

Stop and Search

A guide to the 'stop and search' procedures.

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What is a '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.

Who can carry out a 'stop and account'?

- a police officer; or
- a PCSO.

A PCSO must be in uniform but a police officer does not have to be. The police officer must show you their identity card if they are not in uniform.

What is recorded and your right to a receipt

The Government withdrew the requirement for officers in all forces to make a record of stop and account encounters, with effect from 7 March 2011. Instead they have left it up to individual police forces to choose whether they want officers to continue recording them.

Some forces have already stopped recording stop and account, others have decided to continue and a few are consulting with local communities before taking the decision whether to stop or not.

It is possible that some forces that have stopped making a record can start again, if there are any concerns raised by communities or their police authorities about disproportionate use of the power. They can also choose to limit recording to certain geographic areas.

If the officer is from a force that is still recording stop and account they will record:

- the date, time and place where you were stopped;
- your ethnicity; and
- the officers name and details.

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. The receipt can be used by you to request 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.

Stop and Search

What is a stop and search?

There are a number of laws which give powers to officers to stop and search a person or vehicle without having to arrest them first. The ones used most commonly are:

- Code A of the Police and Criminal Evidence Act 1984 (PACE Code A), relating to searches for weapons, stolen property, display grade fireworks or items which could be used to commit a crime;
- Section 23 of the Misuse of Drugs Act 1971, relating to searches for controlled drugs;
- Section 60 of the Criminal Justice and Public Order Act 1994, relating to searches for offensive weapons or dangerous instruments which might be used, or might have been used in incidents of serious violence; and

- Sections 43 and 47A¹ of the Terrorism Act 2000, relating to searches for evidence or articles in connection with terrorism.

Where can searches be carried out?

Searches under PACE Code A can only be carried out if you are somewhere where there is public access.

Searches under the remaining powers may be carried out anywhere, but use of the powers under Section 60 of the Criminal Justice and Public Order Act 1994 and Section 47A of the Terrorism Act 2000 must be authorised by senior police officers and confined to specific geographic areas and periods of time.

Why might I be stopped and searched?

Searches under PACE Code A, Section 23 of the Misuse of Drugs Act 1971 and Section 43 of the Terrorism Act 2000 can only be carried out if the officer has reasonable grounds for suspecting that they will find what they are looking for.

Searches under Section 60 of the Criminal Justice and Public Order Act 1994 and Section 47A of the Terrorism Act 2000 do not require the officers to have reasonable suspicion that they will find anything.

The officer must have sufficient grounds for searching you, for example you must be linked to accurate and current intelligence and information. Unless you match a description of a suspect, officers must not base their grounds on your appearance, what you are wearing or the fact that you may have committed a crime in the past. Appearance would include factors such as your age, disability, gender reassignment, race, religion/belief, sex or sexual orientation.

What isn't a stop and search?

A screening (knife) arch is not a stop and search. You can't be forced to go through the arch, but refusal may result in further police action, or even a full search.

Please note that an officer can confiscate cigarettes or alcohol in view (even if it is in a container) if you are underage. This is not a stop and search.

Who can 'stop and search' you?

Police officers can search people or vehicles under any of the powers listed above.

¹ In March 2011, sections 44-47 of the Terrorism Act 2000 were repealed by Terrorism Act 2000 (Remedial) Order 2011 and replaced by Section 47A.

Police officers must be in uniform to carry out searches under Section 60 of the Criminal Justice and Public Order Act 1994 and Section 47A of the Terrorism Act 2000.

Police officers don't have to be in uniform to carry out searches under the other powers listed, but they must show you their identity card before searching you.

If you are searched under Section 43 of the Terrorism Act 2000 the police officer must be the same sex as you.

Chief constables in each force area can choose whether to give powers to Police Community Support Officers (PCSOs) to carry out some types of stop and search.

In some force areas, PCSOs can stop and search you for alcohol in a public area designated as a no-alcohol zone or, if you are underage, for alcohol or tobacco if you are found smoking.

In some force areas, PCSOs can search you for anything that might injure them or help you to escape if they have asked you to wait for the arrival of a police officer.

In some force areas, PCSOs can search vehicles and their contents, or anything that the vehicle drivers, passengers or pedestrians are carrying under Section 47A of the Terrorism Act 2000, provided they are accompanied by, and are being guided by a police officer.

How should a stop and search be carried out?

Before you or your vehicle are searched, the officer must take all reasonable steps to ensure that you understand:

- that you must stay and be searched;
- what law they are using;
- their name and/or ID number;
- the police station they work from;
- why they stopped you;
- what they are looking for; and
- your right to a record of the search or a receipt.

If you are being searched under Section 60 of the Criminal Justice and Public Order Act 1994 and Section 47A of the Terrorism Act 2000 you will be told that the use of the power has been authorised for that locality and time period.

The officer will try and get your co-operation for the search, but may use reasonable force if necessary.

Searches will normally be carried out close to where you were stopped.

You should only be detained for as long as necessary to carry out the search. Extensive searches must only be carried out when the circumstances suggest it is necessary.

What will I be asked to remove?

The officer can ask you to remove your coat, jacket or gloves in public.

An officer searching you under Section 60 of the Criminal Justice and Public Order Act 1994 can ask you to remove anything that they believe you are wearing to conceal your identity in public.

An officer searching you under Section 47A of the Terrorism Act 2000 can ask you to remove headgear and footwear in public in addition to your coat, jacket and gloves. They may take you somewhere out of public view to ask you to remove any headgear worn for religious reasons. Officers do not need to be the same sex as you (except under Section 43 of the Terrorism Act 2000) but will be mindful of cultural sensitivities around the removal of headgear worn for religious reasons.

The officer can ask you to take off more than an outer coat, jacket or gloves, and anything you wear for religious reasons, such as a face scarf, veil or turban, but only if they take you somewhere out of public view. Searches involving the removal of anything worn for religious reasons or more than outer coat, jacket, gloves will normally be done by an officer of the same sex as you and out of sight of anyone of the opposite sex.

What is recorded and your right to a receipt

If you are searched and you are not arrested as a result, you have the right to a receipt, unless there are exceptional circumstances which make it impracticable for the officer to make a record of the search. The officer must record the following details:

- how you describe your ethnic background;
- the date, time and place you were stopped and searched;
- why you were stopped or 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. The receipt can be used by you to request a paper or electronic copy of the full record from the police station that the officer was from within 3 months of the stop and search or to make a complaint.

If you are searched but then arrested and taken to a police station, the officer must record details of the search on the custody record. You have a right to receive a copy of the search record.

Separate records must be made for each person and vehicle searched, unless the reason for choosing to search you and your vehicle and what is being looked for are the same.

What can you do if you are unhappy about how you were treated?

The officer should treat you fairly and with respect. If you are unhappy with how you were treated, you can complain. If you feel you were treated differently because of your ethnic background, age, sex, sexual orientation, gender identity, religion or a disability, you can complain. It will help if you keep the receipt that the police gave you. You can get advice about how to make a complaint from:

- a police station;
- your local police authority;
- a Citizen's Advice Bureau;
- the Independent Police Complaints Commission;
- the Equality and Human Rights Commission; or
- a solicitor.

The police welcome feedback on your experience - contact your local police authority who will be pleased to listen to what you have to say. . To find out who your local police authority is and how you can contact them visit www.apa.police.uk