



safe4  
me

# Being Searched

Sub Charter



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Many young people do not understand what their rights are when police stop and search them. It is important you know what happens when police stop search people; this information explains more about the reasons why police may need to search you, what to expect from the officer and what the officer should expect from you.

### What powers do police have?

Powers for police to stop and search you are set out in the Police and Criminal Evidence (PACE) Act; this is a 'book of rules' about how officers must use their powers lawfully, fairly responsibly and with respect for people without discriminating against anyone.

#### What is Stop and Account?

Police have powers to stop you and ask you questions as part of their duty, this is called 'stop and account' the officer might ask you:

1. What are you doing?
2. Why are you in the area?
3. Where are you going?

#### What is Stop and Search?

Police have powers to stop and search you, if they have 'reasonable grounds to suspect' you're carrying:

1. Illegal drugs
2. Weapon
3. Stolen property
4. Something which could be used to commit a crime

#### Officers can also stop and search you for if:

They are looking for a suspect who fits your description.  
They need to prevent acts of terrorism  
There has been serious violence or disorder in the area.

#### What can officers search?

Officers can only search your coat, jacket and gloves on the street, and any bag you are carrying.

If an officer suspects you're hiding something under your clothes or in your shoes, they can take you to a police station, away from public view, to get permission from a senior officer to search you further,

#### What are my rights?

You do not have to answer any questions the officer asks you, but it is better to be helpful so the officer can get the right information to help them deal with the enquiry and get you on your way.

#### But ....

If the officer suspects you are involved in a crime and you refuse to give them your details, they have the power to arrest you and take you to a police station.

#### What are reasonable grounds?

This is the reason for the officer searching you; it must be linked specifically to the crime or case being investigated.

In some cases, police can still search without 'reasonable grounds'; but this has to be approved by a senior police officer, when they suspect;

1. Serious violence might happen
2. You're carrying a weapon or you've used one
3. You are in a specific place or area.

### Who can search me?

**Police Officer:** Must show you Police ID so you know who they are. They do not always have to be in police uniform to search you.

**Police Community Support Officer (PCSO):** Have legal powers to search you for alcohol or tobacco only and must be in full uniform.

### What are my rights?

1. Officers can not stop and search you just based on your age, race or religion etc. The law protects from being searched just because of the way you look, or for any previous criminal history.
2. If an officer needs to search items worn for religious reasons e.g. hijab or turban, they must do this out of public view.
3. You have the right to be searched by an officer of the same gender identity.
4. If you're under 18, and the officer believes you need to be searched under your clothes, they can only do this at a police station with an appropriate adult present.
5. Officers must keep search time to a minimum.

### Will the officer explain the process to me?

Before searching you the officer must tell you certain information such as their 'reasonable grounds', what will happen and what your rights are.

1. Explain that you are not under arrest
2. Explain that you are being detained for a search
3. Tell you the grounds of the search and the power they are using
4. Tell you their name and the police station they work out (show you ID)
5. Tell you the reason they want to search you and what they expect to find e.g. drugs, stolen property.
6. Explain your rights to have a record of the search and how you can get a copy later.

The officer will tell you if you're free to leave after the search, if they find something illegal or evidence of a crime, they have to arrest you. You could also be arrested if you refuse to be searched.

For more information and advice about being searched and the right of young people.

**Safe4Me:** [www.safe4me.co.uk](http://www.safe4me.co.uk)

**Lawstuff:** [Police powers – lawstuff.org.uk](http://lawstuff.org.uk)

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