



Independent Office
for Police Conduct

Swyddfa Annibynnol
Ymddygiad yr Heddlu

Sir Stephen House
Acting Commissioner
Metropolitan Police Service

By email only: [REDACTED]

PO Box 473
Sale M33 0BW

Blwch Post 473
Sale M33 0BW

26 July 2022

Tel/Ffôn 0300 020 0096
Text relay/Cyfnwid Testun 18001 0207 166 3000
Email/E-bost enquiries@policeconduct.gov.uk
Web/Gwefan www.policeconduct.gov.uk

Dear Steve,

Referral of child strip-search complaints to the IOPC

I wanted to draw to your attention the referral of child strip-search complaints to ourselves.

We raised concerns last year via meetings with your Directorate of Professional Standards (DPS) staff and in correspondence with Senior Leadership members that we would expect to see cases such as Child Q voluntarily referred to us. Operational DPS staff gave assurances around improved identification and referral of child strip-search complaints. This position was unfortunately not reflected in our later correspondence with senior leadership in DPS.

I recognise that your DPS has now taken action to identify and send referable cases to us. However, this work has taken almost a year from our initial contact and includes allegations made prior to that contact.

When we first raised concerns about this and other non-referred cases, we suggested that we review the referral process and decisions taken by the DPS. Given the changes underway at the time and the creation of a new complaints handling structure, we paused that work. Instead, we delivered a number of sessions with your staff in the Complaints Resolution Unit discussing the referral process.

However, given the above I propose we now review a sample of non-referred complaints to establish whether the process is working as we would both like. I propose this work will be carried out on-site rather than remotely. We will also meet with your teams responsible for these decisions to gain some qualitative insight into their understanding of the referral criteria, based on the findings of our case reviews.

Our Oversight team will contact your DPS to make arrangements for the case reviews.

In addition to the above, we are currently discussing options to work across other police forces to gain similar assurance and confidence nationally that strip-search powers are being suitably used and any resulting complaints appropriately handled.

From all the referrals we have now received from yourselves, we have identified that the majority of those strip searches of children took place without an Appropriate Adult being present. We are therefore issuing a Section 10 learning recommendation that you take immediate steps to ensure that strip searches of children (undertaken as part of a stop and search or following an arrest) are being carried out in line with relevant legislation, national guidance and local policy. In particular, that the strip search of a child is conducted in the presence of an Appropriate Adult. Such searches should only be conducted without an Appropriate Adult in limited circumstances where a valid exception exists (as set out in PACE Code C). I have attached the full details of our learning recommendations to this letter.

We are aware that you have recently made changes to your stop and search policy relating to searches exposing intimate body parts (ie strip searches). I understand these changes include:

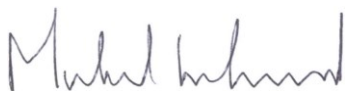
- The authority of a local BCU Inspector is now required prior to the search taking place, and the name of the Inspector providing the authorisation must be recorded.
- A CAD must now be created for every strip search.
- If the person searched is a child, a Merlin report must be submitted.

Whilst I welcome these changes, the concerns we have identified appear to be broader, as a number of the strip searches that have been referred to us occurred in custody when the child had been arrested. I am also concerned that the changes made do not appear to address wider issues around decision making, Appropriate Adults and treatment of children during and after searches.

You may also be aware that our Assessment Unit have been assessing the eight strip search related complaints referred to us. The mode of investigation decisions will be communicated to your DPS separately however (with one referral left to consider) it is our intention to independently investigate two of these complaints.

I am happy to discuss further if helpful.

Best wishes,



Michael Lockwood
Director General
Independent Office for Police Conduct

Cc: Judith Mullett - Head of Oversight, Governance and Professionalism, Mayor's Office for Policing and Crime
Tom Cherry - Police Integrity Unit, Home Office
Kathie Cashell – IOPC Director of Strategy and Impact
Amanda Rowe – IOPC Interim Director of Operations South
Sal Naseem – IOPC Regional Director, London

Annex: Section 10 recommendation to the Metropolitan Police Service: Strip searches conducted on children

Subject**Section 10 recommendation to the Metropolitan Police Service: Strip searches involving children****Recommendation**

The IOPC recommends that the Metropolitan Police Service (MPS) should take immediate steps to ensure that any strip searches of children are being carried out in line with relevant legislation, national guidance and local policy.

In particular, the MPS should ensure that:

- a) The best interests¹ and safeguarding needs of the child are a primary consideration when deciding whether to conduct a strip search.
- b) The strip search of a child is conducted in the presence of an appropriate adult. Such searches should only be conducted without an appropriate adult in limited circumstances where a valid exception exists (as set out in PACE Code C).
- c) The strip search of a child is conducted in such a way which, as far as possible, maintains their dignity and takes into account their health, hygiene and welfare needs.

Notwithstanding the above recommendation, as part of our ongoing investigations involving strip searches of children we shall consider whether existing guidance and policies remain appropriate. This may lead us to issuing further recommendations designed to bring about improvements in this area.

Notes to recommendation

This recommendation follows the IOPC receiving 11 referrals from the MPS involving strip searches of children². These cases involve children aged between 14 and 17 years-old who, between December 2019 and March 2022, were strip searched. Of the 11 children who were searched, two were White, five were Black and three were of Mixed ethnicity. The ethnicity of one child was not recorded. Nine of these strip searches resulted in no

¹ Article 3.1, The United Nations Convention on the Rights of the Child (UNCRC), 1990, states that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

² Article 1, The United Nations Convention on the Rights of the Child (UNCRC), 1990, states a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.

items being found on the child³.

In the majority of these searches there was a suspicion the child was in possession of drugs or weapons. While such searches can assist to identify harmful items and prevent harm, any consideration of whether to strip search a child should also concentrate on their safeguarding needs. Concerns have also been raised about the risk of adultification bias⁴, which must be better understood and tackled to ensure children receive a child-rights based response from the police.

PACE Code A states that searches involving exposure of intimate parts of the body (otherwise known as strip searches) must be conducted in accordance with paragraph 11 of Annex A to PACE Code C. This states that except in cases of urgency, where there is a risk of serious harm to the detainee or to others, whenever a strip search involves a child then one of the people who must be present during the search is an appropriate adult.

Of the 11 children who were strip searched, nine did not have an appropriate adult present during the search. In some incidents it appears there was no attempt made to understand if and/or when an appropriate adult could attend before proceeding with the search. In other cases it appears an appropriate adult was not present as the child indicated they did not want that person present. Appropriate adults are a key procedural safeguard that support, advise and assist children to ensure their rights, entitlements and welfare are safeguarded.

PACE Code C highlights that except in cases of urgency, a search of a child may only take place in the absence of an appropriate adult if the child signifies in the presence of the appropriate adult that they do not want the appropriate adult to be present during the search, and the appropriate adult agrees. A record should be made of the decision which should be signed by the appropriate adult.

PACE Code C states strip searches must be carried out with proper regard to the dignity, sensitivity and vulnerability of the person, and that every reasonable effort shall be made to minimise embarrassment. In some cases concerns have been raised that the children involved were menstruating. In addition, some of the children strip searched had additional vulnerabilities, including neurodevelopmental conditions (such as ADHD and Autism) and/or mental health conditions.

³ In one incident the child handed over a Stanley knife prior to the strip search. No further items were found during the search.

⁴ Adultification bias is a concept where adults perceive children from a Black, Asian or other minority ethnic background being older than they are. It is a form of bias where such children are perceived as being more 'streetwise', more 'grown up', less innocent and less vulnerable than other children. This particularly affects Black children, who might be viewed primarily as a threat rather than as a child who needs support.