

WILTSHIRE POLICE



Review of Stop and search of juveniles leading to the exposure of intimate parts (strip search).

Date of Publication: May 2022

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Introduction

The Child Q incident occurred at a school in London in December 2020. Child Q was a 15 year old girl who was subject of a strip search for cannabis at school by two police officers from the Metropolitan Police.

The case of child Q has been widely publicised. There is widespread condemnation from the press and politicians. The Metropolitan Police has stated it should never have happened.

In response to this case reported in March 2022 Wiltshire police undertook a review of all stop searches of a juvenile in which a strip search occurred within Wiltshire over the last 24 months (Feb 2020-Feb 2022).

We changed our proposed subject matter from use of force to stop search for the next available scrutiny panels asked that our scrutiny panels reviewed the grounds for each search at a meeting in April. In addition, a review of all the searches was undertaken by the tactical lead for stop and search to ensure compliance with the college of policing APP and Police and Criminal Evidence Act. (P.A.C.E)

Due to the nature of the searches involving children and the removal of clothing body worn video footage of the encounters were not shown to the scrutiny panels and the grounds were redacted where necessary to ensure no personal details were shared.

- Over the previous 24 months 11 strip searches on subjects under the age of 18 occurred. This equates to 0.2% of all stop searches within the force.
- Find rate for these strip searches is 54.5% in comparison to a 26.5% find rate for all searches in previous 24 months.
- No searches on education premises were evident.
- Of the 11 searches, 7 were age 17 (63.6%)
- Of the 11 searches 3 were of black ethnicity (27.3%).
- The youngest age to be subjected to a full strip searched was 14 years old (2 searches) both of these searches were on subjects of black ethnicity and linked to the same incident.

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The grounds to stop and search

There must be reasonable suspicion to search an individual under stop and search legislation and the grounds should be recorded.

Powers requiring reasonable grounds for suspicion	The officer does not need to provide unnecessarily lengthy information	The officer should ask themselves if:
The officer should describe the reasons prompting them to search the person. This should include: <ul style="list-style-type: none">any specific intelligence or information and its sourceany specific behaviour by the suspectthe suspect's answers to any questions askedany other relevant information	They must, however, provide <u>a sufficiently detailed explanation of the grounds to enable a reasonable person to assess whether their grounds were reasonable</u> If the officer provides insufficient detail for a third party to judge this, the officer cannot meet the second step of the legal test, i.e. that the grounds for stopping and searching are objectively reasonable	<ul style="list-style-type: none">they have provided enough information for someone else to understand their decision and;that information is specific and detailed enough to make it possible for someone else to judge whether a reasonable person would also have suspected a specific individual of carrying a specific item in those specific circumstances

When considering a strip search officers must consult with a supervisor and follow the College of policing guidance found in the authorised professional practice (APP) and Police and criminal evidence act Code C annex A.

Search involving exposure of intimate parts of the body

A strip search, is the most intrusive form of search permitted under stop and search powers. It should not be a routine extension of the initial search if nothing is found, it must only be used where it is **necessary** and **reasonable**.

Code A specifies that searches involving exposure of intimate parts of the body must be conducted in accordance with [paragraph 11](#) of Annex A of Code C:

- The officer carrying out the search must be of the same sex as the detainee.
- The search must be conducted where the person cannot be seen by:
 - anyone who does not need to be present
 - any member of the opposite sex apart from an appropriate adult specifically requested by the person being searched.
- Unless there is a risk of serious harm to the person or to someone else, there **must** be a minimum of two persons present in addition to the person being searched. One of those **must** be the appropriate adult if the person is a child or vulnerable adult unless, in the case of a child, the child and appropriate adult both agree that the adult should not be present during the search.

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- Proper regard shall be given to the sensitivity and vulnerability of the person and every reasonable effort made to secure the person's cooperation and minimise embarrassment. They should not normally be required to remove all their clothes at the same time, eg, a person should be allowed to remove clothing above the waist and redress before being required to remove further clothing, subject to necessity in the circumstances.
- If **necessary to assist the search**, the person may be asked to facilitate a visual examination of the genital and anal area but no physical contact may be made with any body orifice.
- The strip search should be conducted as quickly as possible and the person allowed to dress as soon as it is completed.

Paragraph 11 is clear that, unless there is a risk of serious harm to the person or someone else, an appropriate adult **must** be present for an EIP search of a child or vulnerable person. Unless an appropriate adult is available at another safe and controlled location out of public view and not a police vehicle, eg, the child's home, such a search may, in practice, need to be conducted at a police station.

Scrutiny Panels

The external scrutiny panel was conducted on the 26th of April 2022.

The internal scrutiny panel was conducted the next day on the 27th of April 2022.

The panels were given the grounds for the search and asked to review them based on a red, amber, and green scoring system. The vote is cast before any comments made to prevent people from swaying the voting with opinion. The panels use Red, Amber, Green to vote on each incident and the votes for each are recorded.

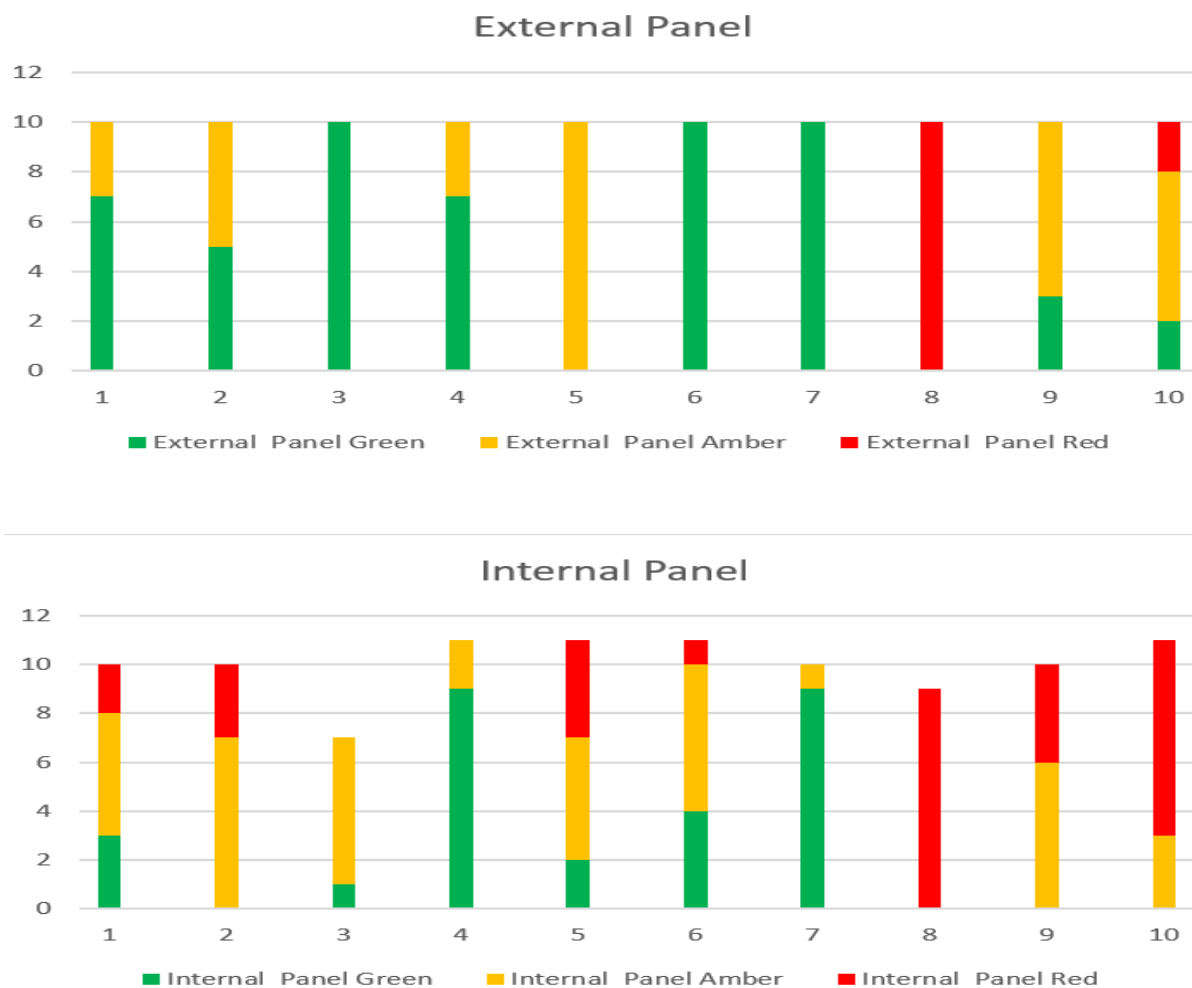
GREEN – *Grounds or circumstances* justify the Use of Force or Stop Search being carried out

AMBER – *Grounds or circumstances* aren't CLEAR enough to make a decision either way or weren't SUFFICIENT enough, but we understand why the decision was made

RED – *Grounds or circumstances* are NOT sufficient to warrant Use of Force or Stop Search. Further investigation required

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Scrutiny panel results



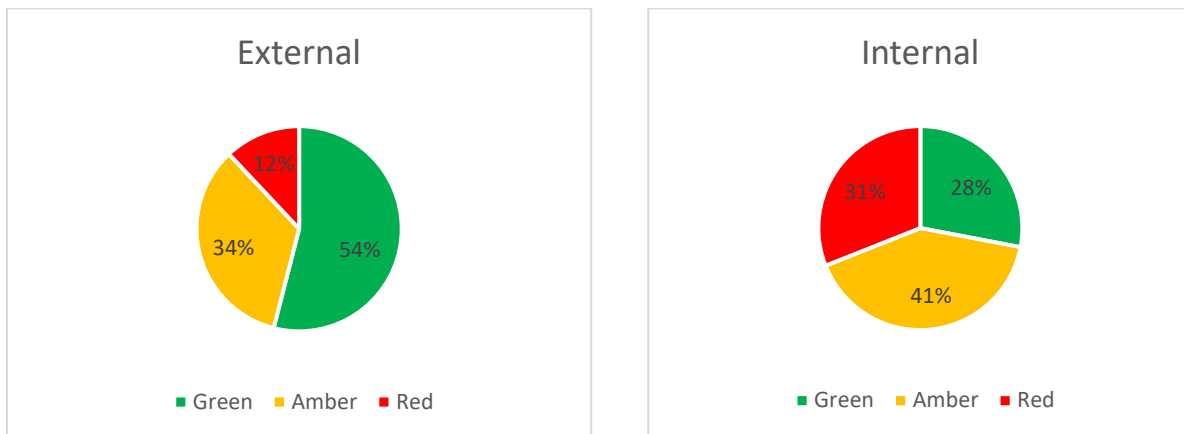
The external panel were in general happy with the written grounds given or understood the reason for the search but wanted more information recorded. The exception was incident 8. The grounds were also deemed as insufficient in incident 8 by the internal panel.

The panel results for each incident were fed back to the officers and supervisors involved. They were asked to provide any other information relevant to the search that was not available to the panel. The tactical lead has reviewed other relevant information submitted and believes that there were reasonable grounds in all cases including incident 8 but the grounds were not written up sufficiently on the stop form.

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This lack of information has previously been raised through our scrutiny panels and we have worked to address this over the last 6 months within the force. The stop searches reviewed in this report were written before the improvement cycle and we hope that this is a legacy issue but will continue to monitor all strip searches of juveniles and ask the scrutiny panels to review the grounds moving forwards.

Comparison of overall results between scrutiny panels



When comparing the overall results of the two panels we can see that the internal panel made up of officers and staff were more critical when reviewing grounds in comparison to our external panel.

When we first started the scrutiny panels six months ago our staff were more accepting of poor grounds and the picture has reversed and this is seen as positive.

Tactical lead review

The results and any comments from the panels were fed back to the officers involved in the searches by the force tactical lead who also fed back the results of his review of the searches in greater detail to ensure compliance with the college of policing APP and PACE.

- Of the 11 searches reviewed two were subsequently found to be searches in custody after arrest and were not conducted under stop search legislation.
- Appropriate adults were present in all but one case. In this case an appropriate adult was not available and the risk of harm to the child was considered too high to wait for an appropriate adult. The rationale for the decision was well documented and recorded on body worn video by the Sergeant. The child was suspected of concealing drugs and there were concerns they would attempt to swallow them on

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the journey to custody. It would have been over an hour's journey to custody before they could search the child unless the officers stopped at the nearest police station to conduct the search. On this occasion drugs were found.

- Supervisors were consulted in every case prior to the search being conducted.
- The majority of searches were conducted at police stations with the exception of one case where the child was searched at their home address.
- Body worn video was utilised in only three cases to record the decision to search.
- A child to notice form was completed on every occasion.

Key Learning identified

- Grounds for searches need to be written up in more detail.
- Body worn video needs to be used more frequently to record decisions.
- In the majority of cases, we complied with the College of policing APP and PACE and the decision was recorded when an appropriate adult was not present for the search.

Should we change our policies to Inspectors authority?

In response to Child Q the Metropolitan police are running a trial in two London Boroughs where officers who are considering a strip search of a juvenile under stop and search legislation should get authority from an Inspector as opposed to consulting with a sergeant under current guidance.

On consulting with our scrutiny panels, they felt that consultation and oversight was key, but this did not have to be at a higher rank. They also asked if this would be practical given the number of Inspectors available and would this impact on searches being completed in a timely manner.

Bench marking with other forces suggest that only one force that responded are considering changing their local policy and procedures to gain an Inspectors authority. The majority are staying within the college of policing guidance of consultation with a supervisor.

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Our own review shows that supervisors are being consulted and guidance is being followed and therefore the decision at this present time is that we should not change our current policy and stay within the guidelines set by the college of policing.

Inspector James Williams