

Stop and Account

'Stop and account' is when an officer stops you and asks you:

- what you are doing;
- why you are in an area or where you are going; or
- what you are carrying.

A police officer or police community support officer (PCSO) does not have the power to force you to stay with them if you are stopped and asked for your actions.

A police officer or a PCSO can carry out a stop and account. A PCSO must be in uniform but a police officer does not have to be. They must show you their identity card if not in uniform.

There is no requirement to record a stop and account. However if you are searched it should be recorded and you should be offered either a copy of the record or a receipt if the record was made electronically or via the officer's radio.

Stop and Search

You or a vehicle that you are in can be stopped and searched if an officer has reasonable grounds to suspect that you are carrying:

- drugs, weapons or stolen property; or
- items which could be used to commit a crime.

Police officers can stop and search you within a specific area without any reasonable grounds if it is believed that:

- serious violence could take place; or
- offensive weapons are being carried or have been used.

Police officers can stop and search you for evidence or articles in connection with terrorism. They will need to have reasonable grounds that they will find what they are looking for, unless particular powers have been authorised under Section 47A of the Terrorism Act 2000.

Police officers don't always have to be in uniform to stop and search you.

Police community support officers can also stop and search you in some situations, but their powers may vary from one force to another.

Any officer who stops and searches you must always explain:

- why you are being stopped and searched;
- what the officer is looking for;
- the law under which you are being searched; and

- your right to a receipt.

You should always be given the name or identity number and the station of the officer searching you.

If you are searched, but not arrested, you have the right to a receipt and the officer must record the following details:

- how you describe your ethnic background;
- when and where you were stopped and searched;
- why you were stopped and searched;
- the name and/or number of the officer carrying out the search; and
- what they were searching for.

You will be offered either a copy of the record, if it was written down on a paper form, or an actual receipt if the record was made electronically or via the officer's radio. You can use the receipt to ask for a paper or electronic copy of the full record from the police station that the officer was from within 3 months of the stop, or to make a complaint.

If you are searched and then arrested, the details of the search will be added to your custody record. You still have a right to a copy of the search record.

You can be asked to take off your coat, jacket and gloves in public (and headgear and footwear if you are

searched under Section 47A of the Terrorism Act 2000).

If you are asked to remove more than an outer coat, jacket or anything worn for religious reasons, you will be taken somewhere out of public view.

Searches will normally be done by an officer of the same sex as you, although you can be asked to remove headgear by an officer of the opposite sex for searches under Section 47A of the Terrorism Act 2000.

You should always be treated fairly and with respect. If you feel this has not happened you can complain.

You can also complain if you feel you were treated less favourably because of your age, disability, gender reassignment, race, religion/belief, sex or sexual orientation.

It will help if you keep the receipt that the officer gave you.

Remember:

- you must be treated fairly
- you must be told why you are being searched
- you do not have to give any personal information unless you have been arrested
- stop and search is not an arrest - you won't get a criminal record
- you must be offered, and can receive, a copy of the stop and search record
- you have the right to complain

To find out the latest information about your rights when being stopped and searched, or how to complain, log on to www.apa.police.uk

Everyone has a duty to help police officers prevent crime and catch offenders; public co-operation is essential to make sure that stop and search is used properly. Stop and search is a valuable policing tool which helps to keep our communities safe.

EICH AWDURDOD HEDDLU LLEOL YW:
YOUR LOCAL POLICE AUTHORITY IS

ACHOSION O STOPIO GAN YR HEDDLU GWYBOD EICH HAWLIAU



KNOW YOUR
RIGHTS
POLICE
STOPS

Stopio a Rhoi Cyfrif

'Stopio a rhoi cyfrif' yw pan fydd swyddog yn eich stopio ac yn gofyn i chi:

- beth yr ydych yn ei wneud;
- pam yr ydych yn rhywle neu le yr ydych yn mynd; neu
- beth yr ydych yn ei gario.

Nid oes gan swyddog heddlu na swyddog cefnogi cymuned yr heddlu (SCCH) y grym i'ch gorfodi chi i aros efo nhw os yr ydych yn cael eich stopio ac yn cael eich gofyn i roi cyfrif.

Gall swyddog heddlu neu SCCH gynnal proses stopio a chwilio. Mae'n rhaid i SCCH fod mewn lifrai, ond does dim rhaid i swyddog heddlu fod mewn lifrai. Mae'n rhaid iddynt ddangos eu cerdyn adnabod i chi os nad ydynt mewn lifrai.

Nid yw'n ofynnol cofnodi pob achos o stopio a rhoi cyfrif. Fodd bynnag, os cewch eich chwilio, dylid ei gofnodi a dylech gael cynnig naill ai copi o'r cofnod neu dderbynneg os gwnaed y cofnod trwy ddull electronig neu dros set radio'r swyddog.

Stopio a Chwilio

Gallwch chi neu gerbyd yr ydych yn teithio ynddo gael

ei stopio a'i chwilio os oes gan swyddog heddlu le rhesymol i amau eich bod yn cario:

- cyffuriau, arfau neu eiddo sydd wedi'i ddwyn; neu
- eitemau y gellid eu defnyddio i gyflawni trosedd.

Gall swyddogion heddlu eich stopio a'ch chwilio o fewn ardal benodol heb unrhyw sail resymol os credir:

- y gallai trais difrifol ddigwydd; neu
- bod arfau peryglus yn cael eu cario neu wedi cael eu defnyddio.

Gall swyddogion heddlu eich stopio a'ch chwilio am dystiolaeth neu bethau sy'n gysylltiedig â therfysgaeth. Bydd angen iddynt gael sail resymol y byddant yn dod o hyd i'r hyn maent yn chwilio amdano, oni bai bod pwerau penodol wedi eu hawdurdodi o dan Adran 47A o Ddeddf Terfysgaeth 2000.

Does dim rhaid i swyddogion heddlu fod mewn lifrai bob amser i'ch stopio a'ch chwilio.

Gall Swyddogion Cefnogi Cymuned yr Heddlu hefyd eich stopio a'ch chwilio mewn rhai sefyllfaoedd ond efallai y bydd eu pwerau yn amrywio o un heddlu i'r llall.

Mae'n rhaid i unrhyw swyddog sy'n eich stopi a'ch chwilio egluro:

- y rheswm yr ydych yn cael eich stopio a'ch chwilio;

- beth mae'r swyddog yn edrych amdano;
- yn unol â pha gyfraith yr ydych yn cael eich chwilio; ac
- eich hawl i gael cofnod.

Fe ddylech bob amser gael enw neu rif adnabod a gorsaf y swyddog sy'n eich chwilio.

Os byddwch yn cael eich chwilio ond nad ydych yn cael eich arestio, mae gennych hawl i gael cofnod o hynny ac mae'n rhaid i'r swyddog nodi'r manylion canlynol:

- sut yr ydych yn disgrifio eich cefndir ethnig;
- pryd a lle y cawsoch eich stopio a'ch chwilio;
- y rheswm y cawsoch eich stopio a'ch chwilio;
- enw a/neu rif y swyddog sy'n cynnal y chwiliad; a
- am beth yr oeddent yn chwilio.

Byddwch yn cael cynnig un ai copi o'r cofnod, os cafodd ei nodi ar ffurflen bapur neu gofnod ar wahân os cafodd y digwyddiad ei gofnodi yn electronig neu dros radio'r swyddog. Gallwch ddefnyddio'r cofnod i ofyn am gopi papur neu gopi electronig o'r cofnod llawn o'r adroddiad o'r orsaf heddlu yr oedd y swyddog heddlu ohoni o fewn 3 mis o gael eich stopio neu er mwyn gwneud cwyn.

Os byddwch yn cael eich chwilio a'ch arestio, bydd manylion y chwiliad yn cael eu hychwanegu i'ch cofnod dalfa. Mae gennych chi dal hawl i gael copi o'r cofnod chwilio.

Gellir gofyn i chi dynnu eich côt, siaced a menig yn gyhoeddus (a'ch het/cap a'ch esgidiau os ydych yn cael eich chwilio o dan Adran 47A o'r Ddeddf Derfysgaeth 2000).

Os gofynnir i chi dynnu mwy nag un gôt allanol neu siaced neu unrhyw beth sy'n cael ei wisgo am resymau crefyddol, bydd y swyddog yn mynd â chi i rywle llai cyhoeddus. Fel arfer, byddwch yn cael eich chwilio gan swyddog o'r rhyw â chi, er y gellir gofyn i chi dynnu eich cap/het gan swyddog o ryw gwahanol i chi yn unol ag Adran 47A o'r Ddeddf terfysgaeth 2000.

Fe ddylech gael eich trin yn deg a gyda pharch bob amser. Os ydych yn teimlo nad yw hyn wedi digwydd, mae modd i chi gwyno.

Gallwch hefyd gwyno os ydych yn teimlo eich bod wedi cael eich trin yn llai ffafriol oherwydd eich oedran, anabledd, rhyw, hil, crefydd/credo, rhyw neu gyfeiriadedd rhywiol.

Bydd o gymorth os byddwch yn cadw'r cofnod a gawsoch gan y swyddog.

Cofiwch:

- mae'n rhaid i chi gael eich trin yn deg
- mae'n rhaid i chi gael eich hysbysu o'r rheswm pam yr ydych yn cael eich chwilio
- does dim rhaid i chi roi unrhyw wybodaeth bersonol oni bai eich bod wedi cael eich arestio
- nid yw cael eich stopio a'ch chwilio yr un peth â chael eich arestio - ni fyddwch yn cael cofnod troseddol
- mae'n rhaid i chi gael cynnig, a gallwch dderbyn, copi o'r cofnod stopio a chwilio
- mae gennych chi hawl i gwyno

Er mwyn cael y wybodaeth ddiweddaraf am eich hawliau wrth gael eich stopio a'ch chwilio, neu wybodaeth am sut i wneud cwyn, ewch i www.apa.police.uk

Mae dyletswydd ar bawb i helpu swyddogion heddlu atal trosedd a dal troseddwyr; mae cydweithrediad y cyhoedd yn hanfodol er mwyn gwneud yn siŵr bod stopio a chwilio yn cael ei ddefnyddio'n iawn. Mae stopio a chwilio yn declyn plismona gwerthfawr sy'n helpu i gadw ein cymunedau yn ddiogel.