

# Corrections Management (Strip Search) Operating Procedure 2022

Notifiable instrument NI2022-57

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 (Strip Search) Operating Procedure 2022*.

**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 correctional services.

**4 Revocation**

This operating procedure revokes the *Corrections Management (Searching) Operating Procedure 2010* [NI2010-28].

Ray Johnson APM  
Commissioner  
ACT Corrective Services  
3 February 2022



<b>OPERATING PROCEDURE</b>	<b>Strip Search</b>
<b>OPERATING PROCEDURE NO.</b>	<b>S4.11</b>
<b>SCOPE</b>	<b>Alexander Maconochie Centre / Court Transport Unit</b>

## PURPOSE

To provide instruction to staff on conducting a strip search of a detainee, including reasonable adjustments that may be required for persons with a disability or other specific need.

## PROCEDURES

### 1. Deciding to conduct a strip search

- 1.1. Detainees will be strip-searched on reasonable suspicion or reasonable belief in accordance with the Searching Policy, Searching Program and this procedure.
- 1.2. All strip searches, other than on admission to a correctional centre, must be authorised by a Correctional Officer Grade 2 or above.
- 1.3. Officers must consider human rights when determining whether to conduct a strip search.
- 1.4. Where required and circumstances permit it, officers should take steps to de-escalate the situation prior to conducting a strip search of a detainee.

### 2. Consideration of gender when conducting a strip search

- 2.1. Two officers of the same gender as the detainee being searched will conduct the search, except in exceptional circumstances involving use of force in accordance with the Searching Policy. Officers of a different gender to the detainee must not be in the immediate vicinity during the search.
- 2.2. Where the detainee identifies as transgender, officers must ask the detainee to confirm their gender preference for the officers conducting the search. The detainee may request a different gender of officer for the upper and lower parts of the search.
- 2.3. Officers must not view a strip search unless they have a genuine reason to do so. This includes viewing a strip search on live or recorded CCTV. Officers must not view a strip search of a detainee of the opposite sex to them unless they have a compelling reason to do so (for example the General Manager and Senior Director reviewing a use of force).

### 3. Maintaining dignity during a strip search

- 3.1. An officer must not touch any part of the detainee unless:
  - a. in a use of force in accordance with section 6; or
  - b. in exceptional circumstances where:
    - i. the detainee requires reasonable adjustments; and
    - ii. the detainee explicitly consents to the assistance; and
    - iii. the officer is comfortable and able to provide the assistance.

- 3.2. Officers must conduct strip searches in a way that minimises embarrassment for the detainee and maintains their dignity as best possible.
- 3.3. The upper and lower parts of a detainee's body must not be uncovered at the same time during a search, except in exceptional circumstances in accordance with the Searching Policy, and the search should not involve the removal of more clothes than is necessary and reasonable to conduct the search.
- 3.4. Detainees **must not** be required to lift breasts (females), genitals (males), nor lift skin folds unless the searching officer believes on reasonable grounds that there may be something concealed.
- 3.5. Officers **must not** remove or ask a female detainee to remove tampons during a search.
- 3.6. Officers **must not** request a detainee to 'squat and cough' during a strip search, and detainees who initiate this practice must be informed that it is not required.
- 3.7. A chair or other reasonable adjustments may be required for detainees with a disability or other specific need (Searches of People with a Disability Operating Procedure).
- 3.8. Pregnant detainees must be provided with a chair and permitted to sit:
  - a. during the upper half of the search
  - b. for the search of their feet
  - c. when removing clothes or footwear.
- 3.9. The chair and the area beneath the chair must be inspected following the search to ensure items haven't been dropped during the search.

#### **4. Conducting a strip search**

- 4.1. The first officer must control the search and observe the detainee from the front. The second officer is responsible for receiving clothing and other items removed by the detainee and searching them. The second officer must also observe the detainee from the back or side.
- 4.2. Both officers must remain alert to potential risks throughout the search.
- 4.3. Only staff directly involved in a strip search must be in the immediate vicinity while the search is conducted. Where reasonable and necessary, the minimum required officers will be present for searches involving a use of force (section 6).
- 4.4. Prior to conducting a strip search, the first officer must make the following declaration:

*"I am now going to conduct a strip search on you. Before I commence, is there any item on your person that you shouldn't have? Do you have any needles, syringes or other sharp objects on your person? Is there any item on your person that doesn't belong to you?"*
- 4.5. The first officer must ask the detainee to empty their pockets and remove outerwear (hat, jacket). The second officer must receive and search the items.
- 4.6. The first officer must ask the detainee to shake out their hair and to untie their hair if necessary.
- 4.7. The first officer must look around and inside their ears, nose and mouth. The first officer may ask the detainee to run their fingers behind their ears and around their gums. The detainee may be asked to raise their tongue so that a visual search of the detainee's mouth can be conducted.
- 4.8. The first officer must ask the detainee to remove the top half of their clothing (including bra for female detainees) and pass the clothing to the second officer. The second officer must receive and search the clothing.

- 4.9. The first officer must ask the detainee to hold up their arms whilst both officers observe the detainee's upper body and hands.
- 4.10. The second officer must return the detainee's clothing and the detainee must be permitted to re-dress.
- 4.11. The first officer must ask the detainee to remove their footwear including socks and pass them to the second officer.
- 4.12. The first officer must ask the detainee to remove the bottom half of their clothing, including underwear, and pass the clothing to the second officer. Detainees are to remove externally applied disposable sanitary items and place them in an appropriate container for disposal. A replacement must be provided.
- 4.13. The second officer must receive and search the clothing.
- 4.14. The first officer must ask the detainee to lift their feet. The second officer must visually check between the detainee's toes.
- 4.15. The first officer must ask the detainee to raise the top half of their clothing so the detainee's lower half of the body can be checked.
- 4.16. Both officers must ensure that the floor area is clear of any items which may have been dropped before or during the search. The first officer must ask the detainee to step to one side to ensure that the detainee is not standing on anything they have dropped.
- 4.17. The second officer must return the detainee's clothing.
- 4.18. Detainees must be left with appropriate clothing to wear and allowed to dress in private immediately after the search is finished.

## **5. Record keeping**

- 5.1. Following a strip search, the searching officers must record the strip search on the detainee's electronic record and include:
  - a. the authorising officer for the search under section 1.2
  - b. the names and gender of all officers present at any stage during the search
  - c. the full name of the detainee
  - d. 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 herself and claimed to have a way to do this. Detainee X was bending over suspiciously and adjusting her breasts. During the search I asked detainee X to lift her breasts as I was concerned that she was hiding something there that could be used to harm herself.*
    - ii. reasonable belief: *As detainee X was leaving the visits area after a contact visit, I saw him adjusting his crotch 3 times in several strides. I know that drugs have been found in detainee X's cell before.*
  - e. the date and time of the search
  - f. details of anything seized during the search and where on the detainee's person the item was found.

## 6. Use of force

- 6.1. Force may be used to carry out a search where required in accordance with the Searching Policy and the Use of Force and Restraints Policy. Human rights must be considered when making a decision to use force to conduct a strip search.
- 6.2. Officers must film a strip search involving use of force with a handheld video camera in accordance with the Use of Force and Restraint Policy. The officer filming a strip search involving a use of force must:
- comply with the instructions for recording a use of force as per the Use of Force and Restraint Operating Procedure and Hand Held Video Cameras Operating Procedure
  - ensure the recording shows who is present at the commencement of the use of force
  - avoid filming the detainee naked where possible
  - take reasonable steps to undertake the recording in a way that maintains the detainee's dignity (for example, where the detainee ceases resisting and complies with directions, filming the second searching officer checking the clothing and any items, but not the detainee while undressed).

## 7. Prohibited Things or Seizeable Items

- 7.1. Prohibited things or seizeable Items located under this procedure will be managed in accordance with the Searching Policy.

## RELATED DOCUMENTS AND FORMS

- Searching Policy
- Searching Program
- Use of Force and Restraints Policy
- Use of Force and Restraint Operating Procedure
- Hand Held Video Cameras Operating Procedure

Ray Johnson APM  
Commissioner  
ACT Corrective Services  
3 February 2022

## Document details

Criteria	Details
Document title:	<i>Corrections Management (Strip Search) Operating Procedure 2022</i>

Criteria	Details
Document owner/approver:	Deputy Commissioner Custodial Operations, ACT Corrective Services
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 2020</i>

Version Control			
Version no.	Date	Description	Author
V2	January-22	Revised and first issued	H Cheney
V1	October-19	First drafted	L Kazak