**Attending incidents in a school- what are my powers (Searches)**

**Section 1 PACE – No you cannot use this power in a school as it is not a public place. This includes all buildings, corridors, outbuildings, and playing fields. This also extends to premises owned or used by the schools. ( exception when the school is open to the public for a schools fair etc)**

Request for Searching- Police Powers

* Section 1 PACE
* Section 23 MDA
* Section 139B Criminal Justice Act 1988.
* Section 32
* MTIP ) More Thorough Intimate Search – see next page)
* )

Searching

Section 1 PACE

Section 23 MDA

Section 139B (1) - **YES** you can – A constable may enter School premises and search those premises any person on those premises for:-

1. Any article to which section 139 of this Act applies (points/blades/knives)
2. Any offensive weapon (within the meaning of section 1 of the prevention of Crime Act 1953).

If he/she has reasonable grounds that an offence is being or has been committed.

**Section 23 MDA- YES** you can. Section 23 provides police with the power to search persons for controlled drugs and detain for the purpose of search if they have reasonable cause to suspect unlawful possession. This power is not restricted to public places and therefore can be exercised on school premises.

**Section 32: - Yes you can**

**An officer of at least the rank of Inspector must authorise the search in writing unless the search takes place immediately after the arrest before the offender is taken to the police station and in his presence.**

A constable may search a person who has been arrested at a place other than a police station if the constable has reasonable grounds for believing that the arrested person may:

* Present a danger to themselves or others.
* Have concealed on them anything that they might use to assist themselves to escape from lawful custody.

MTIP- YES BUT………

Searches involving exposure of intimate parts must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search

It can be done when it is REASONABLE and NECESSARY. A supervisor HAS to be consulted although the decision legally to complete the MTIP search sits with the officer at scene, unless the supervisor gives a lawful order NOT to do the search.

If an officer cannot contact a supervisor within a reasonable timeframe, the officer must balance the need to have the ethical discussion with a supervisor against the need to conduct the MTIP search within a reasonable timeframe.

If an officer decides to proceed with an MTIP search following consultation with their supervisor, the officer should include the reasons for extending the search as part of the search record, as well as confirming that supervisory consultation took place, with whom and when. If they were unable to contact a supervisor, they should still record their reasons for extending the search, as well as the steps taken to contact a supervisor.

Below are some important elements that HAVE to be met

* The officer carrying out the search must be of the same sex as the detainee.
* The search must be conducted where the person cannot be seen by:
  + --anyone who does not need to be present
  + --any member of the opposite sex ,apart from an appropriate adult specifically requested by the person being searched.
* Unless there is a risk of serious harm to the person or to someone else, there **must** be a minimum of two persons present in addition to the person being searched. One of those **must** be the appropriate adult if the person is a child or vulnerable adult unless, in the case of a child, the child and appropriate adult both agree that the adult should not be present during the search.
* Proper regard shall be given to the sensitivity and vulnerability of the person and every reasonable effort made to secure the person’s cooperation and minimise embarrassment. They should not normally be required to remove all their clothes at the same time, eg, a person should be allowed to remove clothing above the waist and redress before being required to remove further clothing, subject to necessity in the circumstances.
* If **necessary to assist the search**, the person may be asked to facilitate a visual examination of the genital and anal area but no physical contact may be made with any body orifice.
* The strip search should be conducted as quickly as possible and the person allowed to dress as soon as it is completed.