

Stop and Search In Scotland: What you need to know

A guide for Children and Young People

Published 11 May 2017



Scottish Government
Riaghaltas na h-Alba
gov.scot

Stop and Search in Scotland – What You Need to Know: A guide for Children and Young People

1. Stop and search is when a police officer stops you to search you for something you shouldn't have (such as a knife or drugs).

The Police use stop and search to:

- Keep you and other people safe from harm
- Detect and prevent crime

2. To search you, a police officer must have what is known as '**reasonable grounds**'. This means that:

- They must only search you when the law says they can
- They must have good reason to think that you have committed, are committing or are about to commit a crime
- Or they must believe that you have something – in your clothing or in your bag - that you shouldn't have

3. The Police can't search you just because:

- You belong to a particular ethnic group
- You are wearing a particular type of clothing
- You live in a particular area
- You are young
- You've been in trouble with the Police before

There must be another good reason to search you.

4. The police must always follow the Stop and Search Code of Practice, which sets out what the Police should do when stopping and searching people. The Code is a guide to:

- Explain why, when and how stop and search should be used
- Make sure all police officers follow the same rules
- Help people who have been searched to know more about their rights, including the right to complain if they feel they have been unfairly treated.

The Code has a special section to help police officers understand some of the extra support that children and young people may need when they are being searched.

5. The Code says that a police officer must:

- Treat you fairly
- Treat you with respect
- Carry out a search within a reasonable time

All police officers receive training on the Code so they know what it says.

You can [look at the Code of Practice online](#). It is also available in all Police stations.

6. If you are under 18 and a Police officer wants to search you, then they must think about what is best for you. This includes:

- Thinking about whether you understand what is happening
- Thinking about whether you have a hidden disability, such as autism, that might make a search distressing for you
- Thinking about other ways to keep you safe (such as taking you home)

If you need extra support to take part in a search, you can ask for an adult you trust to be there.

7. If a Police Officer decides it is necessary to search you, then they should:

- tell you their name and/or their badge number
- tell you the name of the police station where they work
- tell you why they are searching you
- tell you what the search will involve
- tell you that you do not have to provide any personal information, such as your name or address, before a search takes place.

If you choose not to provide any personal information, then it may make it more difficult for you to see a record of a search or to make a complaint.

8. If you are in a public place, a Police Officer can't ask you to remove more than:

- your coat
- your jacket
- your gloves
- your headgear (e.g. a hat)
- your footwear (e.g. shoes).

If the police officer has reasonable grounds to carry out a more thorough search, this should be done out of public view or at a police station.

Police officers should think about where best to carry out a search. Where possible, they should involve you in deciding where the search should take place.

The search should be carried out by a Police Officer who is the same sex as you.

9. The Code of Practice says that police officers should speak to you in a way you will easily understand. It's important that police officers:

- Speak clearly – and avoid using complicated words
- Check that you understand what is happening – before, during and after a search.
- Allow you to ask questions.
- Ask you if you need any extra support.
- Understand that it can sometimes be difficult for you to speak to them or challenge anything they've said, as they are in a position of authority.

10. If something is found as part of a search, then the police officer should clearly explain to you what will happen next.

If nothing is found, then you are free to go. However, if a police officer is worried you are still at risk of harm, then they may decide to let your parents or guardians know that you have been searched and why. This is to keep you safe.

At the end of every search, a police officer should give you a receipt. This receipt provides information about the search, and details of how to complain if you are unhappy about the way in which the search was carried out.

For more information and advice:

For free, confidential and independent advice you can [contact Citizens Advice](#).

You can also find more information on [Police Scotland's stop and search website](#)

To complain about how the police have searched you, or about how the police have treated you, you can [complain to Police Scotland](#)



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2017

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78652-970-1 (web only)

Published by The Scottish Government, May 2017

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS265094 (05/17)

W W W . G O V . S C O T