Stop and Search

The police have specific powers that allow them in some circumstances to stop and search you. These powers are used as an intimidation tactic and to exert control on a protest or in a community, especially minority communities. It is also used for intelligence gathering. The best way to protect yourself is to know the law and not to talk.

Stop and Search is applied disproportionately in a racist manner. Black men are up to 17 times more likely to be stopped and searched than their white counterparts.

Some forces have been known to abuse stop and search procedure in order to harass protesters, and we know that stop and search tactics are used for intelligence gathering purposes.

You do not have to give you personal details under any search power.

This guide will cover what those are and offer some advice for when you are stopped by the police.

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1. When Can I Be Stopped?

Powers to stop

The police might decide to stop you at any time and ask you questions, such as

- **What are you doing?**
- **Why are you in this area?**
- **Where are you heading and where have you been?**

You do not have to answer any of these questions. We suggest you don't, or that you respond with "No Comment".

This is known as a Stop and Account.

2. When Can I Be Searched?

Powers to search

The law says that you can only be searched if a police officer has a reasonable belief to suspect that you may be carrying something illegal or something that can be used to to commit an offence and you are likely to do so.

This forms the grounds of the search.

There are two exceptions to this rule, which are known as blanket search powers:

1. **If a section 60 search power has been granted (Criminal Justice Act).**
2. **If a section 47A search power has been granted (Terrorism Act).**

3. What Can I Be Searched For?

What you can be searched for depends on what search power you have been stopped under.

The police often use a piece of law known as Section 1 of PACE (Police and Criminal Evidence Act 1984).

Using this power, you can be searched for the following item, provided that there is reasonable individual suspicion:

- **articles for burglary/theft**
- **stolen goods**
- **offensive weapons**
- **bladed articles**
- **items that may be used to commit criminal damage**

There are other specific laws that allow an officer to search you. They include the power to search for drugs or explosives, and along with Section 1 PACE, always require reasonable suspicion.

NB. Whilst not being a search power, if you're the driver of a vehicle that is being searched or has been involved in a road traffic incident, the police have a specific power to demand your name and address.

4. Blanket Search Powers

Blanket search powers give the police the ability to search large groups of people, with no reasonable suspicion.

They are used a public events such are protests, carnivals and sports games, and are put in place by a senior police officer.

There are two blanket search powers that you might come across.

Section 60 of the Criminal Justice Act 1994

This power allows a police officer to search anyone in a specific area for offensive weapons. The order lasts for 24 hours but can be extended.

This power should not be confused with Section 60AA (removing masks).

Section 47A of the Terrorism Act 2000 (Remedial) Order 2011

This power allows a police officer to search anyone where they reasonably suspects that an act of terrorism will take place, and that the power is necessary to prevent it from occurring.

This allows the police to search anyone or anything for the purpose of prevention of terrorism, and replaces the controversial section 44 (TA2000) after it was found to be incompatible with article 8 by the European Convention on Human Rights (ECHR).

5. What Is Reasonable Suspicion?

Unless using a blanket search power, before a police officer searches you they need to reasonably suspect that you might be carrying items that can be used to commit an offence.

If an officer has been informed that a person matching your description, and in the local area that you are currently in, has been seen to commit an act of vandalism ie. graffiti, then the police officer can reasonably suspect that the person described may be you.

This allows them to search you for items used to commit criminal damage, in this case spray cans or tins of paint.

6. What Happens When I Get Searched?

There is a set procedure that the police must follow when searching people. We can't guarantee that it will be followed – in fact more often than not we hear from people that officers have appeared to carry out an unlawful stop and search.

> **The most effective way to hold police officers to account for their actions is by understanding the law that they are using against you.**

Police officers must specify before the search who they are and where they are from, what they are looking for, why they suspect you, and search only in places that they might find the items.

You do not have to be actively compliant, and do not need to answer their questions. You may wish to record the search using the Y-STOP app.

If during a search the police find an item that they aren't looking for, such as a controlled substance (drugs) then they can effectively continue based on the reasonable suspicion that you now are carrying these items.

If you're in a public space, then the officer can only ask you to remove your outer clothing such as a hat and coat, ask you to empty your pockets, and give you a pat down.

You can be taken into a private area where the search can be continued with the removal of more items of clothing such as jumpers, hoodies and shoes.

A police van is considered a private space.

7. What to Look out for When Being Searched

There are a few tricks that officers use to push the boundaries of what is legal when searching people.

It is usual for one officer to search and another to take notes whilst this is going on. Try to focus on what the searching officer is doing, after all, there is no need to respond to the officer asking you questions during the search.

Remember what the police are searching for

If an officer tells you that they are searching for "bladed articles", then you might expect them to start looking through your wallet for small blades, or bank cards that may have had their corners sharpened. Ok, you probably won't expect it but it is something that they can do.

If an officer tells you that they have seen someone matching your description, graffiting a slogan on a wall, then what might they be looking for? Perhaps chalk, perhaps a spray can. Both of these items might be found in a pocket, but definitely not a wallet. If the police start looking through your wallet then you should probably question what they are doing.

Protect your personal details

If you have chosen not to give the police any of your personal details, which you are entitled to withhold, then you may not be happy with them reading your private material. If in the course of the search they come across an item with your name on, they may choose to record this as part of a description of you.

> **To avoid difficult situations, don't carry any items that can be used to identify you, eg. a driving license or bank card. If you are carrying a phone, lock it! This will prevent officers casually looking through it.**

8. What Happens If They Find What They Are Looking for?

If the police find a item on you that they suspect may be illegal, they can confiscate it.

At this point they might:

- **choose to arrest you on suspicion of possessing an item that may be illegal**
- **issue you with a fixed penalty notice**
- **demand your name and address in order to send you a summons at a later date**

A summons is a letter demanding that you attend a police station at a specific time, possibly for a telling off, or to be arrested.

Before attending a police station give us a ring to discuss your options. You might want to attend with a solicitor.

If you refuse to give your name and address for the purpose of a fixed penalty notice or a summons, the police have the power to arrest you in order to determine who you are.

9. Seizing an Item

If the police find an item on you that they suspect you may use to commit criminal damage, but isn't necessarily illegal, then they may seize the item. The item remains yours and you have the right to collect it at a later date.

In order to make it possible to collect your item at a later date, without giving your details:

- **ask for a receipt containing a description of the item and ensure it contains a reference number**
- **make a note of the police station the item is being taken to**
- **make a note of the date / time, and officers number**

The searching officer may suggest that they need your name and address in order to guarantee the item gets back to you. This is a tactic used in an attempt to get your name, and you do not need to respond.

The officer is responsible for ensuring that your property is well identified regardless of any information you give them.

10. Getting a Receipt

If you'd like to challenge the lawfulness of a stop and search at a later date, you'll need to find evidence to prove that it took place. This is much easier to do if you get a receipt to prove that it took place and that you were the victim.

You are always entitled to a receipt from a stop and search, but might not always be offered one. Do ask.

The police should make every attempt to provide one immediately unless there is an urgent matter to attend to, in which case they must tell you where you can collect it at a later date.

> **Police have been known to claim that they are unable to give you a receipt as it will take too long and that they have to finish searching other people first. Do not accept this as it is unlawful.**

If you are unhappy with the search procedure, you can later make a complaint. Keep hold of the receipt, it may be useful.

11. Phones and Cameras

Mobile phones and tablets contain a lot of information about your personal life that you probably don't want the police reading.

Police do not have powers to read through or look at images on your phone unless searching you under the Terrorism Act. The most effective way to prevent casual viewing is by using some form of pin lock.

For more information about security on your phone visit Privacy International's site or download their leaflet 'Free To Protest: The protestor's guide to police surveillance and how to avoid it'

Regardless of what power they are using, they can not demand that you delete any photos from a phone or digital camera.

> **After an arrest, the police can download information from your mobile phone into their computers. Most operating systems such as Android and iOS have the option of encrypting your device and messaging systems in order to protect your data.**

12. Removing Masks

A new power has been introduced in the Policing & Crime Act 2026:

Under section 157 the police may make an order to designate an area within which it become an offence to use an item to conceal identity. One may use the item for medical, religious or work reasons. Before arresting anyone the police must take reasonable steps to inform people of where and when the order is in place.

The previously used powers are still available to the police:

If a Section 60AA (Criminal Justice Act 1994) order is in effect, a police officer can demand that any item you are wearing that is mainly used to conceal your identity, is removed. Failure to remove the item can result in an arrest.

The police can seize the item, and you don't have to be wearing this item at the time for it to be seized.

Section 60 (a blanket search power) and Section 60 AA are different powers, and can be used independently.

13. Challenge Your Search

More information on stop and search in our communities can be found at StopWatch

Y-STOP have an app which makes recording searches and registering complaints against the police quick and easy, you can download it at y-stop.org

If you wish to take a discrimination claim against the police, or otherwise challenge the police on your search, you can learn more in our guide on Holding the Police to Account, and then contact one of the solicitors on Netpol's recommended civil solicitors list.