



Ambition Aspire Achieve

Charity Registration Number: 1167816

STOP AND SEARCH KNOW YOUR RIGHTS



Under section 60 (Criminal Justice and Public Order Act 1994) police officers can search anyone in a certain area, when there is evidence that serious violence has taken place or may take place. If, however, an offence has occurred and you match the description of the suspect for any of the above reasons, you may be searched. Remember that police officers have body-worn video, and any stop and search to which you are subject must be recorded. Video footage is only retained for 30 days unless required for investigative, complaints and other police purposes.

What is Stop and Search?

Stop and search is when a police officer stops and detains you to carry out a search if they suspect you are carrying:

- A weapon
- Stolen property
- Something which could be used to commit a crime
- Illegal drugs

If you've been STOPPED by a police officer...

1. **AVOID** being verbally abusive as this may be viewed as aggressive and is likely to escalate the situation
2. Ask for the **REASONS** (grounds) why you're being stopped and searched and what they suspect they may find. The places they search should match what they are looking for
3. Ask the officer for a search **RECORD**. Make a note of his/her badge number, location and time of the search, in case you wish to make a complaint
4. **CHECK** that the reason provided by the officer matches what it says on the search record
5. You **DO NOT** have to give your name and address unless the officer points out an offence he/she suspects you have committed. However, not providing your details may lead to you being detained for longer
6. Your search is recorded on body-worn video, which is retained for 30 days. You can **COMPLAIN** if you feel you have been discriminated against, or an officer has abused his/her authority

What grounds to the police need to stop and search me?

Police must have reasonable grounds. These may be:

- **Suspicion** that you may have stolen or prohibited articles with you
- **Intelligence** (information) about a crime

They **CANNOT** stop you simply based on: Age, Race, Nationality, Your appearance or what you're wearing, Religion, Criminal Record

Can the police detain me or can I walk away?

A police officer who has reasonable grounds for suspicion can stop and detain you in order to conduct a search. There should be a basis for that suspicion based on facts, information, and/or intelligence which are relevant to the likelihood of finding an article of particular kinds.

The detention may only last for as long as it is reasonably required to permit a search. Reasonable force may be used if you are first given the opportunity to cooperate and then refuse.

What will I be asked for?

An officer may ask you:

- What are you up to?
- Your name
- Your address
- Your date of birth

You **DO NOT** have to give these unless the officer has pointed out an offence he/she suspects you have committed

To what extent can I be searched?

If you are in a public place, only your outer clothing should be searched: Bags, Pockets, Jackets, Hats, Gloves and Socks.

Officers can place their hands inside the pockets of outer clothing, or feel around the inside of trousers, collars, socks and shoes to look for the object of the search (but nowhere intrusive). You **SHOULD NOT** be required to take off any clothing other than: Jacket, Outer garments and Gloves.

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Where can I be searched?

You must be searched in a public place. This does not permit the police officer to enter a house, but they may search a person outside a house. If you are asked to remove anything you wear for religious reasons, you **MUST** be taken somewhere out of public view. If the police wish to search a house or someone in a house, they have to use different powers and are subject to greater restrictions.

How should the police behave?

You should receive a fair treatment from the police, and officers should behave appropriately at all times. The use of stop and search must be used fairly with respect and without unlawful discrimination. Where a police officer has failed to meet the standards you expect, you can complain about their conduct (for example, if you think they have been rude or abuse their authority)

Can an officer from the opposite sex search me?

YES. An officer of any sex may stop and search a person of any sex, providing the search is in public and restricted to an examination of outer garments. Any search involving the removal of more than outer clothing must be conducted by an officer of the same sex as the person searched, and may not be made in the presence of anyone of the opposite sex.

When is a search record given?

When a police officer conducts a search, a written record must be made and you should receive a copy. This should be given at the time unless it is not practicable to do so. You must be told that you are entitled to a record of the search and, if not given to you at the time, at which police station you can obtain it. You can apply for this up to three months after the search that taken place.

Body-Worn video

Police officers have body-worn video, and any stop and search to which you are subject must be recorded.

Video footage is only retained for 30 days unless required for investigative, complaints and other police purposes.

After the search

During a stop & search, police must give/show you:

- G:** grounds for search
- O:** object/purpose of search
- W:** warrant card (if in plain clothes)
- I:** identity of officer
- S:** station to which they are attached
- E:** entitlement to a copy of search record
- L:** legal power used
- Y:** you are being detained for purpose of search

Other types of stop

Stop and account: A police officer or police community support officer (PCSO) can stop you and ask you to account for yourself. They may ask what you are doing, why you are in an area, where you are going, or what you are carrying. You don't have to answer any questions the police officer asks you, unless the officer suspects you are linked to an offence. The fact that the police may have stopped someone does not mean they are guilty of an offence.

Vehicle search: An officer does not need a reason to stop a person driving, or attempting to drive, for a routine check. They can then ask you to provide your name, date of birth, driving license, insurance certificate or MOT certificate. Vehicles can be searched where there is reasonable suspicion that the vehicle is carrying a person who has committed, or it about to commit an offence.

Cycling: If you ride carelessly, ignore traffic lights, ride without correct lights or ride on the pavement, you may be stopped and fined. If the officer suspect a separate criminal offence, they may conduct a stop and search

Making a complaint

- Go to any police station. Ask to see the on-call duty officer
- Dial 101 to make a complaint over the phone
- Go to the Met Police website <https://secure.met.police.uk/complaints/>
- Contact your local Citizens Advice Bureau, a solicitor, MP, or local stop and search community monitoring group