Procedures – Searches of staff

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1. Introduction

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

2. Exemptions

There are no exemptions to the application of these Procedures. However, members of the Investigation Services Directorate may take audio and video equipment necessary to record interviews into a prison. Laptop computers may also be permitted if necessary to record interviews only. All such items are to be declared at the entrance to the prison upon entry and exit.

3. 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 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.
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.

Reasonably suspects  In accordance with the *Criminal Investigations Act 2006*, Section 4, a person reasonably suspects something at a relevant time if he or she personally has grounds at the time for suspecting the thing and those grounds (even if they are subsequently found to be false or non-existent), when judged objectively, are reasonable.

Staff  Any person in the paid or unpaid employment of the Department of Corrective Services, including contractors, subcontractors and volunteers.

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

WAPol  Western Australia Police

4. **Searches of staff**

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

4.2 Policy Directive 26 – Searches – Appendix B – Search of a person entering/leaving a Prison shall be completed for the search of any staff member in accordance with these procedures.

5. **Personal and general property searches**

5.1 A personal property examination involves a visual (and where available and applicable, technological) examination of all items being conveyed into the prison by a staff member to ensure compliance with Section 11.

5.2 Every person entering a prison must undergo a personal property examination.

5.3 Personal property may be permitted or denied entry into a prison in accordance with these Procedures, and specifically Section 11.

5.4 A general property search is to be conducted on all property that is not the personal property of a person (e.g. general prison stores, deliveries, materials for prison industries). All items in accordance with this subsection shall be thoroughly inspected visually, and where possible, via x-ray.

5.5 Staff exiting a prison may be searched in accordance with these Procedures to ensure that property is not being removed from a prison without authorisation.

5.6 If contraband is found, refer Section 12.

5.7 The management of incoming prisoner property shall occur in accordance with Policy Directive 42 – Prisoner Property.
6. Drug detection dogs and drug detection devices

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

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

6.3 If no contraband is found, the staff member shall be interviewed by the superintendent or their delegate in relation to the cause of the initial positive indication. The Superintendent or their delegate shall then report the matter to the Investigation Services Directorate in accordance with Policy Directive 41 – Reporting of Incidents and Additional Notifications. A further search of the staff member’s locker (where relevant) may be conducted. Vehicle searches may be conducted in line with Section 13.

6.4 If contraband is found, refer Section 12.

7. Hand held metal detectors

7.1 Hand held metal detectors may be used on their own or in conjunction with other searches (eg along with a rub down search).

7.2 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 12.

8. Rub down searches

8.1 The Designated Superintendent shall determine the number of rub down searches to be carried out each day and is to ensure that the frequency of these searches is not predictable. Factors such as the prison’s total daily pedestrian movement should be used in determining the frequency of these searches. As a minimum, the Designated Superintendent shall ensure that 5% of all pedestrian movements are subjected to rub down searches upon their entry into prison. The frequency of rub down searches to be conducted shall be stipulated in the prison’s Searching Strategy.

8.2 In the event that a targeted rub down search is required, the express permission to conduct the search shall be obtained from the Designated Superintendent or their delegate (refer Policy Directive 26 – Procedures – General Search Requirements).

8.3 In the event of a planned search activity involving the search of staff, the Designated Superintendent or their delegate shall personally direct that the rub down search of staff be conducted (refer Policy Directive 26 – Procedures – General Search Requirements).

8.4 Rub down searches are to be conducted by a prison officer of the same gender as the staff member to be searched, in an appropriate area, as specified by the prison’s Searching Strategy. A second officer of either gender shall be present,
unless the person being searched is female, in which case the witnessing officer shall be female and the search shall be conducted out of the sight of any male persons.

8.5 Searching officers shall wear their Department issued search gloves when conducting searches of staff.

8.6 At a minimum, the searching prison officer shall:

- Inform the person of the officer’s authority for conducting the search (whether directed by the Designated Superintendent in accordance with Sections 8.1, 8.2 and 8.3 above).
- Inform the person that if they do not submit to a search the superintendent may refuse to admit that person or may cause to have the person removed from the prison.
- Inform the person that they are permitted to have a person of the same gender present (not a prisoner) during the search.
- Inform the person of the reason for the search.
- Ask the person whether they have anything in their possession which may jeopardise the good order or security of the prison and if so, to produce the article.
- Provide the person the opportunity to respond to the above.
- Ask the person 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 person to empty his or her pockets and remove their hat or jacket. Search items removed from pockets, hat and jacket.
- Ask the person 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 person’s shirt and shoulders.
- Ask the person 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 person 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 person 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 person 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.
- If the person is wearing a skirt, it may be difficult to search the tops of the person’s legs. In these cases, the searching officer is to search on the outside
of the person’s clothing, and if required use a hand held metal detector to search more thoroughly.

- Check the top of socks or shoes, or if necessary, ask person to remove shoes and socks. If footwear is to be removed, a mat or similar item is to be provided for the person to stand on while his or her footwear is being searched.
- Ask the person to move to one side and inspect area for items dropped. Ensure that the person is not standing on any item dropped.
- The details of the search, including any response provided by the person being searched and anything found, are to be recorded on Policy Directive 26 – Searches – Appendix B – Search of a person entering/leaving a Prison.

8.7 In the event a person 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.

8.8 Staff may be permitted to wear religious / cultural headwear (refer Policy Directive 63 – Uniforms and Dress Standards). Such headwear is subject to searching, but care must be taken to treat it with respect. In the event that a person 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.

8.9 If contraband is found, refer Section 12.

9. **Strip searches**

9.1 Where a staff member forms a suspicion that another staff member may have contraband in their possession or control and is suspected of attempting to traffic such an article into a prison, the Investigation Services Directorate is to be notified immediately in accordance with Policy Directive 41 – Reporting of Incidents and Additional Notifications.

9.2 Following the suspicion being formed and managed in accordance with Section 9.1 above, and the Designated Superintendent believes that a strip search is reasonably required, he or she shall contact the Western Australia Police (WAPol) in order that WAPol can conduct the search, in accordance with their standard operating procedures.

9.3 Where WAPol are not immediately available, the Investigation Services Directorate shall be contacted in order to conduct the strip search, if able to attend (refer Adult Custodial Rule 12 – Designation of Officers as Prison Officers). Searches conducted by the Investigation Services Directorate shall be conducted in accordance with Section 9.5.

9.4 In rare and exceptional circumstances, where neither WAPol nor the Investigation Services Directorate are immediately available and a search is required in order that evidence is not lost or destroyed and/or the staff member is not detained unreasonably, the Designated Superintendent may authorise a prison officer, of Principal Officer rank or above (refer Adult Custodial Rule 12 – Designation of Officers as Prison Officers) to undertake the strip search, where the Designated Superintendent reasonably suspects (refer Section 3 for definition) the staff member has contraband in their possession or control.

9.5 Searching officers shall wear their Department issued search gloves when conducting searches of staff.
9.6 Where Investigation Services Directorate staff or a prison officer authorised by the Designated Superintendent undertake the strip search of a staff member, the following apply:

9.6.1 Strip searches are to be conducted by a person of the same gender as the person to be searched in an appropriate area as specified in the prison’s Searching Strategy (refer also Section 9.6.2 below). A second person of the same gender shall witness the search.

9.6.2 Strip searches shall be conducted in a room where the interior of the room is not visible to anyone from the outside. A gown or towel shall be provided to the staff member subject to the search and a Search Manual (refer Policy Directive 26 – Procedures – General Search Requirements) shall be made available for reference by the searching officers and the staff member.

9.6.3 Searches shall be conducted expeditiously and with regard to decency and self-respect.

9.6.4 A strip search of a staff member shall not be conducted with more than 2 officers present unless the superintendent orders otherwise in the interests of security of the prison or to overcome resistance to the search.

9.6.5 Prior to undertaking the search, the staff member being searched should be asked to voluntarily produce any contraband. A strip search may still be authorised by the Designated Superintendent if, following the voluntary production of the contraband, he or she reasonably suspects further items to be in possession or under the control of the staff member.

9.6.6 A video camera should be used for the purposes of recording audio and contraband located. The video camera, if used, shall be placed in a stationary position on the ground nearby to the search location.

9.6.7 At a minimum, the searching officers shall:

- Inform the person of the officer’s authority for conducting the search (as directed by the Designated Superintendent in accordance with Sections 9.1 and 9.2 above).
- Inform the person that if they do not submit to a search the superintendent may refuse to admit them or may cause to have them removed from the prison.
- Inform the person that they are permitted to have a person of the same gender present (not a prisoner) during the search.
- Inform the person of the reason for the search.
- Ask the person whether they have anything in their possession which may jeopardise the good order or security of the prison and if so, to produce the article.
- Provide the person the opportunity to respond to the above.
- The first officer is to control the search and observe the person from the front. The second officer is responsible for receiving clothing and other items removed by the person and searching them. The second officer should also observe the person from the back or side.
- The first officer is to ask the person 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 person to shake out his or her hair, and untie his or her if necessary.

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

• The first officer is to ask the person to remove the top half of his or her clothing (including bra, for female persons) 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 person to hold up his or her arms and turn around whilst the officers observe the person’s upper body and hands.

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

• The first officer is to ask the person to remove his or her footwear including socks, and pass them to the second officer. The first officer is to ask the person 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 person is to be asked to lift his or her feet. Between the toes is to be checked.

• The first officer is to ask the person to raise the top half of his or her clothing and turn around, so the person’s lower half of the body can be checked.

• The 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 person to step to one side to ensure that the person is not standing on anything he or she has dropped.

• Persons 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 persons (only) may be asked to squat if the searching officer believes there is something concealed in the anal area.

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

• The person’s clothing is to be returned and the person is to be permitted to re-dress.

• The details of the search, including any response provided by the person being searched and anything found, are to be recorded on Policy Directive 26 – Searches – Appendix B – Search of a person entering/leaving a Prison.

9.6.8 The superintendent may request that a medical officer is present during the strip search of a staff member.

9.6.9 If a staff member with a disability is to be subject to a strip search, the search shall be conducted in a manner which ensures decency while maintaining the integrity of the search.

9.7 If contraband is found, refer Section 12.
10. **Refusal to be searched**

10.1 In the event that a staff member refuses a request to be subjected to a search, the Designated Superintendent may:

- Where the search was a matter of routine, order that they remain in the immediate area and advise that failure to comply will result in disciplinary action.
- Where the person has already entered, or refuses to leave, they may be removed from the prison.

10.2 A refusal to be searched shall be managed as a refusal of a lawful order and further reported as misconduct in accordance with [Policy Directive 41 – Reporting of Incidents and Additional Notifications](#).

11. **Prohibited items and contraband**

11.1 Only items necessary for a staff member’s duty or function, or the function of the prison, shall be permitted to enter a prison.

11.2 Items authorised in accordance with this section must be conveyed into and out of the prison in a bag of the following specifications:

- Only soft shell bags shall be permitted (no briefcases or suitcases).
- Only bags of dimensions less than 40cms x 35cms x 15cms shall be permitted.
- Only one bag per staff member is permitted.
- All bags transported into the prison during a shift must be removed from the facility at, or before, the completion of the same shift.

11.3 Items may be carried loosely.

11.4 Items considered necessary for a staff member’s duty or function include:

- any item issued as part of Department of Corrective Services’ uniform
- medical items such as diabetic insulin or blood pressure medication
- feminine hygiene items
- spectacles
- staff meals (excessive food will not be permitted).

11.5 All additional items shall be considered unauthorised unless specifically authorised by the Designated Superintendent or specified in the Searching Strategy.

11.6 Unauthorised items include:

- Portable media devices such as iPods, Walkmans and MP3 players
- USB thumb drives or SIM cards
- E-book readers and iPads
- Computers and laptops
- Portable gaming devices
- wireless communication devices (including mobile phones)
- optical media such as compact disks (CDs) Digital Video Disks (DVDs)
• tools, other than those approved by the superintendent and necessary for a staff member’s duty or function
• drugs other than prescribed and authorised by the Superintendent
• alcohol

11.7 **Note**: This list is not exhaustive. The absence of an item from this list does not imply its authorisation.

11.8 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.

11.9 When it is in doubt whether an item is required for a staff member to perform a duty or function, the item shall be considered unauthorised until the Designated Superintendent grants written approval for the item. In all cases, approval from the superintendent must be obtained prior to the item entering into the prison.

11.10 Written approval by the Designated Superintendent must be given for situations where ongoing approval to possess an otherwise unauthorised item is required.

12. **Contraband finds**

12.1 If contraband is found, the staff member shall be detained and interviewed by the superintendent who shall determine the relevant course of action. This may include detaining the person under s 50(5) of the *Prisons Act 1981* and delivering them into the custody of a police officer under Section 50(6) of the *Prisons Act 1981*.

12.2 In all cases where contraband is found the incident must be reported in accordance with Policy Directive 41 – Reporting of Incidents and Additional Notifications.

12.3 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.

13. **Vehicle access to prisons and searches**

13.1 Vehicle access to prisons and searches of such vehicles shall be managed in accordance with Policy Directive 26 – Procedures – Searches of Vehicles.

14. **Intelligence led vehicle searches**

14.1 The Designated Superintendent or delegate may authorise a search of a vehicle brought onto prison property by staff after they have assessed and considered whether there are sufficient grounds justifying such action. Refer Policy Directive 26 – Procedures – Searches of Vehicles.
15. **Approved**

Commissioner or delegated authority in accordance with PD 26:

Signature: [Signature]

Date: 19 February 2015

16. **Policy sponsor**

Assistant Commissioner Custodial Operations

17. **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

18. **Amendment history**

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