

## WHEN AND WHY CAN THE POLICE STOP AND SEARCH YOU IN THE STREET?

This factsheet gives you an insight into what the police are allowed to do when they stop and search you.

### STOP AND ACCOUNT

The police have the power to stop you in a public place at any time and ask:

- What are you doing?
- Why are you in the area?
- Where are you going?
- What are you carrying?

You do not have to answer the questions the police ask you. You cannot be arrested solely because you refuse to answer the police's questions. Refusing to give your name will only result in arrest where you are reasonably suspected of having committed a crime and it is necessary to arrest you to ascertain your name or address.

The police cannot stop and question you in order to discover grounds of reasonable suspicion where none existed beforehand.

### STOP AND SEARCH

There are two main types of stop and search powers you may encounter – suspicion-based stop and search and stop and search without suspicion.

First, the police have power to stop and search you if they have 'reasonable grounds' to suspect you of having certain items on you, like:

- Illegal drugs
- Stolen property
- Weapons, or
- Tools for use in stealing.

**The fact that someone is a Gypsy, Roma or a Traveller is not a 'reasonable ground' for suspicion, nor is the fact that they may have previous convictions.**

Second, the police can authorise the use of stop and search without suspicion where they believe a violent incident has happened or is anticipated nearby. An order may be issued which gives officers the power to stop and search anyone in a specific area for weapons. They do not need reasonable grounds to suspect that a person might have a weapon on them. The police must not detain people on the basis that they are a Gypsy, Roma or a Traveller.

If a police officer is not wearing uniform they must show you their identity card.

Before they search you, the police officer must tell you that you are being stopped for a search and give you the following information:

Why you are being searched	What they are looking for
Their name	The police station they are from
What legal power of search they are using	Your right to have a record of the search

You have the right to this information. If they don't give it to you, ask for it.

If you are stopped **but not** searched, the police officer may not have to give you a copy of the **record of the search**, but it is worth asking for one anyway.

If you are searched, the police officer must give you a copy of the record of the search, or a receipt explaining how you can get a copy of the record.<sup>1</sup>

<sup>1</sup> TM is grateful to Haringey Independent Stop and Search Monitoring Group for its permission to use its materials. *The information in this fact sheet refers to the law in England & Wales only. It summarises the main points and is intended for guidance only. While every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. If you have any specific questions about any legal matter you should consult a solicitor.* The Traveller Movement, Resource for London, 356 Holloway Road, London, N7 6PA. Charity No.1107113 Company No. 4038939; telephone 020 7607 2002; email: [info@travellermovement.org.uk](mailto:info@travellermovement.org.uk) © 2017

## **CAN I REFUSE TO BE SEARCHED?**

No. The police should always seek your cooperation but if you refuse, they can use reasonable force as a last resort. The police do not need your permission to go through your belongings.

## **CAN THE POLICE MAKE ME TAKE MY CLOTHES OFF TO SEARCH ME?**

Yes. A police officer can require you to take off your outer coat, jacket or gloves.

If you are being searched under a power which does not require suspicion, the officer can ask you to remove anything you might be wearing to conceal your identity in public.

If the officer wants to remove more than this, they must be the same sex as you.

If the officer asks you to take off other clothes such as your hat or shoes, they must take you somewhere out of public view.

## **WHAT SHOULD I DO IF I AM STOPPED AND/OR SEARCHED?**

Stay calm and be polite. Don't let anger or fear get the better of you.

Keep good eye contact and be aware of your body language.

Provided you don't obstruct the search, you have the right to respectfully make a video of the search. If you have a camera phone, politely tell the police officer that you are going to get it out and film the stop and search. **IMPORTANT** - do not reach into your pocket without warning them first.

**If you are unhappy about the way the police officer treated you**, contact Traveller Movement which can assist you to make a complaint and support you. See the contact details below.