

## Police Mistreatment During Strip Search

**Dr Koshka Duff was arrested and strip-searched by police in London in 2013.**

At that time, Dr Duff had been trying to give a legal advice card to a black teenager who had been 'stop and searched'. She believed the search had been illegally conducted as a result of racial profiling. She had not known that the teenager had been found in possession of a knife and therefore could be lawfully arrested.

Dr Duff was arrested for obstructing and assaulting a police officer. At the station she reports being bound, stripped and subjected to an intimate search. She was charged with the offences but acquitted at a subsequent trial.

Dr Duff complained to the police about her treatment; however the misconduct hearing found the officers' actions were justified. She seeks a judicial review of this decision.

With limited information available, we cannot ascertain whether the police had breached any of their standards of professional behaviour or committed any criminal offence. The standards are laid out in The Police (Conduct) Regulations 2008. Whilst a comprehensive review of each is outside the scope of this article, the most relevant to this case might be the use of force:

*'Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.'*

When authorising a non-intimate search, a

*examination of a person's body orifices other than the mouth...'*

Annex B of PACE Code C stipulates that a strip-search may only take place if it's necessary to remove an article reasonably considered to be concealed which a detainee would not be allowed to keep.

In 'Detention and Custody; Control, Restraint and Searches' ("COP") the College of Policing states:

*'Officers and staff should carry out searches with respect and dignity...'*

Dr Duff described being handcuffed, with her legs tied and three officers on top of her. All her clothes were cut away and her piercings forcibly removed. Her arms were twisted behind her, her breasts grabbed and one officer touched her genitals.

S.117 PACE permits an officer to use '... reasonable force, if necessary...'

While the initial arrest may have been justified, Dr Duff's account infers several breaches of PACE, the Standards of Professional Behaviour and COP guidance. If proven, that might affirm criminal liability. The judicial review is an attempt by Dr Duff's legal team to have the matter reassessed.



custody officer has the power to check what a person coming into custody has on them when they enter a police station. This can be done without consent but is subject to the above, and to other legislative safeguards mentioned below.

An intimate search defined by s.65 Police and Criminal Evidence Act 1984 ("PACE") is:

"... a search which consists of the physical

**Graeme Rothwell**

*If you have been subjected to similar treatment, contact Graeme Rothwell, of Duncan Lewis, who has experience in matters concerning criminal defence and claimant litigation against the police where there are allegations of misconduct:*

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