

Australian Capital Territory

Corrections Management (Searching) Policy 2008

Notifiable instrument NI2008- 465

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Searching) Policy 2008*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

SEARCHING POLICY

in Schedule 1 of this instrument, to facilitate the effective and efficient management of correctional services.

4 Revocation

This instrument revokes notifiable instrument NI2007-471

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Executive Director
ACT Corrective Services
29 September 2008



**Belconnen Remand Centre (BRC)
Symonston Temporary Remand Centre (STRC)
Court Transport Unit (CTU)
Symonston Periodic Detention Centre (PDC)**



SEARCHING POLICY

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Purpose

To contribute to the safety and security of all correctional centres by the detection of prohibited items.

Authority

Legislation

Corrections Management Act 2007, sections 14, 70, 104-06, 145, 147, and part 9.4

Policy

1 Principles

- 1.1 All persons without exception entering a correctional centre building will be subject to a search of their person and any items in their possession. Persons entering the grounds of a correctional centre may be subject to a search.

- 1.1.1 The search of their person will be, at a minimum, a scanning search.
- 1.2 There will be two different categories of searches within a correctional centre:
- searches of people; and
 - searches of physical and personal property.
- 1.3 Reasonable care shall be taken when conducting a search to protect the dignity and self-respect of the person being searched and to ensure minimal embarrassment to the person, without impeding the effectiveness of the search.
- 1.3.1 Gender, cultural considerations, religious background and any physical disabilities will be regarded when conducting searches of property or persons.
- 1.4 When searching property (including private property) due care is to be taken to avoid damage to the property.
- 1.5 Any items that may be seized as a result of a search should be retained in accordance with the *Preservation of Evidence Policy and Procedure*.

2 Searching people

- 2.1 Prior to a scanning, ordinary, frisk or strip search being performed, the Corrections Officer must ask the person who is being searched if they wish to declare any items that may be considered contraband or prohibited items.
- 2.1.1 The following statement must be used:
I am now going to conduct a scanning/ordinary/frisk search on you. Before I commence, is there any item on your person that you shouldn't have? Do you have any needle, syringes, or other sharp objects on your person? Is there any item on your person that doesn't belong to you?
- 2.1.1.1 This declaration need not be used before a scanning search using a metal detector (portable or otherwise) or ioniser.
- 2.1.2 Non-therapeutic professionals must give the same direction prior to conducting a body search.
- 2.2 Intrusiveness and privacy
- 2.2.1 When electing which search to conduct, regard must be given to the requirements of the search.

- 2.2.2 The type of search conducted must be the least intrusive type of search practical considering the circumstances and desired outcome.
- 2.2.3 All searching must be conducted in an area appropriate to the type of search being conducted.

2.3 Scanning search

- 2.3.1 A search of a person by electronic or other means in which the person is not required to remove any clothing or be touched by another person.
- 2.3.2 A scanning search may be conducted via a metal detector (portable or otherwise), x-ray, ioniser or Corrective Services dog.
- 2.3.3 A scanning search must be conducted in the presence of a Corrections Officer of the same gender as the person being searched.
- 2.3.4 All persons entering a correctional centre including staff, personal visitors and professional visitors, will be subjected to a scanning search.
- 2.3.5 A Corrections Officer may conduct a scanning search if the Officer believes, on reasonable grounds, that it is prudent to protect the safety of anyone at a correctional centre or to protect the security or good order at a correctional centre.

2.4 Ordinary search

- 2.4.1 A search of a person, or of articles in a person's possession in which the person is required to remove and have examined their overcoat, coat, shoes, jacket, and any gloves.
- 2.4.2 An ordinary search must be conducted in the presence of a Corrections Officer of the same gender as the person being searched.
- 2.4.3 A Corrections Officer may conduct an ordinary search if the Officer believes, on reasonable grounds, that:
- it is prudent to protect the safety of anyone at a correctional centre or to protect the security or good order at a correctional centre; and
 - an ordinary search is the least intrusive search practical considering the circumstances and desired outcome.

2.5 Frisk search

- 2.5.1 A search of a person conducted by quickly running the hands over the person's outer garments, and an examination of anything worn or carried by the person that is conveniently and voluntarily removed by the person.
- 2.5.2 A frisk search must be conducted by a Corrections Officer of the same gender as the person being searched.
- 2.5.3 A Corrections Officer may conduct a frisk search if the Officer believes, on reasonable grounds, that:
- it is prudent to protect the safety of anyone at a correctional centre or to protect the security or good order at a correctional centre; and
 - a frisk search is the least intrusive search practical considering the circumstances and desired outcome.

2.6 Strip search

- 2.6.1 A search of a prisoner including all articles in the prisoner's possession, which requires the prisoner to remove all of their clothes. The prisoner's body and clothing will be searched.
- 2.6.1.1 Persons other than prisoners may not be strip-searched by Corrections Officers.
- 2.6.1.2 Two Corrections Officers of the same gender as the prisoner being searched must conduct the strip search.
- 2.6.1.3 During the search, if the prisoner is compliant, a Corrections Officer will have no physical contact with the prisoner.
- 2.6.2 All strip searches and the reason for the search must be recorded in the Strip Search Register.
- 2.6.3 Strip searches may be used to detect any of the items listed in the *Contraband Policy* or anything that may:
- be used to intimidate someone;
 - be used to commit an offence or disciplinary breach;
 - create a risk to the personal safety of someone; or
 - create a risk to the security or good order at a correctional centre.

These are referred to as 'seizeable items'.

- 2.6.4 A Corrections Officer may conduct a strip search:
1. when admitting a prisoner to a correctional centre as part of their initial assessment;
 2. when a Corrections Officer has a reasonable suspicion that the prisoner is concealing a seizeable item;
 3. when the following conditions are all satisfied:
 - a) the prisoner has recently not been under the control or immediate supervision of a Corrections Officer;
 - b) during that period, the prisoner may have had an opportunity to obtain a seizeable item;
 - c) a scanning, frisk, or ordinary search is only likely to detect a limited number of seizeable items; and
 - d) a scanning search is not available or could only be carried out using such force that would make it ineffectual (e.g. where forcibly compelling a prisoner to submit to a SOTER X-Ray Bodyscanner search would result in an unclear image).

In number 2, a reasonable suspicion arises where a Corrections Officer has grounds to believe that a prisoner is concealing a seizeable item. The grounds for this belief must be sufficient to satisfy another Corrections Officer that the prisoner may be concealing a seizeable item.

The circumstances in which number 2 above applies includes (but is not limited to):

- where a Corrections Officer is informed that a prisoner is in possession of a seizeable item;
- where a Corrections Officer is informed that contraband is located in a particular accommodation area (all prisoners in that area may be strip searched if further investigation does not identify a particular individual); and
- where a prisoner is behaving in a way which is consistent with being under the influence of a drug.

Note: the fact that a prisoner has previously been found to be in possession of contraband is not, in itself, sufficient.

- 2.6.5 All prisoners will be strip searched on admission to a correctional centre as part of their initial assessment.

2.6. Body search

- 2.6.1. A search of a prisoner including an examination of any orifice or cavity of the prisoner's body.
- 2.6.2. The designated non-therapeutic doctor must conduct all body searches, however Corrections Officers of the same gender as the prisoner may be required to assist in restraining the prisoner (on direction from the medical officer).
- 2.6.2.1. Persons other than prisoners may not be subjected to a body search within a correctional centre.
- 2.6.2.2. If the doctor conducting the body search is not of the same sex as the prisoner, the nurse must be of the same sex as the prisoner.
- 2.6.3. All body searches must be recorded in the Body Search Register.

2.7. Searching children

2.7.1.1. See the *Visits Policy* and the *Caregiver Policy*.

3 Searching property

3.1 Prisoner's property

- 3.1.1 All personal property that a prisoner brings into a correctional centre, or has brought in for them, will be subject to search by Corrections Officers for unauthorised items as per the *Contraband Policy*.

3.2 Visitor's property

- 3.2.1 Visitors will not be allowed to bring any personal property into the prison when visiting prisoners. There will be lockers located in the Gatehouse waiting area for the storage of personal items.
- 3.2.1.1 A visitor may bring the following articles into a visit:
- tokens for vending machines;
 - if the visitor is with a baby, a sealed container of baby food;
 - if the visitor is with a baby, one bottle containing milk or juice (for a baby); and
 - medication if approved by the Superintendent.

3.2.1.2 Medication required during the course of the visit may be brought into a visit following a written request to the Superintendent. This will only be approved where the medication is required for a medical condition that may result in an urgent, life threatening situation.

3.2.1.3 Visitors may not be in possession of articles listed as prohibited in the *Contraband Policy*.

3.3 Staff property

3.3.1 All property entering a correctional centre, including staff property, will be searched.

3.3.2 Staff should store personal items in the lockers provided.

3.3.3 All items brought past the security check by staff must be carried in a clear plastic bag to facilitate searching.

3.4 Cell/room searches

3.4.1 A prisoner may have their cell/room searched at any time by correctional staff.

3.4.2 Where possible, a cell/room search should be conducted by two Corrections Officers. This allows evidence to be verified in the event that contraband is found.

3.4.3 Cell searches will be conducted in such a way so as to cause as little disruption as possible whilst still maintaining a thorough search of the area.

3.4.4 The Corrections Officers conducting the cell/room search must have a copy of the prisoner's property card. Any items found in the prisoner's cell that is not listed on their property card must be confiscated pending investigation. An Officer's Report must be submitted detailing the excess property and the action taken.

3.4.5 The Prisoner is to remain present outside the door of the cell whilst the cell/room search is being performed.

3.4.6 Any property that is deemed to be contraband or excessive may be placed into the prisoner's stored property, disposed of, or handed over to the AFP as appropriate.

3.5 Area searches

3.5.1 Searches of common areas should be carried out on a routine basis.

3.6 Yard or unit searches

3.6.1 Searches of all cells, common areas and exercise yards may be carried out as a result of a suspicion (or intelligence received) regarding the presence of contraband.

3.6.2 These searches may also be carried out from time to time to ensure that excess property is not being kept.

3.7 Perimeter searches

3.7.1 A search of the outside perimeter will take place twice during the day shifts and at least once during the night shifts, or as directed by the CO2 or CO3.

3.7.2 Particular attention must be paid to the structure of the perimeter fence as well as any damage to lighting and cameras.

3.8 Vehicle Searches

3.8.1 All vehicles will be searched prior to entering or leaving a correctional centre. This search must include the under-carriage and internal compartments of the vehicle.

4 Inability to complete a search

4.1 There will be occasions when a Corrections Officer is unable to conduct a search in circumstances where one is deemed necessary. This will generally be for two reasons:

- the Corrections Officer is unable to obtain the necessary assistance or find a suitable location to conduct a search; or
- the prisoner refuses to submit to a search or to cooperate with the search procedures.

4.2 When non-completion is caused by non-cooperation of the prisoner, the Corrections Officer should discuss the issue with the prisoner and attempt to elicit his/her cooperation.

4.2.1 It may be necessary to ensure that the prisoner understands the reason for the search.

4.3 If this is not successful or if non-completion is due to lack of adequate facilities, the Corrections Officer must then contact another Corrections Officer by whatever means is available.

- 4.3.1 During this period, the prisoner must not be left unattended or out of the Officer's sight. The prisoner must not be permitted to interact with other prisoners.
- 4.3.2 The CO2 in charge of the area must be informed immediately.
- 4.4 The CO2 in charge of the area will attend, and decide what action shall be taken.
 - 4.4.1 The CO2 will direct the prisoner to submit to the search.
- 4.5 Force will be used as a last resort.
- 4.6 Where a search is still unable to be conducted, and the prisoner is suspected of being in possession of an article other than one that may be used for harm, the prisoner will be secured in their cell or moved to another secure location.
 - 4.6.1 The CO3 will be contacted and they will advise on the next course of action.

5 Corrective Services Dogs

- 5.1 Any person entering a correctional centre or the grounds of a correctional centre may be subject to a search by a K9 Officer and a corrective services dog.
- 5.2 These searches must be conducted in accordance with the *Passive Alert Detection (PAD) Dog Policy*.

6 Recording of searches

- 6.1 All searches will be recorded in the appropriate registers.

Forms/Templates

[Body Search Register](#)

[Strip Search Register](#)

[Visitors Search Register](#)

[Officer's Report Form](#)

Related policies and procedures

[Human Rights Policy](#)

[Use of Force Policy](#)

[Use of Force Procedure](#)

[Contraband Policy](#)

[Preservation of Evidence Policy](#)

[Visits Policy](#)

[Caregiver Policy](#)

[Incident Reporting Policy](#)
[Incident Reporting Procedure](#)
[Passive Alert Detection \(PAD\) Dog Policy](#)