



**Head of Security, HMCTS
cc HOLO HMCTS London**

Dear HMCTS

RE: Invasive searches at Stratford Magistrates' Court

We write to submit an official complaint in relation to the current practice of “enhanced” searching of Professional Users Access scheme (PUAS) members entering Stratford Magistrates’ Court.

You will of course be aware that the London Criminal Courts’ Solicitors’ Association represents the interests of criminal defence solicitors working in London, and we have an arrangement with HMCTS whereby we issue ID cards to our members that entitles them to search-free entry to most criminal courts in England & Wales. That entitlement is not an absolute one because members may still be obliged to submit to a search if they are randomly selected to do so by a hand-held machine which is operated by the court security officers. We take no issue with this current arrangement, which on the whole seems to be working relatively well.

We have recently, however, been receiving extremely concerning reports of “enhanced” searches that are taking place at Stratford Magistrates’ Court on Tuesdays and Fridays. We understand that these enhanced searches have been deemed necessary because Stratford is currently holding protest-related trials on those days, and that there have been incidents in the recent past where proceedings in protest-related cases were there was some disruption inside the court building involving people super-gluing themselves to benches. We also understand that the enhanced searches consist of use of a “wand” metal-detection device, “pat down” search (often after the subject has been asked to move to a secluded area, off the foyer), removal of clothing (most notably shoes) and an extensive property search, which includes inspection of privileged legal documents and the requirement that the entire contents of bags be emptied out onto a tray.

We have received numerous complaints from defence solicitors (including members of the LCCSA committee who regularly appear at Stratford Magistrates’ Court) about the way these enhanced searches are being conducted, which range from the absurd to the genuinely disturbing. Some of the worst examples include:

- Confiscation of innocuous and harmless personal items, such as make-up compacts;
- A requirement that the subject spray any deodorant and perfume in their possession on their body;
- A requirement that the subject apply lip balm in their possession onto their lips;
- One female solicitor raised numerous complaints as follows: (1) hands being placed inside the neckline of her dress during a pat down search; (2) patting down the sides of

the breasts and in between them during another search and (3) having her leg felt under her dress up to her inner thigh, stopping barely short of her crotch;

- One male solicitor used his PUAS ID card to gain entry and was not selected for a random search by the machine, yet was still subjected to a wand search and then taken to the side and subjected to a rub-down search, which included the removal of his shoes and an oral examination;
- On 25th January 2024 one female solicitor who went through the metal detector and wand search without setting them off was still subjected to a pat-down search. There were approximately 4 security staff, two of whom were male, dealing with her and due to the unprofessional and discourteous way in which she was being spoken to by one of the (male) officers in particular, she referred to him as an “idiot”. She was then forcibly ejected from the court building by two male security officers, had her lunch thrown onto the pavement and was denied re-entry (despite the fact that she was appearing as a duty solicitor that day). We understand that this incident was also reported to the police.

These are a selection of the complaints we have received recently following a request of our members to detail their experiences with the security staff at Stratford. We understand that other professional court user groups, such as prosecution lawyers and YOS staff, are raising similar concerns. We also understand that when individual security officers are asked to identify themselves for the purpose of a complaint, they are refusing to do so.

It is clear to us from the information we are receiving from our members that the security staff at Stratford are adopting an over-zealous and heavy-handed approach to enhanced searches, and the security staff seem to believe they can act without applying due discretion and proportionality. This is causing distress and inconvenience to our members that they should not have to endure as part of their working day. I am sure you can appreciate that our members *must* enter the court building because they have professional obligations to the court and to their clients to be present within the court building on time. They are therefore effectively forced to endure whatever is imposed upon them by the security staff because if they refuse or raise objection at the time, they will not be allowed into the building and this is obviously not an option for them. We ask you to be sensitive to this fact and the fact that court security staff are not given *carte blanche* to behave in any manner they see fit simply because they are court security staff.

In the first instance, we request that you review the requirement that PUAS members who are selected for a random search are then subjected to an enhanced search, and conclude that they should simply be subjected to the level of search that befits their status as professional court users. In our view, such a search should be:

- Emptying of the contents of clothing pockets only into the tray, not the emptying of the contents of entire bags (which can cause stress and embarrassment, especially if the bag contains sensitive personal items such as medication and female sanitary products);
- Opening of bags and visual inspection of contents for prohibited items only, no “rummaging” and extensive inspection by placing hands inside bags;
- No requirement to “self-test” items such as perfume, deodorant and lip-balm;
- If the metal detector device is not set off, no further search;
- If the metal detector device is set off, a wand search and reasonable inspection of any area of clothing that sets off the wand;
- A “Level B” rub-down search (see PSI 07/2016 *Searching the person* / <https://prisonreformtrust.org.uk/adviceguide/searching-of-the-person/>) can be conducted at the discretion of the security officer, but only if reasonable grounds exist, those grounds are clearly explained to the subject and a written record of the reason for the rub-down search be provided to the subject;

- No inspection of privileged legal documents.

In our view such a search protocol strikes the correct, proportionate balance between the need to ensure security and the fact that a degree of trust needs to be placed in defence solicitors as officers of the court. Should you disagree with our proposed search protocol, we look forward to receiving your counter-proposal for discussion. In any event, clearer guidance needs to be issued on searches of PUAS members randomly selected because the present state of affairs at Stratford cannot continue.

We remind you that pursuant to section 1(1) of the Courts Act 2003 ('the act'), the Lord Chancellor has a duty to ensure that there is an efficient and effective system to support the carrying on of the business of Magistrates' Courts and that appropriate services are provided for those courts. Pursuant to section 2(1) of the act, the Lord Chancellor may appoint such officers and other staff as appear to him to be appropriate for the purpose of discharging his general duty in relation to the courts, and pursuant to section 2(4) the Lord Chancellor may enter into such contracts for the provision, by them or their sub-contractors, of officers, staff or services as appear to him appropriate to him for the purpose of discharging his general duty in relation to the courts. The act's provisions as they relate to court security officers are worth setting out in full:

Section 51 Court security officers

(1) A court security officer is a person who is—

(a) appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4), and

(b) designated by the Lord Chancellor as a court security officer.

(2) The Lord Chancellor may by regulations make provision as to—

(a) training courses to be completed by court security officers;

(b) conditions to be met before a person may be designated as a court security officer.

(3) For the purposes of this Part a court security officer who is not readily identifiable as such (whether by means of his uniform or badge or otherwise), is not to be regarded as acting in the execution of his duty.

We would be most grateful if you could, pursuant to the Freedom of Information Act 2000, provide us with the following information:

- Details of whom the Lord Chancellor has designated as security officers at Stratford Magistrates' Court, and any training and vetting process that they must undergo before they are so appointed;
- If the security officers at Stratford Magistrates' Court are employed pursuant to a contract awarded to a private company, any specification or guidance within that contract that relates to the conduct of searches of court users;
- Any regulations made pursuant to section 51(2) in relation to the training of court security officers and conditions to be met before a person may be designated as a court security officer;
- A copy of the "National Searching Policy" referred to in Ms Alison Aedy's e-mail to Mr Edward Jones dated 11th March 2024;

- A copy of the “enhanced” searching policy that you have been instructed to adopt by your Safety & Security Team, as referred to in Ms Alison Aedy’s e-mail to Mr Edward Jones dated 11th March 2024;
- The reasoning behind subjecting PUAS members to enhanced searches, including any risk assessments that have been undertaken.

We look forward to hearing from you in relation to the above FoI request within the statutory 20 days, and as soon as possible with a substantive response to our complaint, which we will expect to include detailed information about what steps are being taken to address the behaviour of security officers at Stratford Magistrates’ Court.

Kind regards,

LCCSA Committee

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