Police Raids
A Guide to your Rights

This is a basic guide to your rights if the police want to search your home or property. Police powers relating to entry and searches of premises are set out in more detail under Code of Practice B of the Police and Criminal Evidence Act (PACE) 1986.

*This fact sheet offers guidance only: if the police raid your home, you should always seek legal assistance from a solicitor.*

Do the police need a warrant to search my home?

The police have different powers to enter and search your home, either with or without a warrant.

- If you have not been arrested, the police generally need a warrant to search your home for articles linked to an offence. Magistrates can issue search warrants for a wide variety of reasons, including a warrant to search for stolen property (Theft Act 1968), drugs (Misuse of Drugs Act 1971) or guns (Firearms Act 1968).

- Magistrates can also authorise the police to enter a home to search for evidence of any serious arrestable offence under section 8 of PACE – as long as there are reasonable grounds for believing that the police will not be able to obtain the evidence without a warrant.

However, the police do not always require a search warrant.

- They can raid your home without a warrant if they are also arresting you or you are already under arrest (see below).

- The police also need no search warrant to stop a crime that is in progress, or to prevent a crime that they suspect is about to happen (such as a breach of the peace), or to save life or limb or prevent serious damage to property.

- Police officers also do not require a warrant if they have your agreement to carry out a search. Before asking for your consent, however, the officer in charge should explain why the police want to search your home, inform you that you do not have to give your permission and say that anything seized may be used in evidence.
A police officer cannot enter and search or continue to search premises if consent is given under pressure or if it is withdrawn before the search is completed. You must consent in writing to make the search lawful.

**What about if the police have come to make an arrest?**

The police can raid a property without a search warrant and without anyone’s consent if they have an arrest warrant issued by a magistrate and police officers have reasonable grounds to believe an individual is on the property. They can also do so if they are:

- Arresting someone for various public order offences such as riot, violent disorder, affray, threatening behaviour or disorderly conduct
- Arresting someone for offences relating to criminal trespass
- Arresting someone for failure to comply with an interim possession order.
- Recapturing a person who has escaped from custody.
- Arresting a child or young person who has been remanded or committed to local authority accommodation.

**What about if I am already under arrest and detained at a police station?**

If you are under arrest for something that could eventually lead to a trial, the police can enter and search your home, without a warrant and without anyone’s consent, if they think there is reasonable grounds for suspecting they may find evidence about the offence you were arrested for or any other offence.

This power also applies to any property occupied or controlled by you or any premises you were in at the time of your arrest or immediately before it.

**What about if the police do have a search warrant?**

A warrant usually gives the police the power to enter your property for one occasion only. Sometimes a magistrate will issue a warrant for multiple entries and searches, but after an initial entry, any subsequent occasions require the prior written authority of an officer of the rank of Inspector who is not involved in the investigation.

**If the police have a warrant, can the police search people too?**

Unless it is explicitly mentioned, warrants do not enable police officers to search people in your property, only the property itself.

However, the police may be able to search you using powers under section 1 of PACE, particularly if you are under arrest. You should always ask them to justify why a search is required.

**What happens if the police raid a shared house?**

If you live in rented accommodation the police should not search the premises solely on the basis of your landlord’s consent. However, they can seek consent from someone who is on entitled to grant entry, such as a housemate or family member.
If they have come to arrest you or are conducting a search after your arrest, they do not require consent but are only permitted to search areas that are reasonably required to find any evidence. This generally means a person’s room but also often shared or communal spaces.

**Are there any rules on when the police can raid a property?**

Searches must be made at “a reasonable hour” unless this might “frustrate the purpose of the search”. However, this still generally means “dawn raids” are common and considered ‘reasonable’.

**What documents should the police show before entering a home they are raiding?**

The police do not need to show a warrant before entering a property if this could allow evidence to be destroyed or if they are executing an arrest warrant and the person might escape.

However, if they are conducting a search with a warrant, the police must show it to you ‘as soon as practicable’, usually after they have secured the property and gathered everyone in one room. You have a right to a copy.

You also check to see that:

- The warrant is for the correct address
- What it has been issued for – whether it is to search for drugs, stolen property or to arrest someone.
  
  If a person named in an arrest warrant no longer lives at your address, explaining this to officers should help to quickly end any search.
- When was it issued – any entry and search must be within three months from the date of the warrant’s issue.

You also have a right to a Notice of Rights and Powers, setting out police powers and occupiers’ rights.

You are also entitled to see a police officer's warrant card as a means of identification if he or she is not in uniform.

**Can you film the police during a raid?**

You are entitled to film the police whilst a search is taking place, as long as you are not obstructing officers.

Even if they threaten to seize your camera, they are not allowed to do so unless they believe it contains evidence of an offence.

**Are you obliged to answer questions in the course of a raid?**

If you are arrested and cautioned during a police raid, you are not obliged to answer questions and should not do so without first seeking legal advice.

If you are not arrested, the police may only in theory ask questions that are
necessary for conducting a search – for example, to find a key to open a locked drawer or cupboard or to determine if a particular item is liable to be seized. Again, you don’t have to answer them, although this may lead officers to cause greater damage to your property during the search.

In practice, the police often will try to ask you questions even if you are not under arrest and have not been cautioned. You are under no obligation to respond and should always refuse to do so.

**When can the police seize property?**

Police have wide powers to seize property if they have reasonable grounds for believing that:

- The items have been obtained illegally; or
- They are evidence in relation to an offence.

In either of these cases, the police should also have reasonable grounds for believing that it is necessary to seize the goods to prevent them being lost, stolen or destroyed.

They also have the powers to seize property and retain it for sifting or examination elsewhere. This is often used as grounds to seize computer equipment.

**Can the police seize money?**

The police can seize money under section 19 of PACE: for example, as evidence of a potential offence or if there are reasonable grounds for believing it was obtained illegally.

However, they can also seize cash over a minimum of £1000 under the Proceeds of Crime Act 2002, if they believe there are reasonable grounds for suspecting that it is the proceeds of crime (for example, from the sale of stolen property) or intended for use in criminal purposes. Where cash is found in different parts of the same premises, this minimum limit applies to the total amount of cash found.

It is therefore important to ask the police what powers they are using to seize cash in your home.

The police should allow you to witness a cash seizure, if you are present, and they should request that you to sign the bag in which it is sealed.

**What documents should the police show when leaving a home they have raided?**

If the search was conducted under a warrant, the police must endorse it when the search is finished to show the following:

- Whether they found articles or persons set out in the warrant.
- Whether any other articles were seized.
- The date and time of the search’s execution.
• The names of the officers who executed it (except where the investigations are linked to terrorism, when warrant numbers and duty stations should be shown).

• Whether a copy of the warrant, together with a Notice of Rights and Powers, was handed to the occupier or left at the premises.

You have a right to inspect the warrant, which should be returned to the Magistrates' Court within twelve months.

**Under what circumstances should a tenant or homeowner receive a receipt for items that are seized?**

If you request it, the police must provide a record of seized items “within a reasonable time”, although this is unspecified.

**What steps should you take if cash has been seized during a raid?**

There will be a court hearing within 48 hours, because seized cash may not be retained for longer than this (excluding weekends and bank holidays) without an order of a Magistrate who is satisfied there are reasonable grounds for keeping it for the purposes of investigating its origin or use or if it relates to criminal charges.

You can ask the Magistrates’ Court to release the cash. However, the police are likely to ask the Magistrate to allow them to keep the money pending further investigation, for up to three months. They can then make further applications to retain the cash for up to a maximum of two years.

Legal aid may be available for Proceeds of Crime Act hearings and you require a civil lawyer.

**What is the process for the return of other items seized during a raid?**

The police have the power to retain items they have lawfully seized ‘for as long as is necessary in the circumstances’: for example, for production in court.

However, they cannot keep items for use as evidence in a trial or for forensic examination if a photograph or copy is a reasonable alternative. This is also relevant to digital equipment such as computer hard drives.

Identify what it is you want returned and write to the officer in charge of the investigation, asking for the return of these items.

If the police dispute your ownership of any property, you may need to prove it belongs to you. If you do not have receipts you will need to find photographs of you wearing a particular item of clothing or using an individual item.

**How do you challenge the police if they refuse to return items? Do you need a solicitor for this, do you need a civil or criminal solicitor and is it covered by legal aid?**

If property that was lawfully seized is subsequently retained for an unnecessary length of time, you can reclaim it by applying to a Magistrates’ Court for its repossession under the Police (Property) Act 1897.
This is a civil proceeding, so you will need a civil solicitor. There is no legal aid funding available so if you want help or representation you will have to fund it yourself.

The time limit for bringing this type of action is six years and you can demand both the return of your goods and financial compensation for the time you have been deprived of them or for damage to the goods themselves.

**Whose responsibility is it to arrange and pay for repairs – for example for a damaged front door in the event of a forcible door breach? Under what circumstances is it the police’s responsibility?**

Compensation for damage caused when forcibly entry is unlikely if the search was lawful and the force used can be shown to be reasonable, proportionate and necessary to effect entry.

Unfortunately that means you are therefore responsible for any repairs needed as a result of the police forcing entry. If you are a tenant, this is likely to mean that your landlord will seek to take the costs from your deposit or from you directly.

**Do the police have a responsibility to at least temporarily secure a breached front door when they leave?**

PACE Codes of Practice, Code B, says:

*If premises have been entered by force, before leaving the officer in charge of the search must make sure they are secure by:*

- Arranging for the occupier or their agent to be present
- Any other appropriate means

In practice, this means the police are only likely to accept responsibility for temporarily securing your home if no one is present at the time of the raid.

**What happens if the police raid the wrong address?**

Reasonable grounds for suspecting they may find evidence about an offence often means that the police raid a property simply because it is the ‘last known address’ of a suspect.

If the wrong premises are searched by mistake, the PACE Codes of Practice, Code B, says that “everything possible should be done at the earliest opportunity to allay any sense of grievance” and there should “normally be a strong presumption in favour of paying compensation”.

If your home is wrongly searched, you should seek legal advice about compensation from a civil lawyer.