

Stop and Search – Police Powers

Before you're searched the police officer must tell you why you have been stopped and will be searched.

Police officers use the mnemonic '**GOWISELY**' to which police officers must comply with all elements of it:

Grounds for search – A police officer has powers to stop and search you if they have '**reasonable grounds**' to suspect you're carrying:

- illegal drugs
- a weapon
- stolen property
- something which could be used to commit a crime, e.g. a crowbar



You cannot be stopped in any way by the police just because of your:

- age
- race
- ethnic background
- nationality
- religion
- because you have committed a crime in the past.

You can **only be stopped and searched without reasonable grounds** if it has been approved by a senior police officer. This is called a Section 60 authorisation. This can happen if it is suspected that:

- serious violence could take place
- you're carrying a weapon or have used one
- you're in a specific location or area

Object of search – a clear explanation of the item(s) the officer is looking for e.g. drugs.

Warrant card (if not in uniform or requested). A warrant card is an identification card that shows that the person undertaking the search is a police officer and is lawfully able to carry out the duties of a constable.

Identify of officer – the officer’s name and number, often called a ‘collar’ number.

Station to which the officer is attached

Entitlement to a copy of the search record (i.e. within 3 months). The searching officer **MUST** inform you that you are entitled to a copy of the record and that the entitlement is valid for 3 months from the date of the search.

Legal power used – what law is being exercised, for example, if you are being search for drugs, commonly it is the Misuse of Drugs Act that is used.

You are detained for the purposes of a search. You must be told that you are being detained, by doing so, this prevents you from walking away and if you try to leave you can be forcible prevented from doing so.

Stop and Search – Powers to Remove Clothing

What will I be asked to remove?

If you are in a public place, you only have to take off your coat or jacket and any gloves that you are wearing, unless you have been stopped in relation to terrorism or where the officer believes you are using clothes to hide your identity.

An officer searching you under Section 60 of the Criminal Justice and Public Order Act 1994 can ask you to remove anything that they believe you are wearing to conceal your identity in public.

An officer searching you under Section 47A of the Terrorism Act 2000 can ask you to remove headgear and footwear in public in addition to your coat, jacket and gloves.

They may take you somewhere out of public view to ask you to remove any headgear worn for religious reasons.

Officers do not need to be the same sex as you, however, will try to have an officer of the same sex search you where possible. Police officers will be mindful of cultural sensitivities around the removal of headgear worn for religious reasons.

Stop and Search – Commonly Used Powers

There are a number of laws which give powers to officers to stop and search you or your vehicle without having to arrest them first. The ones used most commonly are:

- Code A of the Police and Criminal Evidence Act 1984 (PACE) (governed by PACE Code A), relating to searches for weapons, stolen property, display grade fireworks or items which could be used to commit a crime;
- Section 23 of the Misuse of Drugs Act 1971, relating to searches for controlled drugs;

- Section 60 of the Criminal Justice and Public Order Act 1994, relating to searches for offensive weapons or dangerous instruments which might be used, or might have been used in incidents of serious violence; and
- Sections 43 and 47A of the Terrorism Act 2000, relating to searches for evidence or articles in connection with terrorism.

(Sections 44-47 of the Terrorism Act 2000 were repealed by the Protection of Freedoms Act 2012 on 1 May 2012 and replaced by Section 47A.)