

Case 5 | Issue 32 – Protecting vulnerable people

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Searching in custody

Detention of a woman with a history of self-harm, raising issues about:

- Searches under s.32 of the Police and Criminal Evidence Act (PACE).
- Completion of arrested person transfer of care forms.
- Unwillingness to search detainees of the opposite sex.
- Search of clothing.
- Requirement to wear anti-tear clothing.

This case is relevant if you work in:

Custody and detention



Mental health



Overview of incident

Police had a call from staff of a mental health in-patient ward at a local hospital to say that Ms A was being disruptive and causing damage following discharge from the ward.

Police Constable B and Police Constable C went to the hospital and found Ms A sitting outside. She appeared to be hyperventilating.

Police Constable B stayed with Ms A while Police Constable C went inside to speak with the staff. Police Constable C said that medical staff confirmed Ms A had mental capacity when committing the offence.

Ms A told officers that she wanted to stay at the hospital, but had been discharged.

Hospital staff alleged that Ms A had caused criminal damage. Police Constable B arrested her. Police Constable B tried to handcuff Ms A, but she threw her arms out towards him and became abusive. Police Constable B performed a leg sweep and took Ms A to the ground, before handcuffing her to the rear.

As he walked Ms A over to the police car she tried to head butt the car door.

Police Constable B and Police Constable C first asked for a van to take Ms A, but then decided a car would allow them to better observe Ms A during the journey, and asked for the assistance of officers to take Ms A to the local custody suite.

Police Constable B searched the pockets of Ms A's outer coat, removed items and placed them in Ms A's handbag in the boot of the car.

Police and Criminal Evidence Act 1984 – Section 32

Section 32 affords officers the power to search a suspect, in circumstances that it is reasonably required, on arrest if it is believed that the person may present a danger to themselves or others, that they may have anything on them that they might use to escape from lawful custody or may have anything which might be evidence relating to an offence.

When the arrest and search occurs in public, section 32 only allows an officer to request that the suspect remove their outer coat, jacket and gloves.

<https://www.legislation.gov.uk/ukpga/1984/60/section/32>

Police Constable B did not search Ms A again before taking her to custody. This was because of her uncooperative behaviour and because she was handcuffed to the rear. Police Constable C was with her in the back of the car. He felt that she would be safe during the journey and could not harm herself or others.

Force policy puts the onus on the arresting officer (Police Constable B) to search a detainee before taking them to custody. The officer is, however, given some discretion.

During interview, Police Constable B said that, although a male officer can search a female detainee, it is not best practice because allegations can arise. This view was reiterated by other men officers during interview.

Police Constable D and Police Constable E took Ms A to custody so that Police Constable B and Police Constable C could return to response duty.

Police Constable B placed Ms A into the back of the car and Police Constable E sat in the rear of the vehicle with Ms A while Police Constable D spoke to the arresting officers.

Police Constable B said that he informed Police Constable E that Ms A had not been searched properly, aside from her coat pockets.

Ms A was taken into custody and her handcuffs were removed.

During booking in, Police Constable D gave the custody sergeant, Police Sergeant F, brief details of the alleged incident and the fact that force has been used during the arrest.

Ms A walked away from the custody desk on a number of occasions during booking in and was told to come back by officers. Police Sergeant F said he was used to seeing this behaviour in people with borderline personality disorder, which is what Ms A's Police National Computer (PNC) record said that she had.

During the risk assessment, Ms A said that she suffered with stress and had tried to cut herself two days earlier. She was then read her rights, and information was added to the custody record.

Ms A asked for one of the PACE codes to read and was allowed to keep a book and her glasses.

Ms A asked to use the toilet, and Police Sergeant F asked Police Constable D to give Ms A “a quick search”, and passed a metal detector wand to Police Constable E . The two women detention officers available in the custody suite were unable to do the search because one was new and untrained, and the other was on restricted duties.

Police Constable E was confused by Police Sergeant F’s reference to a quick search and interpreted this to mean that when Ms A had been examined with a metal detector she could go to the toilet.

Ms A was asked to remove her socks during the search. Prior to her arrest Ms A had concealed a razor blade in her sock, which she had removed and put in her cardigan pocket.

Police Constable E asked Ms A if she had anything in her pockets. She briefly lifted the bottom of the cardigan, inspected the button/collar line and used the metal detector. This search was insufficient and did not find the razor blade.

Ms A then went into the disabled toilet. Police Constable E opened left the toilet door ajar, but remained outside.

When Ms A came out of the toilet, Police Constable E noticed that her trousers and socks were now untucked. This prompted Police Constable E to do another search in the toilet, and this time asked Ms A to remove her socks.

After Ms A returned from the toilet, the booking in continued.

Police Sergeant F went on to ask Ms A if she still felt suicidal and Ms A replied, “Yeah, even more so now,” and became visibly upset.

Ms A asked to see her social worker. She was called in to see the healthcare professional (HCP) within approximately an hour and a half.

The HCP assessed Ms A as at medium risk because of her history of self-harm and referred her to the on-site criminal justice liaison team. This team provides assessments of detainees and advice to detainees. It tries to make sure that detainees with mental health needs are diverted from the criminal justice system to care and treatment from the health and social care sectors.

Ms A was visibly upset when she returned from the HCP. After speaking to the HCP, Police Sergeant F decided that Ms A should have anti-tear clothing, and placed her on thirty minute visits.

Ms A became anxious about putting on the anti-tear clothing because she felt self-conscious about a number of self-harm marks on her arms and legs. As a result, Detention Officer G spoke with Police Sergeant F to ask if Ms A could remain in her own clothing.

Another police sergeant was also present during the conversation and reported that Ms A had been alright when brought into custody the previous week and had just slept. Police Sergeant F reluctantly agreed to allow Ms A to remain in her own clothing.

CCTV showed that when Ms A went into the cell, she sat on the bench and looked at her books. Ms A appeared to inspect her right leg and left leg before pulling both legs into her chest. Soon after, Ms A lay on the bench with a blanket covering her. She continued to move around under the blanket. This continued on a number of occasions.

Officers continued to check on Ms A.

In response to a bell call from the cell, Detention Officer H went into the cell and found Ms A distressed and crying, and asking for more tissue paper.

Detention Officer G did the next check and reported that Ms A started punching herself and had to be restrained and prevented from leaving the cell. Ms A continued to hit herself and, after going into the cell, Police Sergeant F told her that she was going to be put into anti-tear clothing.

Police Sergeant F began to remove items from the cell. Ms A's behaviour became erratic, and she was restrained on the floor of the cell. While restrained, Ms A used a razor blade to injure her neck. The officers restraining her and the officers in the cell were that Ms A had done this. Noticing the blood, officers called for medical help from the HCP and an ambulance. Police Sergeant H and Detention Officer G noticed that Ms A's fists were clenched very tightly. Police Sergeant H forced Ms A's hand open and found the razor blade.

Ms A was searched before leaving with paramedics and a piece of glass was found in her cardigan pocket. Ms A told officers that she had taken the razor blade from the hospital before her detention.

Type of investigation

IPCC independent investigation.

Findings and recommendations

Local recommendations

Finding 1

1. The force's transportation policy states:

"When an officer makes an arrest and requires the assistance of other officers or police staff not already at the incident, to transfer the arrested person to the custody suite rather than convey him/her themselves, the officer must request this through the resource deployment centre.

2. The arresting officer must complete an Arrested Person Transfer of Care Form and give this to the escorting officer before the arrested person is taken to the custody suite. This form will not be required if the escorting officer is in fact the arresting officer, or was party to the arrest and is able to fully relate the circumstances of arrest and supporting information for the custody sergeant to open a custody record and make decisions concerning detention."

3. When questioned during interview, none of the officers spoken to used the form, were sure how it should be used, or knew where to find it. Some also suggested that such a form would be useful for their roles.

4. Confusion about when and how the form should be used may have arisen after the force stopped using an external service to take prisoners from an arrest location to custody.

Local recommendation 1

5. The force should consider offering guidance to officers on the use of handover forms, referred to in the forces transportation policy.

Finding 2

6. Officers are taught techniques for searching women during personal safety training.
7. The investigation identified a practice of men officers opting to wait until a woman officer was available to search a woman because they feared that allegations could be made against them.
8. There is a significant risk that men officers could lose the skill to search women, or at the very least, lack confidence to do thorough searches.

Local recommendation 2

9. The force may wish to provide additional training and/or guidance for officers on searching people of the opposite sex, and raise awareness of the frequency of allegations and their outcome.

Response to the recommendations

Local recommendations

Local recommendation 1

1. Correspondence has been sent to all local policing units to highlight the handover procedure and make sure officers comply.
2. Human resources has updated the mandatory National Centre for Applied Learning Technologies (NCALT), now known as College Learn, list for officers and staff. It has republished this on the force's intranet site with an article on the NCALT called, 'Transportation of Arrested Persons, Detainees and Prisoners'.
3. The force's tactical training unit has also been told of the investigation's findings and has been asked to highlight aspects of the NCALT (now College Learn) package during personal safety training days.

Local recommendation 2

4. The force understands the reluctance of officers to search detainees of the opposite sex and will ensure that in personal safety training on searches it will be explained they should ensure that, where possible, there are two officers present during the search, and that best practice is for officers to only search detainees of the same sex.

Outcomes for officers and staff

Police Constable E

1. Police Constable E, the officer in custody who failed to search Ms A to a satisfactory standard received management action for misconduct.

Questions to consider

Questions for policy makers and managers

1. Has your force explored the extent to which male officers can be reluctant to search female detainees, and how this affects operations and resources?
2. Does your force provide male officers with specific guidance or training on searching female detainees?
3. How does your force make sure information is accurately passed from arresting officers to escorting officers, and then on to custody staff?

Questions for police officers and police staff

4. When someone is anxious about removing clothes to put on anti-tear clothing, what action do you take?