

## STOP & SEARCH? KNOW YOUR RIGHTS!

Ask, '**AM I BEING DETAINED OR AM I FREE TO LEAVE?**'. If the police answer this question with something along the lines of "you are not being detained" or if you are only being **stop & questioned** then you are most likely free to leave.

The police can only **STOP & SEARCH** you if they have '**reasonable suspicion**' that you are carrying something illegal or something that could or has been used to commit an offence.

The exceptions to this rule are **blanket search powers** – i.e. a Section 60 of the Criminal Justice and Public Order Act 1994 or a Section 47A of the Terrorism Act 2000 search power has been granted. In these situations, **anyone** in a **specific area** can be searched. Blanket search powers usually last for a period of 24 hours. However, this can be extended.

Stay **CALM** & make **EYE CONTACT** with the officer.

The officer should tell you the **4Ws**:

1. **WHY** are you stopping me? What **legal power** are you using?
2. **WHAT** are you looking for?
3. **WHO** are you? Check their **ID number**, & **badge** or **warrant card** if they're not in uniform.
4. **WHICH** station are you based at?

You **SHOULD NOT** give your name or address. The police **should not** ask for your parents' details or threaten to take you home. Answer all small talk with '**NO COMMENT**'.

Being searched does **not necessarily** mean you're being arrested.

The police **SHOULD NOT** put you in handcuffs or use force to search you, unless you physically resist or are being aggressive.

Only your **outer clothing, pockets & bags** can be searched in a public place. If the officer wants to make you remove religious clothing, shoes, or anything more than a jacket, you must be taken into a **private place** (legally, this includes a police van) and be searched by an officer of the **same gender** as you.

The officer must provide a **good reason** for needing to search further. Finding nothing in their original search does not give them the grounds to do a more thorough search.

You must be given a **RECEIPT** of the search. Check that all sections have been filled in properly. If the police are called to an emergency, they must tell you how to get a receipt. The police may give you the impression that you have to answer questions or give your personal details in order to get a receipt of your search. This is **not** true.

You can **RECORD** the search, which may encourage the police to act lawfully. Politely inform the officer that you are going to take your phone out and film them. If the officers do not let you get your phone out of your pocket, try and get a bystander to film the stop and search. If you think the police used excessive force or acted unreasonably, you can use this video when you make a **complaint**.

Download the **Y-STOP** app - <https://y-stop.org/complaints>

More information on Stop and Search - <https://www.release.org.uk/law/stop-and-search>