

Use of anti-rip clothing in police custody: an update

July 2024





Introduction

People held in police custody can be stripped of their clothing (if necessary, by force) and put into ‘anti-rip’ suits, in order to avoid the risk of them self-harming by making ligatures from their own clothes. This is clearly an extreme measure, which interferes with individuals’ personal integrity and dignity. It should therefore only be used when there is clear evidence of imminent risk and there are no other safe alternatives. However, in a thematic review of inspectorate reports between 2017 and 2022 the Independent Custody Visiting Association (ICVA) identified numerous serious concerns about the proportionality and justification for its use.

These concerns included the forcible use of anti-rip clothing in the absence of any risk information, so that people were stripped of their clothes when they were unable or unwilling to answer safety questions on being booked into custody. This was often done when people were perceived as difficult and sometimes in a potentially punitive manner. In general, there was poor recording and justification for these actions. There was also concerning evidence of detainees being left naked in cells, both in custody suites which did, and did not, have anti-rip suits available. It is of course important to ensure the safety of detainees. There are, however, alternative means, such as de-escalation techniques and/or increased levels of observation that can effectively manage risk to detainees, rather than routinely removing their clothes and putting them into anti-rip clothing.

ICVA also received legal advice on this issue in 2019. In Counsel’s opinion, the use of stripping and anti-rip clothing in circumstances where there are less intrusive measures to ensure detainee safety is highly likely to be unlawful. Furthermore, arguing that there is insufficient capacity to facilitate observations is very unlikely to be an acceptable rebuttal for the forcible use of the clothing.

ICVA undertook a pilot project with Dyfed Powys Police aimed at eradicating the problematic use of anti-rip clothing and reducing its use by using observations and effective de-escalation instead. The pilot found that enhanced scrutiny of the use of anti-rip clothing had a positive impact on recording the proportionality and justification for its use. There were also improved reviews of its use, so that detainees were given standard custody clothing, or their own clothes as risk reduced. In December 2022, ICVA produced an interim evaluation of the project, examining the implementation process and its results, and making a series of recommendations.

Progress

In August 2023, in the Independent Office for Police Conduct (IOPC)'s Bulletin Learning the Lessons[1]: Custody, His Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) set out its own findings and expectations in relation to the removal of clothing and the use of 'safety suits' (i.e. anti-rip clothing). This repeated the concerns that ICVA had identified.

'In most forces we have had concerns about the routine removal of detainee clothing and footwear, rather than individually assessing the need for this. This can undermine a person's dignity. In some cases, clothing is removed using force which can escalate risk further.'


People do not always agree to have their clothing removed or wear a safety suit when they are considered to be at a high risk of self-harm. When this happens, we expect forces to encourage and help the person to put the clothing on. Forces are not always proactive in doing this, and our inspections found instances where people remained naked in their cells.

We expect that:

- Clothing is removed only where necessary and proportionate in line with individual risk assessments.*
- Any use of force is justified and recorded on the custody record, with oversight by the custody officer.*
- Safety suits are used as a last resort and justified in line with the risks.*
- All reasonable action is taken to ensure a person's dignity'.*

In the same Bulletin, ICVA reported on our own current work and recommendations. We went further than HMICFRS, calling for the removal of the use of anti-rip clothing at a national level, and its replacement by effective observations, harm minimisation and de-escalation techniques. ICVA noted that some forces at the time of writing, including the West Yorkshire, South Yorkshire, Metropolitan Police, Thames Valley, Leicestershire and Kent Police, did not use anti-rip clothing at all.

[1] <https://www.policeconduct.gov.uk/publications/learning-lessons-issue-42-custody>



Eight additional police forces or their Police and Crime Commissioners' offices (OPCCs) have been in touch with ICVA about anti-rip clothing, following an inspection report, the publication of the interim evaluation, or wider publicity about the removal of clothing in police custody. The forces or OPCCs that ICVA has spoken to that have undertaken work to improve their practice or carry out scrutiny are:

- North Wales
- Durham
- Hertfordshire
- Sussex
- Greater Manchester
- North Yorkshire
- Lincolnshire
- South Wales

ICVA has subsequently been made aware that Greater Manchester Police have ceased the use of the clothing in their suites.

Each area has a slightly different scrutiny model in place: some are force-led, some are led by staff in the OPCC, and one is an ICV review panel as in the pilot project. Each force has discussed with ICVA their HMICFRS report and the rationale for ICVA's recommendations, and has been provided with ICVA's RAG rating and suggested scrutiny questions.

There has been good progress in response to the recommendations in our interim report (see the table on the next page). The College of Policing has amended its authorised professional practice (APP) to say that anti-rip clothing should not be used just because a detainee is not engaging with the risk assessment, should be clearly documented with a clear rationale, and that forces should consider alternative methods, such as close observation. Most recently, in January this year, the National Police Chiefs' Council has communicated with all forces to require them to report on all uses of anti-rip clothing and to cease using the clothing in the absence of risk information. The Home Office have confirmed that the use of anti-rip clothing has been added to their annual data return for forces.

Recommendations and Responses

The Home Office, National Police Chiefs’ Council, and the College of Policing have responded to the recommendations in our interim report. The table below assesses the responses to all the recommendations.

Home Office

Recommendation	Response	Comment
<p>Consider expanding point 8.5 of PACE Codes C and H or adding an additional point to include that detainee clothing is not to be removed due to perceived risk only.</p>	<p>The Home Office welcomes the interim evaluation produced by ICVA, Dyfed Powys Police and the Dyfed Powys OPCC on the use of anti-rip clothing in police custody. It is concerning that such clothing may be being used inappropriately or even punitively by police forces. We are currently undertaking detailed policy work relating to the of removal of clothing by police, including whether amendments to the PACE Codes may be required.</p>	<p>ICVA sits on a working group on this workstream, but there are currently no concrete submissions to Ministers for amendments regarding anti-rip clothing. This recommendation is therefore currently NOT MET and is repeated.</p>
<p>Put in place mandatory reporting of the use of anti-rip clothing as a subset of the use of force data.</p>	<p>A proposal for data on the use of anti-rip clothing to be added to the Home Office’s Annual Data Requirement for police custody is currently under consideration.</p>	<p>The Home Office has confirmed that the use of anti-rip clothing and whether the use involved force has been added to the annual data return (ADR). In 24/25 this data will be a voluntary return, becoming mandatory in 25/26. This recommendation is therefore MET.</p>

National Police Chiefs Council (NPCC)


Recommendation	Response	Comment
<p>Ensure that all forces, without delay, implement a reportable function for the use of anti-rip clothing on custody systems to allow greater scrutiny.</p>	<p>The NPCC communicated with all forces in January 2024 stating that forces need to be able to report on their use of anti-rip clothing in custody.</p>	<p>This recommendation is PART MET. Further work will need to be undertaken in due course to determine how many forces have put this in place.</p>
<p>All forces should be made aware that the use of anti-rip clothing in the absence of risk information because a detainee is not engaging in the risk assessment questions, is inappropriate and should cease.</p>	<p>In the communication above, the NPCC made clear that the use of the clothing in the absence of risk information should cease.</p>	<p>This recommendation is MET.</p>
<p>The NPCC should agree to work towards a removal of the use of anti-rip clothing in police custody, in favour of use of effective observations, de-escalation and dynamic risk management.</p>	<p>The NPCC responded that they were unable to recommend that anti-rip clothing be removed from custody suites at this time until further research and benchmarking had taken place. It was suggested that this workstream sit with the 'environment' working group of the NPCC.</p>	<p>Whilst the NPCC has publicly committed to benchmarking and future work under the 'environment' workstream, the lead role for this area is vacant, and no work has taken place to date. This recommendation is therefore currently NOT MET and is repeated.</p>

NOTE: In addition to these responses, the NPCC has also suggested that the new custody detention scrutiny panels[2] might be a useful mechanism to scrutinise force performance in relation to clothing removal and anti-rip clothing use. ICVA has provided an annexe of questions that can be used for scrutiny of this area, as well as the RAG rating for reviews.

[2] <http://tinyurl.com/Scrutiny-Panels>

College of Policing

Recommendation	Response	Comment
<p>Authorised professional practice (APP) for custody should be updated to say that forces should never use anti-rip clothing, by force, in the absence of risk information.</p>	<p>The APP was updated in April 2023 with the following clarifications/ additions:</p> <ul style="list-style-type: none">a. The use of anti-rip clothing because a detainee is not engaging in risk assessment questions is inappropriate.b. The use of anti- rip clothing should be documented on the custody record with clear rationale.c. Constant observation or observation within close proximity (level 3 or 4) may be a more appropriate control measure in these circumstances than anti- rip clothing.	<p>This is less strong than the messaging from ICVA or the NPCC. ICVA welcomes the fact that the APP notes the inappropriateness of current practice where there is no documented risk but would prefer an amend that makes it clear that the practice should cease across all forces. We therefore consider this recommendation PART MET and may seek further amends in due course.</p>
<p>The CoP estates manual should ensure that the custody design build reflects optimal use of CCTV so that adequate observations can be managed without the need for clothing removal under any circumstances.</p>	<p>The custody design guide was updated in February 2023 and asks that forces consider including CCTV in all or most cells.</p>	<p>This recommendation is MET.</p>



Overall, we are very pleased that there has been a renewed focus on the use of anti-rip clothing, and with the response to our recommendations from the National Police Chiefs Council, Home Office and the College of Policing. It is clear that there is a consensus of opinion across policing stakeholders that stripping detainees and using anti-rip clothing, in the absence of any risk information, is completely inappropriate and should cease. There is also support for the need for significant improvements to the recording, oversight and scrutiny of this highly intrusive practice, which is to be welcomed. It will be important for ICVA, schemes and ICVs, and policing stakeholders to track actions and progress in response to the NPCC communication and the amendments to the APP.

However, we still believe that forces could go further, as some have already done, and use alternative means to manage risk – de-escalation and enhanced observation. As previously recommended, we also urge the need to amend PACE Code C (and its equivalent in Codes H and I) to ensure best practice across forces and to provide operational clarity.

ICVA is committed to continuing to work on this area, not only to ensure proper regulation and use of anti-rip clothing but also to promote the use of less intrusive alternatives to maintaining the dignity and safety of detainees.

RAG Rating for Custody Records

Reason for rating	Follow up action
Records identifiable for scrutiny, full rationale for use of suit which is both justifiable and proportionate to risk posed.	No further action required at this point.
Use of anti-rip clothing regularly reviewed and removed as soon as practicable.	
Clear attempts of de-escalation, distraction items etc. being used to mitigate risk of detainee death or serious harm.	
Little or unclear justification for the use of anti-rip clothing.	Advice/further training given to custody staff.
Insufficient information to determine the proportionality of the use of anti-rip clothing.	
Risk information present, but detainee left in anti-rip for elongated periods of time, no evidence of de-escalation prior to use.	
Use of clothing recorded but no further information to establish justification or proportionality.	Further exploration required as to use/ rationale. Cases to be raised with custody staff for learning and improved practice.
Anti-rip clothing used in absence of risk information due to detainee non-compliance with assessment but no other rationale.	
Anti-rip clothing used by force with no further information recorded.	