

5<sup>th</sup> February 2025

**Re: Use of handcuffs on children and vulnerable adults awaiting an appropriate adult for a strip search**

Dear Colleague

The safety of custody officers and staff, along with the safety of those who are detained or visiting, is a key priority for me as the new NPCC custody portfolio lead.

Equally, it is important that the measures we use in custody are kept under scrutiny to ensure that there is an effective and individualised balance between safety, rights and welfare, and operate in line with the NPCC's National Strategy for Police Custody. In relation to children they should support the Child Centred Policing Strategy, treat children as children first, and be guided by their best interests. This includes our use of restraints and strip search powers, which have the potential both to reduce and increase the risk of harm.

In recent months, the Independent Custody Visiting Association (ICVA) and the National Appropriate Adult Network (NAAN) have brought to my attention cases in which children were held in handcuffs (in addition to close proximity observation) for between 5 and 17 hours awaiting an appropriate adult (AA) prior to a strip search taking place. The stated reason for the use of handcuffs was the inability to secure an AA. We do not have reason to believe this practice is common or occurs in every force. However, there is currently a lack of national data on the use of handcuffs for this purpose.

Notwithstanding any challenge in securing an AA, handcuffing is a use of force. Any use must be necessary and proportionate, with a clear justification recorded. Forces should use an individual approach, on a case-by-case basis, in line with the College of Policing's National Decision Model, Ethical Policing Principles, and this letter.

There is no requirement, either in law or national guidance, for officers to use handcuffs while awaiting an AA for the purposes of a strip search. Where there is a reason to suspect that a child or vulnerable person is concealing drugs or a prohibited article, there should not be a default policy (formal or informal) of using handcuffing for this purpose. The risk should be managed through close proximity observation. Handcuffs should only be used in exceptional circumstances and when fully justified.

As you will all be aware, when a strip search of a vulnerable adult or child takes place, an appropriate adult (AA) must be present. This valuable mandatory safeguard allows for people to be searched with the protection of oversight in what is a sometimes necessary, but undoubtedly intrusive, power used in police custody. The only exception to the requirement for an AA to attend is in “cases of urgency, where there is risk of serious harm to the detainee or to others” (PACE Code C Annex A 11(c)).

By definition of their independent nature, the availability of persons to act as AAs is ultimately beyond our control as police. It is not always simple, possible or appropriate to use family members, and the availability of organised AA services varies between areas. This means that there are times when, despite the best efforts of custody officers and staff to secure their timely attendance, there can be significant waits for an AA, particularly at night. The NPCC supports NAAN’s call for a statutory duty to ensure AA provision for vulnerable adults, and their efforts to encourage local authorities, commissioners and providers of AA services to ensure availability from the point of authorisation of detention and on a 24/7 basis, in line with the national standards.

If a risk assessment determines that, even with close proximity observation, there continues to be an urgent risk of serious harm (to the child, vulnerable person, or others), and a strip search is necessary to address this risk, the strip search should proceed as soon as is practicable and without waiting for an AA. This should be rare. Urgency (for example due to insufficient staffing levels or challenges in securing an AA) is not sufficient. There must be a risk of ‘serious harm’ meaning death or serious personal injury, whether physical or psychological. The rationale must be fully documented in the custody record, detailing both why the potential harm was considered ‘serious’ and why the need for a strip search was ‘urgent’.

In the absence of an urgent risk of serious harm, an AA must attend the station in person. They do not have to be present for the search itself if a child and the AA agree (PACE Code C Annex A 11(c)).

Thank you for your consideration in this matter and for your co-operation with us at the NPCC. Should you have any questions please do not hesitate to contact my staff officer, Simon Barnes.

Yours faithfully,



Ivan Balhatchet  
Chief Constable