

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

ETHICS AND TRANSPARENCY PANEL

PAPER MARKED

Report of	CHIEF CONSTABLE
Subject	STRIP SEARCH OF CHILDREN IN ENGLAND AND WALES – ANALYSIS BY THE CHILDREN’S COMMISSIONER FOR ENGLAND
Date	WEDNESDAY 28 JUNE 2023 13:00 – 15:00 HRS
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Purpose of Report

The purpose of this paper is to provide to the Ethics Committee a:

1. brief summary of the findings from the national report published in April 2023
2. comparison of national and local data
3. update on identified gaps in our current data collection
4. outline of work in progress to address gaps in data collection
5. proportionate response to respond to some of the recommendations made in the national report

Recommendation

- 1) To note the contents of this report
- 2) To note the direction of travel in response to the national findings and recommendations

Background

In April 2023 Dame Rachel de Souza published a document entitled ‘Strip search of children in England and Wales – analysis by the Children’s Commissioner for England’.

The national review followed an earlier spotlight review of the Metropolitan Police following the widely reported strip search of Child Q in Hackney during 2022. To inform the review all forces were required to submit four and half years’ worth of data between 2018 and 2022.

A strip search is defined as a search exposing intimate parts. The Police have powers to strip search a child under two circumstances:

1. as part of a stop and search (not under arrest) or
2. when the child is in custody post arrest

A strip search conducted under stop and search powers (PACE Code A) must be conducted in a location outside of public view, but not in a police vehicle. The person searching should be the same sex as the person searched and may not be completed in front of anyone else of a different sex unless requested by the person searched. In addition, an Appropriate Adult should be present, except in cases of urgency where there is a risk of serious harm to the child or others. The search must be conducted with regard for dignity, sensitivity, and vulnerability, and in a way that minimises embarrassment.

A strip search conducted in custody post arrest will be carried out by an officer of the same sex as the detainee and will be conducted in an area where the detainee can't be seen by anyone who does not need to be present or by someone of the opposite sex except an appropriate adult who has specifically been requested by the detainee. Except in the case of urgency, where there is a risk of serious harm to the detainee or others there must be at least two people present and one of them should be an appropriate adult unless refused by the person searched and the appropriate adult agrees.

The national report was specifically focused on those strip searches which form part of a stop search rather than those performed post arrest in custody however of note many strip searches, following a stop search, actually occur within the confines of a custody suite as a suitable location and as such complaint with Pace Code A.

For context strip searches as part of a stop search are rare in Leicestershire with just 23 completed over a four- and half-year period in contrast to circa 6000 on average stop searches every year.

The primary purpose of a stop search and any subsequent decision to strip search is to enable officers to allay or confirm suspicions about an individual without needing to arrest. In the rare cases that this is used it would most likely be a search for secreted drugs. Fundamentally in order to secure and preserve evidence and most likely in order to safeguard young people who maybe being exploited by others linked to drugs supply and county lines.

Key Findings and National Recommendations

The headline findings from the executive summary suggest that nationally:

'this is not an isolated problem, limited to London. Across England and Wales, police are strip searching children as part of stop and searches and there is evidence of deeply concerning practice.'

'My findings include evidence of widespread non-compliance with the statutory safeguards in place to protect children, including the lack of Appropriate Adults in more than half of searches and strip searches being conducted in schools, police vehicles, and within public view. I have serious concerns about the poor quality of record-keeping, which makes transparency and scrutiny very difficult, and means that the numbers in this report may only be a minimum. Further, I find it utterly unacceptable that Black children are up to six times more likely to be strip searched when compared to national population figures.'

'Further work is needed to strengthen the guidelines around strip searches, for there to be oversight and inspection to ensure compliance, and reform of a culture that has allowed this to go unchallenged.'

The report makes a number of recommendations for the Home Office, College of Policing, HMICFRS, National Police Chiefs Council, Crown Prosecution Service and police forces, some of which are within our gift to address unilaterally, and others which will require other bodies to implement. In the interest of brevity, I have summarised some of the key recommendations below.

Home Office to make specific changes to the Police and Criminal Evidence (PACE) Codes A and C to strengthen statutory safeguards for children strip searched by the police. Recommendations include:

- Strip search of children in custody or under stop and search requiring a higher threshold
- An appropriate adult should always be present except in exceptional circumstances
- Strip searches under stop and search to only be conducted at a police station, medical practice or home address
- Searches to be authorised or ratified by an Inspector and parents/guardians informed in advance
- Safeguarding referrals to be made where the power is used
- Searches to be conducted by same sex officers
- To review the legislative framework addressing ambiguity between PACE and case law regarding amount of physical contact permitted
- Require forces to report annually on use of powers to include demographic information

College of Policing (COP) to amend Authorised Professional Practice (APP) to emphasise the duty of police to safeguard children during searches

HMICFRS to:

- embed and improve changes to scrutinise strip search in PEEL inspections
- conduct a thematic inspection of strip searches of children
- work with Ofsted to consider a Joint Targeted Area Inspection (JTAI) to inspecting safeguarding outcomes for children interacting with police

National Police Chiefs Council (NPCC) to:

- publish an action plan on reforming stop and search practices
- update their child-first approach to policing and publish a strategy to ensure forces take a safeguarding first approach to policing children.

Crown Prosecution Service (CPS) to:

- consult with the Home Office on adding a safeguarding referral outcome to the Crime Outcomes Framework

Police forces to:

- report annually on strip searches involving children to PCCs and independent community oversight mechanisms
- commit to training frontline officers on safeguarding children and trauma-informed practice.
- Work with the Equalities and Human Rights Commission (EHRC) to deliver reforms
- share information on strip searching of children with local safeguarding partnerships and serious violence duty-holders to inform their priorities and work to assess and understand local need

National data findings in comparison to Local

The review examined data relating to 2847 strip searches recorded nationally between 2018 and 2022. **NB** based on returns from 39 forces.

Leicestershire police recorded 23 out of the 2847 which accounts for less than 1% of the national data set and, according to the data in the report, is also lower than our recorded population of 10 – 17 year olds which stands at 1% of our population.

As a region we carried out 4% of all recorded strip searches in contrast to London forces - 32%, the South East region – 20% and Eastern region – 14%.

Leicestershire is not an outlier in terms of either volume or proportion in comparison to local population of 10 – 17 year olds and in fact is shown as having below average relative use rate.

However, despite the low volume of use the report has highlighted several areas where we can improve our understanding of the use of this power and the associated data capture.

The national report draws several key findings and the table below compares some of those to our local data and where appropriate I have provided a narrative. NB due to our small data set of 23 single digit numbers can create significant swings in % terms.

Data Summary	Children's Commissioner Data Results	Leics Police Data Results
Strip searches were on boys	95%	100%
Children were Black	37%	17%
Searches were in 2020	28%	30%
Searches resulted in No Further Action	51%	65%
Searches occurred without an Appropriate Adult confirmed to be present	52%	48%
Children were between ages 10 and 15 years	24%	17%
Searches happened at a Police Station	37%	43%
Searches happened at a home address	12%	43%
Searches did not have a location recorded	45%	13%
Object found	51%	48%
Object found linked to search reason	37%	35%

Gender - Nationally 5% of all strip searches were carried out on girls however across LLR all our searches were against males.

Ethnicity – Nationally more than 1 in 3 searches were on children who were black which equates to black children being up to 6 times more likely to be strip searched in comparison to population figures. However local data shows that our use was 1 in 6. NB in reality this was 4 people over 4.5 years.

Absence of appropriate adult confirmed to be present – Nationally 52% and locally 48%. On examination of this issue this appears to be a recording practice and a failure of officers to complete the appropriate field in the record on completion of the search. From our data set this equates to 11 occasions but means that we can't say with confidence if an appropriate adult was present or not at the time. This issue needs to be addressed.

Age – Nationally 24% of searches were on children aged 10 – 15. Local data shows us to be at 17% (4 searches). Closer examination of our 23 records show the youngest person searched was 14.

Age	
14	1
15	3
16	6
17	13
Grand Total	23

Location of search – Nationally the report identifies concerns over the location of searches not being recorded in 45% of cases. It also raises concerns over the location of searches being inappropriate for example within police vehicles (contrary to PACE) or areas of public view. Positively, locally 86% of our searches took place appropriately within either the home address or a police station. However, 3 of our 23 records had no location recorded so as a result we can't say with confidence where they occurred. This again reinforces the national findings of inaccurate data capture and requires addressing.

Gender of person searching – nationally the report identified that 6% of searches were carried out with an officer of a different sex to the person strip searched. Locally all of our officers were of the same sex.

Next Steps an actions already put in place

As our local data shows we do very few strip searches, as a result of a stop search, however despite being small in number there are still areas within which we can improve inline with some of the national findings and recommendations given the impact on young people and the need for scrutiny and governance. This however needs to be proportionate to the scale of the numbers involved.

Since the publication of the report I have already put in place the following action some of which relates to searched in custody in the interest of bringing greater scrutiny and oversight:

1. A renewed standard operating procedure within custody which mandates the requirement for the authority of an Inspector before carrying out a strip search of a child or vulnerable adult ahead of any future changes in PACE
2. To ensure a vulnerability report (PPN) is submitted by the OIC regarding a child's detention to include the fact they were strip searched and reasons why ahead of any future changes in PACE.
3. To ensure a Trauma Informed Approach within custody utilising the new discreet booking in room.
4. Greater safeguards around the 'urgency' exemption to searches in custody being made without an appropriate adult present through the use of constant observations whilst awaiting an appropriate adult. I.e. removing the presumption of urgency.
5. The above changes to be built into the training for new custody officers

6. The same safeguards as above to be introduced to those searches initiated as a result of stop search and subsequent strip search which occurs either outside or within a police station. This would include authority of and Inspector for such searches.
7. To seek to address the data accuracy issues through exploring feasibility to mandate fields within the relevant documentation specifically relating to location and presence of appropriate adult.
8. Strip search data to continue to be monitored by the same internal governance group which oversees stop search and use of force chaired by myself and the external independently chaired coercive powers group.

Person to Contact

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