

Australian Capital Territory

# Corrections Management (X-ray Body Scanner Search) Operating Procedure 2023

Notifiable instrument NI2023–116

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

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## 1 Name of instrument

This instrument is the *Corrections Management (X-ray Body Scanner Search) Operating Procedure 2023*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of corrections services.

Narelle Pamplin  
Acting Commissioner  
ACT Corrective Services  
28 February 2023



<b>OPERATING PROCEDURE</b>	<b>X-ray Body Scanner Search</b>
<b>OPERATING PROCEDURE NO.</b>	<b>S4.21</b>
<b>SCOPE</b>	<b>Alexander Maconochie Centre</b>

## STATEMENT OF PURPOSE

To provide instructions to staff on the use of the Intercept X-ray Body Scanners.

Use of x-ray body scanners support the safety, security, and good order of a correctional centre through detection of a seizeable item or prohibited thing concealed on or in a detainee's person. Use of x-ray body scanners may be used as a less intrusive alternative to a strip search in certain circumstances. Persons subject to an x-ray body scan search are exposed to a very low dose of radiation. It is safe for all persons to undergo an x-ray body scan search, including pregnant detainees and detainees with implanted medical devices such as pacemakers.

## PROCEDURES

### 1. General

- 1.1. An x-ray body scanner search is authorised under section 111 of the *Corrections Management Act 2007 (ACT)*.
- 1.2. All staff who operate the Intercept X-ray Full Body Scanner (body scanner) must be licensed, trained in radiation safety and in the operation of the body scanner. Licences for operators are issued by ACT Health Protection Service and must be kept on the premises.
- 1.3. The body scanner must only be used on detainees. Staff or visitors to a correctional centre must not undergo a body scan.
- 1.4. The Health Protection Service has set a maximum cumulative radiation dose that detainees may be exposed to in a 12-month period. The body scanner records each occasion a detainee is scanned and displays a warning when a detainee reaches 80% of the limit. In accordance with the *Radiation Management Plan*, the Operations Manager Security and Radiation Safety Officer must determine the appropriate searching approach for the detainee to ensure the radiation limit is not exceeded.
- 1.5. The x-ray body scanner is not a medical device and must not be used to identify medical issues. Where there is a concern that a detainee may have ingested something, officers must proceed according to sections 9 and 10.

### 2. Registration of Detainees

- 2.1. All detainees must be biometrically registered on the body scanner system prior to being searched. Biometric measurements will be taken with a Palm Vein Reader (PVR).
- 2.2. Registration of detainees on the body scanner system must occur:

- during the admission process for detainees who are newly received into the AMC after the installation of the body scanner, OR
- for detainees already received into the AMC before the installation of the body scanner: as determined by operational considerations (noting the requirement in section 2.1 that registration occur **prior** to a search).

### **Refusal to register on the body scanner system**

- 2.3. If a detainee refuses to be registered on the body scanner, the officer must ask why.
- 2.4. If the detainee is concerned about radiation safety or risk due to a medical condition, the officer must direct the detainee to the available information and assist them to understand the information if required.
- 2.5. The officer must inform the detainee that refusing to be registered is a refusal to follow a direction and will result in disciplinary action. The officer must then give the detainee another opportunity to register.
- 2.6. Detainees who refuse to register on the body scanner will be subject to a disciplinary process as per the Detainee Discipline Policy.
- 2.7. Officers must record a detainee's refusal to be registered on the body scanner on CORIS, and record their response to the detainee (i.e. was further information provided etc). Case notes must be made in accordance with the Case Note Policy.

### **3. When to conduct an X-ray body scan search**

- 3.1. The body scanner may be used in accordance with the Searching Policy and the Searching Program:
  - a. on admission to a correctional centre (section 111(1)(b) of the Corrections Management Act 2007 (ACT))
  - b. as one of the searching options available to officers, noting that a strip search may still be required after an x-ray body scan search
  - c. where an officer has reasonable grounds for suspicion that a detainee is concealing an item on or in their person and a less intrusive search would likely not be effective in detecting an item
  - d. where a CO2 Area Supervisor or above has reasonable grounds to believe that it is prudent to search the detainee because:
    - i. the detainee has recently not been under the control or immediate supervision of a corrections officer; and
    - ii. the detainee may have had an opportunity to obtain a seizeable item; and
    - iii. a less intrusive form of search would likely not be effective in detecting an item.

#### 4. Conducting an X-ray body scanner search

- 4.1. Officers conducting the search must allow detainees to read the information sheet/poster located alongside the x-ray body scanner if they wish to do so, and provide them with assistance to read and understand the information if required.
- 4.2. Two officers must be present when a detainee undergoes an x-ray body scan search. The officer conducting the scan must be the same gender as the detainee undergoing the scan.
- 4.3. Where the detainee identifies as transgender and/or intersex, officers must ask the detainee to confirm their gender preference for the officer conducting the scan in accordance with the [Management of Transgender Detainees and Detainees Born with Variations in Sex Characteristics Policy](#).
- 4.4. The officer operating the scanner must ask the detainee to empty their pockets and remove outerwear (hat, jacket) prior to entering the scanner.
- 4.5. The second officer must receive clothing and other items removed by the detainee and search them in accordance with the [Searching Policy](#). The second officer must also observe the detainee from a distance while in the scanner.
- 4.6. Both officers must remain alert to potential risks throughout the search.
- 4.7. Staff not required for the operation of the scanner or for safety and security must not be in the immediate vicinity while the search is conducted. This is to ensure radiation safety, and to respect the detainee's right to privacy.
- 4.8. Prior to conducting an x-ray body scanner search, the officer operating the scanner must make the following declaration:

*"I am now going to conduct an x-ray body scanner search on you. Before I commence, is there any item on or in your person that you shouldn't have?"*
- 4.9. The officer operating the scanner must direct the detainee to enter the scanner:

*"Please step into the scanning cabinet and place your feet on the footprints. You are about to undergo a body scan. Place your arms away from your body as per diagram in front of you and open your hands. Remain still in this position until I give you further instructions".*

**Note:** the body scanner has images which clearly depict how a person should stand inside it when a scan is being taken.
- 4.10. Once the x-ray body scan search has concluded, any clothing removed by the detainee must be returned.

#### 5. Refusal by detainee to undergo an x-ray body scan

- 5.1. If a detainee refuses to undergo an x-ray body scan, the searching officers must ask why.
- 5.2. If the detainee is concerned about radiation safety or risk due to a medical condition, the officers must direct the detainee to the available information and assist them to understand the information if required.
- 5.3. If, after officers have provided information under 6.2, the detainee continues to refuse to undergo an x-ray body scan, the officers must consider which alternative form of search is the least intrusive search likely to be reasonable and necessary in the circumstances:
  - a. If the x-ray body scan is directed as part of a randomised search in accordance with the [Searching Program](#), the officers must take the circumstances and risks into

consideration, noting that an inconclusive less intrusive search may be followed by a more intrusive search if the officers establish reasonable grounds to do so

- b. If the x-ray body scan is directed as a targeted search or on reasonable grounds under section 3.1, the officers must seek authority from a CO2 or above to conduct a strip search in accordance with the [Strip Search Operating Procedure](#)  
*Note: Refusal to undergo an x-ray body scan may in itself contribute to or give rise to reasonable suspicion that the detainee is concealing an item on or inside their person.*

- 5.4. Where a Use of Force occurs in relation to searching a detainee, it must be in accordance with the [Searching Policy](#) and the [Use of Force and Restraint Policy](#).
- 5.5. The officers conducting the search must submit an [Incident Report](#) in accordance with the [Incident Reporting and Notification Operating Procedure](#) and initiate disciplinary action for a refusal to follow a direction in accordance with the [Detainee Discipline Policy](#).
- 5.6. Officers must record a detainee's refusal to undergo an x-ray body scan on CORIS, and record their response to the detainee (i.e. was further information provided, was an alternative search undertaken etc). Case notes must be made in accordance with the [Case Note Policy](#).
- 5.7. If the searching officers establish a reasonable suspicion that a detainee who is refusing an x-ray body scan may have ingested an item or otherwise concealed an item internally, they must contact the General Manager (or in their absence, the Senior Director Operations or Duty Manager) and explain the situation. The General Manager (or delegate) may consider initiating the health segregation process in accordance with the [Segregation Operating Procedure](#).
- 5.8. The officers should ensure Justice Health Services are notified as soon as practicable that the detainee may have an item inside their body.

## **6. Reasonable adjustment when conducting an X-ray body scan search**

- 6.1. The searching officers must support detainees with disability or other additional needs to access reasonable adjustments during an x-ray body scan search in accordance with the [Searches Requiring Reasonable Adjustments Operating Procedure](#). This may include:
  - a. the detainee using their walking stick, walking frame or crutch for support
  - b. the detainee sitting on a stool
  - c. the searching officers taking additional time to explain the x-ray body scanner process to detainees, and answering any question that may have about its use or safety
- 6.2. Where the detainee uses a mobility aid in the scanner, the mobility device may be searched in accordance with the [Searching Policy](#) and [Searches Requiring Reasonable Adjustments Operating Procedure](#).
- 6.3. If the detainee uses a mobility aid that does not fit into the scanner or it is otherwise not practically possible for the detainee to undergo an x-ray body scan, the detainee may be subject to a strip search or other form of search in accordance with the [Searching Policy](#) and the [Searching Program](#).
- 6.4. If a detainee has a prosthetic limb, searching officers must only request that the detainee remove the limb for searching if there are reasonable grounds for suspicion that the detainee

may be concealing a prohibited thing or seizeable item in accordance with the [Searches Requiring Reasonable Adjustments Operating Procedure](#).

## **7. Detection of an item on a person**

- 7.1. Where image analysis gives an operator reason to suspect a detainee is concealing a seizeable item or prohibited thing on their person or within their clothing, the first officer must ask the detainee to surrender the item. If the detainee surrenders an item, the detainee must then undergo a second scan. The operator may also take a second scan of the detainee at 90 degrees (i.e. scanning sideways) to provide a different perspective.
- 7.2. If the detainee refuses or is unable to surrender an item identified in section 7.1, the officers must take the circumstances and risks into consideration and:
  - a. conduct a search using an appropriate alternative search method, noting that an inconclusive less intrusive search may be followed by a more intrusive search if the officers establish reasonable grounds to do so
  - b. if the officers establish reasonable grounds to conduct a strip search, they must seek authority from a CO2 or above in accordance with the [Strip Search Operating Procedure](#).
- 7.3. If the officers establish a reasonable suspicion that the detainee is unable to surrender an item because it is concealed inside their person, the officers must proceed in accordance with section 8 of this procedure.
- 7.4. The officers conducting the search must submit an [Incident Report](#) in accordance with the [Incident Reporting and Notification Operating Procedure](#) and, where appropriate, initiate disciplinary investigation in accordance with the [Detainee Discipline Policy](#).

## **8. Detection of an item internally in a person**

- 8.1. Where image analysis gives an operator reason to suspect a detainee is concealing a seizeable item or prohibited thing internally (either in a body cavity or by having ingested the item), the operator must tell the detainee that the scan indicates that they may have concealed an item internally and ask if the detainee can and will surrender any item they have concealed on or in their person.
- 8.2. If the detainee denies that they have concealed a seizeable item or prohibited thing, they may be subject to another form of search. Officers must consider the least intrusive form of search that is reasonable and necessary in the circumstances. In circumstances where officers believe a strip search is warranted, they must seek authority from a CO2 or above.
- 8.3. Following the secondary search search, the detainee must undergo a second scan to determine whether the item identified in the previous image analysis has been seized and/or if there still appears to be an item inside the detainee. Where the item appears to be concealed in the detainee's clothes, officers must confiscate the item of clothing and provide the detainee with alternate clothing.
- 8.4. If the second scan indicates that an item may still be concealed inside the detainee, the operator must show the image to the detainee and identify the suspected item. If the detainee cannot explain the item in the image, the officers must contact the General Manager (or in their

absence, the Senior Director Operations or Duty Manager) and explain the situation. The General Manager (or delegate) may consider initiating the health segregation process in accordance with the Segregation Operating Procedure.

- 8.5. If a detainee confirms they have concealed a seizable item or prohibited thing internally (and they are unable to surrender it), the officers must contact the General Manager (or in their absence, the Senior Director Operations or Duty Manager) and explain the situation. The General Manager (or delegate) may consider initiating the health segregation process in accordance with the Segregation Operating Procedure.
- 8.6. The officers conducting the search must submit an Incident Report in accordance with the Incident Reporting and Notification Operating Procedure and, where appropriate, initiate disciplinary investigation in accordance with the Detainee Discipline Policy.

#### **Notification to Justice Health Services (JHS)**

- 8.7. As part of the placement on segregation, the officers must notify Justice Health Services as soon as practicable that the detainee may have an item inside their body.
- 8.8. If staff are concerned that the item inside the detainee may be threatening the health of the detainee (i.e., they display symptoms such as pain, fever, vomiting etc.), then they must immediately call a Code Blue – medical emergency.
- 8.9. ACTCS must not share X-ray body scan images of detainees with JHS or any other health service provider, as this breaches the detainee’s right to privacy.

#### **9. Detection of a potential non-seizable item or prohibited thing anomaly**

- 9.1. Where image analysis gives an operator reason to suspect a detainee may be subject to a non-seizable item or prohibited thing anomaly or health issue, they must not indicate this to the detainee.
- 9.2. The CO who took the scan must inform an Area Manager, who must then refer the detainee to JHS, and record this on the detainee’s electronic record.
- 9.3. Only JHS (or the detainee’s preferred health provider) are authorised to make a medical assessment of the detainee.
- 9.4. ACTCS must not share the scanned image with JHS, as the body scanner is not a medical device, and sharing the image may impact the detainee’s right to privacy.

#### **10. Record Keeping**

- 10.1. Following an x-ray body scanner search, the searching officers must record the search on the detainee’s electronic record on CORIS and include:
  - a. the names of all officers present at any stage during the search
  - b. the full name of the detainee
  - c. the reason for the search, including details of the reasonable suspicion or reasonable belief for conducting the search, for example:
    - i. reasonable suspicion: *Detainee X had threatened to harm themselves and claimed to have a way to do this. I saw detainee X adjust their pants several times. I was concerned that detainee X was hiding something there that could be used to harm themselves.*

- ii. Reasonable belief: *Detainee X searched as part of randomised search of detainees leaving visits as directed by (authorising CO2 or above).*
- d. the date and time of the search
- e. details of anything seized during the search and where on the detainee's person the item was found.

## **11. Prohibited Things or Seizeable Items**

- 11.1. Officers who locate prohibited things or seizeable items under this procedure must manage these items in accordance with the *Searching Policy*.

## **RELATED DOCUMENTS**

- Searching Policy
- Searching Program
- Strip Search Operating procedure
- Searches Requiring Reasonable Adjustments Operating Procedure
- Radiation Management Plan
- Management of Transgender Detainees and Detainees Born with Variations in Sex Characteristics Policy
- Incident Reporting and Notification Operating Procedure
- Detainee Discipline Policy
- Detainee Discipline – Laying a Charge Operating Procedure
- Segregation Operating Procedure
- Case Note Policy

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23 January 2023

## Document details

Criteria	Details
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Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Operations
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2022</i>

Version Control			
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V1	January-23	First Issued	J Papadopoulo