



Intimate Searches in Police Custody

Sep 2017 Review date Sep 2020 – check www.fflm.ac.uk for latest update

The medico-legal guidelines and recommendations published by the Faculty are for general information only. Appropriate specific advice should be sought from your medical defence organisation or professional association. The Faculty has one or more senior representatives of the MDOs on its Board, but for the avoidance of doubt, endorsement of the medico-legal guidelines or recommendations published by the Faculty has not been sought from any of the medical defence organisations.

An Intimate Search is defined by law as a physical examination of body orifices other than mouth and could therefore include the ear, nose, rectum or vagina.

It requires the authority of a police inspector or above, if the detainee is arrested, and in police detention and:



OR



The detainee may have concealed anything that could be used to cause physical injury to him/others or might be used whilst in detention.

Which cannot be found without an intimate search.

The detainee had Class A drug concealed and had appropriate criminal intent.

Which cannot be found without an intimate search.

Police officers can carry out an intimate search without consent.

A doctor or other healthcare professional can carry out an intimate search but needs 'valid' and informed consent to do so.

Police officers cannot carry out an intimate search with or without consent.

A doctor or other healthcare professional can carry out an intimate search in but needs 'valid' and informed consent to do so.

Intimate searches can be carried out in a police station.

Intimate searches must be carried out in a medical facility ideally a hospital with resuscitation facilities.

An X ray or ultrasound can also be authorised and requires written consent.

A doctor or other health care professional needs to

- Ensure that any urgent therapeutic interventions are prioritised.
- Ensure and document that proper authorisation has been obtained.
- Ensure that the detainee is fully aware of the risks of the search, the risk of not carrying out the search, the possibility that a police officer may carry out the search in certain cases and the fact that refusal may imply guilt.
- If consent is refused no further action in respect of the search should be carried out.
- If consent is agreed then the search should take place as detailed above.
- A local protocol between the police and local Emergency Department should be available to facilitate this.
- As sharp objects may be concealed in the rectum or vagina, consideration should be given to undertaking a proctoscopy or speculum examination before a digital examination.

Police sometimes attempt to argue that a Class A drug could be used to cause harm and that an intimate search under (A) could be authorised and carried out by an officer or doctor without consent. **THIS IS NOT THE CASE and healthcare professionals should explain why and refuse.**

For more detailed guidance please see the FFLM/BMA document *Recommendations for Healthcare Professionals asked to perform intimate body searches*.