

Why is it done?

The purpose of a Section 44 stop and search is to deter and detect anyone who would want to commit any sort of terrorist activity on the rail system.

Who can stop you?

- a uniformed BTP officer; or
- a uniformed BTP community support officer.

Only a police officer can search you. Police community support officers may search your possessions and vehicle, but only when under the direct supervision of a police officer.

Where can I be stopped and searched?

- in a public place; or
- anywhere a British Transport Police officer believes you have committed a crime.

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

If the officer asks you to take off any headwear or anything you wear for religious reasons, such as a face scarf, veil or turban, they must take you somewhere out of public view. This **does not** mean you are being arrested. It is best practice in this case for the BTP officer who is searching you to be of the same sex as you, however, this cannot always be guaranteed.

If you are asked to remove more than the items mentioned above, then this must also be out of public view and the search **must** be conducted by an officer of the same sex as you.

How can I make a complaint?

You should not be stopped or searched because of:

- your race, age, sexuality, gender, disability, religion or faith;
- the way you look or dress, the language you speak; or
- because you have committed a crime in the past.

If you are unhappy with how you were treated or if you feel you were treated differently because of any of the above, you can complain of unlawful discrimination.

It will help if you keep the form that BTP gives you.

You can get advice from, or make a complaint to:

- a British Transport Police station;
- your local police authority;
- a Citizen's Advice Bureau;
- your local Race Equality Council;
- the Independent Police Complaints Commission;
- the Commission for Racial Equality; or
- a solicitor.

If you have difficulty understanding English, or if you are deaf, British Transport Police must take reasonable steps to ensure that you understand your rights.

This is a guide to the Section 44 stop and search procedures. It does not cover all of the legislation.

If you would like to find out more about Section 44 stop and searches, you can visit our website at www.btp.police.uk

Or write to:
British Transport Police
25 Camden Road
London NW1 9LN

Or email us at:
simon.lubin@btp.pnn.police.uk.

Section 44

Stop & search know your rights





Stop and searches provide British Transport Police (BTP) with an essential tool to detect and prevent crime, gather intelligence and make our communities safer.

Stop and search powers usually require officers to have reasonable grounds to suspect an offence but there are times when BTP officers can search anyone within a certain area without the need for reasonable grounds, for example:

- when there is evidence that serious violence could take place there; or
- where a terrorist threat has been identified.

What is a Section 44 stop and search?

A Section 44 stop and search provides police with the power to search any person within a defined area, **without** the need to form any grounds for the search. This is a very exceptional power for police officers to have and is closely monitored to ensure that is not misused.

This is when a police officer stops you and searches:

- you;
- your clothes;
- your vehicle; and
- anything you are carrying on your person or in your vehicle.

All stops and searches **must** be conducted:

- legally;
- courteously;
- respectfully; and
- fairly.

To make sure that the Section 44 power is used properly, British Transport Police has three different approaches for selecting who will be stopped:

- random screening;
- intelligence led stops; and
- suspicious behaviour.

What if I am in a vehicle?

Your vehicle can be stopped at any time and the officer may search:

- the vehicle;
- the driver of the vehicle;
- any passengers in the vehicle; and
- anything in or on the vehicle or carried by the driver or passenger.

British Transport Police officers can search your vehicle if they have good reason to think it contains:

- stolen goods;
- drugs;
- weapons; or
- where a terrorist threat has been identified.

They can search your vehicle at any time, even if you are not there, but must leave a notice saying what they have done.

If the search causes damage to your car, you can ask for compensation but only if BTP didn't find anything to connect you to a crime.

What happens if I am stopped and searched?

Before you are searched, a British Transport Police officer should tell you:

- that you must wait to be searched;
- the legislative power and authorisation in place that allows the search and your rights;
- their name;
- the station they work at;
- what they are looking for; and
- that you have the right to be given a form straightaway showing details of the stop and search.

You must:

- stop when requested;
- stop your vehicle when requested; and
- must not wilfully obstruct a search.

If you fail to meet the above requests or if you wilfully obstruct a search, you will have committed an offence.

Your right to a form

If you are stopped and searched, the officer must fill in a form and give it to you straightaway unless they are called away to an emergency. In this case, you can get a copy from a British Transport Police station anytime within 12 months.

The officer **must** write down:

- a description of you;
- your self-defined ethnic background;
- when and where you were stopped and searched;
- why you were stopped and searched;
- if they are taking any action;
- the names and/or numbers of the officers; and
- if you were searched, what they were looking for and anything they found.

The officer will ask you for your name, address and date of birth. You **do not** have to give this information if you do not want to, unless the officer says they are reporting you for an offence. If this is the case, you could be arrested if you don't tell them.

You will also be asked to say what your ethnic background is from a list of the national census categories which the officer will show to you. You **do not** have to say what it is if you don't want to, but this information is used to verify that BTP is not stopping and searching people because of their race or ethnicity.