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Proposed amendments to PACE Codes of Practice A and C: strip searches

Joint submission¹: Children's Rights Alliance for England (CRAE), part of Just for Kids Law, Children's Legal Centre Wales and Youth Justice Legal Centre

June 2024

About Children's Legal Centre Wales, Children's Rights Alliance for England and Youth Justice Legal Centre

Children's Rights Alliance for England (CRAE)

The Children's Rights Alliance for England (CRAE), part of Just for Kids Law, works with over 100 members to promote children's rights and monitor government implementation of the UN Convention on the Rights of the Child.

We believe that human rights are a powerful tool in making life better for children. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children. And we empower children and those who care about children to push for the changes that they want to see.

CRAE is hosted by the charity **Just for Kids Law** which works with and for children and young people to hold those with power to account and fight for wider reform by providing legal representation and advice to children in contact with the police and criminal justice system and campaigning to ensure children and young people in the UK have their legal rights and entitlements respected and promoted and their voices heard and valued.

Children's Legal Centre Wales

[Children's Legal Centre Wales](#) provides Wales-wide, online bilingual legal advice and information for children; training and education on the law as it affects children; carries out research to change and improve law, policy and practice and works with legal partners and third-sector agencies to identify legal cases that will have a wider impact on realising children's rights.

We are based at the Hillary Rodham Clinton School of Law at Swansea University.

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Youth Justice Legal Centre

YJLC are the centre of excellence in youth justice law in England & Wales. We are youth justice specialist lawyers who share knowledge, expertise and innovation in order to support a community of youth justice practitioners fight for better outcomes for children.

We provide up-to-date training for youth justice professionals, produce legal guides and resources for practitioners working in youth justice, run a legal advice line to support professionals representing and working with children, and convene expert led webinars and seminars.

We operate a membership programme and have youth justice service members from across England and Wales. Through our membership and training, we support a community of youth justice practitioners to fight for better outcomes for children.

If you have any questions or require further information, please do not hesitate to contact us at mandeerkataria@justforkidslaw.org

Introduction

We welcome the ambition underlying the proposed amendments to the UK PACE Codes, which aim to strengthen safeguards for children within policing and the criminal justice system. Strip searching powers cause significant emotional and psychological harm, impacting the rights, wellbeing and development of children. Therefore, the focus on enhancing protections and ensuring the rights and wellbeing of children and young people are prioritised is a positive step forward.

However, we are disappointed that the proposed changes fall far short of what is needed to ensure that children's rights are fully respected. Reform is crucial, especially given the reported high frequency of strip searches and the disproportionate likelihood of their use on Black children.^{2 3} Recent cases, like that of Child Q, demonstrate the urgency. Children describe strip searches in terms akin to discussing sexual abuse, as highlighted by the Independent Child Sexual Abuse Inquiry and the Carlile Inquiry of 2006.⁴

These incidents and research with children have highlighted significant shortcomings in current practices. We want the practice of strip searching of children to end with urgency through investing in alternative technologies. In the meantime, there is an urgent need for a much more robust and protective legal framework.

We appreciate the opportunity to contribute to this important consultation and support the drive to embed a child first and children's rights approach within policing. We would welcome further discussion with officials on this important issue after the General Election.

Our overarching recommendations for change:

- **Conduct and publish a Children's Rights Impact Assessment (which includes consultation with children) as well as an Equality Impact Assessment and demonstrate compatibility with the ECHR.**

² [Strip Search of Children: A violation of children's rights | Children's Legal Centre Wales](#), Children's Legal Centre Wales (2024)

³ [Police more than six times more likely to strip-search black children](#), Guardian (2024)

⁴ [Lord Carlile of Berriew QC Independent Inquiry into the use of physical restraint, solitary confinement and forcible strip searching of children in prisons, secure training centres and local authority secure children's homes](#), The Howard League for Penal Reform (2006)

- **End the use of Exposure of Intimate Parts (EIP) practices with urgency through investing in alternative technologies.**
- **Develop statutory guidance that supports a distinct approach for children, focused on the specific needs and rights of children with a child friendly version in multiple languages.**

Please note: Our position is clear; we believe the use of EIP searches on children and young people must end as urgently as possible. However, we understand that the transition to alternative methods will not happen overnight, therefore many of the recommendations outlined below are measures intended to increase protections and ensure that the rights and dignity of children are upheld in the interim. These recommendations aim to provide clearer guidelines and stricter oversight to minimise potential abuses and safeguard children during this period of transition.

The current revisions in the PACE Codes A and C

Below we set out our thoughts on the revised Codes and provide recommendations on key areas to enhance the protection and safeguarding of children within the policing and criminal justice system.

1. UK PACE Code compliance with international human rights and children’s rights requirements

The current PACE Codes are not fit for purpose for children and do not align with international children’s rights requirements for a distinct approach that protects the rights of children and specific groups of children.⁵ Significant reform is needed to ensure they meet the requirements of international human rights standards. There is a “need to correct the imbalances between the child and the criminal justice system,”⁶ children—even those suspected of committing crimes must be treated as children with dignity.

The vulnerability of children subject to police intervention requires special care to protect their interests and wellbeing, this is particularly relevant to the intrusive practice of strip-searching children.⁷ The UN Committee on the Rights of the Child in June 2023, issued a recommendation to:

“take legislative measures to explicitly prohibit, without exception, the use of...strip searches on children.”⁸

The recommendation emerges in part from the Committee’s finding and “deep concern...by the large number of children who continue to experience such treatment, particularly children belonging to ethnic minority groups and children with disabilities.”⁹

Strip search of children is dehumanising, degrading and traumatic, and consequently can be argued to not be compliant with Article 3 ECHR and Article 37 UNCRC. Strip searches interfere with Article 8 ECHR and Article 16 UNCRC, violating core aspects of private life. Furthermore, the delivery and impact of current strip search of children practice can be demonstrated to breach article 3, 6, 12, 19, 23, 24, 39, 40, 42 of the UNCRC. **The proposed amendments to the Codes must align with the UN**

⁵ [United Nations Convention on the Rights of the Child](#)

⁶ *HC (a child) R (on the application of) v. Secretary of State for the Home Department*, [2013] EWHC 982.

⁷ Article 3 of the [UNCRC](#).

⁸ [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), CRC/C/GBR/CO/6-7 § 30(a), United Nations, Committee on the Rights of the Child (2023)

⁹ *Ibid para 30.*

Convention on the Rights of the Child (UNCRC) and the European Convention on Human Rights (ECHR).

Disproportional discrimination

Data reveals that minority children are more likely to be strip searched. In May 2022, a series of Freedom of Information Act requests revealed that, from 2017 to 2022 over 13,000 children had been strip searched in England and a “disproportionate number” were conducted on Black and mixed-race children.¹⁰

In a separate data set, the same researchers concluded that, from 2019 to 2022, two-thirds of children who had been strip searched by London’s Metropolitan Police Force over the past three years were from ethnically diverse backgrounds.¹¹ Similarly, in August 2022, the Children’s Commissioner released data showing that in 2018, of all boys subjected to ‘exposure of intimate body part’ strip searches by the Metropolitan Police Service, 75% were Black.¹² Additionally, in another set of data collected by the Children’s Commissioner from 2018 to 2022, Black children were 11 times more likely to be strip searched in England and Wales than white children.¹³

This disproportionality has been further supported by data published by the Home Office in relation to children strip searched in police custody in the year ending March 2023, with a far higher proportion of those strip searched self-defined as being black, Asian or mixed race compared with adults.¹⁴

Therefore, strip searches as a systemic practice violates Article 14 prohibitions on discrimination and demonstrates a clear breach of Article 2 of the UNCRC, a child’s right not to be discriminated against on any grounds.

Recommendation: Review PACE Codes for compatibility with the ECHR and give due regard to the UNCRC via a Children’s Rights Impact Assessment (which includes consultation with children) and the statutory commitment to carry out an Equalities Impact Assessment. The EIA should be undertaken to identify and address any potential inequalities or discriminatory impacts.

2. Invest in alternative technologies to eliminate the practice of inhuman and degrading strip searches

Investing in alternative technologies presents a promising avenue for addressing the concerns surrounding strip searches of children and bringing them to an end.

The main reasons the police present for why a strip search is in a child’s best interests are:

- A child might be concealing objects, such as weapons that could pose an immediate risk of self-harm/protection of life or harm to others.
- A child might be carrying drugs that could endanger them or the community.
- Concerns regarding County Lines and Child Criminal Exploitation, where children may be exploited to carry illegal objects.

¹⁰ [Around 50 children strip searched by the police every week – and most are black](#), Udit Mahalingam, (2022)

¹¹ Ibid

¹² [Strip search of children by the Metropolitan Police Service- new analysis by the Children’s Commissioner for England](#), Children’s Commissioner, 6 (2022)

¹³ [Black children 11 times more likely to be strip-searched in England and Wales than white peers](#), Vikram Dodd (2023)

¹⁴ [Other PACE powers, year ending March 2023 \(second edition\)](#), Home Office (2024)

While strip searches are conducted with the intent to uncover dangerous or illegal objects, research has demonstrated that strip searches of children rarely uncover these very objects.^{15 16 17} Children have been clear about the profound distress and trauma caused by police strip search practices and concerning the data demonstrates the disproportionate strip searching of Black and minority ethnic children.¹⁸

Recommendation: The use of alternative practices to strip search must be explored with urgency.

The potential benefits of alternative technologies, such as their ability to detect hidden objects without the need for invasive strip searches, are significant. They offer the possibility of reducing trauma and preserving the dignity of children during police interactions.

Additionally, employing alternative methods may lead to more effective searches, particularly in cases involving contraband concealed in body cavities, which strip searches often fail to detect. Furthermore, given, in the majority of cases nothing illegal is found on the child, this would prevent police using their discretionary power to strip search a child without reasonable cause, and prevent a child being subject to inhuman and degrading treatment.

These technologies are already widely used; however, they must be evaluated to ensure they effectively address the stated concerns while also minimising any negative impacts on children's rights and wellbeing.

If there is reasonable suspicion of concealment of an illegal object, transparent and accountable safeguards must be in place. These include ensuring the presence of an appropriate adult during searches, obtaining informed consent from both the parent/guardian and a child deemed competent, and communicating with the child – in a manner that is consistent with the child's primary language and developmental stage, with accommodations made for children with disabilities – that they will be searched via alternative technology, giving the opportunity to reveal any implement they are carrying instead of being strip searched.

Alternative technology schemes are already in use in the youth secure estate¹⁹. In January 2023, the UK Government announced the success of alternative technologies in the adult secure estate – in which considerable investment was made – stating:

'Game-changing X-ray body scanners have foiled more than 28,000 attempts to smuggle drugs, phones and weapons behind bars.'²⁰

Additionally, the Millimeter Wave is currently being trialled by the Metropolitan Police (see Annex 1 for further information regarding the pilot).

Recommendation: Several alternative technologies could be considered and explored as part of a comprehensive strategy to eliminate EIP searches (this is outlined in Annex 1).

¹⁵ [Children's Commissioner](#), (2022) *Report* at 12.

¹⁶ In addition to the Children's Commissioner for England research, a BBC File on 4 Freedom of Information Request in 2022, reported that over 13, 000 children had been strip searched across the UK, in the previous 5 years and in 80% of cases, nothing illegal was found

¹⁷ 432 under the age of criminal responsibility, were searched by the police in England and Wales in 2023, a quarter were from minority backgrounds and 79% led to no further action

¹⁸ Children's Commissioner, *2023 Report* at 23-28.

¹⁹ [Strip-searching of young offenders in custody to end](#), Children and Young People Now (2014)

²⁰ [Beefed-up prison security captures record level of contraband](#) Ministry of Justice (2023)

Recommendation: PACE Code C Annex K currently focuses on alternative technologies, and this could be adapted going forward to develop a distinctive approach to children.

3. Confusing and incoherent guidance across the Codes

The guidance across the Codes can be difficult to follow, and even with the proposed changes, it remains ambiguous, complex, and confusing for practitioners. Moreover, it is challenging for children and their parents/guardians to understand their rights, particularly concerning the most intrusive practices.

Recommendation: Introduce new separate guidance focused specifically on the rights of children. This guidance should provide clear safeguards and parameters regarding how children should be treated and how their unique rights and needs can be protected when there is suspicion of illegal objects being concealed.

Recommendation: A child-friendly version of the guidance should be made available in multiple languages to ensure that children and their families who have English as a second language can fully understand their rights.

4. Clarifying definitions

As you will be aware, PACE states that strip searches are defined as ‘a search involving the removal of more than outer clothing’ (Code C Annex A Part B para. 9). There are two types of strip searches, “More Thorough Searches” where the removal of inner-layer clothes (for example a t-shirt) is removed but a person does not expose the intimate parts of their body²¹ and “Searches Involving Exposure of Intimate Parts of the Body” where an individual is required to remove most or all of their clothing.²² However, there are no clear definitions of:

- what constitutes an intimate body part for the purposes of Code C and Code A
- ‘exposure’ in Code C
- what constitutes a body orifice for purposes of Code C
- the terms ‘urgency’ or ‘practicable’

A lack of clear definitions risks inaccurate interpretations and inappropriate discretionary decision making by police, as well as safeguards being overridden.

Recommendation: While we are calling to urgently end the practice of strip searching, in the interim, we are calling for **clear statutory definitions for the varying levels of searches, and for specific terms used in the measures, including: ‘intimate body part’, ‘body orifice’, ‘exposure’, ‘urgency’, and ‘practicable’.**

5. Authorising an EIP search

The summary of revisions states the following:

1(a) “Introduce a new requirement for police custody officers to consult an officer of at least the rank of inspector prior to conducting an EIP search of a child or vulnerable person in custody.” (Code C)

²¹ Home Office, PACE Code A, para 3.6

²² Home Office, PACE Code A, para 3.7

2(b) “Introduce a new requirement that any search of a child or vulnerable person involving the exposure of intimate parts (EIP), conducted under stop and search powers, must be authorised by an officer of at least the rank of Inspector.” (Code A)

Recommendation: As previously stated, our position is that EIP searches for children should be ended. However, as an interim measure, we recommend that prior to any search that requires an exposure of intimate parts, an officer the rank of Inspector should authorise whether a child is brought into a child friendly custody suite for the search, and the same authorisation must apply in the future for searches conducted via alternative technology, as outlined above.

6. Use of outdated term ‘juvenile’ across the Codes

The summary of revisions states the following:

1(b) “Clarify that if any time, an officer has reason to suspect that a person may be under 18, in the absence of clear evidence to dispel that suspicion shall be treated as a child for the purpose of the code and any other code.”

We welcome the use of the term ‘child’ in the above revised clause. However the terminology is inconsistent across the current and revised codes, which still use the term ‘juveniles’, which is an outdated and unhelpful term.

Recommendation: It is critical that children are referred to as ‘children’ and treated and referred to as children first and foremost, in any guidance or legislation up to the age of 18 years in line with the UNCRC.

7. Grounds for reasonable suspicion

The summary of revisions states the following:

1 (b) “Clarify that if any time, an officer has reason to suspect that a person may be under 18, in the absence of clear evidence to dispel that suspicion shall be treated as a child for the purpose of the code and any other code.” (Code C)

This proposed revision is a positive addition. However, there are significant concerns regarding the adultification of Black children²³ due to racist stereotypes resulting in presumptions of being older than they are. It is crucial therefore that guidance and training is significantly strengthened.

Recommendation: To address this, the training recommended by the IOPC should be made mandatory, ensuring that these children are not wrongly searched by the police.

Additionally, the revised Codes must make it clear that the smell of cannabis alone is not enough to constitute reasonable suspicion and is not an acceptable basis for a stop and search. A provision to Code A should be added to reflect this position.²⁴

8. Notifying a parent/guardian of the search

The summary of revisions states the following:

²³ [Adultification bias within child protection and safeguarding](#), Jahnine Davies, HM Inspectorate of Probation (2022)

²⁴ The IOPC have issued learning recommendations based on cases where officers have used the smell of cannabis as the sole grounds for a search. These can be found in their [National Stop and Search Learning Report](#) (pp. 13-15). The APP on [Legal Basis](#) also discusses this issue.

1 (c) “Introduce new requirement to notify a parent/guardian of the search and its outcome as soon as practicable when an EIP strip search takes place, prioritising before a search if practicable and where this is not possible (e.g., when parent / carer cannot be identified) this should be recorded.” (Code C)

There are a series of issues regarding clarity of definitions:

‘Practicable’:

‘Practicable’ is not a clearly defined term and leaves too much room for discretion by the police. Without clear definitions, this can result in, inaccurate interpretations and inappropriate discretionary decision making by police, as well as safeguards being overridden.

Notification and consent:

The revision to Code C states the parent/guardian will be notified of an EIP search and its outcome as soon as practicable, prioritising doing so before the search takes place if practicable.

While this revision is a positive step towards involving parents/guardians that were previously almost invisible in the PACE Code framework, it remains insufficient. Parents/guardians should not only be notified but also asked to give informed consent.

However, the concept of ‘consent’ is not clear or consistent:

- Currently, a person’s consent is required only if they are suspected of hiding a Class A drug. If they refuse to consent to the intimate search without good reason, this refusal may negatively impact their case in court (PACE Code C, Annex 2B).
- The Codes specify that the police officer should seek a person’s consent in the presence of an appropriate adult. The consent of a child is only valid if their parent or guardian’s consent is also obtained (PACE Code C, Annex 2B).
- If a child is under the age of 14 years, the police officer only needs the parent’s or guardian’s consent (PACE Code C, Annex 2B).
- With regards to when a child has considered to have hidden other objects (i.e., not drugs) the police do not have to get a person’s consent (PACE Code C, Annex 2B).
- The only type of search that requires a person’s consent is an intimate search for Class A drugs. Even this has been bypassed in practice by treating it as a search for a harmful object (which does not require consent).²⁵

It is inadequate that parent/guardian and competent child’s consent is not required for all EIP searches and only those concerning Class A drugs. The absence of any specific requirement to seek parental consent when strip searching children undermines the principles of parental responsibility and partnership working with parents to safeguard children.

Recommendation: Establish a precise definition of 'practicable' within the PACE Codes to reduce ambiguity. Include specific examples of situations where immediate notification is not possible and outline the required justification for such cases and how they must be recorded.

Recommendation: Amend the PACE Codes to require obtaining informed consent from a parent/guardian before any EIP strip search is conducted. In cases where obtaining consent is

²⁵ [Police Searches of People: A Review of PACE Powers – National Appropriate Adult Network](#), Chris Bath (2022)

genuinely impracticable, this must be thoroughly documented, explaining the reasons and the steps taken to try to obtain consent.

Recommendation: Standardise the requirement for obtaining consent across searches.

Informed consent:

Consent must also be *informed* to be meaningful. Children and the parents/guardians who support them need to understand their legal rights, but the understanding of rights, search procedures, and safeguards is often limited

Recommendation: No search should be conducted unless the **active and informed consent** of the parent/guardian and the competent child has been granted.

Recommendation: **When obtaining consent is not possible (e.g., when a parent or carer cannot be identified), this should be recorded.** It must be made clearer that all efforts to contact the parent and gain informed consent before any search should be documented.

Role of appropriate adults:

The purpose, role, and activities of an appropriate adult during searches are not clearly defined, nor is their interaction with the role of the parent/guardian.

Recommendation: The purpose, role, and activities of an appropriate adult during searches should be clearly set out for the appropriate adult, the parent or guardian, and the child to ensure everyone understands their roles and responsibilities during the search process.

9. Recognising the traumatic impact of EIP searches

The summary of revisions states:

1(d) "Add a paragraph to the PACE Codes which makes clear the potentially traumatic impact of the strip searches on children, the officer's duty to give due regard to safeguarding needs, to take appropriate action to ensure the child's dignity, rights and welfare are primary considerations, and to seek and give due regard to the child's preferences with respect to considerations such as the location of the search and the notification of a parent or guardian." (Code C)

We welcome the acknowledgement in this revision of the traumatic and lasting impact on a child of strip searches on children. However, we believe the language should be more robust in stating that strip searches are not 'potentially' traumatic. Research with children has clearly demonstrated that it is traumatic, and moreover it is inhuman and degrading. This must be reflected in the guidance.

Traumatic impact on children and young people:

Strip searches of children are reported to humiliate children, and negatively impact their sense of bodily and human dignity that results in trauma lasting far beyond the strip search itself. Expert testimony and research have frequently highlighted the trauma that can result from a child having this very intrusive engagement with the police.²⁶ Researchers studying children's reactions to strip searches have found that these searches can lead to "sleep disturbance, recurrent and intrusive

²⁶ [Children and Young People: Strip Searching in Police Custody](#), Northern Ireland Policing Board, 9 (2023)

recollections of the event, inability to concentrate, anxiety, depression, and the development of phobic reactions"²⁷ in some cases, as well as attempted suicide in some children.²⁸

While studies show that a child who has been strip searched frequently exhibits the same symptoms as someone suffering from post-traumatic stress disorder²⁹ and displays anxiety responses,³⁰ other experts have referred to the practice as "institutionalized child abuse."³¹

These findings are corroborated by first-hand accounts from children who have been subjected to strip searches. For instance, the Howard League for Penal Reform published a thorough report on the use of forceful strip searches on children in prison in England in 2006.³²

Additionally, during an Inquiry into the use of strip searches in Australia, Dr Susan Pulman told the New South Wales Law Enforcement Conduct Commission that "young peoples' brains are in a process of development...making them particularly vulnerable to the impacts of a traumatic experience."³³

Recommendation: Amend the language to reflect that EIPs are traumatic and degrading for children and young people for the avoidance of doubt.

10. Strip searches for welfare reasons

The summary of revisions states:

1(h) "Require that where more than outer clothing is removed from a detainee in custody due to concerns for the detainee's welfare, to preserve evidence, or any other reason set out in Code paragraph 4.2, the appropriate provisions in Annex A shall apply." (Code C)

In relation to strip searches for welfare reasons such as clothing being used by children to harm themselves or for the retention of evidence, children's clothes should never be removed forcibly by a police officer. In the case of *Davies v Chief Constable*,³⁴ the child's clothes were forcibly removed as the child was considered a safeguarding risk to herself and she was then placed in a police cell overnight, a cell with CCTV footage.

This is where it is appropriate to question the definition of 'in cases of urgency', urgent for whom?

We argue that it was not urgent for the child to have her clothes forcibly removed, causing a child with mental illness, who had already experienced sexual abuse, further trauma. The judgement reveals that efforts to contact this vulnerable child's mother were not made until after the child had been forcibly stripped. The Court expressed concern 'that it should have been thought appropriate to

²⁷ Steven F. Shatz, Molly Donovan & Jeanne Hong, [The Strip Search of Children and the Fourth Amendment](#), 26 Fla. L. Rev. 1, 12 (1991).12

²⁸ Ibid.

²⁹ Law Enforcement Conduct Commission of New South Wales, [Inquiry into NSW Police Force strip search practices](#), 104 (2020); IRWIN HYMAN AND PAMELA SNOOK, DANGEROUS SCHOOLS: WHAT WE CAN DO ABOUT THE PHYSICAL AND EMOTIONAL ABUSE OF OUR CHILDREN (1st ed. 1999)

³⁰ *Roe v. Tex. Dep't of Protective & Regulatory Servs.*, 299 F.3d 395, 399 (5th Cir. 2002) (noting that the strip-searched child "subsequently experienced frequent nightmares involving the incident, and exhibited anxiety responses.")

³¹ [43,000 strip-searches carried out on children as young as 12](#), Eric Allison (2013).

³² [Lord Carlile of Berriew QC Independent Inquiry into the use of physical restraint, solitary confinement and forcible strip searching of children in prisons, secure training centres and local authority secure children's homes](#), The Howard League for Penal Reform (2006)

³³ [Inquiry into NSW Police Force strip search practices](#), New South Wales Law Enforcement Conduct Commission, 102 (2020)

³⁴ [PD v Chief Constable of Merseyside Police](#) [2015] EWCA CIV 114

immediately remove the clothes of a distressed and vulnerable 14-year girl, without thought for alternative and less invasive measures to protect her from herself’.

Alternative measures could have included immediately contacting the parent/guardian and appropriate adult, officers sitting with/observing the child to ensure they are not at risk of harm, and an appropriate adult is present, and parent/guardian communicating with the child in a manner that is consistent with the child’s primary language and developmental stage, and that takes into account accommodations for disability, encouraging the child voluntarily to change their clothes when they feel comfortable changing them.³⁵

The judgement rightly recognised [at paragraph 7] the special position of children under the UNCRC and highlighted that ‘children in custody are vulnerable and special care is required to protect their interests and well-being’.

Recommendation: The proposed revision to the Code is inadequate, and the Codes must be amended to reflect that children should not be subjected to strip searches for welfare reasons.

Alternative measures, which better respect the welfare and rights of the child, should be implemented instead.

Investing more time and resources into therapeutic approaches at child-friendly facilities, rather than resorting to coercive measures, is crucial. This aligns with the principle of prioritising the best interests and welfare of the child, as recognised in the UNCRC.

11. Dignity

The revised Codes states:

‘the search shall be conducted with particular regard to the dignity, rights and welfare of the juvenile, taking into account their preferences in respect of matters such as the presence of a parent or guardian.’ (Revised PACE Code C 11 A, a).

The issue of dignity is already referred to in the existing Codes; searches must be conducted with proper regard to dignity and be sensitive and consider a person’s vulnerabilities. Amongst other things, the search must consider health, hygiene and welfare needs (PACE Code C Annex A 6).

We argue that there is **no dignity** in a child being forced to remove their clothes, or to hold their arms in their air and stand with their legs apart and bend forward for a stranger to visually examine their genital or anal area, which is why we are calling for this level of search to be ended.

Concerningly, the judgment in *Owens v Chief Constable of Merseyside Police* [2021] EWHC 3119 (QB)³⁶ means that police are now able and expected to carry out invasive searches involving physical contact with body orifices (e.g. anus, vagina) that previously were categorised as an ‘intimate search’ and had to be carried out at a medical premises by medical professionals, with the only limitation being no physical penetration. **This case shows the confusion regarding what constitutes an intimate search, suggesting the urgent need for primary legislation to clarify this.**

³⁵ In their inspection reports, HMICFRS have cited concerns about the ‘over-reliance on using anti-rip clothing to mitigate risks of self-harm rather than considering alternatives such as higher observation levels.’ For example see the recent report into police custody suites in [Avon and Somerset](#) (p. 13, p. 43) and there [2023 inspection of GMP](#) (p. 9, p. 20, p. 23) IOPC [Learning the Lessons magazine](#) (issue 42 on Custody) included an article by ICVA outline their work on anti-rip. Further information on their pilot with Dyfed Powys Police can be found [here](#).

³⁶ [Owens v Chief Constable of Merseyside Police](#) [2021] EWHC 3110 (QB)

Recommendation: The most successful way to both avoid confusion and to protect children from inhuman and degrading treatment, their dignity being diminished, and their human rights being violated, would be to end the use of searches that expose any intimate parts and/or are invasive and to urgently establish alternatives.

12. Age

Children under 10 years of age:

It is deeply disturbing that very young children - children under the age of 10 years - can be strip searched by the police in England and Wales, particularly given this is under the age of criminal responsibility and despite some additional parameters in Code A Note 1 B.

As recently reported, 432 under the age of criminal responsibility were searched by the police in England and Wales in 2023, a quarter were from minority backgrounds and 79% led to no further action.³⁷ Given the high level of under-10s being searched there is a significant risk these very young children will be strip searched and this is corroborated by the Children's Commissioner for England, who reported last year that children as young as 8 have been strip searched.³⁸

There are some additional parameters in Code A Note 1 B for under 10-year-olds, and it is disturbing that they are not made more explicitly across the Codes.

There is currently an expectation in Code A Note 1 BA that if a child is under 10 years of age and they are suspected of carrying unlawful items for someone else, or it is determined that their safety or welfare may be at risk, the facts should be reported and actioned in accordance with the established police force child safeguarding procedures. This will be in addition to treating the child as a potentially vulnerable or intimidated witness in respect of their status as a witness to the serious criminal offence(s) committed by being used as a courier (a person who supplies drugs) (PACE Code A Note 1 B A).

However, even with these considerations in mind, a child under the age of 10 years can still be strip searched.

Recommendation: Amend the PACE Codes to categorically prohibit strip searches on children under the age of 10. Given their age and the associated vulnerabilities, such invasive procedures are inappropriate and can cause lasting psychological harm.

Children aged 10 years and over:

At the age of 10 years in England and Wales, a child is deemed to be criminally responsible. This is the lowest age of criminal responsibility in Western Europe, and as recommended by the UN Committee on the Rights of the Child, the minimum age should be raised to at least 14 years.³⁹

³⁷ [‘Hundreds of children under 10 subject to stop and search in England and Wales’](#). Guardian Article, May 25, 2024

³⁸ [The Children's Commissioner for England Children found that children as young as aged 8 being strip searched](#). Pg. 34 (2023)

³⁹ [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), CRC/C/GBR/CO/6-7 § para. 54 (a). United Nations, Committee on the Rights of the Child (2023)

Chief police officers and other specified persons and bodies must ensure that in the discharge of their functions, they have regard to the need to safeguard and promote the welfare of everyone under the age of 18. (PACE Code A Note 1 B A).

This is also reinforced in the Children Act 2004, Section 11, Section 28 (relevant to Wales) which says that any police officers, must ensure that they have regard to the need to safeguard and promote the welfare of everyone under the age of 18 years. However, there is not the same recognition in the Codes that the child over 10 years, could be criminally exploited, i.e. carrying an illegal item for adults, or an intimidated witness.

The recent Jay Review has been quite clear that many children across England and Wales are subject to criminal exploitation.⁴⁰ The Wales Practice Guide for Safeguarding Children from Criminal Exploitation states, that 'Child Criminal Exploitation is a safeguarding issue. Children who are abused from CCE should be considered as children first and their care and support needs should be considered in the same way as for any child'. The Codes currently do not offer this distinct approach to children that is compliant with children's rights and a Child First Approach. The additional safeguards and parameters set out for under-10s are just as relevant to children of any age.

Recommendation: Distinctive guidance must be drawn up for all children and EIP searches must be ended.

13. Location of the search

The summary of revisions states:

1(d) Give due regard to the child's preferences around considerations such as the location of the search and the notification of a parent or guardian. (Code C)

Firstly, most children have a limited understanding of their rights, search procedures, and safeguards. As a result, they might not fully grasp the implications of what is about to happen to them. Asking them for their preferences regarding the location of the search or the notification of a parent or guardian could be overwhelming and confusing.

Recommendation: Given the power imbalance between the police and a child, it is crucial that children are immediately supported by an appropriate adult or a parent/guardian when giving informed consent have access to legal advice and representation.

Evidence shows that police do not always adhere to the existing guidance.⁴¹ Therefore, having advocates and legal representatives is essential to ensure that children's rights are protected and that police follow proper procedures.

Guidance relating to the location of the search is confused and scattered between the Codes A and C, which can cause confusion for police officers with regards to which location is the correct location depending on each level of search.

The Children's Commissioner for England's concerning evidence reported, that in 45 % of cases, police officers did not even record the location of the search, and that children are being strip searched in a variety of locations, amusement parks, take away outlets, vehicles, private businesses, schools, etc, with limited oversight and supervision. It is also not consistently clear what level of search is being conducted where because of inaccurate recording of or a failure to record the search.

⁴⁰ [Shattered lives, stolen futures: The Jay Review of Criminally Exploited Children](#), Action for Children (2024)

⁴¹ [Strip search of children in England and Wales](#), Children's Commissioner (2023)

23 Furthermore, 1% of EIP searches were conducted within public view, which is in breach of the guidance.⁴²

We are concerned that strip searches have been happening without clear safeguards and supervision in such a variety of locations with limited recording and oversight. All searches should be carried out at a child friendly custody suite, with appropriate safeguards, supervision and oversight, and not at the discretion of police officers at various locations.

Again, this presents the case, for clear guidance that is distinct for children and their special needs and vulnerabilities that eliminates the discretionary power of police officers.

The summary of revisions states:

1(f) "Require that a safeguarding referral should be made whenever a EIP search or an intimate search of a child takes place." (Code C)

While our position is that EIP searches must be ended, we are pleased to observe a move towards recognising the importance of recognising that an EIP search warrants a safeguarding referral, adhering to the requirements of Section 11 (England) 28 (Wales) of Children Act 2004. It is also critical that the information that is shared needs to be clear regarding the strip search incident i.e. exactly what happened and the conduct of the search.

Recommendation: Children also should be able to access aftercare, therapeutic support and rehabilitation and recovery, in accordance with the requirements of Article 39 of the UNCRC.

If children are found to be in possession of an illegal object via alternative technology, as the alternative practice, this would also warrant a safeguarding referral and the same aftercare and support.

ANNEX 1: Pilot of the MilliMetre Wave Full Body Scanner to eliminate the use of strip searches by Met police

A proof-of-concept pilot was successfully completed at Wandsworth Police Station during late 2023, whereby a number of adult detainees were passed through a MilliMetre Wave Full Body Scanner. These types of scanners are commonplace in airports both in the UK and internationally and used on adults and children as a matter of course with regards to protecting security.

During this proof-of-concept pilot, no person under 18 was passed through the scanner. There were various reasons why young people were not included, but a key point was that the software provided by the manufacturer was only set for 'Male' or 'Female' detainees, with no age differential.

The machine used could produce two images, one a non-specific avatar of a person's body, with an area of interest/potential concealment identified by a warning symbol. This is automatically calculated by the machine using algorithms to identify potential anomalies.

A second 'raw' image is also generated. This is a much more detailed image, allowing the operator (Must be same sex as the detainee) to see an image down to skin level. When used alongside the automated image, this allowed operators to potentially assess what the machine identified as the anomaly in greater detail.

⁴² Ibid.

Firstly, it is reassuring to hear that the MPS have already decided there is no proposal to use 'raw' images on young people as these would contravene legislation around indecent images of children. Secondly, all images are deleted from the system as soon as the scan is complete.

As part of the requirements of the system, it is intended that there must be a Young Person option, which only allows the avatar image to be displayed and no 'raw' image to be taken or available to be viewed.

The system can be used without the necessity to remove any clothing, so there is no expectation that there will be anything further than what is currently conducted in custody, as per the S54 PACE search.

The MPS incorporated the compulsory use of handheld metal detectors as part of S54 search in late 2020. The MPS see the Full Body Scanner as a further extension of this search. The Scanner gives an indication, which can be investigated by an officer, and if it is felt that the item has been 'found', the person can be scanned again, which could mitigate the necessity for a strip search to be conducted.

As there is no requirement for clothing to be removed, and no intimate parts would be exposed on the avatar image, it would not meet the threshold to be classed as a Strip Search as defined by PACE, but it could quite clearly eliminate the need for a traumatic Strip Search as defined by PACE Code C.

The purpose of the scanner is to identify concealed items. The scanner will identify an item regardless of the material it is made of, including ceramic blades, carbon fibre, 3D printed items and liquids amongst others.

Conversely, none of these items would be detected by a handheld metal detector.

The scanner also reduces the significant risks of harm, both to staff but also if used as an item to self-harm. And, with young people also being exploited as part of 'county lines', the risk of ingestion of concealed drugs, if undetected, cannot be underestimated.

Annex 2: Alternative Technologies

Alternative technology: Metal detectors are one method to detect contraband. However, this type of technology only detects metal objects. Non-metal objects such as illegal drugs, some cellular phones, weapons/tools manufactured out of plastic or other materials, or liquids, etc. are undetectable through this method. Metal detectors, although they have a place in an overall contraband management system, are not a viable alternative to strip-searches.⁴³

Alternative technology: Boss Chair: The BOSS is a technology that scans the inside of the mouth and body, including body cavities, for metal objects. The technology isolates where the object is concealed and reduces the need for invasive searches. The technology is even powerful enough to detect "drug accessories." However, the BOSS can only detect metal objects, not other forms of contraband or non-metallic weapons.⁴⁴ The BOSS Chair is currently used in the youth secure estate in the UK.

Alternative technology: The MilliMeter Wave technology machines use non-ionizing electromagnetic radiation (similar to wireless data transmitters) that scan an individual's body for contraband and produces a generic body shaped image. Individuals receive no penetrating radiation

⁴³ *A Review of Full Body Scanners: An Alternative to Strip Searches of Incarcerated Individuals*, Washington State Department of Corrections, 6 (Dec. 2017)

⁴⁴ *Ibid.*

and this is use across airports in the UK and internationally. The technology only scans a few millimeters below an individual's skin so does not detect items concealed internally or hidden in body cavities. However, the Millimeter wave technology would allow contraband hidden under an individual's clothing and inside their shoes to be detected. It provides officers with a similar view of what strip searches primarily reveal (items that may be hidden under individuals' clothing), it does not provide the opportunity to visually inspect body openings for signs of internally concealed contraband.⁴⁵ The Millimeter Wave is currently being trialled by the Metropolitan Police. (See Annex X for further information regarding the pilot).

Alternative technology internal cavity searches -Transmission X-Ray technology uses general X-rays that pass through an individual's body and produce the familiar black and white images of the skeleton and body cavities. Transmission X-ray technology is the same standard X-ray equipment used in the medical and dental fields. Transmission X-rays do not produce an image with anatomical features. Transmission X-ray technology detects contraband in virtually all forms that may be concealed under an individual's clothing (to include shoes) as well as items that may be hidden in body cavities. Designed to perform quick full body scans of individuals using low dose radiation. X ray scanners are used in male prisons in the UK and have been reported to very successfully prevent attempts to smuggle contraband into prisons.⁴⁶

Alternative Technology internal cavity search: A Low Dose CT scan (LDCT) of the abdomen is the investigation of choice for hiding drugs internally by the British Medical Association.⁴⁷

Alternative technology for internal cavity search: As recommended by the World Medical Association - Ultrasounds can provide rapid visual inspection of internal cavities without the risks of radiation posed by other scan technologies without the need for an internal cavity search.⁴⁸

⁴⁵ Ibid.

⁴⁶ Ibid and also see: ['X ray body scanners prevent more than 10,000 attempts to smuggle contraband into prisons](#), Sky News (2021)

⁴⁷ [Recommendations for health care professionals to perform intimate body searches](#), British Medical Association (2021)

⁴⁸ [WMA statement on body searches of prisoners](#), WMA Association (2023)