

## Stop and Search - General Advice

### **Police powers to stop and search persons and vehicles (without arrest)**

Part 1 of PACE empowers any constable acting with reasonable grounds for suspicion to stop, detain and search you or your vehicle, or anything in or on your vehicle for certain items. Any items found may be seized.

The provisions of PACE are supplemented by a Code of Practice on stop and search, Code A. The contents of Code A must be observed by the police, although the remedy for failure to observe is usually to make a police complaint - or if prosecuted to raise an objection in court - rather than to take legal proceedings against the police.

PACE also provides some safeguards for other well-used police powers of search.

The police do not have general powers, apart from those specified in a statute, to stop and search you. You should always ask a police officer to explain on what basis they are searching you. If no search power exists you should not be searched unless you are entering sports grounds or other premises and your consent to the search is a condition of entry.

### **Reasonable grounds for suspicion**

Most stop and search powers can only be exercised where the constable is acting on 'reasonable suspicion'. This includes the power to search a person for illegal drugs under the Misuse of Drugs Act 1971 and the power to search for stolen or prohibited items under PACE. The meaning of 'reasonable suspicion' is found in Code A.

There must be some basis for the officer's belief, related to you personally, which can be considered and evaluated by an objective third person. Mere suspicion based on hunch or instinct might justify observation but cannot justify a search.

However, reasonable suspicion can sometimes exist without specific information or intelligence and on the basis of some level of generalisation stemming from the behaviour of a person. For example, if an officer encounters someone on the street at night obviously trying to hide something, this clearly constitutes conduct that might reasonably lead the officer to suspect that stolen or prohibited articles are being carried.

The power must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination. This would include discrimination on grounds of race, colour, ethnic origin, nationality or national origin. Accordingly, reasonable grounds for suspicion cannot be based solely on attitudes or prejudices towards certain types of people, such as membership of a group within which offenders of a certain kind are relatively common - for example, young football fans. Nor can it be based solely on your skin colour, age, hairstyle, mode of dress or previous convictions.