

Release

Drugs, The Law & Human Rights

SNIFFER DOGS

KNOW YOUR RIGHTS

Release is concerned that police use of drug detection dogs on members of the public is unregulated and may be inconsistent with your civil rights. This card seeks to inform you of police powers and your rights.

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This Sniffer Dogs Card is correct at the date of print. Always seek legal advice.

It is in your interests to be polite to the police. That doesn't mean you should do everything they ask you to. Know your rights and flex them - politely.

GENERAL LAW ON STOP AND SEARCH

If you are stopped by the police:

- If they are not in uniform, then ask to see their warrant card
- Ask why you have been stopped and, at the end, ask for a record of the search
- You can be stopped and searched if the police have a reasonable suspicion that you are in possession of:
 - controlled drugs
 - an offensive weapon or firearm
 - a sharp article
 - stolen goods
 - or if you are in a coach or train, on your way to, or you have arrived at, a sports stadium.

There are other situations where you can be stopped and searched. An example is where the police fear that there might be serious violence or a terrorist threat in a particular area, they can stop and search anyone in that area for up to 48 hours.

In these circumstances, the police do not need to have reasonable suspicion that you are carrying a weapon or committing a crime.

In completing the stop and search record, the officer must ask for the name, address and date of birth of the person searched but unless suspicious items have been found on the person searched, there is no obligation to provide these details and no power of detention if the person is unwilling to do so.

Remember:

You run the risk of both physical injury and serious criminal charges if you physically resist a search. If it is an unlawful search, you should take action afterwards by using the law.

DRUG DETECTION DOGS (COMMONLY KNOWN AS 'SNIFFER DOGS')

The police use dogs trained in the detection of drugs in public places. The dogs are not infallible. They may fail to detect drugs on a person and they may wrongly indicate a person who is not carrying drugs.

WHAT IS THE LAW?

Unlike other countries, the UK does not have any laws on the police use of drug detection dogs. Their use is unregulated. The only guidance on

their use is provided by the ACPO Police Dog Training and Care Manual. The ACPO Manual states: "people may not be funnelled or individuals requested to change their direction in order to facilitate the dogs' deployment as this may constitute a search."

The police do not have a general power to require you to submit to a dog sniff and the Police and Criminal Evidence Act states "there is no power to stop or detain you in order to find grounds for a search".

Current police practice, however, is to treat attempted evasions of a police dog as reasonable grounds for a search. Release believes this practice is unlawful. Behaving in a manner which is un-co-operative with the police, but not inconsistent with legal rights, does not in itself provide the police with reasonable grounds to search or arrest you.

Nevertheless, if the police seek to use your attempted evasion of the dog as a reason to search you, you should not resist the search. Make sure you get a copy of the search record stating that this was the reason you were stopped and searched.

If you are sniffed and indicated by a dog (or the police interpret the dog's behaviour as an indication) this does not mean that you have done anything wrong. Numerous people have been indicated by dogs and found not to be in possession of drugs.

You may be asked to provide possible reasons as to why the dog has indicated you. You do not have to provide a reason. Anything you do say may count towards the grounds for searching you or investigating others. A record will be made of anything you do say. Police practice is to treat dog indications as reasonable grounds for a search. This practice is yet to be challenged in a UK court. As above, you should not resist the search. If you want to challenge anything the police have done, this can be done after the encounter.

If you are searched and drugs are found on you, you should seek legal advice. Please make sure that you complete the tear-off slip so that Release can collect data on the reliability of dog indications.

If you are searched and no drugs are found on you, you will be free to go. Please make sure that you complete the tear-off slip so that Release can collect data on the reliability of dog indications. You can always obtain legal advice on the merits of bringing a civil action against the police after the search has taken place.

CHALLENGING POLICE PRACTICE

If you want to challenge anything the police have done or make a complaint about their treatment of you, then get the names and addresses of any

witnesses and the name or number of the police officer(s), and make a written record as soon as possible after the incident. This should be witnessed, dated and signed. If you are injured, or property is damaged, then take photographs or video recordings as soon as possible and have physical injuries medically examined. Make sure you keep the stop and search record given to you by the police.

If you have been treated unfairly, then complain to the Independent Police Complaints Commission (www.ipcc.gov.uk), and contact a civil liberties group like Release or a Citizen's Advice Bureau or a solicitor about any possible legal action.

You may wish to complete the form overleaf and post it to us. We can use this information for research purposes or you may wish us to help you with a legal challenge. The information you provide will be kept in accordance with the Data Protection Act 1998.

In Collaboration with DogWatch
(<http://blog.headspace.am/>)