

# Office of the Police and Crime Commissioner



## Stop and Search

Stop and search powers allow the police to combat street crime, anti-social behaviour, and prevent more serious crimes. Stop and Search can help the police detect crime and make our communities safer.

### ***What is a 'stop'?***

A 'stop' (or stop and account) is when a police officer or police community support officer stops you and asks you to account for yourself. That is, if they ask you to tell them:

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

*(NB a police community support officer must be in uniform, but a police officer does not have to be)*

The officer does not need to make a record of this encounter.

Not every time a police officer or police community support officer talks to you will count as a stop. For example, if the officer

- is looking for witnesses;
- asks you for general information about an incident; or
- is giving you directions.

### ***What is a 'stop and search'?***

An officer can stop and talk to you at any time. But should only search you if they suspect you are carrying:

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

### ***Why me?***

If you are stopped or searched it **doesn't** mean you have done something wrong. A police officer must have a **good reason** for stopping and searching you and should tell you what this is.

You should not be stopped or searched just because of your age, race, ethnic background, nationality, religion or faith, the way you look, the language you speak or because you have committed a crime in the past.

If you believe this is the case, you can complain, see the ***How I can complain?*** section below.

### ***Where can I be stopped and searched?***

- in a public place; or
- anywhere - if the police believe you have committed a serious crime.

If the police have reason to believe there may be serious violence then they can search everyone in an area for weapons - e.g. near a football ground - without needing a good reason to search each person.

### ***What happens?***

The police officer must normally tell you:

- that you must wait to be searched;
- the law they are using and your rights;
- their name;
- the station they work at;
- why they chose you;
- what they are looking for; and
- your right to be given a record of the search straightaway.

If the officer is not in uniform, they must show you their identity card.

If you are in a public place, an officer can only require you to take off your coat or jacket and your gloves.

The officer cannot require you to take off more than this or anything you wear for religious reasons, such as face scarf or turban, unless they take you somewhere out of public view.

**This does not mean you are being arrested.** You can request that the officer who searches you is the same sex as you.

### ***Vehicles***

A police officer can stop a vehicle at any time and ask to see the driver's licence. If the police have good reason to think your car contains stolen goods, drugs, or weapons, they can search it even if you are not there. But the police **must** leave a notice saying what they have done.

If the search causes damage, you can ask the police for compensation but only if the police did not find anything to connect you to a crime.

### ***Your right to a record***

If you are stopped and searched, you have a right to a receipt and the officer must record the following details unless, for example, they are called away to an emergency. You can get a copy from the police station any time within 12 months.

The police **must** write down:

- how you describe your ethnic background;
- why you were stopped and searched;
- when and where you were stopped and searched;
- what they were looking for and anything they found;
- the names and numbers of the officers who searched you.

The police will not ask for your name, address and date of birth unless they are reporting you for an offence.

You will also be asked your ethnic background (from the list of national census categories in Appendix 1 below). You do not have to say what it is if you don't want to, but this information helps show if the police are stopping and searching people just because of their race or ethnicity.

### ***How can I complain?***

The police should treat you fairly and with respect. If you feel you have been treated unfairly, you have the right to complain.

You can:

- telephone **101**, the Force's non-emergency number
- contact your local police station;
- contact your local police and crime commissioner;

**Office of the Police and Crime Commissioner  
North Wales Police Headquarters  
Glan-y-Don  
Colwyn Bay  
LL29 8AW  
North Wales**

- contact the Citizen's Advice Bureau;
- contact the Equality and Human Rights Commission; or
- a solicitor.

**Please note: This is a guide to the stop and search procedures. It does not cover all of the law.**

## **Appendix 1**

### **National Census categories**

#### **Asian or Asian British**

- Indian
- Bangladeshi
- Pakistani
- Other Asian background

#### **Black or Black British**

- Caribbean
- African
- Other Black background

#### **Chinese or other ethnic group**

- Chinese
- Any other ethnic group

#### **Mixed**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed background

#### **White**

- British
- Irish
- Any other White background