1. **Introduction**

These Procedures operationalise Policy Directive 26 – Searches in regards to the search of prisoners, to ensure consistency and application of legislated requirements.

2. **Exemptions**

There are no exemptions to the application of these Procedures.

3. **Definitions and acronyms**

   **Approved carer**
   The primary carer (prisoner) of a child who has been approved to either have a child residing with them in prison, or has been granted permission to receive extended visits. The term ‘approved carer’ also includes alternate carers (prisoners who have been assessed and approved as a carer for a child in the event that the approved carer is unable to care for the child) (refer also Policy Directive 10 – Child Residency and Extended Visits with Children).

   **BOSS chair**
   Body orifice security scanner chair

   **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 Act. Does not extend to the Officer in Charge of a prison.

   **Medical officer**
   A person who is appointed or engaged as a medical officer referred to in ss 6(3) or (4) of the Prisons Act 1981.
Medical practitioner  A person who is registered under the Health Practitioner Regulation National Law (WA) Act 2010 in the medical profession (eg. a doctor).

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.

Sterile  For the purposes of these Procedures, sterile refers to an area or piece of equipment that has been thoroughly searched for the presence of contraband.

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.

4. Prisoner searches

4.1 The Designated Superintendent shall set forth a Searching Strategy in accordance with these Procedures.

4.2 The frequency of prisoner searches and search standards will depend upon the security rating of the prison. Each prison’s Searching Strategy in accordance with Section 4.1 above shall set forth the prison’s mandatory search locations (and the type of searches to be conducted), such as:

- Work locations, including workshops and kitchens
- Education, library
- Specialised units

4.3 Prisoners shall be searched on each occasion they enter or leave a prison. The Designated Superintendent shall specify in the searching strategy whether this search is undertaken by way of a rub down, or strip search.

4.4 Prisoners shall be visually inspected, as a minimum, upon leaving prison work locations including workshops and kitchens. Further rub down or strip searches may be mandated by the prison’s Searching Strategy in accordance with Section 4.2 above.

4.5 Prisoners shall be strip searched as a minimum requirement:

- On first reception and discharge from any prison
- Before placement in an Observation or Medical Observation Cell
- Before placement in a cell for the purposes of undergoing confinement for reasons of punishment in accordance with ss 77 or 78 of the Prisons Act 1981.
- Before being subject to urine testing

4.6 Further mandatory strip searches may be specified by the Designated Superintendent in the Searching Strategy.
4.7 Any new marks or tattoos observed on prisoners when searches are conducted are to be recorded on TOMS.

5. Drug detection dogs and drug detection devices

5.1 Drug detection dogs and drug detection devices may be used as determined by the Designated Superintendent to assist in the searching of prisoners.

5.2 Where a positive indication is given, the Designated Superintendent shall ensure that the prisoner is submitted to a rub down search as a minimum requirement (refer Section 8).

5.3 If no contraband is found, the prisoner shall be interviewed by the superintendent or their delegate in relation to the cause of the initial positive indication. If contraband is found, refer Section 13.

6. Hand held metal detectors

6.1 Hand held metal detectors may be used on their own or in conjunction with other searches (ie along with a rub down search). Hand-held metal detectors are used to detect metallic items on the person or within areas or goods / property. The following procedure must be followed when conducting a hand-held metal scan of a person:

- Ask the person to stand with their arms spread out.
- Run the detector closely along the person from head to toe
- If the warning light or alarm sounds, ask the person to give an explanation for it.
- If contraband is found, refer Section 13.

7. Rub down searches – procedures

7.1 The requirements of Policy Directive 26 – Procedures – General Search Requirements apply.

7.2 Rub down searches are to be conducted by a prison officer of the same gender as the prisoner being searched. A second officer shall be present.

7.3 Searching officers shall wear their Department issued search gloves when conducting searches of prisoners.

7.4 The following procedures apply for all rub down searches:

- Ask the prisoner if he or she has anything on his or her person which is unauthorised or may cause an injury to the searching officer.
- Ask the prisoner to empty his or her pockets and remove their hat or jacket. Search items removed from pockets, hat and jacket.
- Ask the prisoner to shake out his or her hair. Ask them to untie their hair if necessary.
- Using flat, open hands, search around the top of the prisoner’s shirt and shoulders.
- Ask the prisoner to raise his or her arms with fingers apart and palms downwards.
• Using flat, open hands, search each arm or check visually if not covered with clothing.
• Check hands visually, including between fingers.
• If the prisoner is male, using flat, open hands, check the front of the body from neck to waist, sides from armpits to waist, to and including the waistband.
• If the prisoner is female, using flat, open hands, check the front of the body from neck to top of bra, then from bottom of bra to waist, to and including the waistband. Check sides from armpits to waist.
• The prisoner may be asked to turn around to assist the search.
• Using flat, open hands check back, front and sides of each leg from crutch to ankle.
• Check the top of socks or shoes, or if necessary, ask prisoner to remove shoes and socks. If footwear is to be removed, a mat or similar item is to be provided for the prisoner to stand on while his or her footwear is being searched.
• Ask the prisoner to move to one side and inspect area for items dropped. Ensure that the prisoner is not standing on any item dropped.

7.5 The particulars of rub down searches shall be recorded on TOMS (refer also Section 13).

7.6 If a prisoner with a disability is subject to a rub down search, the search shall be conducted in a manner which ensures decency while maintaining the integrity of the search.

8. Strip searches - procedures

8.1 The requirements of Policy Directive 26 – Procedures – General Search Requirements shall apply.

8.2 The superintendent may request the presence of a medical officer during the search of a prisoner.

8.3 A prisoner shall not be strip searched in the presence or in the sight of a person of the opposite gender unless the medical officer (refer Section 8.2, above) is of the opposite gender to the prisoner.

8.4 Strip searches of prisoners shall not be undertaken in the presence of another prisoner, where practicable.

8.5 Discretionary strip searches (ie. those other than as defined in Section 4, above) are to be authorised by the superintendent, or where the superintendent is unable to be contacted, an officer of Senior Officer rank or above.

8.6 Searching officers shall wear their Department issued search gloves when conducting searches of prisoners.

8.7 A search of a prisoner under this section shall be conducted with regard to decency and self-respect. Strip searches shall be conducted in accordance with the following procedures (refer also Section 8.8)
• Two officers of the same gender as the prisoner being searched shall conduct the search.
• The first officer is to control the search and observe the prisoner from the front. The second officer is responsible for receiving clothing and other items removed by the prisoner and searching them. The second officer should also observe the prisoner from the back or side.

• Both officers are to remain alert to potential risks throughout the search.

• The first officer is to ask the prisoner if he or she has anything on his or her person which is unauthorised or may cause an injury to the searching officers.

• The first officer is to ask the prisoner to empty his or her pockets and remove their hat or jacket. The second officer is to receive and search such items.

• The first officer is to ask the prisoner to shake out his or her hair. Ask them to untie their hair if necessary.

• The first officer is to look around and inside his or her ears, nose and mouth. The prisoner may be asked to raise his or her tongue so that a thorough search of the prisoner’s mouth can be conducted.

• The first officer is to ask the prisoner to remove the top half of his or her clothing (including bra, for female prisoners) and pass the clothing to the second officer. The second officer is to receive and search the clothing.

• The first officer is to ask the prisoner to hold up their arms and turn around whilst both officers observe the prisoner’s upper body and hands.

• The second officer is to return the prisoner’s clothing and the prisoner is to be permitted to re-dress.

• The first officer is to ask the prisoner to remove his or her footwear including socks, and pass them to the second officer.

• The first officer is to ask the prisoner to remove the bottom half of his or her clothing, including underwear, and pass the clothing to the second officer. The second officer is to receive and search the clothing.

• The first officer is to ask the prisoner to lift his or her feet. The first officer is to visually check between the prisoner’s toes. The first officer is to ask the prisoner to raise the top half of their clothing and turn around, so the prisoner’s lower half of the body can be checked.

• Both officers are to ensure that the floor area is clear of any items which may have been dropped before or during the search. The first officer is to ask the prisoner to step to one side to ensure that the prisoner is not standing on anything he or she has dropped.

• Prisoners shall not be required to lift breasts (females), genitals (males), nor lift skin folds unless the searching officer believes that there is something concealed in these areas. Male prisoners (only) may be asked to squat if the searching officer believes there is something concealed in the anal area.

• In regard to female prisoners, externally applied sanitary towels, napkins or pads are to be removed by the prisoner and placed in an appropriate container for disposal. A replacement shall be provided. Staff must not remove, or ask the prisoner to remove, tampons during a search.

• The second officer is to return the prisoner’s clothing, and the prisoner is to be permitted to re-dress.
8.8 If the prisoner is required to undress fully for the purposes of showering upon reception, or the donning of a non-tear gown before placement in an observation cell (refer Policy Directive 11 – Prisoners Placed in Observation or Medical Observation Cells) a full strip search may be conducted.

8.9 If the searching officers believe that the prisoner is attempting to conceal any item during a search where the prisoner is permitted to remain partially clothed (as detailed in Section 8.7 above), the prisoner may be asked to remove all of their clothing (refer Section 8.9).

8.10 Any deviation from searching procedures as detailed in Section 8.7, including requiring a prisoner to remove all clothing due to a suspicion of a concealment (refer Section 8.9) is to be recorded in the TOMS record of the search (refer Section 8.12).

8.11 Where an unauthorised item is clearly and fully visible during the search the prisoner is to be asked to remove the item. If the prisoner refuses, the item may be removed (with force if necessary, refer Policy Directive 5 – Use of Force) by the searching officers. Any item which is partially or fully secreted internally in any body cavity shall be managed in accordance with Section 9.

8.12 The particulars of strip searches shall be recorded on TOMS (refer also Section 13), including any deviation from searching procedures (refer Section 8.10 above).

8.13 If a prisoner with a disability is subject to a strip search, the search shall be conducted in a manner which ensures decency while maintain the integrity of the search.

9. Searches of prisoners for medical reasons

9.1 Any prison officer who has sufficient reliable information to believe that a prisoner has internally secreted items or substances that poses a threat to the prisoner’s health or the good order and security of the prison will immediately advise the superintendent.

9.2 Where the superintendent has reasonable grounds for believing that a medical examination of a prisoner will afford evidence as to the commission of an offence or that the internally secreted items or substances pose a threat to the prisoner’s health, the superintendent shall immediately advise the Clinical Nurse Manager (CNM) (or delegate). If the CNM (or delegate) is not available and the superintendent believes that there is an immediate threat to the prisoner’s health, the prisoner is to be conveyed to hospital for further examination and the Director Health Services is to be contacted.

9.3 In the event that the CNM (or delegate) is not available (including after hours) the superintendent shall contact the on-call doctor for advice as to the prisoner’s medical management, which may involve the transfer of the prisoner to hospital.

9.4 Pending assessment by a medical practitioner, the superintendent shall authorise the suitable placement of the prisoner (refer also Policy Directive 11 – Placement of Prisoners in Observation or Medical Observation Cells), taking into consideration the following:

- the health, well-being and dignity of the prisoner
- the good order and security of the prison
- the type of medical examination that may be required.

9.5 The superintendent shall provide the prisoner the following advice in regard to the reason for the placement (refer Section 9.4 above) and the procedure that may follow:
“This placement is being made because there is reliable information that you have items and/or substances secreted internally in your body. As this may be dangerous to your health a medical practitioner has been/will be notified. If the medical practitioner considers it necessary, he/she can authorise a medical examination. The medical examination can only be carried out by a medical practitioner. The authority for this procedure is contained in ss 46 and 95D of the Prisons Act 1981. You should be aware that if you refuse to undergo an examination, the Prisons Act 1981 authorises a medical practitioner to use or direct the use of such force as is reasonably necessary for the purpose of the examination”.

9.6 The particulars of incidents relating to medical examinations of prisoners are to be recorded on TOMS in accordance with Policy Directive 41 – Reporting of Incidents and Additional Notifications.

10. Searching of religious headwear

10.1 Prisoners may be permitted to wear religious / cultural headwear (refer Policy Directive 7 – Religious and Spiritual Activities). Such headwear is subject to searching, but care must be taken to treat it with respect. In the event that a prisoner is requested to remove such an item for a search to be conducted, the removal is to take place in an area out of sight of all persons of the opposite gender. All persons can have their religious headwear searched by a hand held metal detector.

11. Searching of prisoners with injuries or disabilities

11.1 Reasonable adjustments of searching processes should be made for prisoners with injuries and disabilities. The normal routine searching procedure may need to be varied according to the particular injury / disability of the prisoner.

11.2 Before undertaking the search, the prisoner is to be asked if he or she is in any pain. Searching officers should consider seeking advice from Health Services staff.

11.3 It must be considered, on a case-by case basis, whether to transfer a prisoner to a sterile wheelchair (if available) for the purpose of the search. The risk assessment must take into account factors such as the level / nature of the prisoner’s disability of the individual, his/her size and weight etc. The transfer of prisoners between chairs may require specialist assistance and aids.

11.4 In order for an effective search to take place, non-sterile wheelchairs should be collapsed and removable parts, such as the arms, closely inspected.

11.5 If a prisoner is wearing a pacemaker, they must not be subjected to the metal detector portal or hand held metal detector. They may be asked to sit on a BOSS chair (if available).

11.6 When conducting a routine search, officers are to do so in a seemly manner with due regard to the prisoner’s disposition.

11.7 If a prisoner has an artificial limb, bandage, plaster cast, etc. and this impedes the search and/or there is suspicion or intelligence that it is being used to conceal an unauthorised item, the searching officer may seek advice from Health Services about the removal of the item where this is practical. Consideration may also be given to the use of drug detection dogs for such searches if deemed appropriate by the superintendent.

11.8 Elderly prisoners, or those with relevant disabilities, must be allowed to sit down for as much as possible during the search.
11.9 If a prisoner is seriously ill or still recovering from major injury or recent surgery, searching procedures must be modified to ensure the least discomfort or intrusion consistent with a reasonable chance of finding anything that might be concealed. He or she must be offered the chance to sit down during the search, particularly when dressing / undressing in the case of a strip search should this be necessary.

12. Searching of residential babies and children

12.1 Although residential babies and children are not prisoners, searching them may be necessary (refer Policy Directive 10 – Child Residency and Extended Visits with Children). Searching of babies and children undertaking visits, including extended visits, are to be undertaken in accordance with Policy Directive 26 – Procedures – Searches of Visitors.

12.2 Searches of residential babies and children shall be conducted expeditiously and only by female prison officers. Searches shall be conducted only in the presence of female persons and in the presence of the child’s approved carer.

12.3 The superintendent shall ensure that there is sufficient intelligence to support the search (rub down or strip search) of a baby or child.

12.4 All children shall be rub down searched in accordance with the procedures set out in this document, in accordance with Sections 12.1 to 12.3 above.

12.5 A strip search of a residential child or baby (including a child or baby undertaking an extended day or overnight visit) shall be conducted in accordance with Sections 12.1 to 12.3 above and the following:

- Inform the approved carer of the officer’s authority for conducting the search
- Inform the approved carer of the reason for the search
- Ask the approved carer whether the child has anything in their possession which may jeopardise the good order or security of the prison and if so, ask the prisoner to produce the article
- Provide the approved carer the opportunity to respond to the above
- If need be (depending on the age of the child), the approved carer is to be asked to place the child on a convenient and safe surface, or the child may stand on the floor. Officers should be mindful of the ambient temperature of the room, particularly when searching young children or babies.
- The first officer is to ask the approved carer to remove the child’s outer garments (jacket, beanie etc) and pass them to the second searching officer. The second officer is to search the removed items.
- Ask the approved carer to remove all clothing from the top of the child’s body. The items are to be passed to the second searching officer who will search the items while the first officer shall visually inspect the child. If a baby is being searched, the approved carer may be required to lift the child for the inspection to be undertaken. The clothing is then to be returned to the approved carer and the child shall be permitted to re-dress.
- Ask the approved carer to remove all clothing from the bottom of the child’s body, including the child’s nappy (if present). The items are to be passed to the second searching officer who will search the items while the first officer shall visually inspect the child. If a baby is being searched, the adult may be required to lift the child for the inspection to be undertaken. The clothing is then to be returned to the adult accompanying the child and the child shall be permitted to re-dress. The baby’s nappy, if present, shall be discarded (or if a
cloth nappy, returned to the child) and a fresh disposable nappy is to be provided.

- The area around the child and adult is to be checked to ensure that no item has been dropped during the search.

13. **Contraband finds**

13.1 In all cases where contraband is found the incident must be reported in accordance with [Policy Directive 41 – Reporting of Incidents and Additional Notifications](#).

13.2 The seizure, labelling, evidence continuity, storage and disposal of contraband shall be managed in accordance with [Procedures for the Preservation of Evidence, Continuity of Exhibits, Drug Movements and Inventory Control](#).

14. **Approved**

Commissioner or delegated authority in accordance with PD 26:

Signature: [Signature]

Date: 19 February 2015

15. **Policy sponsor**

Assistant Commissioner Custodial Operations

16. **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

17. **Amendment history**

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