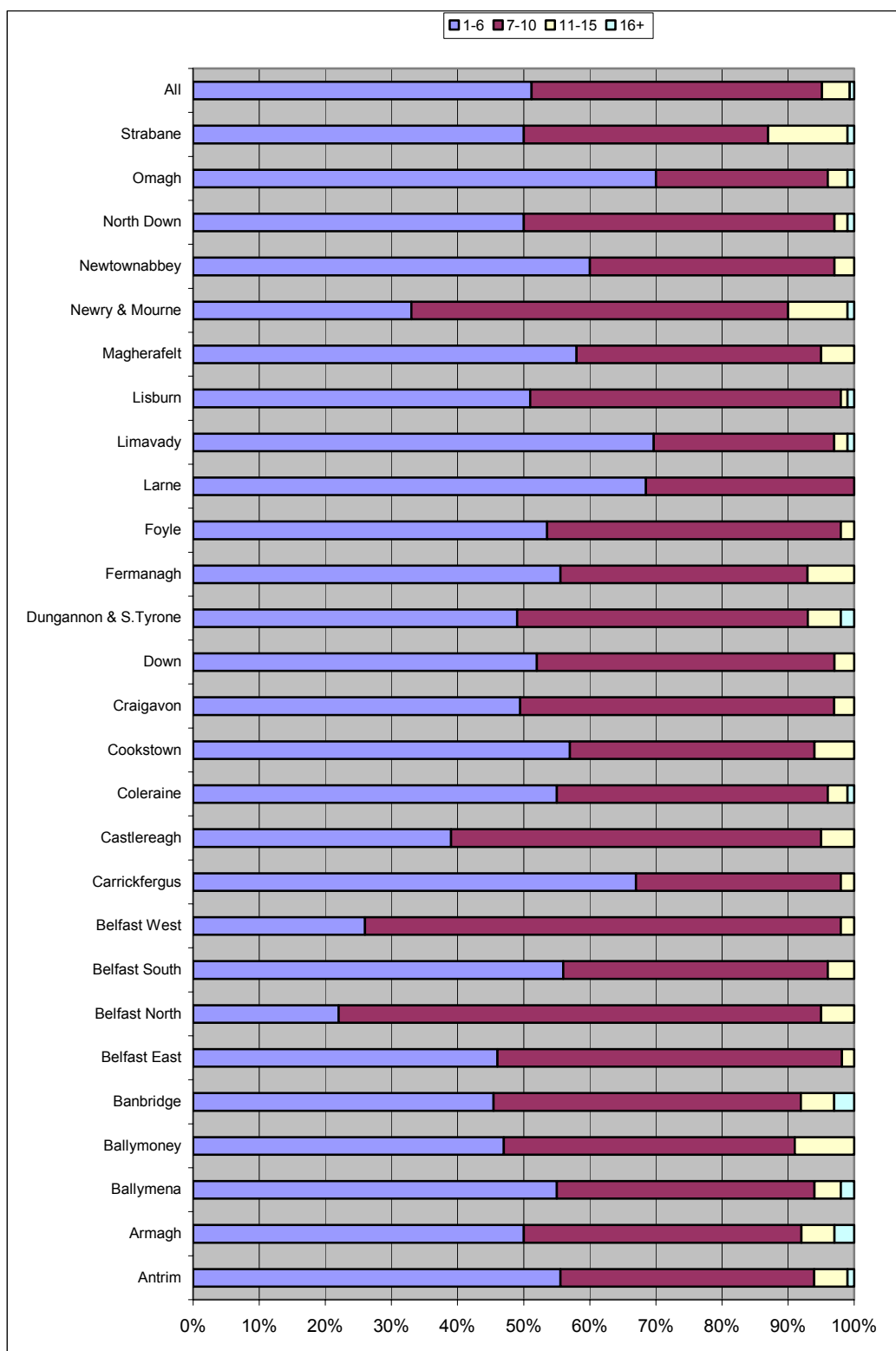


Figure 8: Number of Officers by DCU

Searches conducted under Terrorism Act Schedule 10 and Terrorism Act Schedule 5 tended to involve more officers, with 79 per cent and 84 per cent respectively involving more than 6 officers. Seven per cent of Terrorism Act

Schedule 10 searches and 5 per cent of Terrorism Act Schedule 5 searches involved more than 10 officers. Seventy per cent of PACE Article 10 searches involved more than 6 officers and 6 per cent involved more than 10 (Figure 9).

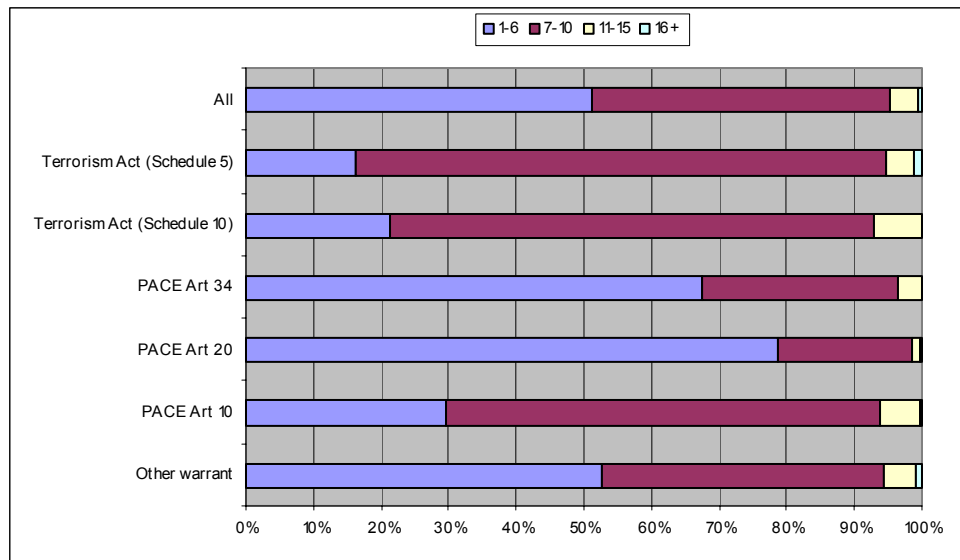


Figure 9: Number of Officers by Authority to Search

Overall, damage to property was recorded in 22 per cent of searches. However, the likelihood of damage being recorded increases in proportion with the number of officers involved in the search, from 17 per cent of searches that involved up to 6 officers, increasing to 39 per cent of searches involving more than 16 officers (18 searches) (Figure 10).

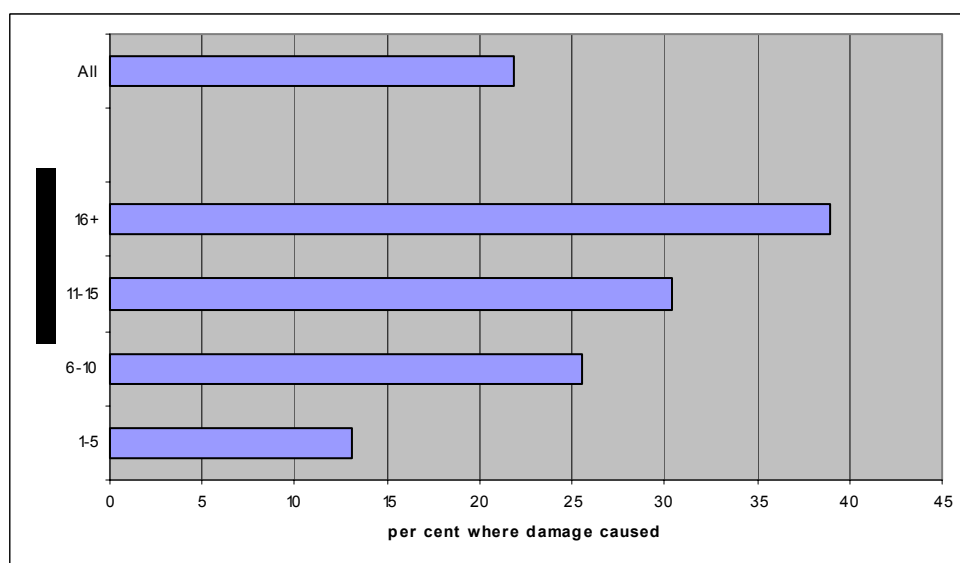


Figure 10: Number of Officers by Proportion of Searches Where Damage Caused

A positive search result was recorded in 62 per cent of searches sampled. The likelihood of a positive result being recorded largely increased in proportion to the number of officers involved in the search; from 54 per cent of searches involving up to 6 officers to 84 per cent of searches involving 11-15 officers and 83 per cent of those involving more than 15 (Figure 11).

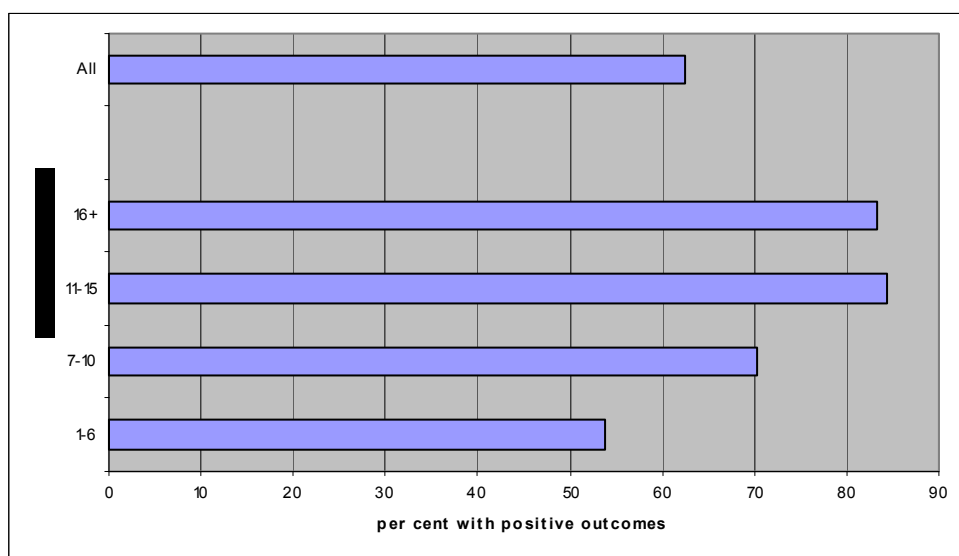


Figure 11: Number of Officers by Proportion of Positive Search Outcomes

Time of Entry

More than three quarters (77 per cent) of the searches sampled took place between 9am and 9pm, 8 per cent took place between 9pm and midnight, 2 per cent between midnight and 3am, 2 per cent between 3am and 6am and 11 per cent between 6am and 9am. There were some variations in the timing of searches across DCUs. In Fermanagh DCU 51 per cent of searches took place between 9am and 9pm; 22 per cent occurred between 9pm and midnight, 12 per cent between midnight and 6am and 14 per cent between 6am and 9am. In North Down DCU 58 per cent of searches took place between 9am and 9pm, with 14 per cent occurring between 9pm and midnight, 14 per cent between midnight and 6am and 14 per cent between 6am and 9am (Figure 12).

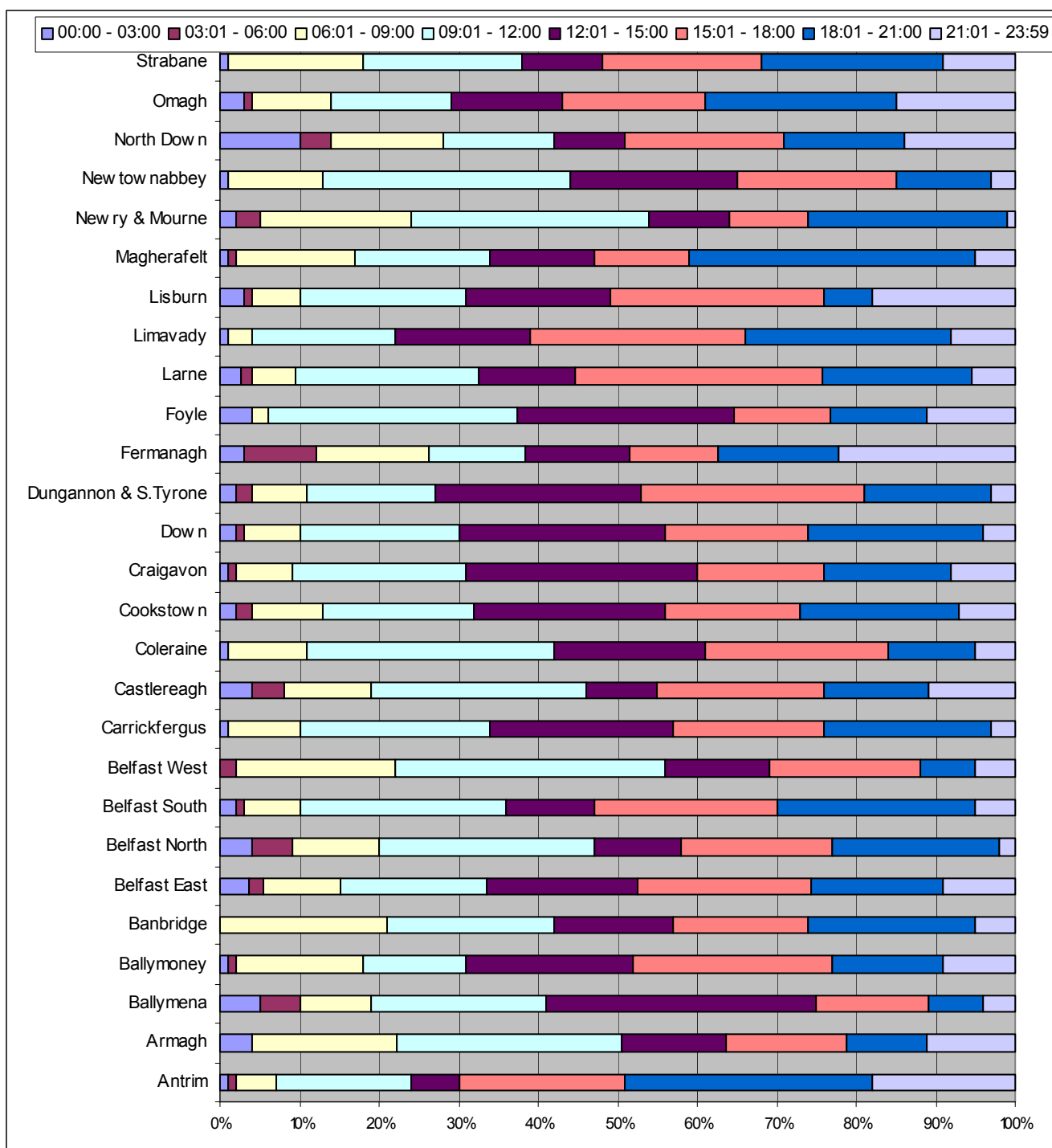


Figure 12: Time of Entry by DCU

Of the 67 (2 per cent) searches that took place between midnight and 3am, 40 were under PACE Article 20 and 17 were under ‘other’ warrants. Of the 48 that took place between 3am and 6am, 21 were under PACE Article 20.

Searches where the object of the search was evidence or an offensive weapon were more likely to occur before 9am or after 9pm (Figure 13).

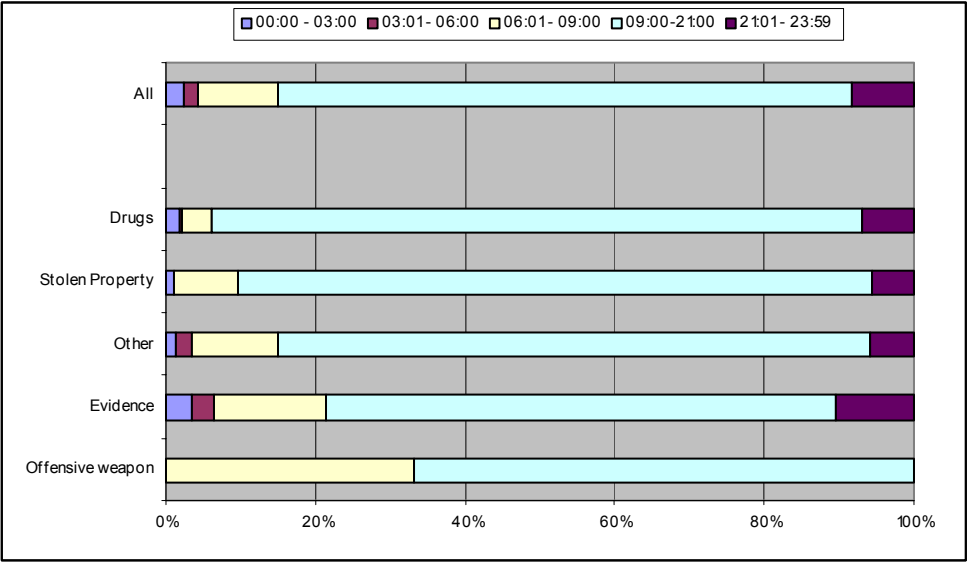


Figure 13: Time of Entry by Object of Search

Searches that took place between 6am and 9am were more likely to have a positive search result (70 per cent) recorded against them compared to searches that occurred at other times. Searches that occurred between midnight and 3am were least likely (46 per cent).

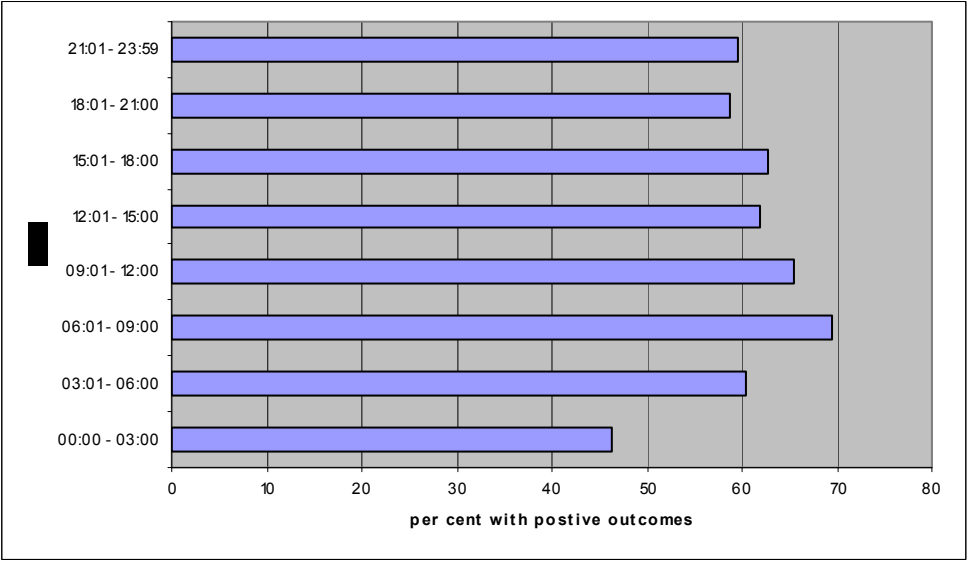


Figure 14: Time of Entry by Proportion of Searches With Positive Result

Searches that occurred between 6am and 9am were more likely to have occupants present (91 per cent, compared to 81 per cent overall) and more likely to result in persons being arrested (35 per cent, compared to 17 per cent overall). Searches between midnight and 3am were least likely to have occupants present (58 per cent) or persons arrested (6 per cent).

Forced Entry

A forced entry was recorded in 21 per cent of the searches sampled. Carrickfergus DCU had the highest rate of forced entries (33 per cent of searches sampled). Limavady had 30 per cent and Antrim 28 per cent. Belfast West DCU had the lowest rate of forced entries, at 9 per cent (Figure 15).

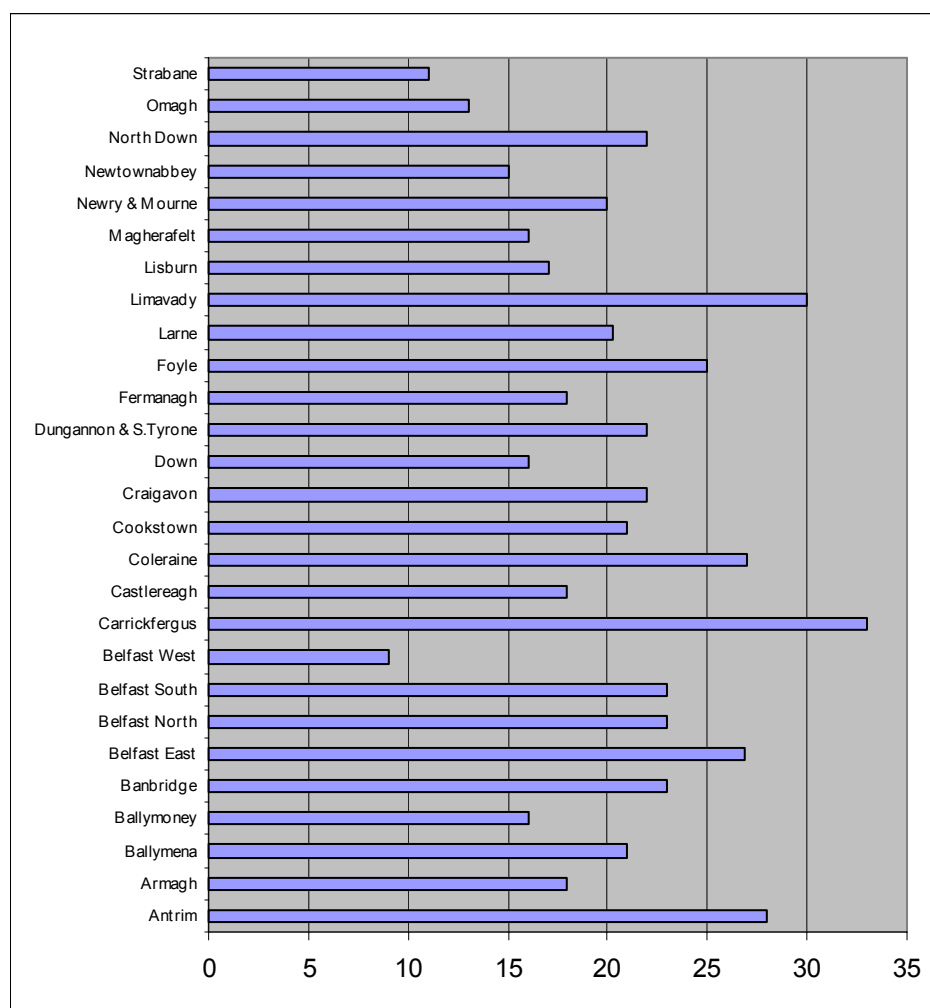


Figure 15: Proportion of Searches With Forced Entries by DCU

Searches that occurred under ‘other’ warrants and Terrorism Act Schedule 10 (27 per cent each) were most likely to involve a forced entry. Searches under PACE Article 20 (9 per cent) and PACE Article 34 (4 per cent) were least likely to involve a forced entry (Figure 16).

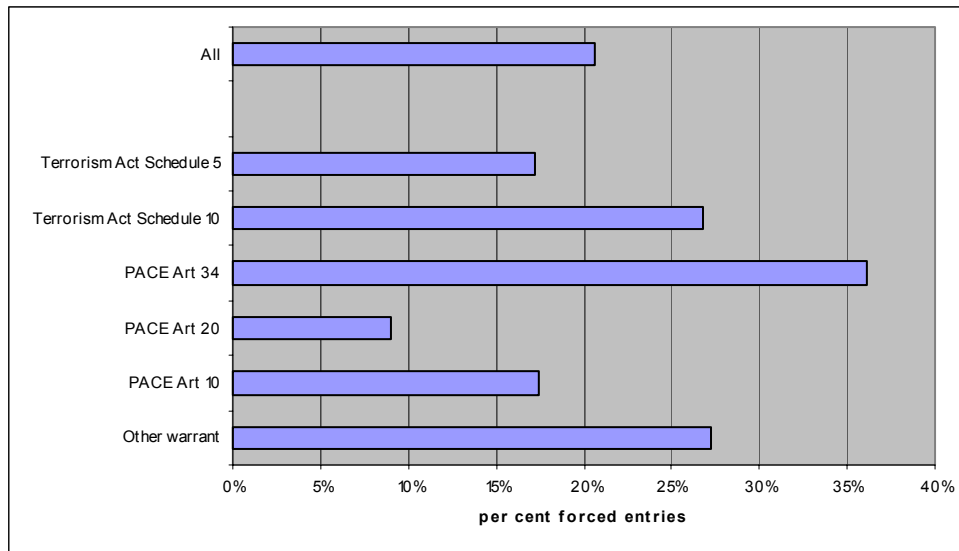


Figure 16: Proportion of Searches With Forced Entries by Authority to Search

Searches where the object of the search was drugs were almost twice as likely as on average to involve a forced entry (41 per cent of drugs searches compared to 21 per cent on average) (Figure 17).

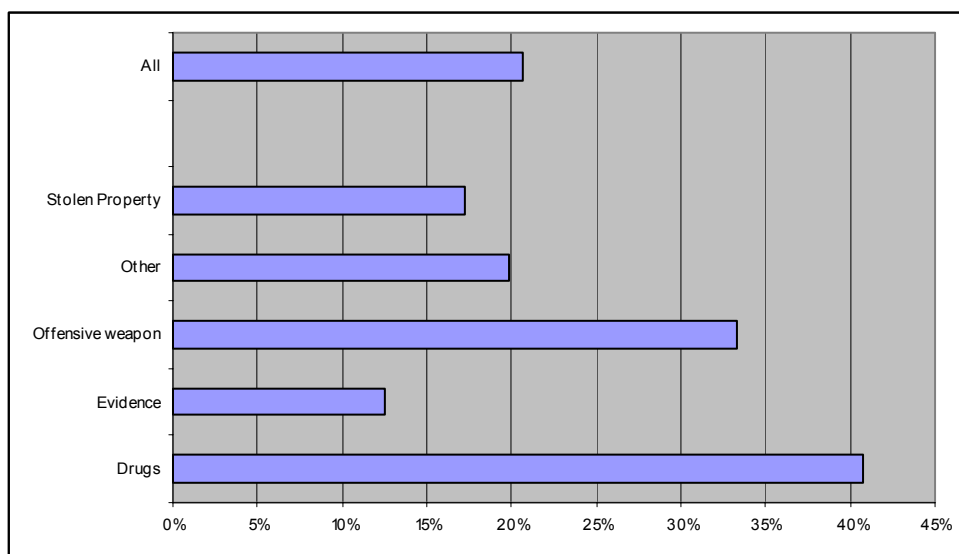


Figure 17: Proportion of Searches With Forced Entries by Object of Search

In searches where there was a forced entry it was more likely that a copy of the search warrant was served (74 per cent of relevant searches) than where there was no forced entry (64 per cent).

Searches that occurred while there were occupants present were less likely to involve a forced entry (14 per cent) compared to searches conducted when there were no occupants present (49 per cent).

Of the 14 searches where the wrong address was searched, 5 involved a forced entry.

Damage Caused

Of the 2,738 search records sampled, damage to property was recorded in 596 (22 per cent) cases. Across DCUs damage was most likely to be recorded in searches occurring in Belfast East (43 per cent) and least likely to be recorded in Belfast West (11 per cent) (Figure 18).

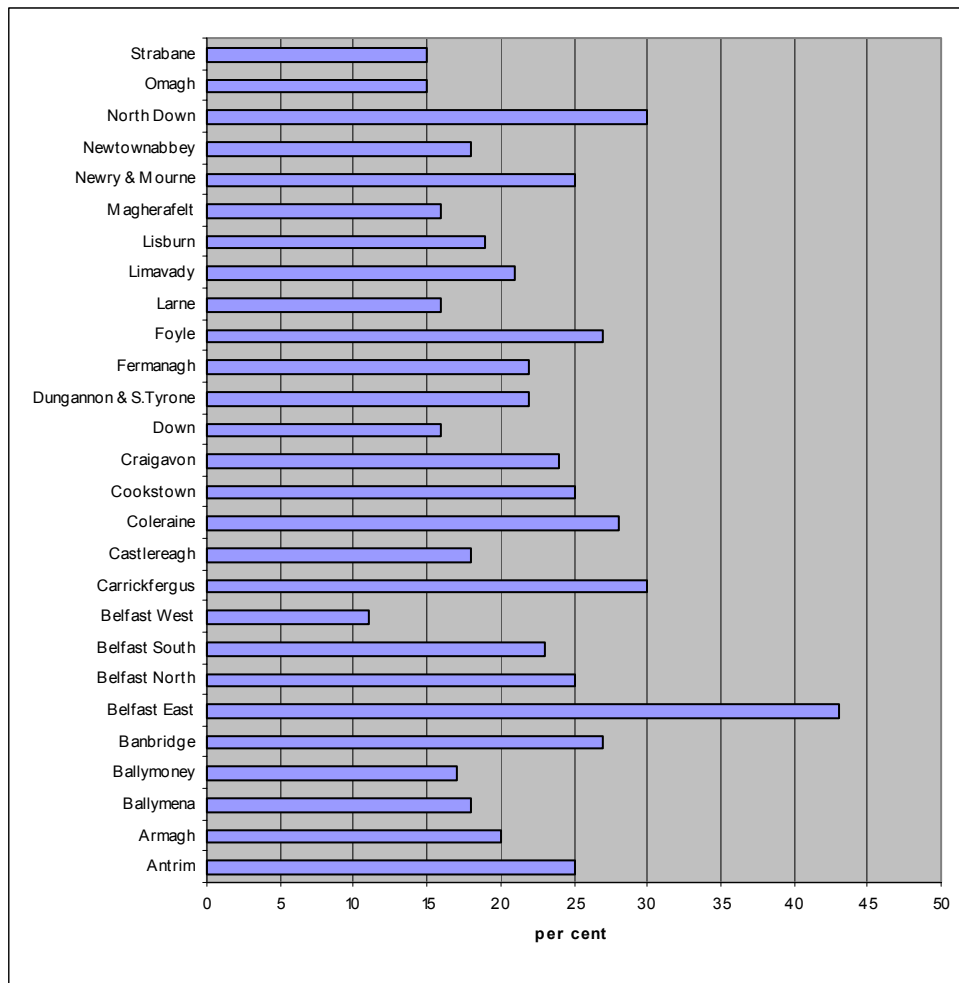


Figure 18: Proportion of Searches Where Damage Caused, by DCU

There were some differences in the proportion of searches where damage was recorded according to the statutory authority under which the search was conducted. Damage was recorded in 30 per cent of Terrorism Act Schedule 10 searches, 27 per cent of 'other' warrants, 21 per cent of Terrorism Act Schedule 5 searches, 20 per cent of PACE Article 10 searches, 11 per cent of PACE Article 20 searches and 7 per cent of PACE Article 34 searches (Figure 19).

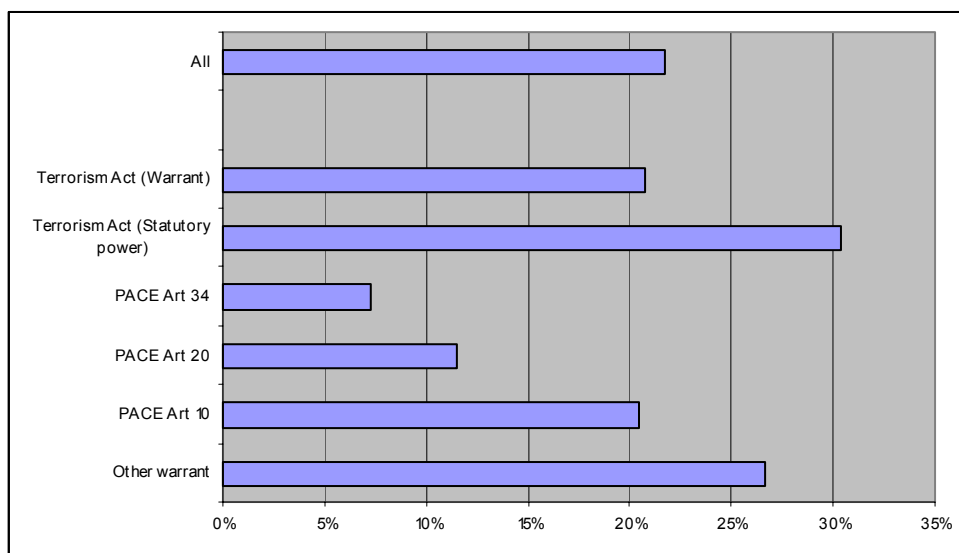


Figure 19: Proportion of Searches Where Damage Caused, by Authority to Search

In 83 per cent of searches where a forced entry was recorded damage was also recorded, compared to 6 per cent of searches where there was no forced entry

Damage was more likely to be recorded in searches where there were no occupants present during the search (44 per cent) compared to those where there were occupants present (17 per cent). In 99 per cent of searches where damage was recorded the PACE1A form was served compared to 95 per cent where there was no damage recorded.

Persons Arrested

Overall, persons were arrested in 17 per cent of searches sampled. There was little variation across DCUs (Figure 20).

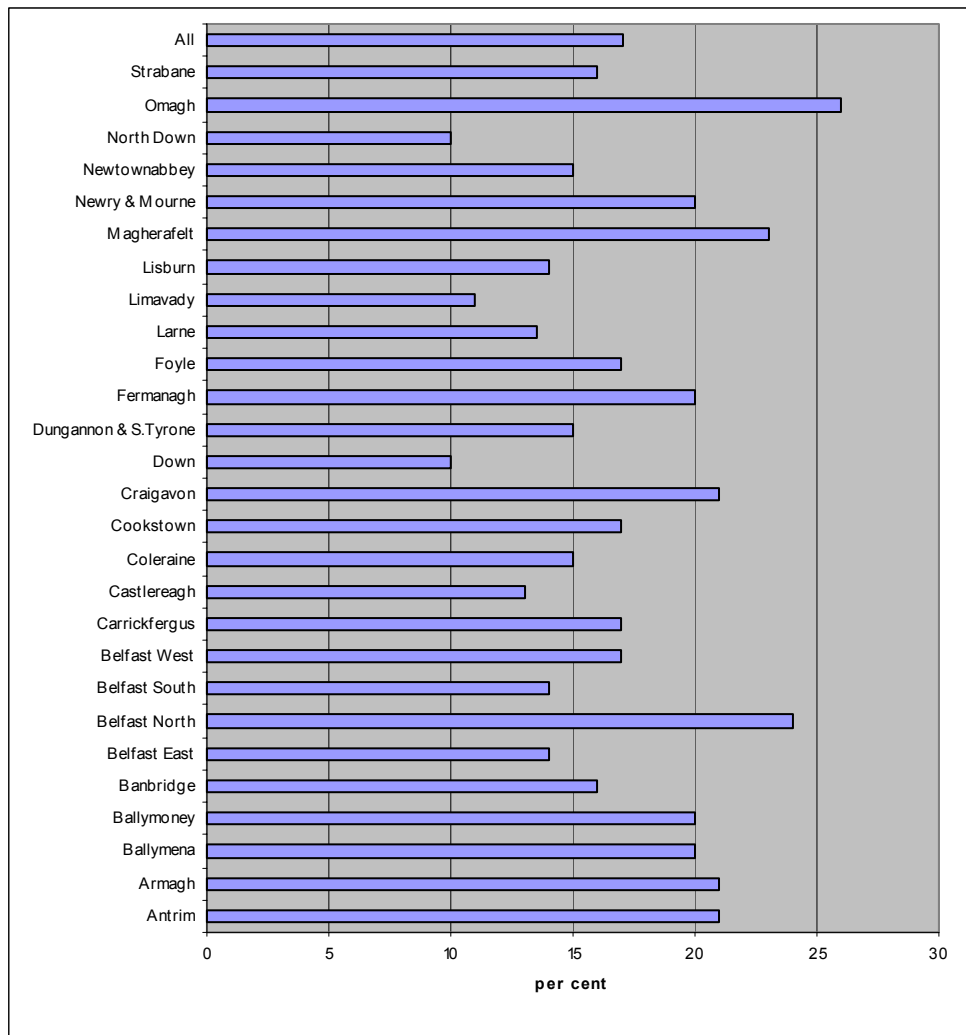


Figure 20: Proportion of Searches Where Persons Arrested, by DCU

Where a positive search result was recorded it was more likely that persons would be arrested (22 per cent), compared to searches where there was no positive result (8 per cent).

It was more likely that a copy of the search warrant was served in searches where an arrest was made (75 per cent) compared to where no arrest was made (65 per cent). Arrests were also more likely the greater the number of officers involved in the search, ranging from 8 per cent of searches involving 1 officer to 35 per cent of searches involving more than 10 officers (Figure 21).

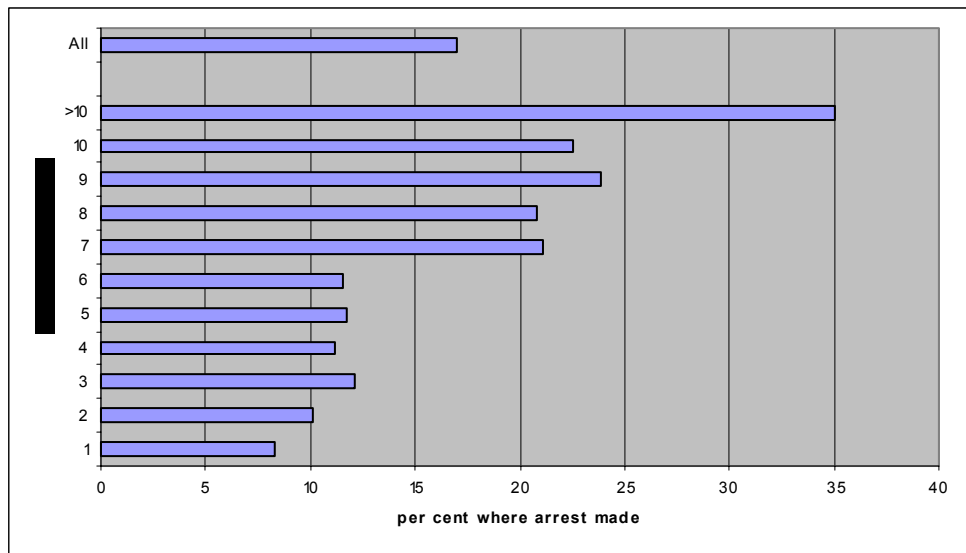


Figure 21: Proportion of Searches Where Arrest Made, by Number of Officers

ANALYSIS OF POLICE OMBUDSMAN RECORDS

Between the opening of the Office in November 2000 and December 2005 there were 567 complaints comprising 726 allegations of misconduct arising from searches of private domestic dwellings. The annual number of complaints and allegations peaked in 2002/03, when there were 128 complaints comprising 167 allegations (Figure 22).

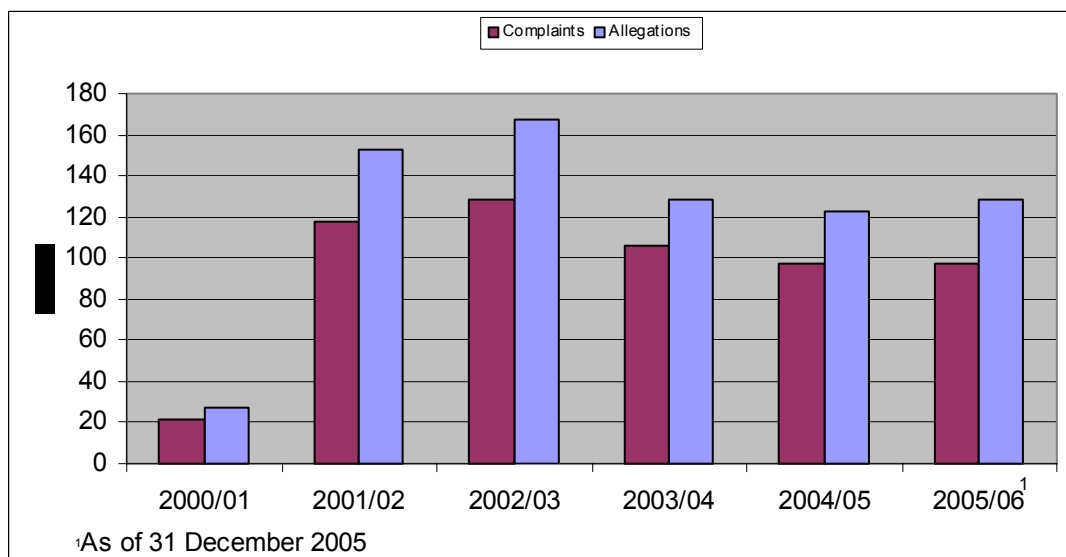


Figure 22: Complaints and Allegations Regarding Property Searches 2000/01- 2005/06

The greatest proportion of complaints about searches of property arose from Belfast North DCU area, with 60 complaints comprising 85 allegations, or 11 per cent of all such complaints made. The next greatest proportion arose from Down DCU (9 per cent of complaints), followed by Belfast West (7 per cent) (Figure 23).

POLICE OFFICERS DISCIPLINED

The complainant alleged that police officers planted drugs during a search of his home. Following a lengthy investigation the Office of the Police Ombudsman found insufficient evidence to support the allegations made. However, Investigating Officers considered the police search was conducted inappropriately, in that Police:

- Negligently left exhibits behind after the search.
- Re-entered the property without lawful authority, to retrieve exhibits left behind.

As a result, two police officers involved received Superintendents' Written Warning whilst a third police officer received Advice and Guidance in relation to his conduct.

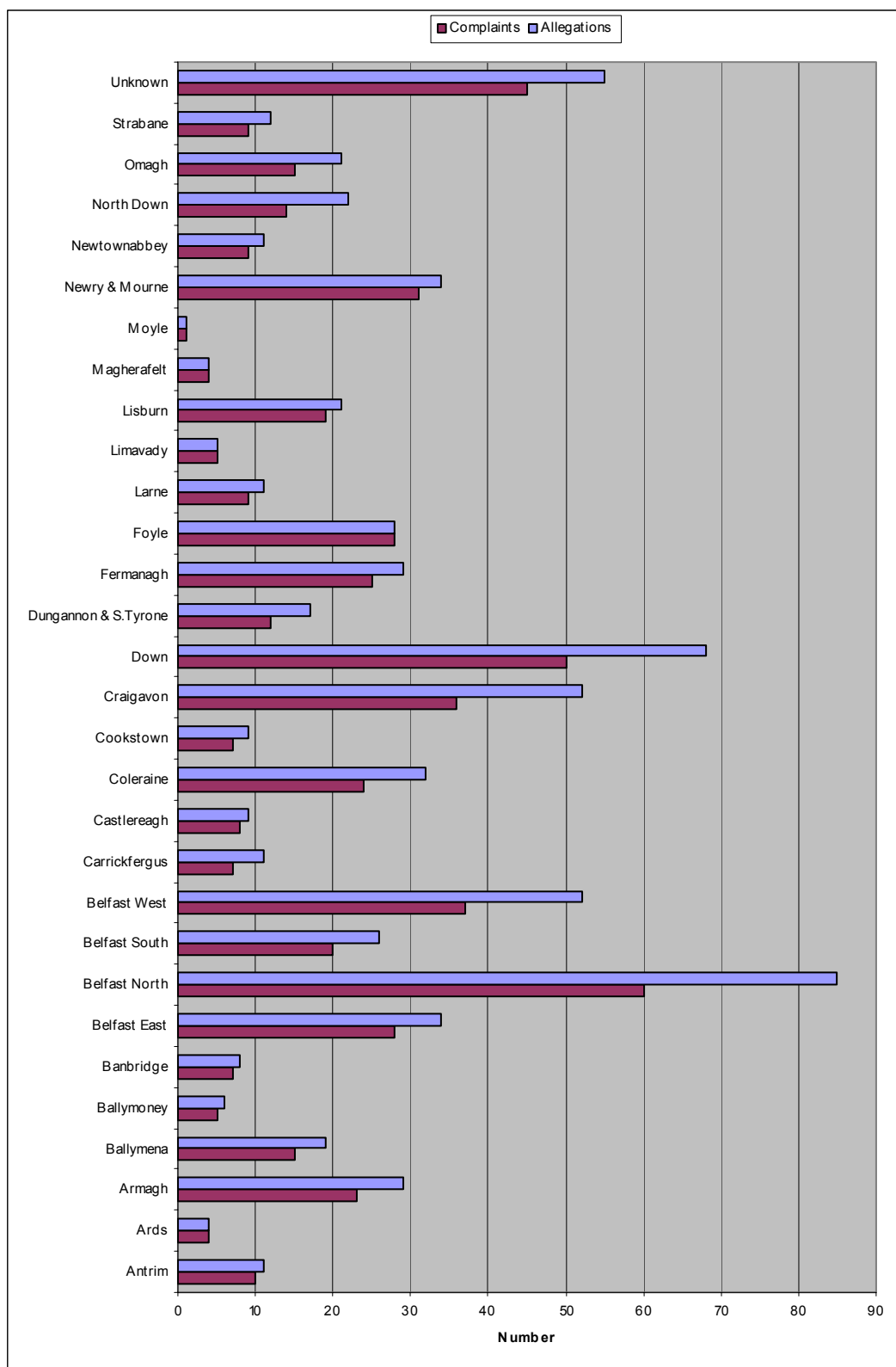


Figure 23: Complaints and Allegations Regarding Property Searches by DCU

When taking relative population size into account, Down DCU area had the highest rate of property search related complaints, with eight complaints per

10,000 population, followed by Belfast North, and Belfast West, with seven and six complaints per 10,000 population respectively (Figure 24).

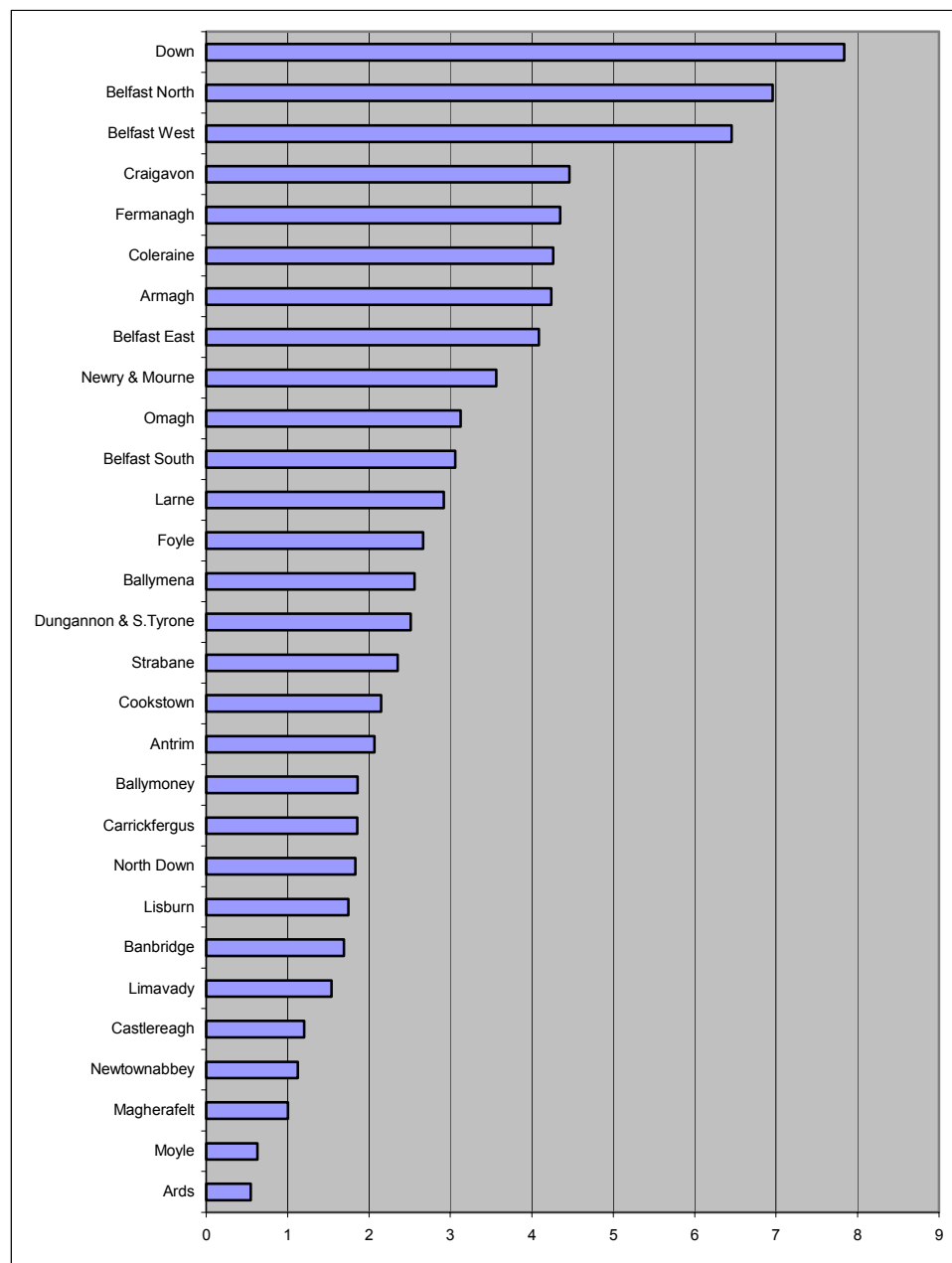


Figure 24: Complaints Regarding Property Searches by DCU per 10,000 Population

Failures in duty made up almost two thirds (458 allegations or 63 per cent) of all allegations made (Figure 25). Sixteen percent of allegations were of oppressive behaviour and 11 per cent were of incivility. There was one allegation of racial discrimination.

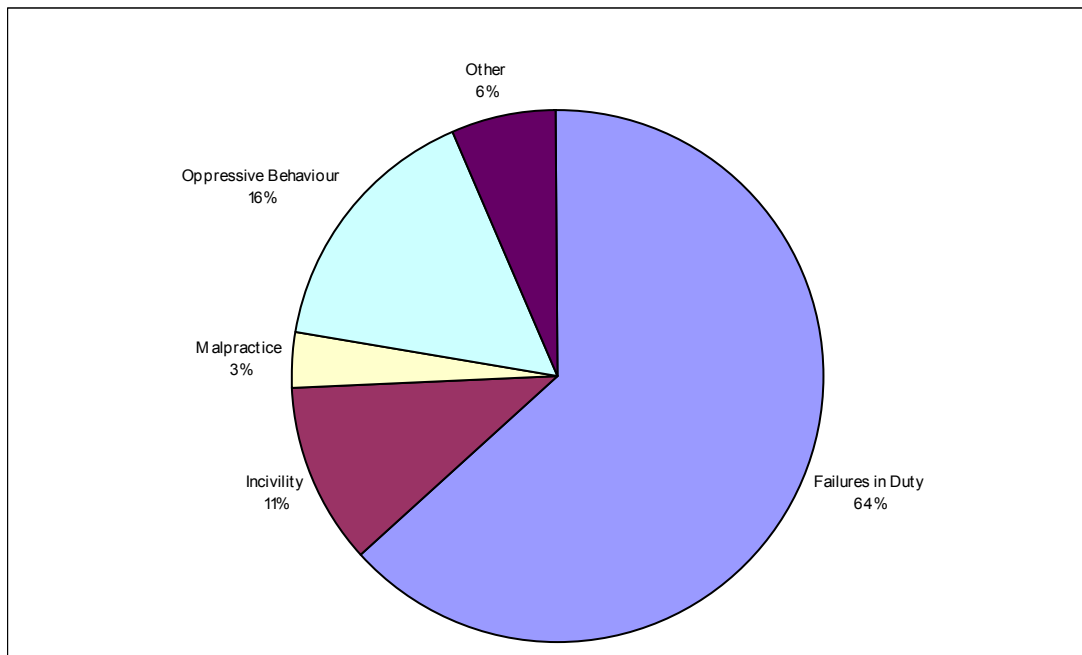


Figure 25: Allegation Types of Complaints Regarding Property Searches

As of 9 March 2006, 48 of the sample of property search related complaints, involving 72 allegations, were being processed by the Office of the Police Ombudsman. Five per cent of those complaints (7 per cent of allegations) were currently under investigation, 2 per cent (2 per cent of allegations) were the subject of further enquiries and 1 per cent were currently going through the Informal Resolution process. A further 46 complaints involving 58 allegations had been successfully informally resolved. Of the 473 closed complaints involving 596 allegations that had been dealt with by the Office, 33 per cent (31 per cent of allegations) had been closed due to the non-cooperation of the complainant with the Office. Sixteen per cent of complaints (17 per cent of allegations) were closed as not substantiated with no further action recommended and 16 per cent (14 per cent of allegations) were closed as ill founded. One per cent of complaints (2 per cent of allegations) were closed as substantiated with recommendations that officers be advised or subject to management discussion or other miscellaneous action (Figure 26).

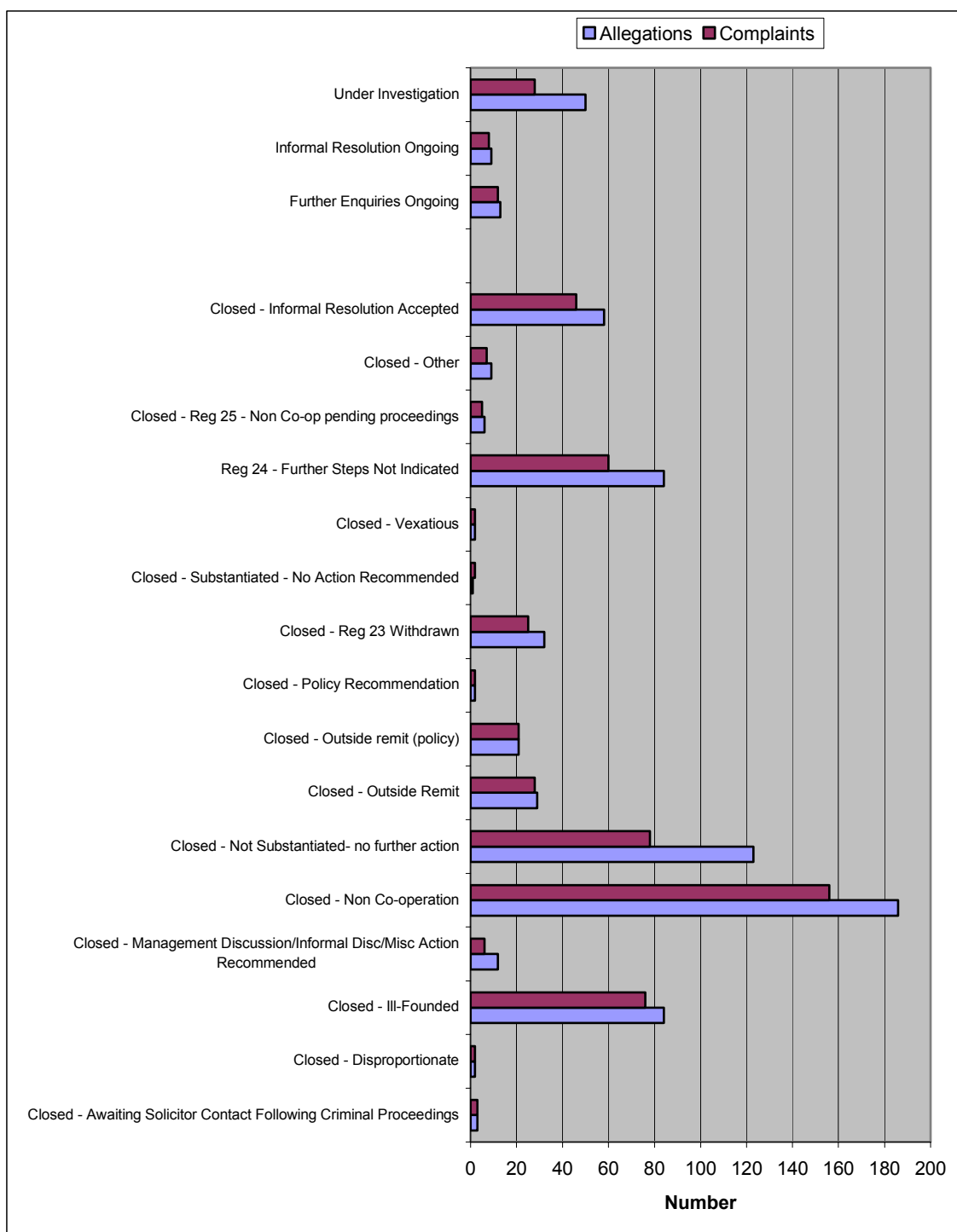


Figure 26: Closure Status (March 2006) of Complaints and Allegations Regarding Property Searches

The Office of the Police Ombudsman sends every individual who makes a complaint a letter requesting them to complete an equality monitoring form, which gathers information on the nine Section 75 categories, as well as employment status, which the Office considers to be a reliable indicator of

relative deprivation. This allows the Office to monitor its service delivery to all groups within our society. Of the 567 property search related complaints made, 164 complainants returned their form, representing a 29 per cent response rate.

In terms of employment status, 25 per cent of people who made complaints in relation to police searches of their homes were employed full time and 7 per cent employed part time, 23 per cent were not working due to illness or disability, 10 per cent looking after family or home and 21 per cent were unemployed. These are largely similar to the employment status of complainants generally (Figure 27).

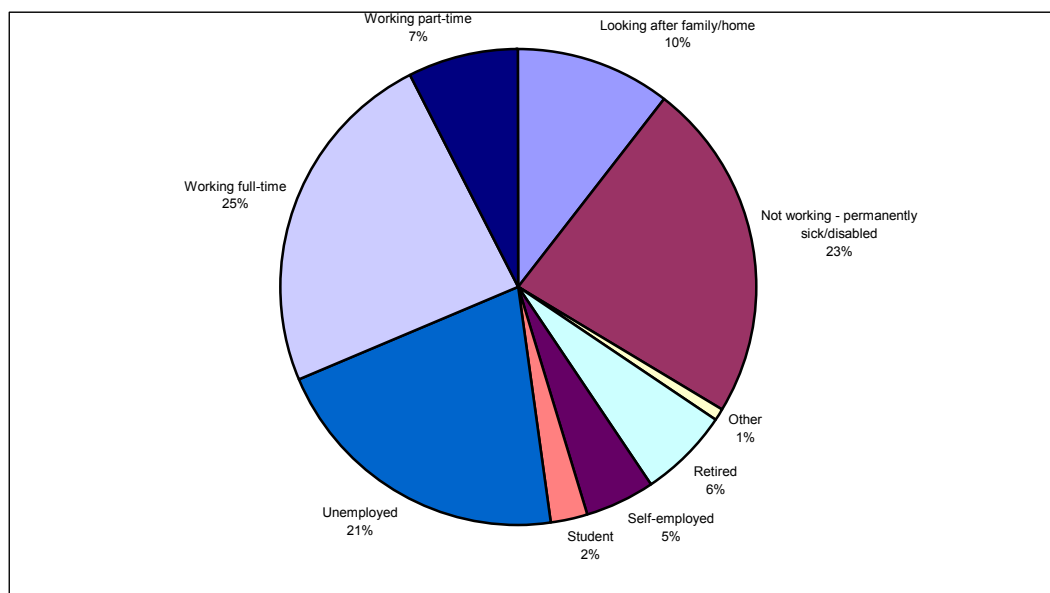


Figure 27: Employment Status of Complainants Regarding Property Searches

Almost half of those who made complaints regarding property searches (48 per cent) were Catholic, 46 per cent were from other religions (including other Christian) and 7 per cent reported that they were of no religion. This pattern is different from that found for complainants generally, where a smaller proportion (38 per cent) were Catholic and a greater proportion (57 per cent) of other religions. The 2001 Census reported that 40 per cent of the Northern Ireland population was Catholic and, cumulatively, forty six percent other religions. This may suggest that Catholics are slightly more likely than other

religious groups to make complaints to the Police Ombudsman regarding police searches of their property (Figure 28).

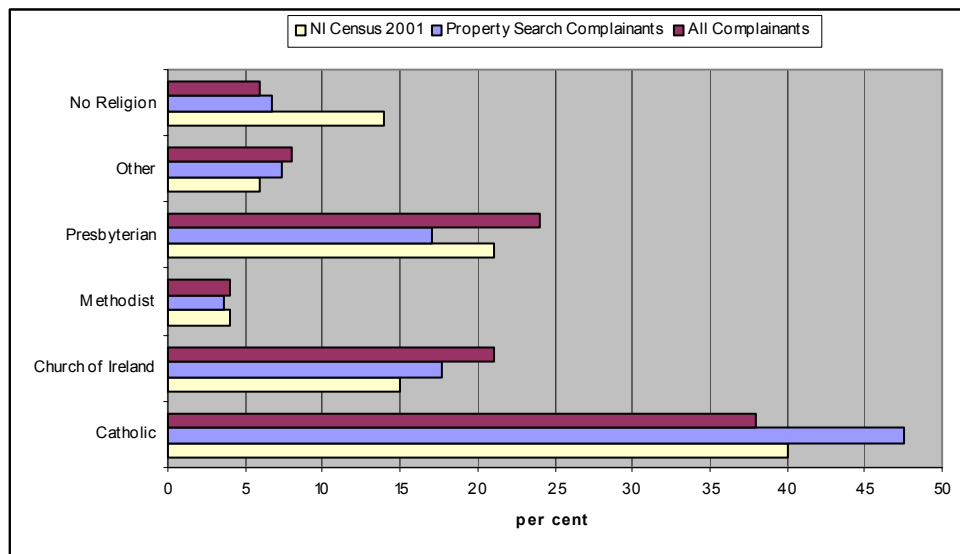


Figure 28: Religious Belief of Property Search Complainants, All Complainants and Census 2001

Ninety six per cent of property search complainants described themselves as white, 3 per cent were from other ethnic groups and 1 per cent were Irish Travellers (Figure 29). This is largely in line with the ethnic background profile of all complainants.

INFORMAL RESOLUTION SUCCESSFUL

The complainant returned home while a police search of her residence was in progress. A number of allegations in relation to the search were subsequently made including;

- The search warrant contained the wrong address.
- Not all items seized by police were documented.
- The name on the search warrant had no connection with the address.

Upon receipt of the complaint the Office of the Police Ombudsman invited the complainant to participate in an attempt to informally resolve the matter. The complainant agreed and met the member appointed by PSNI to conduct the informal resolution. Following this the Appointed Member spoke to police officers involved in the search who informed him that when the omission on the warrant was pointed out the search was terminated and all seized items returned. Police conceded mistakes had been made in relation to obtaining the warrant and stated that an apology had been offered to the complainant at the time. When the Appointed Member met the complainant for a second time and outlined the nature of his discussions with the police officers concerned the complainant was satisfied that her complaint could be informally resolved and agreed that no further action was necessary.

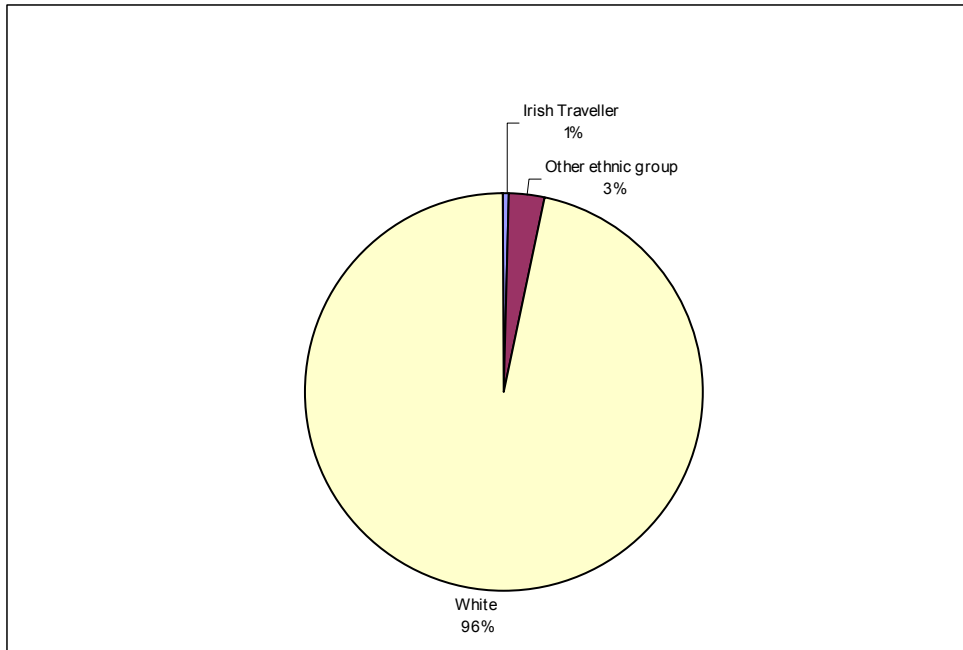


Figure 29: Ethnic Background of Property Search Complainants

Fifty nine per cent of those who made complaints were male and 40 per cent female (1 per cent unknown). There was a much higher proportion of females who made property search related complaints compared to complainants generally (Figure 30).

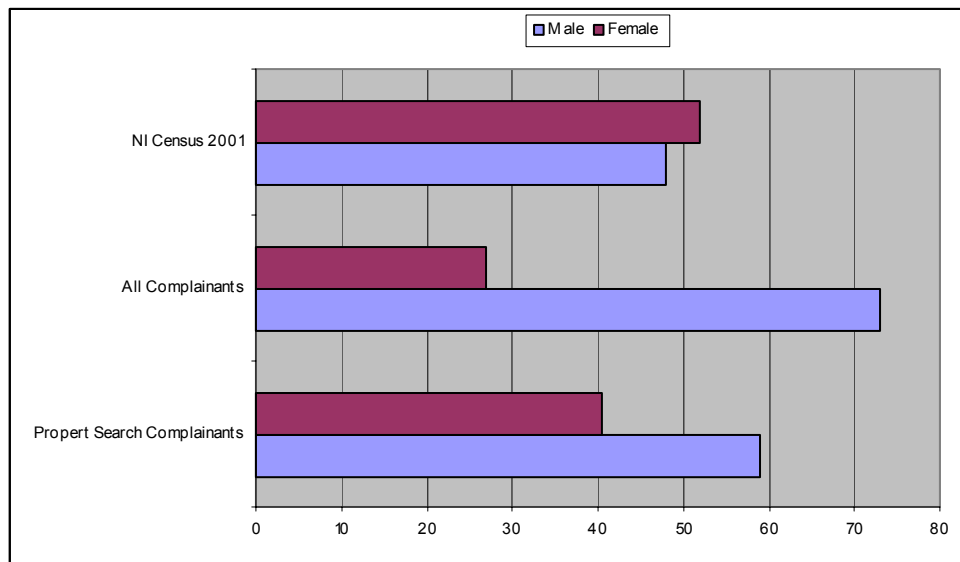


Figure 30: Gender of Property Search Complainants, All Complainants and Census 2001

Within the age group structure analysed, the biggest age group of complainants was 35-44 year olds (29 per cent) followed by 25-34 year olds (23 per cent) and 45-54 year olds (21 per cent). This is largely similar to the profile of complainants generally (Figure 31).

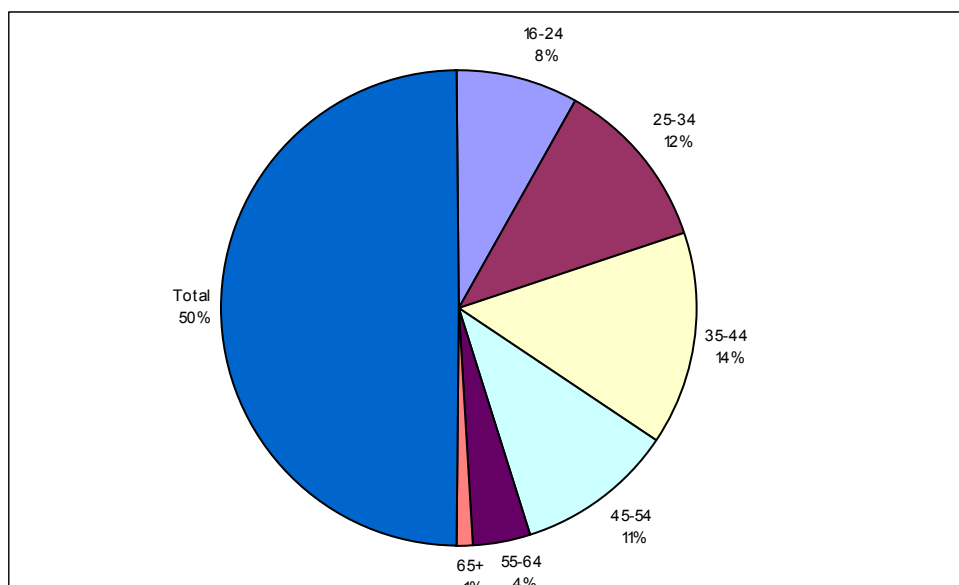


Figure 31: Age-group Profile of Property Search Complainants

FAILURE TO LEAVE APPROPRIATE DOCUMENTATION FOLLOWING POLICE SEARCH

The complainant alleged that during a search of her residence police officers involved behaved in an abusive and threatening manner. In addition, it was alleged by the complainant that she was assaulted by an officer, she was not permitted to use the telephone, and police searched without a warrant and left no related search documentation at the premises.

The Office of the Police Ombudsman conducted a thorough investigation into the complaint and made an objective assessment of the evidence secured. Whilst it was considered that there was insufficient evidence to support the main burden of the complaint an officer involved received a management discussion for his failure to leave appropriate search documentation at the residence.

Analysis of Premises Searches August 2004 – November 2005

A more in depth analysis of Police Ombudsman records was conducted to complement the overall quantitative analysis. A sample of 127 complaints (all complaints made in relation to domestic property searches between August 2004 and November 2005) was analysed both quantitatively and qualitatively to ascertain the most common reasons behind complainants presenting their cases to the Office of the Police Ombudsman.

This process involved scrutinising each complaint to determine the rationale behind it. Each complaint made may contain more than one reason or factor. A number of key attributing factors emerged.

The table below shows the most common factors behind property search related complaints:

Factor	Number
Unnecessary Damage caused by police action	21
No warrant shown/ provided to property owner	15
Incorrect details on warrant	13
Heavy-handed approach of police at scene of search	13
Police failed to secure premises once search completed	12
Attitude of officers at scene of search	12
No explanation for search given by police to property owners	8
Failure to produce documentation to property owners	8
Unnecessary mess left behind by police	6
Police point firearms at persons in property during search	6
Items searched/seized not covered by warrant	6
[Excessive] number of officers at search	6
Occupants of property not allowed to get dressed / put on appropriate clothing prior to search commencing	5
Number of searches at address in short period of time	5
Time of search (i.e. early morning/ Festive period)	4
Police alerting media prior to search	4
Failure of police to return seized property after search	4
Lack of police consideration towards elderly persons during search	3
Search of a juvenile in the absence of an appropriate adult	2
Failure of police to respond to letters	1

The table shows that **damage caused during a search** of premises is the most common complaint factor, followed by issues in relation to **warrants**.

Other common complaint factors appear to be concerned with the **general behaviour and attitude of police officers during the search** and also the **lack of explanation and clarification** given by police officers to property owners.

CONCLUSION AND RECOMMENDATIONS

The Police Ombudsman acknowledges that searches of domestic residences are an important and sometimes difficult and dangerous facet of police work. It is clear from the results of the qualitative research undertaken that concerns surrounding the issue of police proportionality constitute a consistent theme throughout the community consultation. In particular, the numbers of police officers used to conduct searches was an area attracting criticism. Other areas of concern were; the manner in which search warrants were produced and their re-use, the confinement of persons during searches and forced entry into properties. With regard to communication, the majority of respondents expressed concern at the lack of clear and consistent information about the nature of the search, their rights during the search, the length of time taken to search and the identification of the officer in charge. In addition, the absence of female officers during searches where women/young girls were present was highlighted. Police Tactical Support Teams were particularly singled out as being too militaristic and lacking respect for the public. The treatment by the police of vulnerable groups and minority ethnic groups was also subject to criticism.

The Office of the Police Ombudsman has noted that there was criticism of the service and advice it provided.

Those who participated in the community consultation also referred inter alia, to flawed intelligence, difficulties experienced with regard to the return of property seized and the relationship between the police and the Immigration Service. Members of the Travelling Community raised concerns about the issue of warrants being extended to cover entire sites. Clarity around police interpretation services during searches of households with little or no English was also highlighted.

An analysis of complaints against police arising from searches of domestic property revealed that the main areas of contention were; unnecessary

damage by the police, the production of warrants, incorrect information on warrants, heavy handed police tactics during searches, the attitude of police officers involved and the failure by the police to secure premises following a search.

Respect for people's human rights is fundamental to policing, deriving as much from a moral obligation as from a legal requirement. The public has a right to expect that police searches will be conducted in a reasonable, lawful and professional manner. Actions of police officers must be fair, balanced and proportionate to the legitimate aims of the search. Powers of entry and search must be supported by the law and actions of the police fully recorded and accountable.

Whilst the Police Ombudsman is aware that PSNI has recently reviewed the area of property searches and has issued a revised search manual based on the Association of Chief Police Officers standards, she nevertheless recommends that the Chief Constable carries out a review of this report and prepares an action plan addressing the issues raised. In the interim the Office of the Police Ombudsman recommends that:

Recommendation 1:

- Police officers are reminded of the importance of ensuring that warrants are accurately completed and used solely for the purpose they are intended.

PSNI Response:

Agreed: the PSNI search manual provides direction on accurate completion of all search documentation in Section 6.

Recommendation 2:

- Police officers are reminded of the correct use of appropriate search documentation, including the serving of PACE 20s, copies of warrants and PACE IA documentation.

Recommendation 3:

- Police officers are reminded of the importance of fully and accurately completing search records.

PSNI Response:

Agreed: the PSNI search manual provides direction on accurate completion of all search documentation in Section 6.

Recommendation 4:

- Police officers are reminded that property seized is returned as soon as practicable.

PSNI Response:

Agreed: the PSNI policy directs that searches are carried out in compliance with legislation and the PACE codes of Practice. PACE Codes of Practice B provides guidance on dealing with property.

Recommendation 5:

- Police officers are reminded of their duty to adhere to policies and practices in relation to property searches with particular emphasis on guidelines for dealing with vulnerable groups including ethnic minorities and migrant workers.

PSNI Response:

The issue of dealing with ethnic minority groups is an emerging problem with the increase in transnational migrant workers, asylum seekers, refugees and undocumented workers now living in the province. In addition, both our regions are increasingly working with the United Kingdom Immigration Service and one of the major issues is that of language and interpretation.

Following consultation with our Community Safety Branch, the following solutions are suggested as practicable steps towards addressing the communication issues:

- Search documentation (Warrants, PACE Article 20, Pace 1/TA)
- Raise awareness amongst TSG and others conducting domestic premises searches of the NIS facility (National Interpreting Service – 150 languages).

Our Operational Policy and Support Branch has been liaising with Community Safety over these issues.

Recommendation 6:

- Police officers are reminded of the importance of securing unoccupied dwellings following searches.

PSNI Response:

Agreed: an Interim Direction has been issued by Operations Policy that highlights the PACE codes of Practice directions on securing premises after a search. Work is ongoing to provide practical assistance to operational police in this area.

Recommendation 7:

- Police officers are reminded that complaints made to police must be forwarded immediately to the Office of the Police Ombudsman.

PSNI Response:

Agreed.

Recommendation 8:

- At least one female police officer be in attendance during all searches of domestic properties carried out by police.

PSNI Response:

Agreed. The PSNI 'Gender Action Plan', published in September 2004, raised concerns about the proportion of female officers serving in specialist units generally. Vacancies in TSG were specifically mentioned: *'female officers were proportionally more successful than male officers but applied in much smaller numbers. This may be due to female officers' perceptions about the type of work involved in some specialist units and the possibility of long hours culture.'* The report proceeded to make the following practical recommendations:

- Welcoming statements to be included in vacancy bulletins which are issued for jobs in specialist units where females are under-represented; and
- Commanders of specialist units to be tasked with producing action plans to address under representation.

Positive steps were taken to attract female recruits to TSGs. Several 'open / information days' were organised and this appears to have had a positive impact. The latest establishment figures show that, within urban region, TSGs have each at least two female officers. A project team has been established within rural region to examine the under representation of female officers within its TSGs, and it will report later [in 2006].

The revised Search Record (Form 29), which will be released [by November 2006] Section 8, which is part of the planning stage of the search, reads as follows: *'Persons believed to be present at (if it is known or suspected that females will be present, a female officer should attend).'*

Recommendation 9:

- Police review the proportionality of the number of police officer involved in search operations against the nature of the offence being investigated and the potential impact on community relations.

PSNI Response:

The proportionality of police actions is a crucial consideration under Human Rights. The PSNI Search Manual states: *'Where the search objective can be achieved in more than one way, the least intrusive method should be chosen'*. Under the RAPIDS (Reactive and Proactive Intelligence Driven Support) bidding system, Districts and Departments seeking TSG assistance to conduct searches are required to conduct or at least consider a 'community impact assessment'. This will not only give an indication of the potential impact on community relations of the proposed searches, but will also inform the decision making process in terms of the numbers of search teams or units required to undertake the operation. Commanders have a duty of care for their officers and, therefore, have to consider carefully all of the issues pertaining to the proposed search and not just to the search itself.

Factors to be considered include:

- the area within which the search is to take place;
- the likelihood of a hostile reception, which may necessitate additional officers to secure the area and provide public order support or security; and
- the climate under which searches are to take place (for example, heightened tensions as a result of an ongoing loyalist feud).

Responses that may appear 'over the top' and disproportionate, may in fact be entirely justifiable and appropriate, and the PSNI search manual advises that when either seven or more search aware officers or two or more search teams are required for a search, a Police Search Advisor should be consulted.

Statistics show that only in four per cent of searches are more than ten police officers present and in over half of all searches no more than six officers are involved.

Recommendation 10:

- All intelligence is verified and validated prior to searches being conducted.

PSNI Response:

Agreed: Direction on this is contained in PACE Code of Practice A, Section 2.

Recommendation 11:

- The police officer in charge of the search always make himself/herself known to the occupants and is available to deal with any issues that may arise resultant from the police search.

PSNI Response:

The PSNI search manual directs that officers in charge of search teams make themselves known to the occupants on entry to any premises and explain the nature of the search, the occupants' rights during the search and the fact that they may remain to oversee and deal with any issues that may arise. Several questions are also asked of the occupier before the search commences. Form PACE 1/A search record, a copy of which is left with the occupant on the termination of the search, provides details of the officer in charge of the investigation and a contact number.

Recommendation 12:

- Police review guidelines relating to searches of traveller sites with particular reference to the use of warrants.

PSNI Response:

Agreed: whilst the PSNI policy directive does not specifically mention traveller sites, the guidance and direction it contains clearly states that **all** searches must be conducted in accordance with current legislation and be human rights compliant.

ANNEX: PSNI SEARCH RECORD



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

CONFIDENTIAL

DCU Reference No	
Location or Address	
Occupier or Owner's Name	

SEARCH RECORD

TO BE COMPLETED IN RESPECT OF ALL SEARCHES

Refer to Notes for Guidance before completing

NOTES FOR GUIDANCE

1. This form is classified as **CONFIDENTIAL** (Code Section 21(49) refers).

2. **Human Rights**

It should not be assumed that courts will accept that because a statutory power of entry and seizure exists that it can be used without regard to the circumstances of each specific case. All search activities and use of police powers should be examined against ECHR principles:

Do I have a lawful power?

Is what I am doing proportionate?

What is my objective?

Is there a less intrusive alternative?

Do I need to act now?

Is there a record of my reasoning?

3. This form does not take the place of the other search members' notebooks.

4. The purpose of this form is to provide a contemporaneous record of events and may be required to be produced in court proceedings.

5. All details must be recorded accurately.

6. Pages 1-3, sections marked * should be completed as fully as possible at the planning stage and the certificate on page 3 endorsed by the completing officer in accordance with Weekly Order 21/99.

7. At the termination of the search the form will be checked and signed by the Log-keeper and the Search Team Leader.

8. The completed form will be delivered to the **C.I.O.** in whose area the search was carried out and a written record completed in the delivering officer's notebook.

9. Under no circumstances will this form be copied or distributed by any person prior to submission to the **C.I.O.**

10. **This form must be completed in black ink.**

11. At the termination of all searches a debrief should be held and where necessary include the completion of forms, notebooks, statements etc.

12. Ensure carbon paper is available for completion of PACE 1A.

13. Officers should ensure that PACE 1/TA's are recorded and issued to all persons searched on the premises and to all persons questioned under Section 89 of the Terrorism Act.

CONFIDENTIAL

DCU
REF NO

DISTRICT:

STATION:

*TYPE OF SEARCH:

AREA

☐

BUILDING

☐

ROUTE CHECK

☐

VEHICLE

☐

STATE TYPE:
OCCUPIED
UNOCCUPIED

TERTIARY

*DATE:

TIME:

From

To

GRID REF: (Rural Area Only)

*LOCATION:

*OWNER'S NAME AND ADDRESS *(if different)*

*OCCUPIER'S NAME AND ADDRESS:

MOBILE NO:

TELEPHONE NO:

FAX NO:

MOBILE NO:

TELEPHONE NO:

FAX NO:

DAMAGE CAUSED *(if any)*: Enter as much detail as possible - including - dimensions.
If no damage caused enter 'None' below.

ENTER F
IF FIND

☐

IF EXTENSIVE DAMAGE HAS BEEN CAUSED WHICH CANNOT BE DESCRIBED IN SUFFICIENT DETAIL IT
SHOULD BE DESCRIBED IN OUTLINE AND ENTER 'AR': (Assessment Required)

☐

COMPENSATION AGENCY:

DAMAGE, AS LISTED ABOVE, RESULTED DURING A SEARCH BY, OR ON BEHALF OF, THE POLICE UNDER THE
TERRORISM ACT 2000. IF A DWELLING HOUSE, AUTHORISATION WAS GRANTED IN COMPLIANCE WITH THE
ACT.

Signature:

Date:

<p>*1. REASON FOR SEARCH:</p>	<p>*2. SEARCH UNDER SECTION 84, SCHEDULE 10(2) OF THE TERRORISM ACT 2000.</p> <p>AUTHORISED BY:</p> <p>NAME: _____</p> <p>RANK: _____ NO: _____</p>												
<p>*3. LEGAL AUTHORITY: TERRORISM ACT <input type="checkbox"/></p> <p style="margin-left: 150px;">OTHER: <i>(specify)</i> _____</p> <p>SECTION: _____</p> <p>_____</p> <p>_____</p>													
<table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">* WARRANT:</td> <td style="width: 15%;">YES</td> <td style="width: 15%; text-align: center;"><input type="checkbox"/></td> <td style="width: 15%;">NO</td> <td style="width: 15%; text-align: center;"><input type="checkbox"/></td> <td style="width: 40%;"></td> </tr> <tr> <td>* PACE 20</td> <td>YES</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>NO</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center; vertical-align: bottom;">ACT AND SECTION / ORDER AND ARTICLE</td> </tr> </table>		* WARRANT:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>		* PACE 20	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	ACT AND SECTION / ORDER AND ARTICLE
* WARRANT:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>									
* PACE 20	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	ACT AND SECTION / ORDER AND ARTICLE								
<p>*4. HISTORY OF BOOBY TRAPS/SHOOTINGS/INCIDENTS:</p>													
<p>*5. DETAILS OF PREVIOUS SEARCHES:</p>													
<p>*6. DETAILS OF PREVIOUS HIDES:</p>													
<p>*7. DETAILS OF PREVIOUS FINDS:</p>													
<p>*8. PERSONS BELIEVED TO BE RESIDENT AT:</p>													
NAME	COMMENTS												

***9. VEHICLE(S):**

V.R.M.	MAKE	MODEL	COLOUR

***10. LEGAL FIREARMS:**

TYPE OF WEAPON	SERIAL NO.	FAC NO.	NO. OF ROUNDS AMMO AUTHORISED	NO. OF ROUNDS AMMO HELD

***11. KEYHOLDER(S):**

NAME	ADDRESS	TEL NO.	DOB/AGE	OCCUPATION

***12. EXACT LOCATION OF I.C.P.**

NAME OF ROAD/JUNCTION (if applicable)	GRID REFERENCE	GRID REFERENCE

***INFORMATION COMPLETED 1-12**

DATE: _____

COMPLETED BY: NAME: _____

RANK: _____ **NO:** _____ **STATION:** _____

CONFIDENTIAL

**AUTHORITY TO SEARCH A DWELLING HOUSE
UNDER SECTION 84, SCHEDULE 10(2) OF THE TERRORISM ACT 2000**

I, _____, a member of the Police Service of Northern Ireland not below the rank of **Inspector**, having reasonable grounds for suspecting that munitions/transmitters/scanning receivers/wireless apparatus may be unlawfully in a dwelling house at _____, and having been satisfied that the purpose may not be achieved by any other less restrictive means, hereby authorise the following officers to enter the said dwelling and search for and seize any munitions/transmitters/scanning receivers/wireless apparatus found therein, assisted, for the purpose of effectively carrying out the search by other persons listed hereunder:

**POLICE OFFICERS AUTHORISED
(Insert NAMES of ALL Officers Entering Premises)**

(1) _____	(7) _____
(2) _____	(8) _____
(3) _____	(9) _____
(4) _____	(10) _____
(5) _____	(11) _____
(6) _____	(12) _____

NAMES OF OTHER PERSONS AUTHORISED:

(1) _____	(4) _____
(2) _____	(5) _____
(3) _____	(6) _____

Signed: _____ **Rank:** _____

Written Authorisation Date: _____ **Time:** _____ **Name:** _____

Verbal Authorisation Date: _____ **Time:** _____ **Name:** _____

Statement to be read to persons at address: _____

"I have been authorised to conduct a search of this dwelling for unlawful munitions, transmitters, scanning receivers or wireless apparatus. You are asked to co-operate so that this can be done with the minimum disturbance to the house. You may accompany the search personnel if you so desire, but, I must advise you that I can require the movements of any person(s) to be restricted or controlled where I believe it is necessary in order to carry out the search or to prevent it from being frustrated. I would like someone to accompany me and check the house before and after the search so that any existing damage or any damage which may arise as a result of the search operation can be documented.

Signed: _____ **Rank:** _____

Date: _____ **Time:** _____

PERSONNEL EMPLOYED

	NAME	RANK	NO.	STATION/UNIT
SEARCH ADVISER				
CORDON COMMANDER				

SEARCH TEAM:

ROUTE CHECK

	NAME	RANK	NO.	STATION/UNIT	POSITION IF APP.
TEAM LEADER					
LOG-KEEPER					
A. SEARCHER					
SEARCHER					
B. SEARCHER					
SEARCHER					
C. SEARCHER					
SEARCHER					
D. SEARCHER					
SEARCHER					
E. SEARCHER					
SEARCHER					
F. EXHIBIT OFFICER					
EXHIBIT OFFICER					

	NAME	RANK	NO.	STATION/UNIT
DOG HANDLER				
DOG HANDLER				
S.O.C.O.				
S.O.C.O.				
C.I.D.				
C.I.D.				
DRUGS SQUAD				
DRUGS SQUAD				
OTHERS				
OTHERS				

CIVILIAN SPECIALISTS

NAME	ADDRESS	TELEPHONE NUMBER

LOG

TIME	EVENT	REMARKS/RESPONSE
	ENTRY REQUEST TIME _____ HOUSE ENTRY: TIME ADMITTED _____ ADMITTED BY: NAME: _____ ADDRESS CONFIRMED BY PERSON ABOVE AS: _____ FORCED ENTRY: YES <input type="checkbox"/> NO <input type="checkbox"/> DAMAGE CAUSED ENTERED PAGE 1 OF FORM 29. YES <input type="checkbox"/> NO <input type="checkbox"/> COPY SEARCH WARRANT SERVED: YES <input type="checkbox"/> NO <input type="checkbox"/> SERVED ON: NAME: _____ SERVED BY: NAME: _____ RANK: _____ NO: _____ PAGE 20 SERVED: YES <input type="checkbox"/> NO <input type="checkbox"/> SERVED ON: NAME: _____ SERVED BY: NAME: _____ RANK: _____ NO: _____ STATEMENT AS PER PAGE 4 READ: YES <input type="checkbox"/> NO <input type="checkbox"/> PERSONS TO BE SEARCHED IF APPLICABLE AND DETAILS RECORDED ON INDIVIDUAL RECORD SHEET	

**IN ALL CASES THE FOLLOWING QUESTIONS SHOULD BE ASKED TO ALL PERSONS PRESENT
AND ALL ANSWERS OR RESPONSES NOTED EXACTLY INCLUDING TIME ASKED AND
RECORDED ON THAT PERSON'S INDIVIDUAL RECORD SHEET**

1. Have you anything or anybody in the house which you cannot properly account for?
2. Have you any legally or illegally held munitions, radio transmitters, wireless apparatus, or scanning receivers in your possession or in this dwelling house?
3. Have you any money or valuables you want to retain in your possession?
4. Have you controlled drugs, illegal substances or related paraphernalia in this dwelling house/premises?

LOG

OCCUPANT'S DETAILS

NAME:	DOB:
OCCUPATION:	
FOUND IN WHICH ROOM:	
REASON FOR PRESENCE: OWNER/TENANT/HEAD OF FAMILY/RELATIVE/FRIEND etc	
HOME ADDRESS IF DIFFERENT:	

QUESTION NO	TIME ASKED	REPLY OR RESPONSE MADE

OCCUPANT SEARCHED? YES ☐ NO ☐ WHERE SEARCHED? _____

SEARCHED BY:

NAME: _____ RANK: _____ NO: _____

OTHERS PRESENT:

NAME: _____ RANK: _____ NO: _____

NAME: _____ RANK: _____ NO: _____

PACE 1TA ISSUED:

NAME: _____ RANK: _____ NO: _____

LOG

OCCUPANT'S DETAILS

NAME:	DOB:
OCCUPATION:	
FOUND IN WHICH ROOM:	
REASON FOR PRESENCE: OWNER/TENANT/HEAD OF FAMILY/RELATIVE/FRIEND etc	
HOME ADDRESS IF DIFFERENT:	

QUESTION NO	TIME ASKED	REPLY OR RESPONSE MADE

OCCUPANT SEARCHED? YES ☐ NO ☐ WHERE SEARCHED? _____

SEARCHED BY:

NAME: _____ RANK: _____ NO: _____

OTHERS PRESENT:

NAME: _____ RANK: _____ NO: _____

NAME: _____ RANK: _____ NO: _____

PACE 1TA ISSUED:

NAME: _____ RANK: _____ NO: _____

LOG

OCCUPANT'S DETAILS

NAME:	DOB:
OCCUPATION:	
FOUND IN WHICH ROOM:	
REASON FOR PRESENCE: OWNER/TENANT/HEAD OF FAMILY/RELATIVE/FRIEND etc	
HOME ADDRESS IF DIFFERENT:	

QUESTION NO	TIME ASKED	REPLY OR RESPONSE MADE

OCCUPANT SEARCHED? YES ☐ NO ☐ WHERE SEARCHED? _____

SEARCHED BY:

NAME: _____ RANK: _____ NO: _____

OTHERS PRESENT:

NAME: _____ RANK: _____ NO: _____

NAME: _____ RANK: _____ NO: _____

PACE 1TA ISSUED:

NAME: _____ RANK: _____ NO: _____

NAME:	DOB:
OCCUPATION:	
FOUND IN WHICH ROOM:	
REASON FOR PRESENCE:	OWNER/TENANT/HEAD OF FAMILY/RELATIVE/FRIEND etc
HOME ADDRESS IF DIFFERENT:	

[illegible]

OCCUPANT SEARCHED? YES ☐ NO ☐ WHERE SEARCHED? _____

SEARCHED BY:

NAME: _____ RANK: _____ NO: _____

OTHERS PRESENT:

NAME: _____ RANK: _____ NO: _____

NAME: _____ RANK: _____ NO: _____

PACE 1TA ISSUED:

NAME: _____ RANK: _____ NO: _____

LOG

OCCUPANT'S DETAILS

NAME:	DOB:
OCCUPATION:	
FOUND IN WHICH ROOM:	
REASON FOR PRESENCE: OWNER/TENANT/HEAD OF FAMILY/RELATIVE/FRIEND etc	
HOME ADDRESS IF DIFFERENT:	

QUESTION NO	TIME ASKED	REPLY OR RESPONSE MADE

OCCUPANT SEARCHED? YES ☐ NO ☐ WHERE SEARCHED? _____

SEARCHED BY:

NAME: _____ RANK: _____ NO: _____

OTHERS PRESENT:

NAME: _____ RANK: _____ NO: _____

NAME: _____ RANK: _____ NO: _____

PACE 1TA ISSUED:

NAME: _____ RANK: _____ NO: _____

LOG

OCCUPANT'S DETAILS

NAME:	DOB:
OCCUPATION:	
FOUND IN WHICH ROOM:	
REASON FOR PRESENCE: OWNER/TENANT/HEAD OF FAMILY/RELATIVE/FRIEND etc	
HOME ADDRESS IF DIFFERENT:	

QUESTION NO	TIME ASKED	REPLY OR RESPONSE MADE

OCCUPANT SEARCHED? YES ☐ NO ☐ WHERE SEARCHED? _____

SEARCHED BY:

NAME: _____ RANK: _____ NO: _____

OTHERS PRESENT:

NAME: _____ RANK: _____ NO: _____

NAME: _____ RANK: _____ NO: _____

PACE 1TA ISSUED:

NAME: _____ RANK: _____ NO: _____

LOG

INITIAL DAMAGE CHECK OF PREMISES CARRIED OUT BY:

TIME	NAME	REMARKS/RESPONSE
	OCCUPIER/OTHER PERSON	
	OCCUPIER/OTHER PERSON	
	RANK NO	
	RANK NO	
	RANK NO	

EXISTING DAMAGE FOUND INCLUDING ELECTRICAL EQUIPMENT LISTED BELOW

ROOM	DAMAGE FOUND ON INITIAL INSPECTION

METER READINGS TAKEN IF APPLICABLE IN PRESENCE OF OCCUPANT

YES

☐

NO

☐

ELECTRICITY		GAS		WATER	
START	FINISH	START	FINISH	START	FINISH

LOG

[illegible]

LOG

[illegible]

LOG

[illegible]

LOG

[illegible]

LOG

[illegible]

PERSONS INVOLVED IN DAMAGE CHECK AT THE END OF THE SEARCH:

ANY FURTHER DAMAGE AT END OF SEARCH SHOULD BE RECORDED ON PAGE 1

TIME	NAME	REMARKS/RESPONSE
	OCCUPIER/OTHER PERSON	
	OCCUPIER/OTHER PERSON	
	RANK NO.	
	RANK NO.	
	RANK NO.	

SEARCH COMPLETED AT:

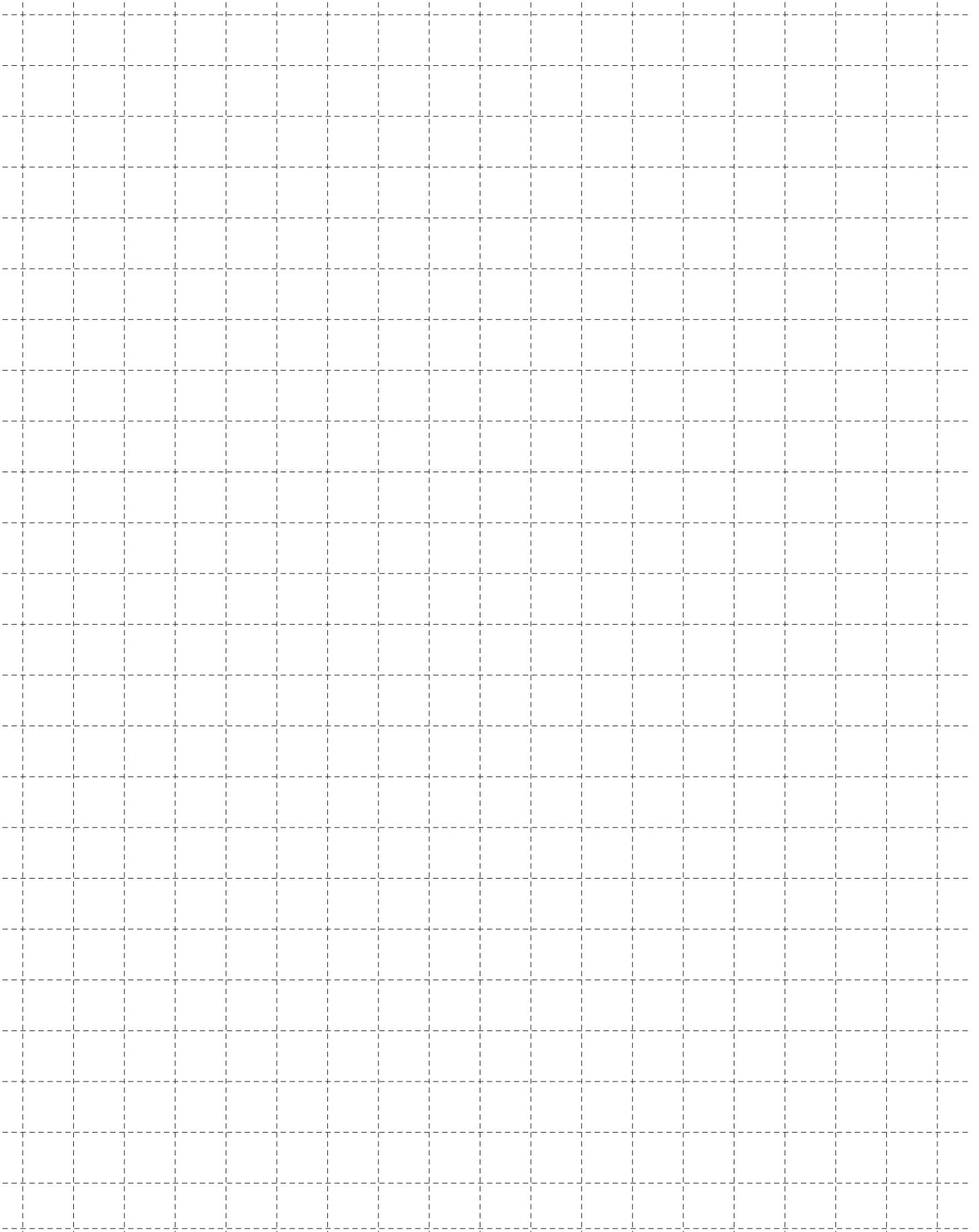
TIME	NAME	RANK	NO.	DATE

SKETCH (AREA/BUILDING/ROUTE)

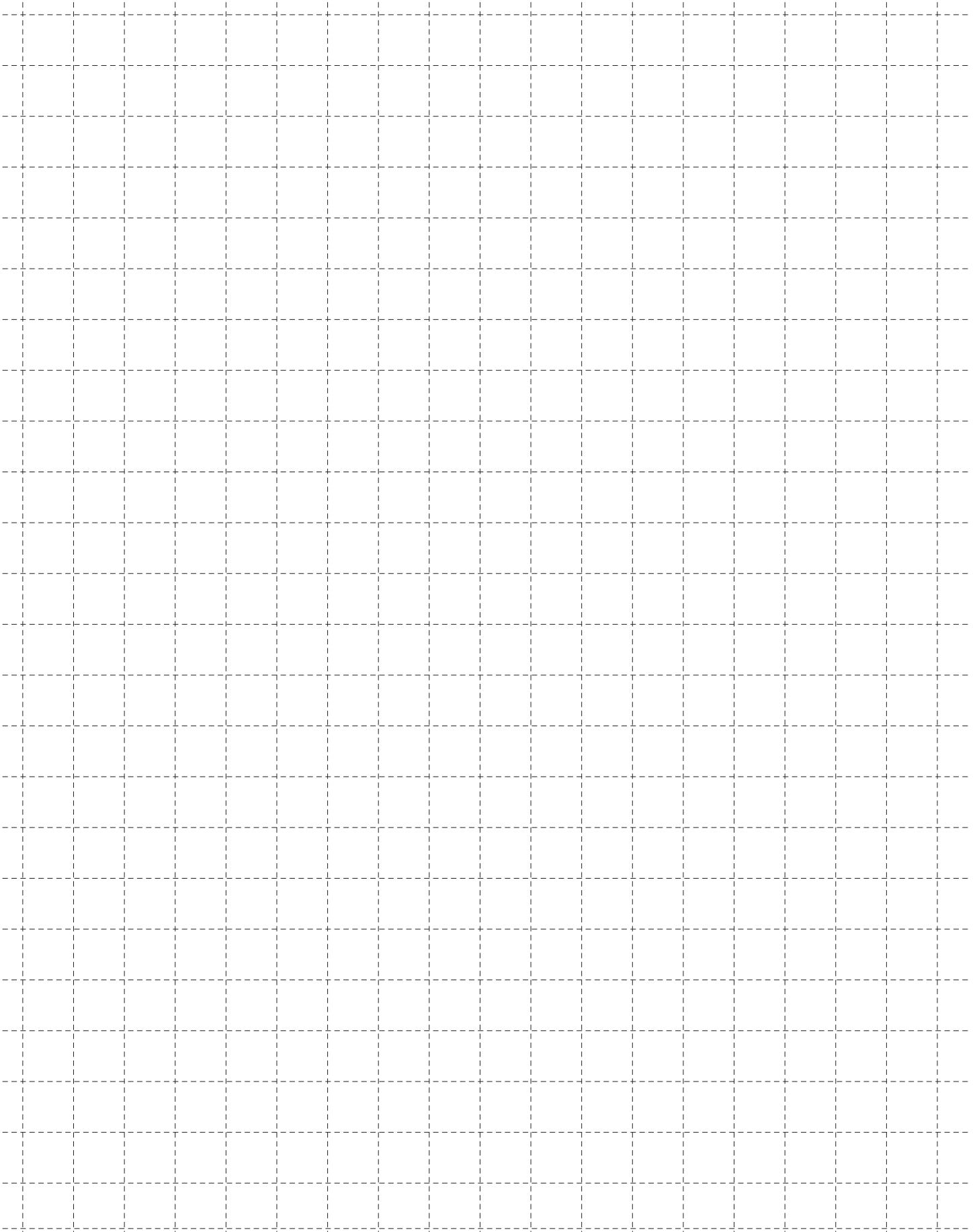
GIVE NORTH INDICATION BUILDINGS - ROOMS NUMBERED: TOP TO BOTTOM, LEFT TO RIGHT

A large grid of dashed lines for sketching, consisting of 20 columns and 30 rows of squares.

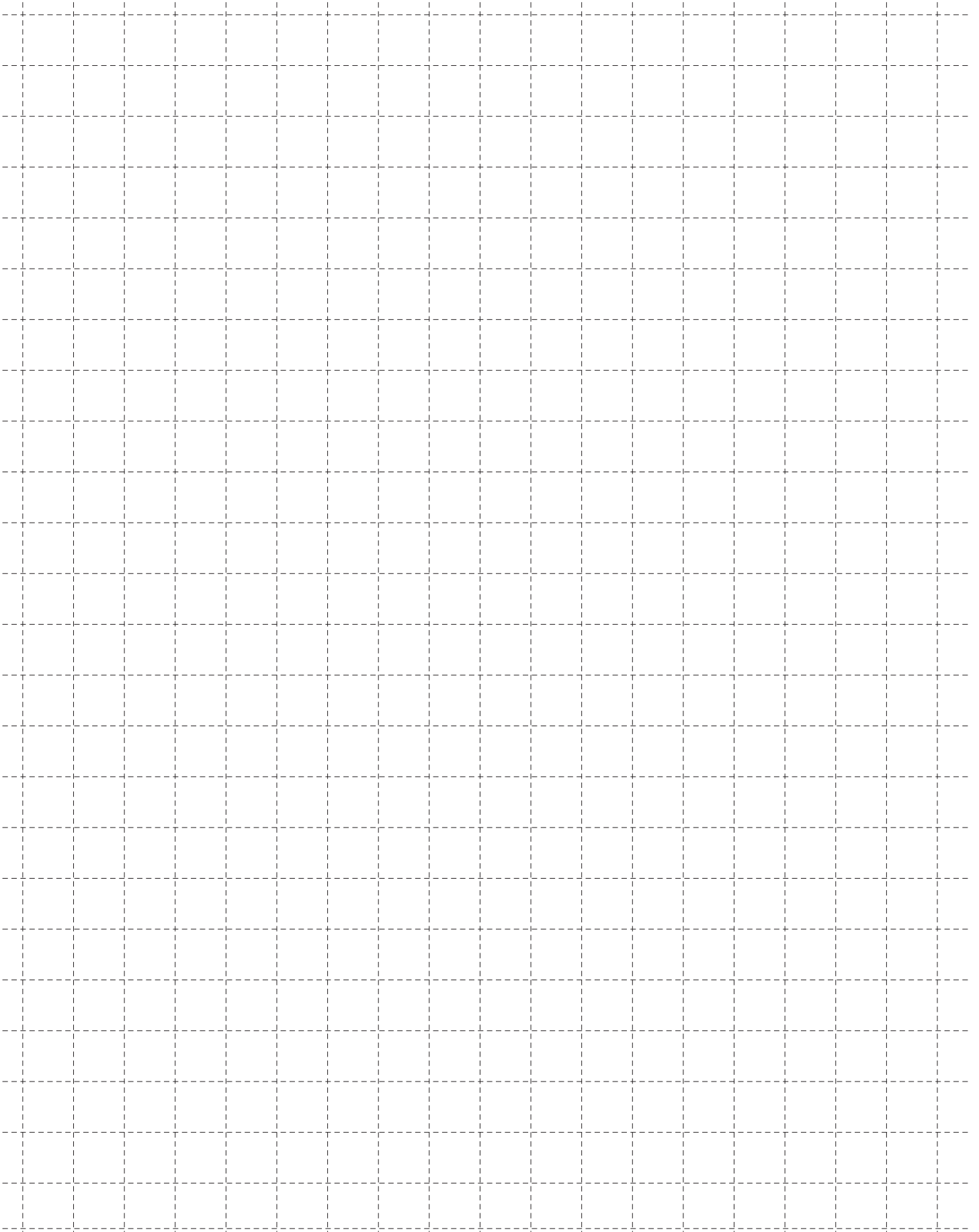
SKETCH



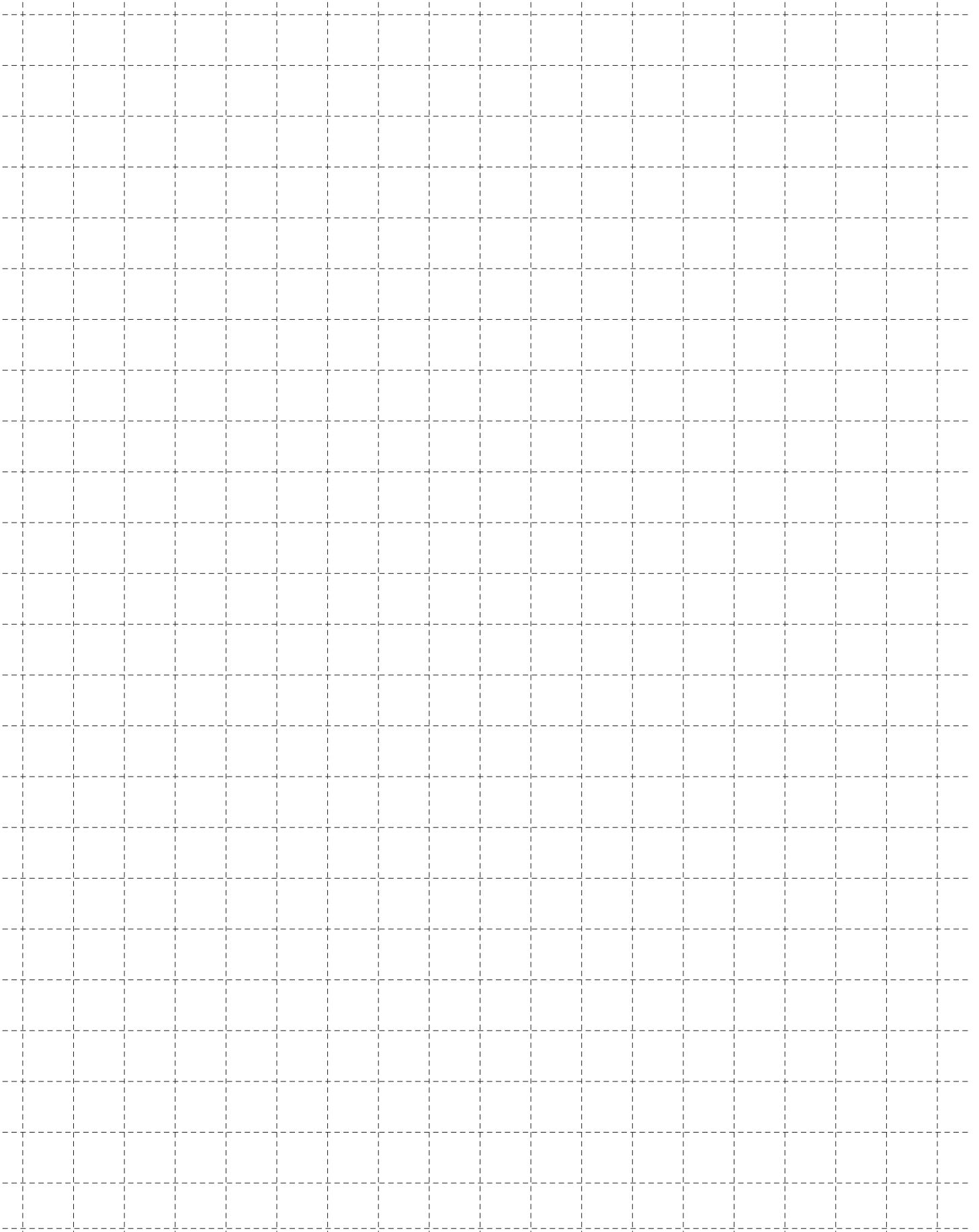
SKETCH



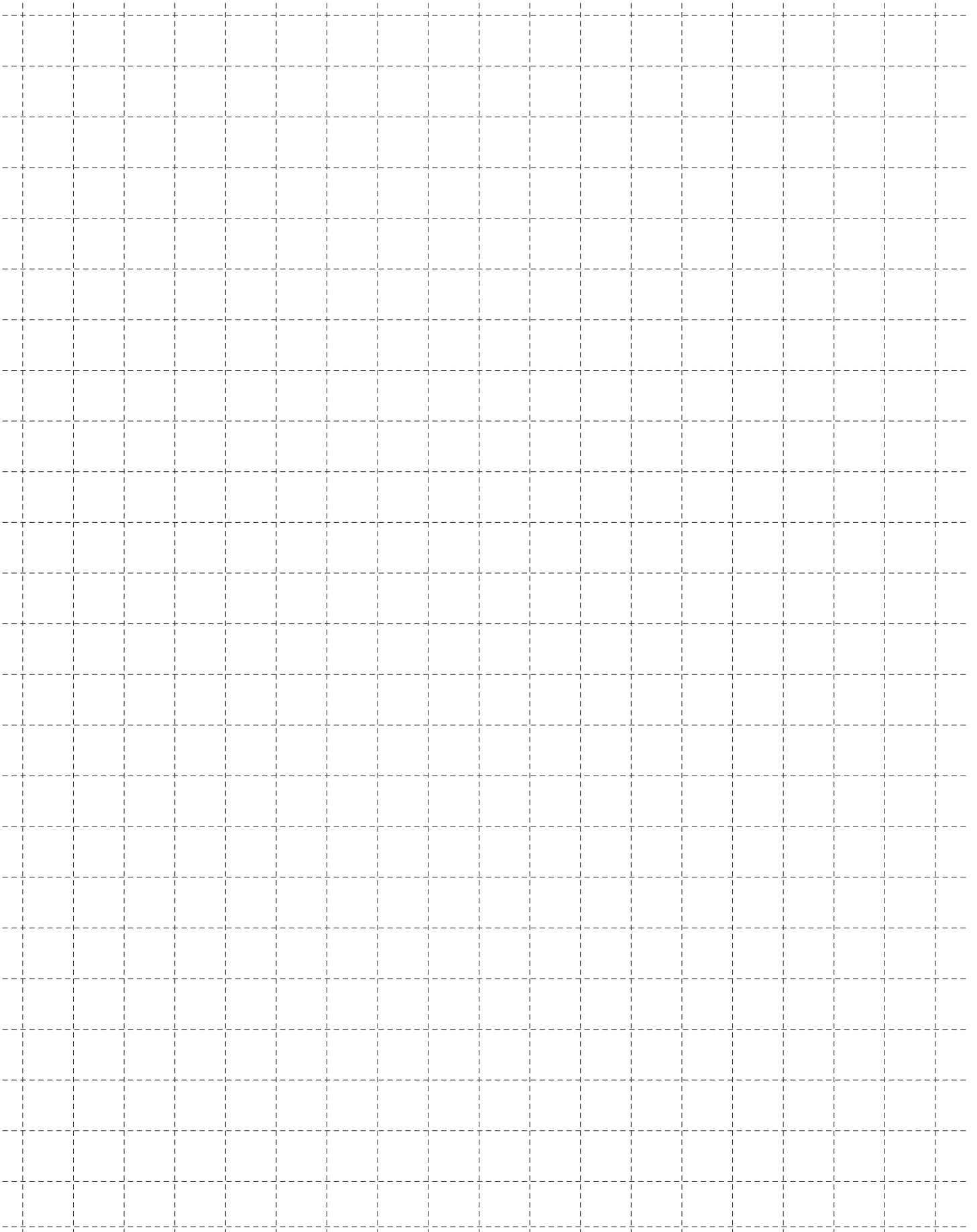
SKETCH



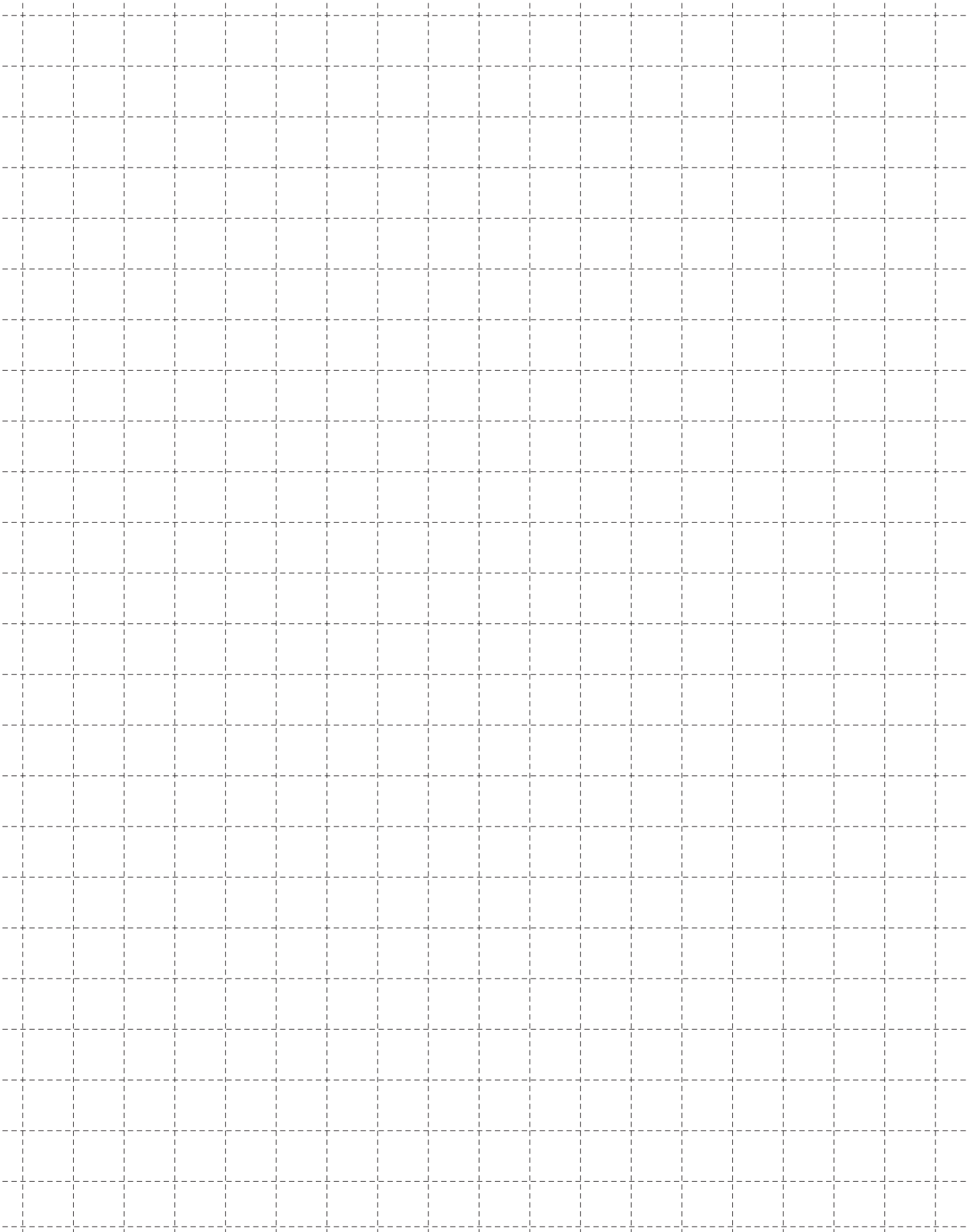
SKETCH



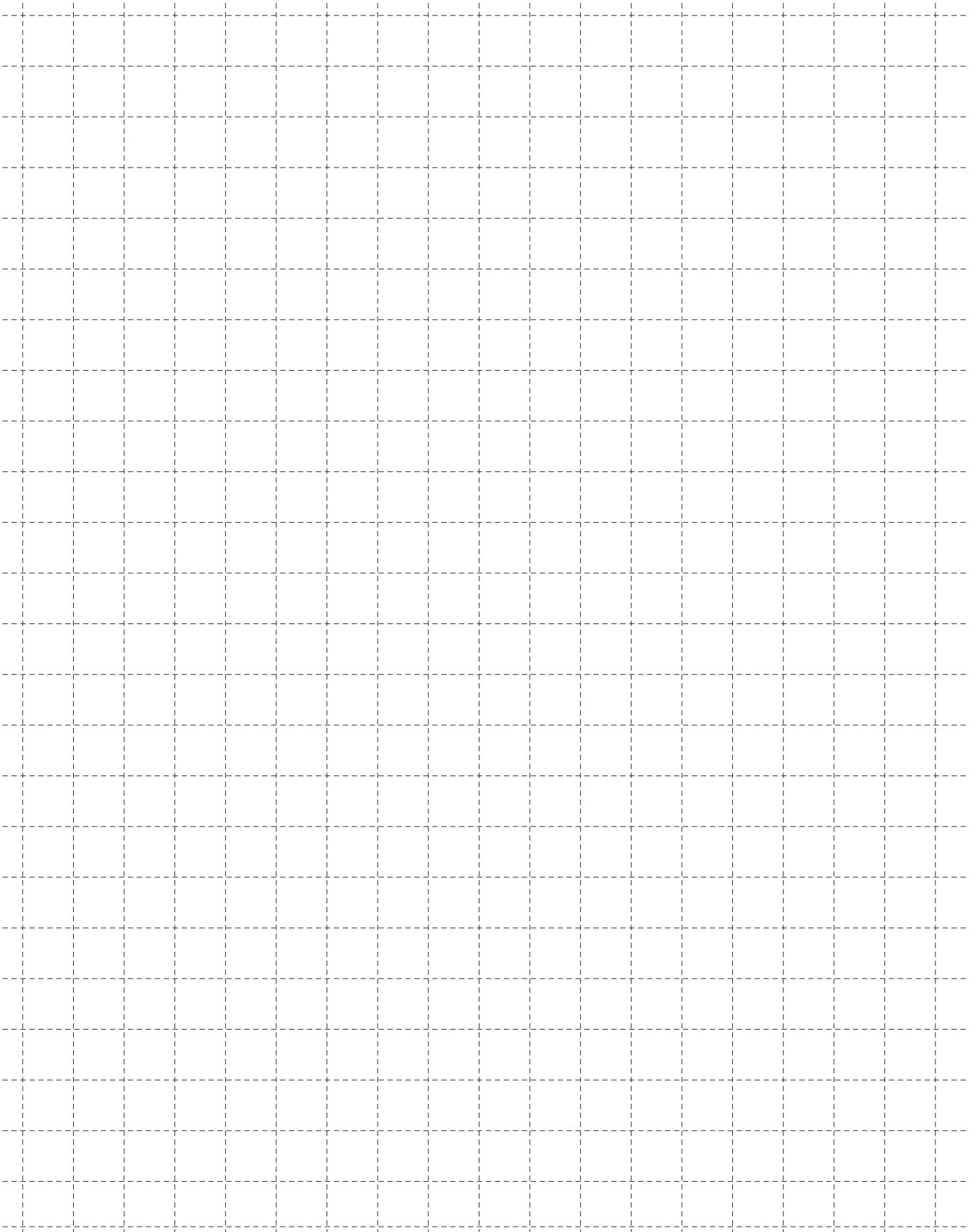
SKETCH



SKETCH



SKETCH



PERSONS ARRESTED:

NAME AND ADDRESS	AGE AND OCCUPATION	REASON FOR ARREST	ARRESTING OFFICER
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

ANY OTHER COMMENTS: (eg: any reinforcements, how house secured etc)

PACE 1A *Served on Occupant/Left on _____ *Delete where applicable

LOG-KEEPER: NAME: _____ RANK: _____ NO: _____

TEAM LEADER: NAME: _____ RANK: _____ NO: _____

CONFIDENTIAL

PREMISES SEARCH RECORD

(Insert Carbon Paper)

District Station Date Time (From) (To)

Address of premises searched:

Grid Reference: (if applicable)

Premises occupied: YES/NO *(Delete as appropriate)*

Names of persons present *(if known)*:

Legal Authority: TERRORISM ACT ☐ PACE ☐ Other ☐ *(Tick where appropriate)*

Grounds for making search:

Object of search:

Existing damage/condition on first inspection:

Description of document or records examined:

Details of anything found or retained by Police or records removed for examination *(continue overleaf)*

Removed to Station: Address:

Damage caused: (Show reason for forced entry if applicable)

Officers Involved in Search:

Name	Rank	No	Station	Name	Rank	No	Station

Officer in Charge of Search:

Name Rank No Station

NOTE: Reference Compensation For Searches Conducted Under PACE (Please refer to Paragraph 10 of "Notice of Powers and Rights")

NB: Continue overleaf if required. *(Remember to turn carbon paper.)*

PACE 1A

POLICE COPY

Details of anything found or retained by police or records removed for examination.

PB 8/04

PREMISES SEARCH RECORD

(Insert Carbon Paper)

District Station Date Time (From) (To)

Address of premises searched:

Grid Reference: (if applicable)

Premises occupied: YES/NO *(Delete as appropriate)*

Names of persons present *(if known)*:

Legal Authority: TERRORISM ACT ☐ PACE ☐ Other ☐ *(Tick where appropriate)*

Grounds for making search:

Object of search:

Existing damage/condition on first inspection:

Description of document or records examined:

Details of anything found or retained by Police or records removed for examination *(continue overleaf)*

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Damage caused: (Show reason for forced entry if applicable)

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Name	Rank	No	Station	Name	Rank	No	Station

Officer in Charge of Search:

Name Rank No Station

NOTE: Reference Compensation For Searches Conducted Under PACE (Please refer to Paragraph 10 of "Notice of Powers and Rights")

NB: Continue overleaf if required. *(Remember to turn carbon paper.)*

Details of anything found or retained by police or records removed for examination.

PB 8/04

PROCEDURE FOR CLAIMING COMPENSATION IF DAMAGE WAS CAUSED AS A RESULT OF A SEARCH UNDER THE TERRORISM ACT 2000

If you wish to apply for compensation in relation to damage caused as a result of a search, consideration will be given to such a claim by the Agency indicated below.

It is essential the Agency is phoned immediately after the search, for an application form to be sent out. This must be returned within 28 days from the date of damage.

AGENCY

The Compensation Agency
Royston House
34 Upper Queen Street
Belfast
BT1 6FD

TELEPHONE NUMBER

Customer Information Officer
028 9054 7417

TA General Enquiries
028 9054 7370 / 9054 7310

