

KNOW YOUR RIGHTS STOP, SEARCH AND ARREST



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KNOW YOUR RIGHTS – STOP, SEARCH AND ARREST

WHAT IS STOP AND SEARCH?

Police officers can stop and speak to you at any time. They can stop and search you and your vehicle if they have **reasonable grounds** to suspect you are carrying any of the following:

- drugs
- weapons / firearms / blades or sharp objects
- stolen property
- items which may be used to commit a crime- e.g. a screwdriver

When authorised by a senior officer, you may be searched for articles associated with terrorism or if violence is anticipated, for dangerous instruments, even if the officer does not suspect you to be in possession of any of the above.

WHY ME?

A police officer must have a **good reason** for searching and should tell you what this is for example, you may be stopped and searched because a crime has been committed nearby and the police are looking for someone that may fit your description.

You should not be stopped or searched because of your race, colour, religion or the way you dress.

Nor should you be stopped because you have committed a crime in the past.

WHERE CAN I BE SEARCHED?

A police officer can usually only search you in a **public place** but if s/he suspects that you have committed a serious crime, you can be stopped and searched anywhere.

If the police think there may be serious violence in the area at a certain time, they can search for knives or other weapons without needing a good reason for each person. This may be the case, for example, at a football match.

CAN MY CAR BE STOPPED OR SEARCHED?

If you are driving a police officer can stop you at any time and ask you to show your drivers licence, MOT or insurance documents.

If the police have good reason to suspect your car may contain stolen goods, drugs or something you could use to commit a crime, they could search your car, even if you are not there. However, the police must leave a notice saying what they have done. so, if they do not find anything to connect you to a crime, you can ask the police for compensation for any damage they have caused.

WHAT DO I HAVE TO DO?

You will be asked to give your **name, address and date of birth**.

You do not have to provide any of this information, unless the police tell you they are reporting you for a crime. If this is the case, you could be arrested if you do not tell them.

The police may also ask you for your ethnic background. This may be to check that police officers are not stopping and searching people because of their race or colour.

BEFORE THE SEARCH

The police officer/s should tell you:

- their name and police station
- why they are searching you
- what they are looking for
- you have a right to obtain a record of the search

If an officer is not in uniform, s/he must show you his/her identity card.

DURING THE SEARCH

If you are in a public place, the police can only ask you to take off your outer clothing - e.g, jacket, coat or gloves.

If an officer asks you to take off more than that, such as your shoes, socks or headgear, you must be taken somewhere private such as a police station. This **does not** mean you have been arrested.

If possible, it is advisable to get a friend to witness the search.

AFTER THE SEARCH

If you are searched, the police must write down on a form:

- Your name or a description of you.
- Why you are being searched.
- When and where you were searched.
- What they were looking for and if anything was found.
- The name and number of the officer who searched you.

The police **do not** have to make a record if they just stop you and do not search you.

If you feel you are being harassed in any way make sure you make a note of the officer's number.

The police should normally give you a copy of what they have written down there and then unless this is not practical.

Otherwise, you can get a copy from the police station within 12 months.

AT THE POLICE STATION

Remember that legal advice at the police station is completely free.

If the police arrest you, you must be informed that you are under arrest and why. The police should also give you the caution:

"You do not have to say anything but it may harm your defence if you do not mention now, anything you later rely on in court. Anything you do say will be given in evidence."

It is best not to say anything at this stage until you have received legal advice.

Note that you cannot be detained against your will unless you have been arrested.

If you are being treated as a volunteer you can leave the police station. However you may wish to get legal advice first.

If you have been arrested a police officer needs to take you to a police station as soon as practically possible (unless delay can be justified by police investigation).

If the police wish to interview you they need to do so on tape. However any unsolicited comments could be used as evidence. It is very important that you do not discuss your case with the police officer or sign any notes before you have spoken to a legal adviser.

Before getting legal advice remember the following:

DO NOT admit to any offence until you have received your free legal advice.
DO NOT answer any police questions, whether in interview or elsewhere (e.g, a police van).

DO NOT make or sign any written statements.

DO give your name and address or you may not get bail. Remember your home may be searched.

DO ask for a relative or friend to be informed.

It is extremely important to seek legal advice. Once arrested you have the right to telephone a solicitor at any time.

In relation to drink driving you may have to give a body sample if your solicitor does not attend in 'reasonable time'.

YOUNG PEOPLE

If you are 16 or under, a parent or guardian must be present before any questioning can take place. It is important to have a solicitor present as well as a parent or guardian. If your parent or guardian is NOT present, DO NOT answer any questions at any time, except when giving your name and address.

WHAT TO DO IF YOU ARE CONTACTED BY MI5

There is no obligation under law for you to answer any questions that MI5 officers put to you.

Do make sure that you obtain the MI5 officers name and telephone number.

State to the MI5 officer that you intend to seek legal advice.

State to the MI5 officer that your solicitors will contact them.

Do not discuss matters with MI5 officers with regards to your movements or with regards to anyone else.

Make a note of the time and place where the MI5 officer contacted you.

Make a note of anything the MI5 officer says to you.

Seek legal advice as early as possible.

Having sought legal advice, let the solicitors talk on your behalf.

Remember there is no obligation on you to work as a MI5 agent.

WHAT TO DO WHEN CONTACTED BY SPECIAL BRANCH (also known as Anti-Terrorist Branch)

Do not be misled by officers who state that they need you to assist them.

Do not talk to them regarding any matter.

Take the officers name and telephone number.

State to the officer that you need to seek legal advice.

State to the officer that your solicitor will contact them.

Do not discuss any matters with them, walk away once you have taken the officers name and number.

Generally when you are arrested by the Police and detained in custody.

- you are entitled to free legal advice at the Police Station
- you should state you wish to speak to a solicitor, (if your own solicitor is not available then request to speak to a duty solicitor)
- do not discuss your case without obtaining legal advice
- do not sign the custody record to state that you do not wish to have legal advice
- do not believe the officers when they state that if you speak to them without a solicitor you will be released sooner
- if you have any injuries as a result of the arrest taking place, request for a doctor to attend to see you
- you can make a call to members of your family or relatives or a friend to notify them that you have been arrested and are being detained at a Police Station