

Independent Custody Visiting Association
Briefing for Independent Custody Visitors
Detainee Dignity and Nudity
May 2018



Background to the briefing:

ICVA reviews all joint inspectorate reports on police custody (from 2015 to present day). The inspectorates frequently report that detainees of both genders are unjustifiably left naked or inappropriately clothed, compromising their dignity and mental wellbeing. This is not acceptable within police custody. ICVA has reviewed 29 inspectorate reports from 2015 – 2017 (incl.) to investigate the nature and scope of the potential problem.

Evidence Base

Inspections methodology dictates that inspectors will only see a snapshot of custody for the time that they are present in suites and review some CCTV, therefore the scale of the issue is unknown. The main areas of concern from the reports are as follows:

- Leaving detainees naked in cell (no less than 8 instances)
- Clothing removal and/or strip searches taking place with members of opposite gender present (approx. 13 reports)
- Clothing removal and/or strip searches taking place able to be viewed on CCTV
- Removal of clothes and placing detainees in anti-rip clothing inappropriately

Of the 29 reports inspectorate reports viewed, ICVA has identified issues to varying degrees (in one of the areas above) in 24 of these reports.

All detainees must be treated with dignity and respect whilst in police custody. It does not matter how a detainee is behaving or why they may be there, ICVs must observe and report on the wellbeing and treatment of detainees, and question anything they feel is not right.

Custody Visiting Schemes Response

A survey ICVA conducted with schemes suggested that where detainees were naked, ICVs have been informed that they have removed their own clothes in most cases and gave a variety of methods of checking the wellbeing of these detainees. Schemes noted in their responses that some national guidance regarding this issue would be welcomed. Inspectorate

reports indicate that clothes are being removed by force or withheld for reasons of harm minimisation. This disparity in the reasons for nudity of detainees has led to ICVA undertaking some further work in this area and producing this briefing for ICVs.

What does the legislation/guidance say?

At present, PACE does not cover this issue specifically however, ICVA are working with the Home Office to include some wording in the legislation covering detainee dignity to enhance the legislation in this area.

What should ICVs do in the case of a naked detainee?

1. Regardless of the reason for the nudity of the detainee, they should be considered vulnerable due to their state of undress and therefore prioritise these detainees
2. ICVs should ask the custody staff for a reason as to why the detainee is naked and record this, and the length of time the detainee has been without clothes on the report form (this may need to be completed by viewing the custody record with consent)
3. ICVs should endeavour to speak to the detainee wherever possible, but without being able to see them (perhaps speaking through the wicket but standing to one side)
4. Please report when you see anti-rip suits being used instead of tracksuits – particularly if the detainee is anywhere outside of the cell
5. Questions should focus on rights, entitlements and wellbeing as normal
6. If the detainee reports or appears to be kept naked for reasons of harm minimisation, report it
7. If someone reports being strip searched in the presence of someone of the opposite gender, male or female, report it.
8. In the same way as normal if something feels wrong, report it!

Viewing the custody record

If you can speak to the detainee, get consent to see the custody record where you can. Check for detailed records of when clothes were removed, how and why if possible, and the rationale recorded for removal, again, if something seems wrong, or there is no information, report it.

What does good practice look like?

1. May look like allowing detainees at risk to keep their own clothing but increased observations to protect the detainee from self-injury
2. Using tracksuits where own clothes are not appropriate, rather than an anti-rip suit

3. Anti-rip suit use being minimal, justified, and proportionate
4. Detainees should not be out of the cell and going to interview in an anti-rip suit, they should be wearing their own clothes/custody tracksuit
5. Custody staff ensuring that detainees are clothed as soon as possible, regardless of gender or the reason for nudity or partial clothing initially.