

Real Rights: young people engaging with law enforcement

 Birmingham, United Kingdom



Site in development - FEEDBACK NEEDED

The launch of the Real Rights platform as a DRAFT site in order to obtain feedback from people across the globe. The information included herein represents initial research and responses that need review and commentary on a broader scale. We actively encourage any World Congress attendees or reviewers of this site to provide any comments you may have on the website and the content either by clicking on the "Feedback" button in each city page or by emailing realrights@bakermckenzie.com.

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Detain or Arrest You
- Do Police Need A Warrant To Arrest You?
- How Do You Know If You Are Under Arrest?
- What Should I do if I am Cautioned?
- Police Questioning You
- Reporting Crimes To The Police
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- How do I Contact A Lawyer and When?
- Do Police Always Have To Tell The Truth?
- How do I make a complaint if I have questions or feel my rights have been violated?
- What can you do if the Police perform an improper search?

Stopped By The Police On The Street, Now What?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly. Anything you say can be used against you in a court of law.
It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully.

Can the police arrest you for refusing to answer questions?

It is normal practice for the police to ask questions in the course of their everyday duty. This may be either as part of an immediate incident, or as part of an ongoing investigation.

Choosing not to answer a question from a police officer is not against the law.

However, if you choose not to answer a question, this may increase a police officer's suspicion of wrongdoing, and may potentially lead to your arrest.

For example, you may get stopped whilst lawfully riding your friend's bike. The police officer then informs you that a bike of that description has just been reported stolen. In such a situation it would be reasonable to provide an explanation to the officer so that you can be discounted from their investigation. By choosing to not respond to questions, the officer may believe you are hiding something and this may ultimately result in your arrest to allow the officer to investigate further.

Similarly, you may get stopped by an officer undertaking pro-active patrols in a crime hotspot and they may ask you to account for your presence in the area. You are not obliged to give a reason.

You should use your judgement when considering whether it is appropriate to answer questions from the police.

Do the police need a reason to stop me whilst I am driving or cycling?

The police do not need a specific reason for stopping you whilst you are cycling or driving. Failing to stop for a police officer in uniform may be a criminal offence. [\[Road Traffic Act 1988 s.163\]](#) <https://www.legislation.gov.uk/ukpga/1988/52/section/163>

If you are driving, the officer may check the condition of the vehicle, or you may be asked to produce your driving license and/or certificate of insurance. [\[Road Traffic Act 1988 s.164\]](#)

What if the officer is not in uniform?

Plain clothes police officers should identify themselves as a police officer if they are interacting with you in the execution of their duty. [\[Police and Criminal Evidence Act 1984 Code A para 3.8\]](#)

However, there may be some instances where the police may choose not to identify themselves. If someone in plain clothes claims to be a police officer, then you can ask them to produce their "warrant card".

When can the Police Search You and Your Surroundings?

Proposed Information

It is important to follow this advice:

In most circumstances, the police will need reasonable suspicion that you are in possession of an illegal item. [\[Police and Criminal Evidence Act 1984 s.1\(3\)\]](#)

The police cannot search you purely based on your age/ race/ nationality/ religion or any previous involvement with the police. [\[Police and Criminal Evidence Act 1984 Code A para 2.2B\]](#)

The police do not need reasonable suspicion to search you if they are in the process of searching a designated area. An area might be designated if there is evidence that serious violence has or may take place there. [\[Criminal Justice and Public Order Act 1994 s.60\]](#)

The police also have the power to search you following your arrest. Anything found during this search may be used as evidence against you.

What information should I be given during a search?

During a search, the officer should tell you:

- The grounds for the search (i.e. why they have chosen to search you)
- The purpose of the search
- The legal powers that allow them to carry out the search
- That you are being detained for the purpose of a search

The officer should also identify themselves, the station that they are attached to, and, if in plain clothes, produce their "warrant card". [\[Police and Criminal Evidence Act 1984 Code A para 3.8\]](#)

At the end of the search the officer will make a written record of the search. If it is not practical for them to do this at the time, then you can apply for the record up to three months after the search. [\[Police and Criminal Evidence Act 1984 Code A para 4\]](#)

To what extent can I be searched?

As part of a search, an officer may give you a "pat down" and search your pockets; the officer may feel around your collar, waistband and inside your shoes and socks. The officer may also require you to remove any outer clothes, e.g. shoes, a hat or jacket. [\[Police and Criminal Evidence Act 1984 Code A para 3.5\]](#)

If a more thorough search is needed, for example removal of a jumper or T-shirt, then this should be done out of public view, for example inside a police van. [\[Police and Criminal Evidence Act 1984 Code A para 3.6\]](#)

If a strip search is needed, then you will be taken to a police station. Two officers of the same sex must be present. [\[Police and Criminal Evidence Act 1984 Code C Annex A para 3.5\]](#)

Can I be handcuffed during a search?

Any use of force must be reasonable and justified by the officer. This can include the use of handcuffs. [\[Police and Criminal Evidence Act 1984 s.117; Criminal Law Act 1967 s.3\]](#)

If the officer believes you may try to run off or may become violent then they may choose to handcuff you.

I haven't done anything, can the police still search me? Can I refuse a search?

When a police officer chooses to use a legal power to conduct a search, you cannot refuse the search.

If you try to obstruct a search, then the officer may choose to use reasonable force to restrain you.

However, you are allowed to politely challenge an officer when he/she is giving you the grounds of the search if you do not think they are valid.

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If you feel that you were unlawfully searched or the officer acted inappropriately during the search, then you should make a complaint to police station that the officer is attached to.

Can the police record me on their body worn video?

Officers do not need your consent to record you using their body worn camera.

Police officers will not routinely have their cameras on whilst patrolling, and are expected to use their judgement when deciding what incidents should be captured.

If you wish to receive a copy of the footage, you should make a “subject access” request to the relevant police force.

Do I have to give my name to the officer during a search?

You do not have to give your name or address to an officer during a search.

Can the police search my home?

Yes, in some circumstances. There are specific powers that allow the police to search someone’s home. Typically, they will need a warrant (a court order). A search of someone’s home may also follow their arrest. [[Police and Criminal Evidence Act 1984 ss.17, 18 & 32](#)]

Can the police search my phone?

This depends on the search power used.

If the police believe the mobile phone is stolen, they may search the phone in order to obtain the IMEI number. However, they cannot use this as an opportunity to look through your messages etc. [[Police and Criminal Evidence Act 1984 s.19 - 21](#)]

Under the Terrorism Act, the police have the power to look through pictures on your phone. [[Terrorism Act 2000 s.43](#)]

The police may also seize your phone following your arrest or if they have a warrant (court order) to search your phone.

I am under 18, can the police still search me?

Yes. The police can search a person under the age of 18 even if there is not an adult present.

See also:

[How and when BWV cameras are used | Metropolitan Police](#)

[Body-Worn Video \(college.police.uk\)](#)

Reasons Police May Detain or Arrest You

Do Police Need A Warrant To Arrest You?

Proposed Information

It is important to follow this advice:

- No. A warrant (court order) is not required to arrest someone. Instead, police are required to have reasonable grounds to suspect that you’re involved in a criminal offence. [[Police and Criminal Evidence Act 1984 s.24](#)]
- Police have the power to arrest a person anywhere at any time if they have a reasonable suspicion that you are involved in a criminal offence and they have reasonable grounds to believe that your arrest is necessary. [[Police and Criminal Evidence Act 1984 s.24](#)]
- There must be some reasonable, objective grounds for an officer’s suspicion that you are involved in a crime, based on known facts and relevant information. It is unlawful for police officers to discriminate against, harass or victimise any person on the grounds of their age, disability, gender reassignment, race, religion or belief or sex and sexual orientation. [[Police and Criminal Evidence Act 1984 Code G para 2.3A; Equality Act 2010](#)]

Am I allowed to ask for the reason they arrested me?

Yes. If you’re arrested the police must:

- identify themselves as the police
- tell you that you’re being arrested
- tell you what crime they think you’ve committed
- explain why it’s necessary to arrest you
- explain to you that you’re not free to leave

[[Police and Criminal Evidence Act 1984 Code G paras 2.2 & 3.3; note 3](#)]

Will my parents be called if I am arrested?

Yes. If you are arrested and taken into custody, the custody sergeant must call an appropriate adult (such as a parent or legal guardian) to attend the police station as soon as possible. The appropriate adult must be able to provide effective support to the young person. [[Police and Criminal Evidence Act 1984 Code C paras 1.7A & 3.15](#)]

Can I get the officer’s identifying information for a future complaint?

Yes. An officer is required to display their badge number, which you can ask to see if it’s not shown. [[Police and Criminal Evidence Act 1984 Code A para 3.8](#)]

How Do You Know If You Are Under Arrest?

Proposed Information

It is important to follow this advice:

You must be told by the arresting officer that you have been arrested, even if this may feel obvious from what is happening. You have the right to ask if you are being arrested if you are not told this. [[Police and Criminal Evidence Act 1984 s.28 & Code G para 2.2](#)]

What do I do if I am arrested by the police?

It is a good idea to remain calm and refrain from resisting. You should then consider whether you need to speak to a lawyer before answering any questions asked by the police.

What is the difference between detention and arrest?

The police have powers to detain people they have arrested on suspicion of committing a crime. If you are arrested, the police may detain you whilst they gather evidence and investigate the crime. There are limits on how long the police can detain you without “charging” you.

If I am handcuffed, am I arrested?

If you are handcuffed, this probably means you have been arrested. However, you should know this already because a police officer must tell you if you are being arrested. [[Police and Criminal Evidence Act 1984 s.28 & Code G para 2.2](#)]

The police must have an objective reason for using handcuffs, for example, to prevent you from escaping or trying to escape, or to prevent violence.

If my liberty is restricted, am I under arrest?

Police may use reasonable force in certain circumstances, which may make you feel like your liberty is being restricted. If lawfully detained, you may also feel this way. However, this does not necessarily mean that you are under arrest. A police officer should always tell you if you are being arrested. [[Police and Criminal Evidence Act 1984 s.28 & Code G para 2.2](#)]

I was arrested but not charged, do I have a criminal record?

No. If you are arrested on suspicion of an offence but you are not charged, you will not have a criminal record.

What should I do if I am cautioned?

Proposed Information

It is important to follow this advice:

- If a police officer suspects you of being involved in a crime, they must “caution” you prior to asking you any questions about the crime. If an officer cautions you, they will say the following:

“You do not have to say anything. But, it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.”

[[Police and Criminal Evidence Act 1984 Code C para 10.5](#)]

- If the police want to ask you questions under caution (i.e. after saying the statement above) before arresting you, they must specifically tell you that you are not under arrest. They must also inform you of your right to speak to a lawyer and that there is no obligation to take part in any voluntary interview. [[Police and Criminal Evidence Act 1984 Code C para 10.2](#)]
- If you are later arrested, you will be told that you are under arrest and cautioned again. You may then be taken to a police station, held in custody in a cell and then questioned. [[Police and Criminal Evidence Act 1984 Code C para 10.4](#)]

Responding to a Police Caution

You don't have to respond to a police caution immediately, or at all.

The caution is just to inform you of the potential consequences of remaining silent. If you remain silent with the police during questioning and then later want to explain your actions when you are in court, the judge and jury might wonder why you didn't say that to the police from the start. They might then decide not to believe what you say in court.

You can waive your rights (i.e. not use them) and provide information and explanations to the police at any time.

You have a right to free legal advice before being questioned by the police, so you may wish to refrain from responding to any questions until you have spoken to a lawyer. [[Police and Criminal Evidence Act 1984 s.58; European Convention on Human Rights Art 6](#)]

See also:

gov.uk/arrested-your-rights

Police Questioning You

Proposed Information

It is important to follow this advice:

- If you are questioned about a crime and you have been cautioned, but you are told that you are not under arrest, this is a "voluntary interview". You do not have to take part in a voluntary interview and the police must tell you that you are free to leave at any time.
- If you are arrested, you will usually be taken to a police station for questioning.
- You do not have to answer questions put to you by the police. It is a good idea to discuss this with a lawyer before beginning any interview.
- After questioning, you may be released or charged with a crime.
- The police can hold you for questioning for up to 24 hours before they have to charge you with a crime or release you. They can apply to hold you for up to 36 or 96 hours if you're suspected of a serious crime, such as murder, or even longer if you're arrested under the Terrorism Act. [[Police and Criminal Evidence Act 1984 ss.41, 42, 43 & 44; Terrorism Act 2000 s.41](#)]

How can a solicitor help me and how can I access advice?

You must be told about your right to free, independent legal advice before you are questioned, whether it is a voluntary interview or not. [[Police and Criminal Evidence Act Code C paras 3.21A & 6.1](#)]

You can either ask for the police station's independent "duty solicitor", tell the police you would like a lawyer or ask the police to contact your own lawyer (if you have one). Once you've asked for a lawyer, the police can't question you until they arrive, except in exceptional and serious cases. [[Police and Criminal Evidence Act Code C para 6.6](#)]

A solicitor can be with you when you are being questioned.

If you are under 18 or a vulnerable adult, the police must also find an 'appropriate adult' to come to the station to help you and be present during questioning and searching. An appropriate adult can be your parent, guardian or carer; a social worker; another family member or friend aged 18 or over; or a volunteer aged 18 or over. [[Police and Criminal Evidence Act Code C paras 11.15 & 11.16; note 17.G](#)]

Reporting Crimes To The Police

Proposed Information

It is important to follow this advice:

You have no obligation to confess to a crime and you are not required to report to the police a crime that you have witnessed or heard about.

It is never a good idea to give false information to the police. Even if you are responsible for something or have information that they want, it may not be a good idea to share it without a lawyer present.

If you are a witness to a crime that the police are investigating, you also do not need to provide a witness statement. However, if you refuse to provide a statement there is a chance you could be forced to go to court to provide evidence, known as a "summons". Failure to comply with a witness summons is a criminal offence that can lead to a fine or imprisonment. [[Contempt of Court Act 1981 s.14; Criminal Procedure \(Attendance of Witnesses\) Act 1965 s.3](#)]

If you do choose to provide a witness statement to the police, it should be accurate and they should tell you that you may have to attend court to answer questions on your statement. This should be explained to you before you are asked to sign your witness statement.

A witness statement is your written or video recorded account of what happened to you or what you saw. The police will ask you questions and write down what you say. You will be asked to read it and sign it with your name. When you sign a witness statement you are saying that you agree the statement is a true account of your experience. Your witness statement may be used as evidence in court. You should contact the police if you remember something not already included in your original statement.

Making a false report could lead to a fine, a conviction for wasting police time or even a prison sentence for the more serious offence of perverting the course of justice. [[Criminal Law Act 1967 s.5](#)]

Responding To Bad Treatment By The Police

Proposed Information

It is important to follow this advice:

If you are being harassed by the police, there are steps you can take to address it.

During your interaction with the police, if an officer is wearing a bodycam, you can request that it is turned on to record your interaction.

When an incident occurs, it is sensible to take full details of what took place, including date, time, location, CCTV, officer details (names, badge numbers, physical appearance), witnesses, conversation and actions of all participants, etc. with great detail.

After the incident, contact law enforcement HQ to learn the process for filing a formal complaint. No need to give your name or any identifying information.

Generally, if you have a complaint about how the police have treated you this would be handled by your local police force (which can be found through the main website - <https://www.police.uk/pu/find-a-police-force/>).

Alternatively, a complaint can be sent directly to the Independent Office for Police Conduct ("IOPC") (<https://www.policeconduct.gov.uk/complaints-reviews-and-appeals/make-complaint>), but it will be referred back to your local force and the IOPC will not be involved in the initial response (unless it involves an incident of serious injury or death, in which case the IOPC may be involved from the start).

If you would like another person to make a complaint on your behalf, then you must give them your written permission unless they are your parent or guardian and you are under the age of 16.

There is no time limit for making a complaint, but you should expect that if significant time has passed it may be more difficult for the police to carry out a full investigation.

Once you submit a complaint, you should be informed of the formal process starting and be provided with a copy of the record. The police officer complained about will also receive a copy of this (but your name will be anonymised). As the investigation progresses, you should be provided with updates where appropriate.

Police forces are expected to deal with complaints in a reasonable and proportionate way. This may involve an investigation which should generally take no longer than 12 months. Once complete, they will issue you with the outcome and you may request a review. This review could either be by the local force or the IOPC.

The outcomes of a complaint can vary greatly, but include:

- an apology
- return of seized property
- amendments to records databases
- changes to force policies
- individual disciplinary or criminal sanctions against the officer(s) involved

If the harassing behaviour does not stop after you file a formal complaint, consider filing a civil rights lawsuit. Consult a lawyer that specializes in this area.

See Also:

[Guidance on the police complaints system](#)

How do I Contact A Lawyer and When?

Proposed Information

It is important to follow this advice:

When to contact a lawyer

It is always a good idea to contact a lawyer before making any statements to anyone in a criminal case or investigation. This applies even if you are told that police officers only want to question you and/or you are only a witness.

If you are arrested, you have the right to remain silent and to not speak until a lawyer is present.

You have the right to free legal advice (legal aid) if you're questioned at a police station. You can change your mind later if you turn it down. [[Police and Criminal Evidence Act 1984 s.58; European Convention on Human Rights Art 6](#)]

The custody officer at the police station must explain that you have the right to:

1. get free legal advice;
2. tell someone where you are;
3. have medical help if you're feeling ill; and
4. see the rules the police must follow.

[[Police and Criminal Evidence Act 1984 Code C para 3.1](#)]

The officer must also let you see a written notice telling you about your rights. You can ask for this notice to be written in your own language, or for an interpreter to explain it. [Police and Criminal Evidence Act 1984 Code C para 3.2]

How to contact a lawyer

You can:

1. ask for the police station's 'duty solicitor' - they're available 24 hours a day and independent of the police.
2. tell the police you would like legal advice - the police will contact the Defence Solicitor Call Centre (DSCC).
3. ask the police to contact a particular solicitor, e.g. your own one (if you have one).

You may be offered legal advice over the phone instead of a duty solicitor if you're suspected of having committed a less serious offence, e.g. being disorderly. The advice is free and independent of the police.

Being questioned without a lawyer

Once you've asked for legal advice, the police can't question you until you've received it, although there are some exceptions.

[[Police and Criminal Evidence Act 1984 Code C para 6.6](#)]

Do Police Always Have To Tell The Truth?

Proposed Information

It is important to follow this advice:

The police cannot blatantly lie to you in an interview in such a way as to give you a false impression about possible evidence, leniency or charges against you. However, that does not mean that police must disclose all possible evidence, nor does it mean they have to explain the meaning of any evidence they might have.

See Also:

[UK Home office on interviewing suspects](#)

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How do I make a complaint if I have questions or feel my rights have been violated?

Proposed Information

It is important to follow this advice:

You have a right to complain if you feel your rights have been violated.

There are a few ways in which you can make your complaint:

- You can fill in an online complaint form on the Independent Office for Police Conduct (IOPC)'s website ([IOPC Complaints Form \(egressforms.com\)](#)) and the IOPC will send your complaint to the police force involved.
- You can fill in an online complaint form on the Met Police's website (<https://www.met.police.uk/fo/feedback/tc/thanks-and-complaints/>).
- You can dial 101 to make a complaint by telephone.
- If you want to complain in person, you can go to your local police station and speak to the on-call duty officer. You can bring someone with you.
- With your permission, someone can make a complaint on your behalf.

If you're unsure about anything, you can contact the IOPC by phone on 030 0020 0096 or [email enquiries@policeconduct.gov.uk](mailto:email.enquiries@policeconduct.gov.uk) or on Twitter @IOPC_Help You can also send an email to this address: [email enquiries@policeconduct.gov.uk](mailto:email.enquiries@policeconduct.gov.uk).

There are some steps you can take during or just after the incident(s) to maximise the chances of your complaint being dealt with properly:

- Carefully write down the details of the incident(s). Record the date, time, location, police officer's details (names, badge numbers, physical appearance), police car's registration number, witnesses (names and numbers), conversation and actions of all participants, etc. in as much detail as possible.
- If you suffer any injuries, take pictures, obtain medical records, or otherwise document the injuries and any medical treatment. Your notes will be used as the basis for any formal complaint you may file later.
- If you can, film the incident on your phone. This could be used as evidence in your case/ complaint. Members of the public and the media do not need a permit to film or photograph in public places and police have no power to stop them filming or photographing incidents or police personnel.

You should include the following information in your complaint:

- Your personal details, including date of birth, age and where you were born
- Your contact details
- Details of the complaint including what it is about, when it happened (date and time of day), where it happened and who was involved.
- The details of any witnesses

You should make the complaint as quickly as possible while it is fresh in your mind.

What will happen after I file a complaint?

The person dealing with the complaint will contact you to get the details. They should ask you what you want to happen. You can expect to be listened to and treated fairly.

The police force will look into your complaint. They should handle it in a way that is reasonable and in proportion to the nature of your complaint. In some situations, this may involve an investigation, but not always. If this is the case, the police force will write to you to tell you that your complaint will be investigated and how a decision will be reached.

You will be kept updated about the progress of your complaint. You must receive an update every 28 days. If this hasn't happened, you should contact the police force involved in your complaint for an update.

When your complaint is finalised, you will be contacted about the outcome and any action that will be taken as a result.

What are the possible outcomes?

Thinking about the following things will help you establish the facts of your case:

- who is the person or organisation who may have discriminated against you;
- what exactly happened;
- when and where did it happen;

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- did anyone see it happen;
- what disadvantage or harm did you suffer - without a disadvantage, your discrimination claim will probably not succeed;
- do you have any specific examples of unfair treatment; and
- why do you think you were treated unfairly in each of these situations.
- If you have any emails, letters, videos, photographs or other documentary evidence which relate to the unfair treatment, it's a good idea to keep them safe. Make a list of all the relevant documents you have, including any you may have lost. These may be necessary as evidence if you go to court.

If you're thinking about taking court action, you should get advice from an experienced adviser - for example, at a [Citizens Advice Bureau](#). The Law Society also has a database to help you find a lawyer: www.lawsociety.org.uk/find-a-solicitor/.

Your lawyer may be able to secure legal aid which can help meet the costs of legal advice and representation in a court. To obtain Legal Aid, you'll usually need to show that:

- your case is eligible for legal aid;
- the problem is serious; and
- you cannot afford to pay for legal costs.

Civil Legal Advice can help you to find a solicitor who works under legal aid. You can contact them by the following methods:

- Telephone: 0345 345 4 345 (Mon- Fri 9am-8pm, Sat 9am-12.30pm)
- Text: 'legalaid' and your name to 80010
- Website: www.gov.uk/civil-legal-advice

Taking court action can be a long and stressful process. It can also be expensive and, if you lose the case in court, you may have to pay the legal costs of the other party.

What if I feel I was a victim of discrimination or racism?

If you feel you have been a victim of discrimination or racism, you should make a complaint via the usual channels.

The Equality Advisory & Support Service may also be able to help you. You can contact them by the following methods:

- Textphone: 0808 800 0084
- Telephone: 0808 800 0082 (Mon-Fri 9am-7pm and Sat 10am-2pm)
- Address: FREEPOST EASS HELPLINE FPN6521 E
- Website: www.equalityadvisoryservice.com

In addition, you may have a legal claim and may want to consider contacting a lawyer to assess your case and provide you with legal advice on your options. Please see the following links for suggestions as to how to find a lawyer:

- <https://www.libertyhumanrights.org.uk/advice-information/i-need-a-lawyer/>
- [For young people - Youth Justice Law in England and Wales \(yjlc.uk\)](#)

How can I respond to circumstances involving discrimination?

Stay calm. Don't threaten or attack the police. This will make the situation worse and won't help you with your complaint.

Try to remember exactly what was said and by who, and ask for permission to record the conversation.

You are entitled to request the body-cam footage from the relevant police officer so don't worry if permission to record the conversation is refused.

Make a complaint as soon as possible, including as many details as you can.

What can you do if the police perform an improper search?

Proposed Information

It is important to follow this advice:

'Stop and search' is when a police officer stops and detains you in order to search you.

Grounds for carrying out a stop and search

- The police officer must have 'reasonable grounds' to stop you and carry out the search. That can include: (i) a suspicion that you may have stolen or prohibited articles with you, e.g. a weapon or drugs; or (ii) intelligence (information) about a crime, e.g. which leads them to conclude that you fit the description of the suspect. [[Criminal Justice and Public Order Act 1994 s.60](#)]

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- Alternatively, if there is evidence that serious violence has taken place or may take place in an area, police officers have the power to search anyone in that particular area (reasonable grounds are not required for this search). [[Criminal Justice and Public Order Act 1994 s.60](#)]
- The police cannot stop and search you based on age, race, nationality, appearance, religion or any prior criminal record. This would constitute discrimination. [Police and Criminal Evidence Act 1984 Code A para 2.2B]

Practical tips when you are being stopped and searched

- Stay calm, be patient and treat it as a conversation. Do not be verbally or physically abusive. This may be viewed as aggressive and escalate the situation.
- You are not required to provide your name or address, unless the police officer points out an offence that they suspect you have committed. However, not providing your details may be viewed as evasive and mean that you are detained longer. [[Police and Criminal Evidence Act 1984 Code A para 4.3A](#)]
- Ask for the reasons why you are being stopped and searched and what the police officer is expecting to find. This is information that the police officer should tell you. [[Police and Criminal Evidence Act 1984 Code A s.5 note 2](#)]
- Make a note of the police officer's name, badge number, the location of the search and time of the search.

Ask the officer for a copy of the search record, which you are legally entitled to. Check the search record on the spot to make sure that the reason given by the officer for the search matches what is stated on the search record. [[Data Protection Act 2018 s.45\(1\)](#)]

- Your search should be recorded on a body-cam worn by the officer - this is a legal obligation and the officer does not need your consent to record you. If you do not see the officer switch this on, ask them for confirmation that their body-cam is activated and the search is being filmed. You can request a copy of the footage here: [Request information about yourself or someone else | Metropolitan Police](#). The police will often delete the body-cam footage after 31 days so it's important to make your request quickly. If you want to take your own video footage of the stop and search, you should ask for consent to record first.

Improper stop and search

If you consider that you have been subjected to an improper stop and search, your first port of call should be to make a complaint.

You can also contact your local community stop and search monitoring group. These groups comprise local independent members of the community that monitor police use of stop and search in every London borough. Their role is to hold the police account and scrutinise the use of stop and search. You can contact your local group here: [Contact your local Stop and Search Community Monitoring Group | London City Hall](#)

You may also wish to obtain legal advice if you feel that your rights have been violated. Please see the following links for suggestions as to how to find a lawyer:

- <https://www.libertyhumanrights.org.uk/advice-information/i-need-a-lawyer/>
- [For young people - Youth Justice Law in England and Wales \(yjlc.uk\)](#)

What can you do if you are improperly detained?

What is detention?

Detention can be a lot of different things. It is important to remember that it doesn't have to be in a prison, it can be in a car, on the street or even in your own home. The police don't have to physically stop you from leaving either, it is enough for them to say that you are under arrest.

There is no minimum period of time that you have to be detained for.

Grounds for detention

You can be detained if you are wanted on a warrant (court order), or if the police have 'reasonable belief' that you are involved in a crime, or about to commit one.

Practical tips for dealing with detention

- Stay calm and avoid being verbally or physically abusive, as this may make the situation worse.
- Ask to speak to somebody to let them know that you have been detained.
- Remember what you have been told by the police officer. Have you been told that you are under arrest and have they told you why you are under arrest or have been detained? If not, ask for this information.
- Make a note of the police officer's name and badge number.

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Improper detention

If you feel that you have been the victim of improper detention, your first step should be to make a complaint.

If you are taken to a police station and placed under arrest, remember that you have the right to speak to a solicitor for free. [Police and Criminal Evidence Act 1984 s.58; European Convention on Human Rights Art 6]

You may also wish to take legal advice after the incident if you feel that your rights have been violated. Please see the following links for suggestions as to how to find a lawyer:

- https://www.libertyhumanrights.org.uk/advice_information/i-need-a-lawyer/
- [For young people - Youth Justice Law in England and Wales \(yjlc.uk\)](#)

See also:

[Stop and Search Need to Know](#)

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Law is generally described as of November 2021.

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