

# Corrections Management (Searching) Policy 2007\*

Notifiable instrument NI2007-471

made under the

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

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## **1 Name of instrument**

This instrument is the *Corrections Management (Searching) Policy 2007*.

## **2 Commencement**

This instrument commences on the day after it is notified.

## **3 Policies and operating procedures**

Under section 14 of the *Corrections Management Act 2007* (the Act), I make the

### **SEARCHING POLICY**

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

James Ryan  
Executive Director  
ACT Corrective Services  
17 December 2007

\*Name amended under Legislation Act, s 60

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)



**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 entering a correctional centre will be subject to a search of their person and any items in their possession.
  - 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, and religious background 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 frisk, strip, or body 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/frisk/strip/body 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 been not be used before a scanning search except where that search is to be conducted using the SOTER X-Ray Body Scanner.
- 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 least intrusive search must be used to achieve the 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, biometric, or Corrective Services dogs.
- 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 will, at a minimum, be subjected to a scanning search.

## 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.

## 2.5 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.

## 2.6 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 strip searches.

- 2.6.1.3 During the search, if the prisoner is compliant, no Corrections Officer is permitted to touch the prisoner's body.
- 2.6.1.4 Discretion may be used regarding the strip-searching of prisoners entering and leaving a correctional centre.
- 2.6.2 All strip searches must be recorded in the Strip/Body Search Register.
- 2.6.3 All strip searches must be justifiable on the grounds that the search is the least intrusive search possible given the suspicion associated with the search.
- 2.6.3.1 Strip searches may be justified based on individual or non-individual suspicion.
- Individualised suspicion arises where a Corrections Officer receives intelligence or witnesses a situation involving one or more specific prisoners that justifies a strip search. For example, a Corrections Officer is informed that a prisoner is in possession of contraband.
  - Non-individualised suspicion arises where a Corrections Officer receives information relating to a general threat or where a prisoner is involved in a situation that is known to increase the likelihood of a threat. For example, a prisoner is involved in a contact visit where contact visits are a known high-risk situation for the introduction of contraband into a correctional centre, or intelligence is received that an unspecified prisoner in a particular yard is in possession of contraband.

## 2.7 Body search

- 2.7.1 A search of a prisoner including an examination of any orifice or cavity of the prisoner's body.
- 2.7.1.1 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 (on direction from the medical officer).

- 2.7.1.2 Persons other than prisoners may not be subjected to a body search within a correctional centre.
- 2.7.1.3 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.
- 2.7.2 All body searches must be recorded in the Strip/Body Search Register.

### **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 correctional 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:
- A locker key;
  - A sealed container of baby food;
  - One bottle containing milk or juice (for a baby); and
  - Medication as approved by the Superintendent.
- 3.2.1.2 Medication 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 may store personal items in the lockers in the staff amenities building.

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 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.

3.4.3 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.

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

3.4.5 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 in accordance with the search schedule.

3.6 Yard searches

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

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

3.7 Perimeter searches

3.7.1 A search of the outside perimeter will take place twice during the day shift and twice during the night shift, 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.

#### **4 Inability to complete a search**

- 4.1 There will be occasions when a Corrections Officer is unable to complete a search fully and properly. This will generally be for two reasons:
- the 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 officer should discuss the issue with the prisoner and attempt to elicit his/her cooperation.
- 4.2.1 The prisoner should be encouraged to understand the reasons 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 mingle 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, and only in instances where the prisoner is suspected of being in possession of contraband that may be used to harm themselves or others.
- 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 Duty Manager will be contacted and they will advise on the next course of action.

#### **5 Corrective Services Dogs**

- 5.1 Corrective Services Dogs will only be utilised by an appropriately trained



K9 Officer, in accordance with the relevant procedures.

- 5.2 Any person entering a correctional centre may be subject to a search by a K9 Officer and a Corrective Services Dog.

## **6 Recording of searches**

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

### **Forms/Templates**

Strip/Body 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

Incident Reporting Policy

Incident Reporting Procedure