

Stop and Search: Your Legal Rights

Can the police take my name and address?

It's not an offence to refuse to give the police your name and address, except if:

- you are the driver of a vehicle
- you are suspected of engaging in 'antisocial behaviour'. Before giving your details ask what 'antisocial behaviour' they suspect you have committed, as they could well be trying it on.

You can be arrested if you don't give your name and address and the police think you've committed any offence (however minor), or are about to. Again ask what offence you are supposed to have committed before giving any info.

When can the police stop and search me?

- **At any time** - you and your vehicle can be stopped and searched at any time if the police reasonably suspect that you've got drugs, weapons, stolen items or items (tools etc) to carry out theft, burglary or criminal damage. Or if they reasonably suspect you are a terrorist.
- **Section 60** – this search must be specifically authorised by a senior police officer. You and your vehicle can be stopped and searched for offensive weapons and dangerous instruments(eg tent poles, scissors, tools or an umbrella). They can't search for anything else or seize anything else eg address book, camera film. The police don't need any grounds to suspect that you are carrying weapons or dangerous instruments before searching you.
- **Section 44** – this search must be specifically authorised by a senior officer. You and your vehicle can be searched for articles (including computers, cameras, paperwork) that could be used in connection with terrorism. Again the police don't need any reasons for the search.

The following apply to all of the above stop and search provisions:

- You don't need to give your name and address when subjected to these searches, unless you are the driver of a vehicle that is being searched.
- They can require you to remove outer clothing and they can 'pat you down', but this must be done by a same sex officer. They can also check your bags and pockets.
- Weapons or other items, that they are entitled to search for, can be seized.
- They must give you a form explaining why you were stopped and searched.
- It's an offence to refuse to be searched.