



## COMMISSIONERS INDEPENDENT SCRUTINY REPORT

### STRIP SEARCH

### 07 February 2024

<b>Scrutiny Panel:</b>	Strip Search
<b>Members:</b>	<p>Joshua Whitehurst Julie O'Connor Penny Rowlands Sophie Norrington</p> <p>Also in attendance: Chief Inspector Mark Barlow Michelle Ryan – SCO Holly Sproston – SCO</p>
<b>Purpose:</b>	<p>To ensure that Strip Search procedures have been followed by officers in respect of both adults and Under 18's, with specific focus on:</p> <ul style="list-style-type: none"><li>• Reasonable grounds for Stop Search – If relevant.</li><li>• Strip Search Justification.</li><li>• Appropriateness of the location of Strip Search – if not in a custody facility.</li><li>• Gender of conducting officers.</li><li>• Inspector Authorisations for the Strip Search.</li><li>• Presence of an Appropriate Adult &amp; Parent/Guardian notification prior to search if Under 18.</li><li>• Presence of a safeguarding referral to the Local Authority for Under 18's</li><li>• Use of BWV (Audio Recording Only) in line with force policy.</li><li>• Proportionality of any applied Use of Force.</li></ul>
<b>Panel Findings:</b>	<p>During the period from 1 October – 31 December 2023 there were 455 incidents of strip search - 13 as a result of Stop Search and 442 undertaken in Custody. The panel selected 7 custody records to scrutinise and 9 Stop Search incidents that resulted in a Strip Search.</p> <p>When undertaking a strip search as a result of a Stop Search, officers are mandated to use their BWV camera to capture the audio only of the search.</p> <p>Of the 9 strip search incidents as a result of a Stop Search, audio footage was only available on two of those selected even though the Stop Search record indicates</p>



that BWV was used. The Force have been asked to explain why audio footage is not available for these 7 Stop Search incidents.

Seven custody logs, where strip searches were undertaken, were provided for the panel to scrutinise. However only 4 were scrutinised in the time allocated.

**Stop Search Incident 21230138751**

The body worn video footage of this incident was viewed/ listened to. The detainee was a vulnerable female. The panel felt that the female officers handled the incident efficiently and followed correct procedure in a calm and effective manner. The detainee was taken to Burton Hospital as there was evidence of self-harm and the search was conducted there. However, it was noted that authorisation for the strip search was given by a Sergeant rather than an Inspector. The panel noted that all officers involved in this incident were caring and considerate to the distressed female. The female officers who conducted the search were compassionate and explained all the necessary steps in the process.

**Stop Search Incident 21230164298**

The body worn video footage of this incident was viewed/ listened to. The detainee was male, who was initially detained outside a public house. The drugs dog had indicated the presence of drugs in the crotch area. The lead officer explained very clearly what was happening and was able to reassure the detainee. The detainee was taken to a local police station. The search was authorised by an inspector. The search conducted in a private room by two male officers. The whole process was handled well with full compliance in a calm manner. The officer continually reassured the detainee and explained every step of the process.

**Custody Log C23015478**

The detainee was a male who was under 18. The custody log indicates the rationale for the search and that an Appropriate Adult was present. However, the authorisation appears to be given by a Sergeant rather than an Inspector. Two male officers are present for the search and conducted in an interview room. The custody log indicates a safeguarding referral was made. It is not clear whether the clothing was removed partially as there is no BWV audio footage of the search.

**Custody Log C23015925**

The detainee was a female who was under 18. Detainee initially refuses to give any personal details. Detainee is initially aggressive. A decision is made to strip search as an emergency. The reason for the decision is not clear from the custody log. The custody log shows the authorisation was given by a sergeant not an inspector. Clothing is removed and replaced with custody provision clothing. The strip search was undertaken by four female officers and it is noted on the custody log that the detainee continued to be aggressive. The record does not indicate if an Appropriate Adult was present for the search. The custody log indicates a safeguarding referral was made. There is no BWV audio footage of the search.



### **Custody Log C23018810**

The detainee was a female adult. The detainee was arrested at a prison for concealing drugs and attempting to pass them to an inmate. A strip search was required as the drugs had been concealed in her anus and it was suspected that further packages were concealed. The custody log shows the authorisation was given by a sergeant not an inspector. The rationale and grounds on the custody log for the search are very clear. The search was undertaken in a cell by female officers and nothing was found. There is no BWV audio footage of the search.

### **Custody Log C23016713**

The detainee was a male who was under 18. On arrest the detainee refused to give any personal details or initially answer any questions. At first the detainee was treated as an adult as personal details were unknown and he looked over 18. Some two and a half hours later the detainee gives his personal details and he is under 18. Intelligence indicates that detainee may conceal weapons. A strip search is authorised some 11 hours after the detainee arrives at custody. The reasons and grounds for the search are explained and the correct authorisation is sought from an Inspector. The detainee indicates that he does not want an Appropriate Adult present for the strip search. This is clearly reported in the custody log. The custody log shows that a safeguarding referral was made. The search was conducted by two male officers. There is no BWV audio footage of the search.

### **Observations and Recommendations:**

#### **Observations:**

- Of the 6 incidents scrutinised (2 as a result of Stop Search and 4 from custody logs), only one had authorisation from an Inspector. The panel are led to believe that authorisation for all strip searches should be from an officer at Inspector level.
- Only two of the strip searches as a result of Stop Search correctly had body worn video audio footage. The panel believe that the policy indicates that body worn video recording should be used with the camera facing down and audio on for all of these strip searches.
- The panel would like to know if a detainee refuses to give personal details and it is unclear if the detainee is adult or under 18, are they automatically treated as an adult or under 18 in custody?
- Custody Log C23015925 – The panel had some concerns that the reason for the emergency strip search was not explained fully on the custody log and that it appeared that an appropriate adult was not present.
- Custody Log C23016713 – The panel would like clarification as to why the strip search was not undertaken until the detainee had been in custody for over 11 hours.



### **Recommendations:**

- All Strip searches to be authorised at Inspector level as per policy.
- That Appropriate Adults are present for strip searches for under 18s and this is clearly indicated on the custody log.
- Officers to be reminded that strip searches conducted as part of a Stop Search should be recorded on BWV with the camera averted so that audio is recorded.
- The Force to use body worn cameras for custody staff when undertaking strip searches to record the audio.

### **Force Lead Response:**

As Stop Search Tactical Lead I would like to thank the commitment of the Commissioner's Independent Scrutiny Panel for their dedication to improving the performance of Staffordshire Police Officers in this crucial area of policing. The supervisors of ALL officers involved in the scrutiny have been informed and will address any identified areas of improvement. In addition, awareness of the requirement for an officer of at least rank of Inspector authorising strip searches and using Body Worn Video to record audio only will be communicated to all officers. This will also be reinforced in subsequent training packages.

#### **Chief Inspector Mark Barlow – Force Lead- Strip Search**

As the Force custody lead I would like to reiterate the thanks given by CI Mark Barlow for the time taken by the independent scrutiny panel. For clarity I was asked to clear up some of the issues raised from the custody specific searches. As the guidelines in custody differ somewhat to that on the outside of custody which at the time of scrutiny was unclear to the panel.

When a strip search is carried out in custody the search of an adult can take place on the custody sergeant's authority and if it is a juvenile this requires inspector authorisation. I feel this is relevant so that the recommendations and findings on this report are not misleading.

Of the four custody records reviewed by the panel three of these were for under 18s. The panel raised their concerns that they could only see a sergeant's authority. A check has been completed on these records and on review it was only one of these records that was not authorised by an inspector appropriately. As a result of this advice has been given to the sergeant involved.

The panel also had some questions around the custody logs they reviewed. These are:



- *The panel would like to know if a detainee refuses to give personal details and it is unclear if the detainee is adult or under 18, are they automatically treated as an adult or under 18 in custody?*

If there is a suspicion they are a juvenile they will be treated as such. This is for custody sergeant to decide using their professional judgement.

- *The panel had some concerns that the reason for the emergency strip search was not explained fully on the custody log and that it appeared that an appropriate adult was not present.*

In the event of an emergency, that is harm may be caused to the prisoner if the search is not expedited, a decision can be made to search without an AA present.

In the search that was reviewed by the panel, this was not a full strip search. However, under the new home office guidance if any clothing is removed it needed to be recorded as such. In this case the Detainee was refusing to provide adequate details to complete a risk assessment or her date of birth. The Detainee's behaviour on presentation was intoxicated and aggressive and did not allow for a suitable risk assessment to take place. 2 x necklaces, 1 ring, mobile phone and clothing were removed, but not underwear. Should officers have waited for an AA to arrive. Harm may have been caused to the Detainee or staff. Unfortunately, there was a delay in recording this on the log which has been fed back to the sergeant. We have also fed back the need to ensure adequate rationale on all of the logs.

- *The panel would like clarification as to why the strip search was not undertaken until the detainee had been in custody for over 11 hours.*

The Detainee was initially arrested for possession of an offensive weapon in a public place and that is where the investigation focused. It was later that this was reviewed and a wider view taken of the circumstances around his arrest which led to the strip search. The grounds for the strip search were identified as the Detainee had a marker on PNC for an impending prosecution for being concerned in the supply of crack cocaine. He was found in possession of a needle and had run from officers. The strip search was authorised by an Inspector as still being relevant even after the time spent in custody. Given the fact that this information was not readily available on initial booking in of the prisoner. Essentially, this formed an example of the National Decision-Making model being applied and the task to strip search identified to mitigate a newly identified threat and completed to minimise risk.



The scrutiny provided by the panel has been incredibly useful and given areas for particular focus. Messaging has been sent out to all sergeants around the following areas:

- The importance of BWV being in place
- The need for a clear rationale on the log.
- The correct authorities for the strip searches to take place and need for appropriate adult around children.