Procedures – General search requirements

1. Introduction

1.1 The purpose of searching in prison environments is to reduce the risk of:
   - Possession of any unauthorised articles
   - Harm to the public, prisoners and/or staff
   - Damage to property
   - Escapes, attempted escapes and assisting escape, from custody.

1.2 In order to achieve the intent of section 1.1, the following Procedures have been developed:
   - Procedures – Searches of cells and environs
   - Procedures – Searches of prisoners
   - Procedures – Searches of staff
   - Procedures – Searches of vehicles
   - Procedures – Searches of visitors.

2. Definitions and acronyms

Designated Superintendent

The Superintendent as defined in s 36 of the Prisons Act 1981 and includes any reference to the position responsible for the management of a private prison under Part IIIA of the Prisons Act 1981. Does not extend to the Officer in Charge of a prison.
prison officer
A person engaged or deemed to have been engaged to be a prison officer under s 13 of the *Prisons Act 1981* or deemed to have been appointed under s 6 to an office designated by *Adult Custodial Rule 12 – Designation of Officers as Prison Officers* and suitably trained to undertake searches in accordance with *Policy Directive 26 – Searches*.

Superintendent
The Designated Superintendent or Officer in Charge (OIC) of a public prison, the Director or Officer in Charge of a private prison.

TOMS (Total Offender Management Solution)
An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to prisoners.

3. **General requirements**

3.1 All prisons shall conduct searches of all persons, vehicles and items entering or exiting a facility in accordance with this Policy Directive and associated procedures.

3.2 All prisons shall conduct searches of all areas within the gazetted facility grounds in accordance with this Policy Directive and associated procedures.

3.3 All prisons shall ensure all searches are conducted in a vigilant and comprehensive manner at all times.

3.4 All prisons must display a list of approved and unauthorised items at the Gatehouse or point of entry into the facility. The list must also state that it is not exhaustive and that items not specified as approved shall be considered prohibited until written approval is obtained (see also *Policy Directive 26 – Procedures - Searches of staff* and *Policy Directive 26 – Procedures - Searches of visitors*).

3.5 All searches are to be recorded on TOMS in the ‘Searching’ Module, other than searches of staff (refer *Policy Directive 26 – Searches of staff*).

3.6 Law enforcement agencies acting under the authority of statutory powers or warrant may conduct such searches as necessary on prison property. In these events staff shall cooperate with all lawful requests and instructions. Designated Superintendents shall ensure that local processes are developed to govern the administration and coordination of search conducted by external agencies.

3.7 All prisons shall develop Searching Strategies to address the key risk areas for their facility. The Searching Strategy shall include a search matrix, search frequencies and local management oversight and quality assurance measures. Searching Strategies are to be approved by the Deputy Commissioner Adult Justice Services. Minimum requirements for Searching Strategies are contained within this Policy Directive and its appendices.

3.8 In the event a mobile telephone or data storage device (including a thumb drive, SIM card or compact disk) is located during a search, the telephone or storage device is to be placed in an evidence bag, sealed and labelled (refer *Section 6*) and hand delivered or forwarded via internal mail to the Corrective Services Intelligence...
Division without being interfered or tampered with in any manner by staff, including by unlocking or attempting to retrieve any form of data from the telephone or device. Prison staff are not to insert any device found into any computer to investigate the device’s contents.

4. Reasons for searches

4.1 Three (3) distinct situations exist where searching occurs in prisons by prison officers:

4.1.1 Random searches
- Conducted on a daily basis as a matter of prison routine.

4.1.2 Targeted searches –
- Usually involving individual prisoners, visitors, staff or cells/environs, these searches are initiated by information or intelligence received or on other grounds that provide reasonable suspicion to justify such searching.

4.1.3 Planned search activities –
- Planned searching activities may target numbers of staff, visitors, prisoners or cells/environs in response to information, suspicion or identified security risks and may involve amending prison routines and the assistance of external agencies or the Drug Detection Unit.

5. Delegations and authority for searching

5.1 The power to search persons and examine articles in the possession or in the control of a person is given to superintendents, by virtue of s 49 of the Prisons Act 1981. Where any power to search is required in accordance with Policy Directive 26 – Searches or associated Procedures, the Designated Superintendent must delegate such search powers to a prison officer, to enable this function to be undertaken. Such delegations may occur, in relation to random searches, by way of local order or security strategy, approved by the Designated Superintendent (refer also Section 5.2 below in regards to targeted or planned searches).

5.2 The Designated Superintendent shall delegate particular prison officers the power to direct that targeted or planned searches are undertaken, in accordance with s 51 of the Prisons Act 1981. As a minimum, Designated Superintendents shall delegate prison officers undertaking the role of Visits Officers and Gate Officers to direct or undertake such searches (refer Policy Directive 26 – Searches – Appendix A – Superintendent’s delegation).

5.3 Only those prison officers who have been trained in conducting searches shall be permitted to search prisoners, staff or visitors or any article in the possession or under the control of a person.
6. Continuity and preservation of evidence

This section shall be read in conjunction with Policy for Gathering and Preservation of Evidence, Continuity of Exhibits and Procedures for the Preservation of Evidence, Continuity of Exhibits, Drug Movements and Inventory Control.

6.1 Any incident that takes place within a prison may become the subject of an investigation, either internally or externally, by other agencies including the Western Australia Police. Failure to follow the correct procedures may result in evidence being inadmissible or contaminated.

6.2 Officers shall be mindful of the continuity of exhibits for eventual presentation in court, and shall treat all evidence found as potentially being used for such a purpose.

6.3 An evidence kit should be taken to the search location where practicable prior to the search.

6.4 Whenever physical material is handled or a cell search is conducted, disposable gloves must be worn.

6.5 Disposable gloves must be discarded and replaced with a fresh pair between cell searches (ie one cell, one pair of gloves).

6.6 Physical material should be handled as little as possible. Once collected, physical material should be stored in a secure place.

6.7 Physical material should be photographed in situ. This will ensure that the context of the seizure is captured. Once physical material has been moved, it should not be replaced then photographed, as the evidence offered regarding its original location may be excluded. Photographs are to be endorsed with:

- the day, date, time and location of the find
- the description of the item/scene
- the name and signature of the person taking the photographs.

In the event that a digital camera is used, and the photograph is to be presented as evidence in a court of summary jurisdiction, a Statutory Declaration is to be completed indicating that the images have not been enhanced or altered.

6.8 Once physical material is photographed (if possible) and then moved, the area surrounding its location should be thoroughly searched.

6.9 Physical material should be stored in a container or bag appropriate to the nature of the physical material and only one item should be stored per container or bag. Those items which are located together should be bagged together (eg. a quantity of drugs contained within a soft drink bottle).

6.10 In accordance with the Procedures for the Preservation of Evidence, Continuity of Exhibits, Drug Movements and Inventory Control, items should be packaged according to the characteristics of the item. Sharps should be packaged in sharps containers (or similar rigid plastic containers), while items of a biological nature should be packaged into paper bags. Further information can be obtained from the abovementioned Procedures.
6.11 Irrespective of how an item is packaged, it must be labelled with the following information:

- the day, date, time, and location of the find
- the description of the item found
- the name of the prisoner(s) or other person(s) involved
- the name and signature of the person who found and packaged the evidence
- the name and signature of the person(s) receiving the evidence.

7. Search Manual

7.1 Each prison shall have copies of a Search Manual in the area used for the purposes of searching visitors and staff, for reference by visitors and staff.

7.2 Each Search Manual is to contain:

- a copy of ss 49, 49A, 50, 51 and 52 of the Prisons Act 1981
- a copy of r 81 of the Prisons Regulations 1982
- a copy of Policy Directive 26 and all associated procedures
- copy(s) of Designated Superintendent’s delegations under s 51 (refer Policy Directive 26 – Searches – Appendix A – Superintendent’s Delegation); and
- Copies of Policy Directive 26 – Searches – Appendix B – Search of a person entering or leaving a prison pursuant to s 49 of the Prisons Act 1981.

8. Approved

Commissioner or delegated authority in accordance with PD 26:

Signature: [Signature]

Date: 8 December 2014

9. Policy sponsor

Assistant Commissioner Custodial Operations

10. Contact person

The following persons may be approached on a routine basis in relation to this policy:

Director Security and Response Services

Principal Operational Policy Officer
11. Amendment history

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<td>23 July 2010</td>
</tr>
<tr>
<td>4. Amended</td>
<td>8 December 2014</td>
<td>22 December 2014</td>
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