



## Personal Searches

Most searches happen because people tell the police it is okay to search. A police officer might ask: “Can I just have a look in your bag?” or “Can you roll up your sleeves?” (to check for needle marks). You have the right to say no and the police can’t legally threaten you or force you. If you don’t give permission, the only times the police can search you or your things are when:

- The police have *reasonable* grounds to believe that you are carrying alcohol that will be used for an illegal purpose, illegal drugs, or a weapon.
- The police have *detained* you (see page 8 for definition) to ask you questions. If you are detained, they can only do a frisk or pat-down search for weapons. They may also look in your bags. They cannot search for needle marks or drugs.

### Needles

Tell the police if you have needles before they search. They will probably find them anyway and it is better to avoid the risk of injuring a police officer.



## Strip Searches

Police can strip search only if they have *reasonable grounds* to believe you are hiding something under your clothes or in a body cavity (see page 32 for exceptions). These searches must always be done by a person of the same sex. The police cannot use strip searches as a threat.



- The police have arrested you. If you are arrested, the police can do a full search of your body and personal possessions.

### **Resisting a Search**

Never physically resist a search, even if you think the search is illegal. Say: “I do not consent to this search.” Consult with a lawyer or make a complaint instead (see pages 57 and 58 for details).



## **Vehicle Searches**

You have different rights when you are driving than when you are walking. When you are driving, police can stop you for many reasons, including to check whether you are impaired. When you are walking, they need a reason they can explain and justify before they can stop you. Just because the police stop your car does not mean they can search you or the car. The police can only search your car if:

1. You give them permission. You do not have to give police permission. If they ask: “Can I see in your trunk?” or “Can you show me what’s inside that bag?” you can say no.
2. The police have reasonable grounds to believe that you have committed a criminal offence, like drunk or dangerous driving (traffic offences don’t count).
3. You are arrested.

4. They see something sitting in your car in plain view (empty alcohol bottles, rolling papers, security tags, bolt cutters, etc.) or smell something (drugs, alcohol) that raises suspicion and gives them reasonable grounds for the search. Your age, race or gender are not reasonable grounds.

If you are going to assert your rights, be reasonable and polite. You may wish to calm down the situation by asking the police officer why she needs to search your car, or by explaining the reasons why you wish to refuse permission to search.

### **Breathalyzer Machines**

Police can ask you to blow into a breathalyzer machine to figure out if you have been drinking and driving. If you do not blow into the machine, you can be charged with another offence that is just as serious as drinking and driving.



*See page 32 for more information about breathalyzers.*