



SCOTTISH POLICE  
AUTHORITY  
ÙGH DARRAS POILIS NA H-ALBA

# SPA Analysis

August 2023



**Children and Young People in Custody:** A summary of the review conducted by Northern Ireland Policing Board's Human Rights Advisor on the strip searching of children in custody by the Police Service of Northern Ireland.



# Children and Young People in Custody Thematic

Human Rights Review of Children and Young People: Strip Searching in Police Custody Northern Ireland Policing Board, 27th June 2023: [Link here](#)

## Context

- As part of a standard stop and search, police officers can require those being searched to remove an outer coat, jacket, or gloves. Officers also have legal powers to require individuals to remove further items of clothing. This is commonly referred to as “strip searching” and is conducted under stop and search powers. Strip searching does not necessarily denote nudity or exposure of intimate body parts, however this may be required.
- The Police and Criminal Evidence Act 1984 (PACE) provides statutory guidance on the principles and procedures police must follow when conducting a strip search. This legislation mainly applies to England and Wales, with some provisions applying to Northern Ireland and Scotland. However, these provisions do not extend to strip searching. Guidance on strip searching in Northern Ireland is found within the Police and Criminal Evidence (Northern Ireland) Order 1989.
- Children in Scotland may be strip searched in the community or in a Police Custody setting. The [Scottish Government's Code of Practice for Stop and Search](#) does not extend to custody searches and instead only relates to searches in the community. However, the Care and Welfare of Persons in the Police Custody Standard Operating Procedure (SOP) contains guidance on searches that may take place in police custody. The guidance stipulates that a trauma-informed approach must be used when determining whether a child requires to be strip searched. Furthermore, the purpose of a search is:

*“to ensure that a child is not in possession of any item or substance that could cause harm to themselves [or] someone else”*

- In Scotland, the strip searching of a child must be authorised by the rank of Inspector or above and the process of seeking and giving consent must take place in the presence of a responsible adult. Furthermore, an responsible adult (e.g. member of family or carer) should be present when the strip search is conducted. However, if the child specifically requests the absence of the responsible adult and the adult agrees, this should be respected and recorded. In addition, the search may take place without the presence of a responsible adult in cases of urgency,
- Strip searching of children and young people has become a highly publicised area of policing, particularly following the strip search of '[Child Q](#)' by the Metropolitan police which was reported in March 2022.
- As part of Northern Ireland Policing Board's (NIPB) approach to human rights, an appointed Human Rights Advisor conducted a review into the strip searching of young people in police custody by the Police Service of Northern Ireland (PSNI). This followed concerns raised at the PSNI Youth Champions Forum by organisations in the children's sector.

# Children and Young People in Custody Thematic (continued)

## Summary/Findings

- The main areas of focus of the review were on the evidential basis of searches and the classification of searches as 'urgent'. 'Urgent' searches do not require the presence of an Appropriate Adult.
- The review notes issues around the accuracy and reliability of data reported by PSNI, however recognises that this is a problem not limited to Northern Ireland. These limitations in data resulted in the Advisor being unable to determine whether the searches were lawful.
- Following the review of all of instances of strip searches by NIPB's Human Rights Advisor, the data concluded that 2.1% of children held in PSNI custody in the 2022 calendar year were strip searched (27 strip searches). Of these 27 searches, 23 were carried out on males and four were carried out on females.
- Using the most recently available comparable data released via a [Freedom of Information \(FOI\) request](#), between April 2021 and March 2022, Police Scotland strip searched 10.6% of children held in custody ([4,012 children](#) were held in total, with 424 of these strip searched). The Metropolitan Police [reported](#) 3,229 strip searches of children in custody during the period of April 2021 and March 2022 and 10,340 instances of [children being held in custody](#) during that period. This represents 31.2% of children held in police custody being strip searched by the Metropolitan Police.
- Of these searches, two resulted in the seizure of a prohibited item. Due to this, the review calls into question "the nature of the intelligence or evidential basis for the strip searches".
- In addition, the report raises concerns around the absence of support for the child undergoing a strip search, commenting that PSNI "appeared to ignore the rules" with regards to the presence of an Appropriate Adult.
- Since the beginning of 2023, PSNI have put in place improved procedures and have introduced a new policy regarding the strip searches of children and young people. However, the review noted that the 11 searches conducted since January 2023 were "problematic".
- The review concluded that the strip searching of children and young people was a standard approach taken by PSNI, rather than a measure taken in exceptional circumstances.
- The ten recommendations of the review included amendment of the Articles and Codes within Police and Criminal Evidence (Northern Ireland) Order 1989. This included revising phrasing to explain that officers are required to have an honest and objective basis for their belief that a detained person has concealed a prohibited item before a strip search is conducted.
- Other recommendations were focused on improved recording of decisions, improved publication of data, enhanced scrutiny and oversight, improved training for officers and more explicit policies on Appropriate Adults' presence in such searches.

# Children and Young People in Custody Thematic (continued)

## Previous Oversight by the Authority

- In Scotland, there are two separate definitions of a strip search. The Care and Welfare in Police Custody SOP defines a strip search as involving the removal and examination, in stages, of all clothing, with a visual, external examination of the body. The Stop and Search Code of Practice defines a strip search as a search involving the removal of more than outer coat, jacket, gloves, headgear or footwear. Police Scotland have confirmed that there are no plans to amend this definition.
- Data on strip searching of children and young people by Police Scotland has only been reported through a [Freedom of Information Request](#) released in March 2022.
- Searches in Scotland are conducted and completed under Section 66 Criminal Justice (Scotland) Act 2016 . They may also be completed as 'Protection of Life' searches (which is not a specific power of search). These searches are completed under S20 and S32 of the Police and Fire Reform (Scotland) Act 2012.
- Strip searches are recorded as 'intimate searches' within stop and search data. Data on stop and search in Scotland, compared to England and Wales, were most recently reported to Policing Performance Committee (PPC) in [June 2023](#). Members maintain a focus on this area and have requested further analysis is undertaken for further discussion and oversight.
- At the most recent discussion on this Police Scotland provided assurances on the way in which strip searching of children and young people is approached. In addition, this topic was brought to a Youth Ethics Advisory Panel, who provided further assurances as to how strip searches of children and young people are approached. Authority staff sit on the National Stop and Search Assurance Group.

## Future Oversight by the Authority

- A public dashboard of stop and search data is currently under development, and has been shared in draft form with Authority and Scottish Government colleagues. Authority PA staff have provided initial feedback on the dashboard . It is understood that Police Scotland will make the dashboard publicly available by the end of this financial year.
- Authority officers also understand that internal discussions are currently taking place within Police Scotland around steps that could be taken to reduce the number of children strip searched.
- A follow up data report on stop and search will be presented to December Policing Performance Committee.

## External Sources

- Amnesty International - [Northern Ireland: Police must end 'appalling' practice of strip searching children immediately](#) – 27<sup>th</sup> June 2023
- BBC News – [Police 'appeared to ignore rules' in strip searches on teens](#) – 27<sup>th</sup> June 2023
- Equality and Human Rights Commission - [Equality watchdog raises concern over Metropolitan Police use of strip searches on under 18s](#) – 26<sup>th</sup> July 2023