

Policy

Youth detention - Search of a young person

YD-4-2

RTI RELEASED

Policy statement

Any search of a young person must be actioned in strict compliance with the requirements of the *Youth Justice Regulation 2003*.

Accordingly, youth detention centres will ensure:

- search procedures and requirements are explained to young people during the induction process on admission
- searches of young people are undertaken only when reasonable grounds exist for the search
- the safety and wellbeing of young people is paramount and security considerations cannot override or expose the young person to a search type that may be detrimental to their safety or wellbeing
- the reasonable grounds for conducting a search are explained to the young person
- the appropriate search is conducted commensurate to the level of risk assessed
- all searches are approved by a delegated officer authorised to approve that particular search type, prior to the search being conducted
- any search of a young person is conducted as quickly as reasonably possible, with regard to their dignity and privacy
- records are created of the search that are compliant with the requirements of the *Youth Justice Regulation 2003*.

Principles

1. Search types

Where reasonable grounds exist, a young person may be subject to a:

- 1.1 **wand search** - a search where a young person remains clothed and is searched with a hand-held metal detector
- 1.2 **clothed search** - a search where a young person remains clothed but is requested to remove their shoes and empty and turn-out their pockets. Staff then use a 'pat-down' technique to search the young person
- 1.3 **partially clothed search** - a search of a young person that does not involve touching the young person and searches their upper and lower body, permitting the young person to remain partially clothed (i.e. upper body remains clothed while their lower body is searched and vice versa)
- 1.4 **cavity search** - a search of a young person that involves the visual, manual or instrument inspection of a young person's body cavities by a medical professional.

2. Mandatory requirements for search process

In seeking to undertake a search of a young person, youth detention operational staff must:

- 2.1 undertake a risk assessment
- 2.2 seek appropriate approval from an authorised officer prior to conducting the search
- 2.3 ensure the staff member searching the young person is of the same gender as the young person

- 2.4 conduct the search in a manner with legislation, this policy and the procedures outlined in Chapter 4 of the Youth Detention Centre Operations Manual
- 2.5 record all searches in DCOIS.

3. Risk assessment to inform search decision

3.1 When determining whether a search is required, youth detention operational staff must undertake a risk assessment of the situation and of the individual young person to establish a level of risk.

3.2 This risk level assessed will determine if a search should be conducted, and if one is required, the type of search commensurate to the level of risk assessed.

3.3 To do this, youth detention operational staff should consider the following risks.

- **risks associated with the young person** such as –
 - previous relevant behaviours including previous incidents in a youth detention centre and offence history
 - current mental health issues which may have an impact on their behaviour
 - history of possession and/or use of restricted, prohibited or illegal articles
 - past or present self-harm or suicide risk
 - SIYP rating and history
 - drug or alcohol history
 - the possible intended outcome/use of the article they are suspected to be hiding
 - any other risk factor that may be relevant
- **situational factors** such as –
 - whether a potential dangerous item has gone missing from a secure area (e.g. a piece of cutlery, tools, writing implement)
 - their current behaviour
 - intelligence which indicates the young person may be in possession of a restricted, prohibited or illegal article, and
 - movement factors such as –
 - whether the young person is returning from a location within the centre where they may have had access to potentially dangerous items or restricted, prohibited or illegal articles (including visits area, programs and the education precinct)
 - whether the young person is being admitted
 - whether the young person is returning from a leave of absence
 - whether the young person is being transferred from police custody (and whether the young person was searched by the police).
 - any other risk factor that may be relevant.

3.4 As part of the risk assessment, the safety and wellbeing of the young person must also be considered and security considerations cannot override or expose the young person to a search type that may be detrimental to their safety or wellbeing. In practice, this means that the behaviour and the victim history of the young person, as well as the immediate situation, must be considered. While the good order and safety of the centre is an appropriate consideration in the risk assessment, further substantiation based on the specific situation is needed for it to be a valid reason for a search.

3.5 Once all risk factors have been considered, youth detention operational staff should use their professional judgement to assign a risk level, using the diagram below as a guide.

Level of risk assessed

No risk	Low risk	High risk	Extreme risk
No search	Pat and/or wand search	Partially clothed search	Cavity search
<p>Factors that may lead to a 'No risk' assessment:</p> <ul style="list-style-type: none"> no risk factors associated with the young person no risk factors associated with the situation a young person who is leaving the centre and has no recent history of suicidal ideations and no recent history of possession of restricted or prohibited articles. no SIYP related risks. 	<p>Factors that may lead to a 'low risk' assessment:</p> <ul style="list-style-type: none"> a low-risk item (such as a pen lid) going missing from a secure area but with no intel on who might possess it or what happened to it admission with no specific young person risks attendance at tooling or metal work programs low SIYP related risks. 	<p>Factors that may lead to a 'high risk' assessment:</p> <ul style="list-style-type: none"> a dangerous item (such as a pen or a compass) going missing from a secure area highly suspicious behaviour from a young person following their access to an area outside of accommodations and following intel of their intent to harm another young person a number of high risks such as specific risks associated with the young person such as a history to possession and a movement risk. <p>To undertake a partially clothed search there must be a risk associated with the young person.</p>	<p>A cavity search can only be authorised if the centre director considers on reasonable grounds that:</p> <ul style="list-style-type: none"> the young person is in possession of a thing that may: <ul style="list-style-type: none"> threaten the security or good order of the detention centre, or endanger, or be used to endanger, the young person or another person.

3.6 Ultimately, the decision about the risk level is a matter of professional judgement on a case by case basis. Every situation will be different and the above table is a guide only. Any item (for example, a rock, stick from a tree, broken plastic sleeve of a pen) in the possession of a young person with intent to harm (someone else, themselves or property) could be dangerous. However, staff must record all of the risks identified in the circumstances to justify the decision made about the most appropriate search.

4. Health and safety considerations

4.1 When conducting a search, youth detention staff must take due care to protect themselves to minimise exposure to potential risk from infection and concealed articles.

4.2 Accordingly, when conducting a search, youth detention staff must:

- use appropriate personal protective equipment
- maintain an awareness of their position relative to the young person throughout the duration of the search
- monitor the young person closely to detect any potential hostile or non-compliant behaviours, and
- use safe search practices as outlined in Chapter 4 of the Youth Detention Centre Operations Manual and associated training materials to avoid injuries and infection from concealed articles.

5. Reasonable force to conduct a search

5.1 The *Youth Justice Regulation 2003* permits the use of reasonable force to conduct all search types in instances where a young person fails to cooperate with the conduct of the search.

5.2 In instances where a cavity search has been authorised, reasonable force can only be used to conduct the search if the medical practitioner or centre director believes the search cannot be conducted in any other way.

5.3 To remove any doubt, use of reasonable force for any search type must only be enacted as an option of last resort.

5.4 If a young person is refusing to cooperate with the search, youth detention staff must make reasonable efforts to:

- communicate to the young person why the search must be conducted
- negotiate with the young person to encourage them to cooperate
- communicate to the young person that force may be used if they fail to cooperate
- have a second staff member approach the young person to offer to search the young person (rather than the first staff member)

5.5 Staff can also consider separating¹ the young person in a sterile room and placing them under observation.

5.6 If after attempting the above steps and force is still required, the staff member should discuss the proposed use of force with the shift supervisor, centre director or on call manager and obtain their approval for the use of force.

5.7 If approved, the youth detention operational staff member who uses force to conduct a search must ensure that the least amount of force necessary is used.

5.8 If an immediate decision about the use of reasonable force is required in order to protect a person or property in the centre or to immediately obtain a dangerous item and the staff member is unable to discuss the use of force with a supervisor beforehand, the staff member may use reasonable force in accordance with the Policy YD-3-4: Youth Detention Protective Actions Continuum.

5.9 Any suspected use of unreasonable or unnecessary force will be referred to the department's Ethical Standards Unit.

¹ In accordance with Policy YD3-8: Use of separation in response to an incident.

6. Record keeping

- 6.1 All searches, including the risk assessment and justification for the search, must be recorded on DCOIS.
- 6.2 For pat and wand searches conducted as part of daily operations (to ensure the safety and security of the centre during young people's movements from programs to accommodation etc) – these searches are to be recorded on the relevant activity log as an occurrence, rather than against an individual young person. If items are found as part of this process, staff must create an ad-hoc search activity record and record: justification; approving officers; searching officers; items found and the young people searched.
- 6.3 Where a pat and/or wand search of a young person is conducted in a program area because there are reasonable grounds that a young person may be in possession of a restricted item missing from that area, staff must record the following on DCOIS: search type; justification; approving officers of search conducted; and what item(s), if any, were found.
- 6.4 For partially clothed searches the shift supervisor must:
- create an ad-hoc young person search record in the relevant log
 - detail the risk assessment and justification for the search and any special instructions.
- 6.5 All cavity searches, including risk assessment and justification, must be recorded in the Cavity Search Register on DCOIS.
- 6.6 Staff must follow the additional guidance noted in Chapter 4 of the Youth Detention Centre Operations Manual in relation to record keeping for searches of young people.

Objectives

The department has a legislative responsibility to ensure that youth detention centres are safe and secure environments.

Searches are a risk reduction strategy that assist in the elimination and control items in a youth detention environment that have the potential to cause harm to people and/or property. Searches also contribute to the security management of a youth detention centre.

Accordingly, this policy identifies the types of searches that can be conducted of a young person in youth detention and regulates the way that searches are to be conducted.

Scope

This policy applies to young people sentenced or remanded in a youth detention centres.

This policy is part of a suite of policies and processes developed to support the safe and secure operations of youth detention centres and is to be read in conjunction with:

- Policy YD-4-1: Management of restricted and prohibited articles
- Policy YD-4-4: Retention and disposal of evidence relevant to an incident
- Chapter 4: Security Management, Youth Detention Centre Operations Manual.

Roles and responsibilities

- Unit manager and shift supervisor - using their professional judgement to assess the level of risk that exists to determine whether reasonable grounds exist for a young person to be searched, demonstrating a duty of care to any young person who is searched, ensuring the search is recorded on DCOIS.
- Centre director - ensuring practice complies with this policy, determining whether reasonable grounds exist to authorise a cavity search by a medical practitioner, ensuring that any medical practitioner required to do a cavity search on a young person understands their responsibilities under section 27 of the *Youth Justice Regulation 2003*, training new youth detention operational staff during their induction to ensure understanding of their responsibilities in accordance with this policy, and on appropriate wand, clothed and partially clothed search techniques.
- Director, Youth Detention Operations - collecting and analysing data for monitoring purposes about search trends and providing regular advice to the Youth Detention Governance committee about any emerging issues, providing practice support and advice to youth detention operational staff and youth detention management about issues relating to compliance with this policy.
- Director, Youth Justice Capability and Learning - reviewing and updating relevant training materials as required.

Authority

Youth Justice Act 1992

Youth Justice Regulation 2003

Public Records Act 2002

Delegations

- Assistant Director-General, Youth Justice, director, youth detention centre, director, Youth Detention Operations - *Youth Justice Act 1992* Section 263 (2), (5) – Issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and wellbeing of children in detention. Comply with youth justice principles.
- Assistant Director-General, Youth Justice, director, youth detention centre, deputy director, youth detention centre, unit manager (accommodation), unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre, court supervisor, youth detention centre, section supervisor, youth detention centre, visits coordinator, youth detention centre - *Youth Justice Regulation 2003* Section 24 (1) – Authorise staff member to search a child.
- Assistant Director-General, Youth Justice, director, youth detention centre, deputy director, youth detention centre, unit manager (accommodation), unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre, court supervisor, youth detention centre, section supervisor, youth detention centre, community assistance project supervisor, youth detention centre, visits coordinator, youth detention centre - *Youth Justice Regulation 2003* Section 24 (2) - Determine when search should take place.
- Assistant Director-General, Youth Justice, director, youth detention centre, deputy director, youth detention centre, unit manager (accommodation), unit manager (operations), unit

- manager, youth detention centre, shift supervisor, youth detention centre - *Youth Justice Regulation 2003* Section 26 (1) - Determine when search should involve removal of clothes.
- Assistant Director-General, Youth Justice, director, youth detention centre - *Youth Justice Regulation 2003* Section 27(1), (3) – Authorise medical practitioner to conduct a body search. When chief executive may authorise body search.
- Assistant Director-General, Youth Justice, director, youth detention centre, unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre, section supervisor, youth detention centre, community assistance project supervisor, youth detention centre, visits coordinator, youth detention centre, youth worker, youth detention centre - *Youth Justice Regulation 2003* Section 28 (2) – Must keep a register.
- Assistant Director-General, Youth Justice, director, youth detention centre, deputy director, youth detention centre, shift supervisor, section supervisor, visits coordinator, youth worker - *Youth Justice Regulation 2003* Section 29 (4) - Record particulars of property in property register.

Definitions

For the purpose of this policy, the following definitions shall apply:

Term	Definition
Authorised officer	Refers to an officer with the delegated authority to approve the search type. Refer to list of delegations.
Centre director	Means the director of the youth detention centre.
Illegal article	Refers to items which are illegal in the wider community, such as illicit drugs.
Personal protective equipment	Refers to the First Aid Response Pouch carried by all youth detention operational staff. Refer to Chapter 3: Incident Management, Youth Detention Centre Operations Manual for further information.
Prohibited article	Refers to items which are legal in the community but strictly prohibited in a youth detention centre. Prohibited articles must not be brought into or conveyed to a young person in a youth detention centre without the express authorisation of the centre director (for example, weapons carried by a police officer). Refer to Policy YD-4-1: Management of restricted and prohibited articles for further information.
Reasonable force	Reasonable force in the conduct of a search can only occur when all of the following are completed/complied with: <ul style="list-style-type: none"> the young person's age, maturity and the nature of their non-compliance

	<p>have been considered</p> <ul style="list-style-type: none"> • attempts to negotiate with the young person to comply with the search have failed • no more force than is reasonably necessary is used in order to enact the search, and • a record is made about the use of force.
Restricted article	<p>Refers to items required for use in centre operations but have the potential to cause harm to people or property or pose a security risk.</p> <p>These items include medical equipment, stationary and gardening tools. Accordingly, restricted articles are permitted into a centre only under strict restrictions and conditions.</p> <p>Refer to <u>Policy YD-4-1: Management of restricted and prohibited articles</u> for further information.</p>
SIYP	Means Special Interest Young Person.
Youth Detention Governance committee	Refers to the regular meetings convened between the Centre Directors and the Director, Youth Detention Operations
Youth detention operational staff	Refers to a staff member who has direct care responsibility for young people. For example, a youth worker or section supervisor.

Communication strategy

(mark all that apply)

- publish on intranet (all Youth Justice policies to be published on intranet)
- publish on internet
- advise staff to read
- supervisors discuss with direct reports

Links

[Search order form](#)

[Australasian Juvenile Justice Administrators \(AJJA\) service standards for juvenile custodial facilities](#)

[United Nations Rules for the Protection of Young People Deprived of Their Liberty 1990](#)

Policy	
Search of a young person	
Version number	1.0
Date of approval	1 May 2013
Approved by+	Director-General
Date of operation	1 July 2013
Policy owner	Youth Detention Operations
Review date	12 months from the date of approval

Appendix A. Search types and conditions

Type of search and description	Delegated officer who can authorise search	Special conditions
<p>1. Clothed search</p> <p>A clothed search is where a young person remains clothed, but is requested to empty their pockets and remove their shoes. Staff members will 'pat-down' a young person making sure not to come into contact with the young person's genitalia. The young person will be asked to open their mouth, run their fingers through their hair and be directed to stand with the feet apart and arms raised away from their body.</p>	<ul style="list-style-type: none"> • Assistant Director-General, Youth Justice • Centre Director • Deputy Director • Unit Manager (Accommodation) • Unit Manager (Operations) • Shift Supervisor • Section Supervisor • Visits Coordinator 	<ul style="list-style-type: none"> • Young people cannot be required to remove their clothing • Two staff members must be present • The staff member conducting the search must be the same gender as the young person • The staff member searching the young person must remain in sight of the second officer at all times
<p>2. Wand search</p> <p>A search with a hand-held metal detector</p>	<ul style="list-style-type: none"> • Assistant Director-General, Youth Justice • Centre Director • Deputy Director • Unit Manager (Accommodation) • Unit Manager (Operations) • Shift Supervisor • Section Supervisor • Visits Coordinator 	<ul style="list-style-type: none"> • The wand is not to come into contact with the young person. • The young person is to remain clothed at all times.
<p>3. Partially clothed search</p> <p>A partially clothed search is a search of a young person that does not involve touching the young person and searches their upper and lower body, permitting the young person to remain partially clothed (i.e. upper body remains clothed while their lower body is searched and vice versa).</p>	<ul style="list-style-type: none"> • Shift Supervisor • Unit Manager • Deputy Director • Centre Director 	<ul style="list-style-type: none"> • The search must never be conducted in a manner than involves the removal of all of the young person's clothing at the same time. • Staff are not permitted to touch the young person. • At least two staff members must be present during the search. • The staff member conducting the search must be the same gender as the young person. • The second staff member

Type of search and description	Delegated officer who can authorise search	Special conditions
		<p>must stand where they can directly observe the staff member. If they are the opposite gender of the young person, they must be able to directly observe the staff member but not the young person.</p>
<p>4. Cavity search A cavity search involves the visual, manual or instrument inspection of a young person's body cavities.</p>	<p>The Centre Director or Assistant Director-General can authorise a medical practitioner to conduct a cavity search</p>	<ul style="list-style-type: none"> • Must be conducted by a medical practitioner. • Where possible, the medical practitioner should be of the same gender as the young person • The young person must be given the opportunity to remain partially clothed during the search • If the medical practitioner requires assistance, they may request a detention centre staff member of the same gender as the young person to assist

Policy

Youth detention - Search of a
young person
YD-4-2

RTI RELEASE

Policy statement

Any search of a young person must be actioned in strict compliance with the requirements of the *Youth Justice Regulation 2003*.

Accordingly, youth detention centres will ensure:

- search procedures and requirements are explained to young people during the induction process on admission
- searches of young people are undertaken only when reasonable grounds exist for the search
- the safety and wellbeing of young people is paramount and security considerations cannot override or expose the young person to a search type that may be detrimental to their safety or wellbeing
- the reasonable grounds for conducting a search are explained to the young person
- the appropriate search is conducted commensurate to the level of risk assessed
- all searches are approved by a delegated officer authorised to approve that particular search type, prior to the search being conducted
- any search of a young person is conducted as quickly as reasonably possible, with regard to their dignity and privacy
- records are created of the search that are compliant with the requirements of the *Youth Justice Regulation 2003*.

Principles

1. Search types

Where reasonable grounds exist, a young person may be subject to a:

- 1.1 **wand search** - a search where a young person remains clothed and is searched with a hand-held metal detector
- 1.2 **clothed search** - a search where a young person remains clothed but is requested to remove their shoes and empty and turn-out their pockets. Staff then use a 'pat-down' technique to search the young person
- 1.3 **partially clothed search** - a search of a young person that does not involve touching the young person and searches their upper and lower body, permitting the young person to remain partially clothed (i.e. upper body remains clothed while their lower body is searched and vice versa)
- 1.4 **cavity search** - a search of a young person that involves the visual, manual or instrument inspection of a young person's body cavities by a medical professional.

2. Mandatory requirements for search process

In seeking to undertake a search of a young person, youth detention operational staff must:

- 2.1 undertake a risk assessment
- 2.2 seek appropriate approval from an authorised officer prior to conducting the search, unless a standing approval applies (refer to section 4 below)

- 2.3 ensure the staff member searching the young person is of the same gender as the young person
- 2.4 conduct the search in a manner with legislation, this policy and the procedures outlined in Chapter 4 of the Youth Detention Centre Operations Manual
- 2.5 record all searches in DCOIS.

3. Risk assessment to inform search decision

3.1 When determining whether a search is required, youth detention operational staff must undertake a risk assessment of the situation and of the individual young person to establish a level of risk.

3.2 This risk level assessed will determine if a search should be conducted; and if one is required, the type of search commensurate to the level of risk assessed.

3.3 To do this, youth detention operational staff should consider the following risks:

- **risks associated with the young person** such as –
 - previous relevant behaviours including previous incidents in a youth detention centre and offence history
 - current mental health issues which may have an impact on their behaviour
 - history of possession and/or use of restricted, prohibited or illegal articles
 - past or present self-harm or suicide risk
 - SIYP rating and history
 - drug or alcohol history
 - the possible intended outcome/use of the article they are suspected to be hiding
 - any other risk factor that may be relevant
- **situational factors** such as –
 - whether a potential dangerous item has gone missing from a secure area (e.g. a piece of cutlery, tools, writing implement)
 - their current behaviour
 - intelligence which indicates the young person may be in possession of a restricted, prohibited or illegal article, and
 - movement factors such as –
 - whether the young person is returning from a location within the centre where they may have had access to potentially dangerous items or restricted, prohibited or illegal articles (including visits area, programs and the education precinct)
 - whether the young person is being admitted
 - whether the young person is returning from a leave of absence
 - whether the young person is being transferred from police custody (and whether the young person was searched by the police).
 - any other risk factor that may be relevant.

3.4 As part of the risk assessment, the safety and wellbeing of the young person must also be considered and security considerations cannot override or expose the young person to a search type that may be detrimental to their safety or wellbeing. In practice, this means that the behaviour and the victim history of the young person, as well as the immediate situation, must be considered. While the good order and safety of the centre is an appropriate consideration in the risk assessment, further substantiation based on the specific situation is needed for it to be a valid reason for a search.

3.5 Once all risk factors have been considered, youth detention operational staff should use their professional judgement to assign a risk level, using the diagram below as a guide.

Level of risk assessed

No risk	Low risk	High risk	Extreme risk
No search	Pat and/or wand search	Partially clothed search	Cavity search
<p>Factors that may lead to a 'No risk' assessment:</p> <ul style="list-style-type: none"> no risk factors associated with the young person no risk factors associated with the situation a young person who is leaving the centre and has no recent history of suicidal ideations and no recent history of possession of restricted or prohibited articles. no SIYP related risks. 	<p>Factors that may lead to a 'low risk' assessment:</p> <ul style="list-style-type: none"> a low-risk item (such as a pen lid) going missing from a secure area but with no intel on who might possess it or what happened to it admission with no specific young person risks attendance at tooling or metal work programs low SIYP related risks. 	<p>Factors that may lead to a 'high risk' assessment:</p> <ul style="list-style-type: none"> a dangerous item (such as a pen or a compass) going missing from a secure area highly suspicious behaviour from a young person following their access to an area outside of accommodations and following intel of their intent to harm another young person a number of high risks such as specific risks associated with the young person such as a history to possession and a movement risk. <p>To undertake a partially clothed search there must be a risk associated with the young person.</p>	<p>A cavity search can only be authorised if the centre director considers on reasonable grounds that:</p> <ul style="list-style-type: none"> the young person is in possession of a thing that may: <ul style="list-style-type: none"> threaten the security or good order of the detention centre, or endanger, or be used to endanger, the young person or another person.

3.6 Ultimately, the decision about the risk level is a matter of professional judgement on a case by case basis. Every situation will be different and the above table is a guide only. Any item (for example, a rock, stick from a tree, broken plastic sleeve of a pen) in the possession of a young person with intent to harm (someone else, themselves or property) could be dangerous. However, staff must record all of the risks identified in the circumstances to justify the decision made about the most appropriate search.

4. Routine searches

- 4.1 Routine searches are part of the centre's standard dynamic and procedural security protocols.
- 4.2 A standing authority is in place approving the use of routine searches in youth detention centres (Standing Authority No. YD/13/01 – Searches authorised for routine security purposes).
- 4.3 Routine searches are to be conducted as necessary to maintain the safety and security of the centre.
- 4.4 Searches required for routine security purposes refer only to:
- clothed pat-down and wand searches of young people in the following circumstances:
 - following a visit
 - following a participation in a program before returning to their accommodation unit
 - following access to areas of a detention centre where restricted and/or prohibited articles may be found
 - upon leaving or returning to the centre
 - prior to being separated
 - prior to entering a bedroom if the young person is on high suicide prevention observations, and
 - searches of rooms, areas of the detention centre and vehicles entering and leaving the centre.
- 4.5 All searches, including the risk assessment and justification for the search, must be recorded in DCOIS.
- 4.6 Ensure that if there is a need to conduct an *additional* search, authorisation must be obtained from the relevant delegated officers. Such searches require additional record keeping.
- 4.7 Ensure separate authorisation is obtained from the relevant delegated officer and additional record keeping requirements are completed if reasonable force is required to conduct a routine search.

5. Health and safety considerations

- 5.1 When conducting a search, youth detention staff must take due care to protect themselves to minimise exposure to potential risk from infection and concealed articles.
- 5.2 Accordingly, when conducting a search, youth detention staff must:
- use appropriate personal protective equipment
 - maintain an awareness of their position relative to the young person throughout the duration of the search
 - monitor the young person closely to detect any potential hostile or non-compliant behaviours, and
 - use safe search practices as outlined in Chapter 4 of the Youth Detention Centre Operations Manual and associated training materials to avoid injuries and infection from concealed articles.

6. Reasonable force to conduct a search

- 6.1 The *Youth Justice Regulation 2003* permits the use of reasonable force to conduct all search types in instances where a young person fails to cooperate with the conduct of the search.
- 6.2 In instances where a cavity search has been authorised, reasonable force can only be used to conduct the search if the medical practitioner or centre director believes the search cannot be conducted in any other way.
- 6.3 To remove any doubt, use of reasonable force for any search type must only be enacted as an option of last resort.
- 6.4 If a young person is refusing to cooperate with the search, youth detention staff must make reasonable efforts to:
- communicate to the young person why the search must be conducted
 - negotiate with the young person to encourage them to cooperate
 - communicate to the young person that force may be used if they fail to cooperate
 - have a second staff member approach the young person to offer to search the young person (rather than the first staff member)
- 6.5 Staff can also consider separating¹ the young person in a sterile room and placing them under observation.
- 6.6 If after attempting the above steps and force is still required, the staff member should discuss the proposed use of force with the shift supervisor, centre director or on call manager and obtain their approval for the use of force.
- 6.7 If approved, the youth detention operational staff member who uses force to conduct a search must ensure that the least amount of force necessary is used.
- 6.8 If an immediate decision about the use of reasonable force is required in order to protect a person or property in the centre or to immediately obtain a dangerous item and the staff member is unable to discuss the use of force with a supervisor beforehand, the staff member may use reasonable force in accordance with the Policy YD-3-4: Youth Detention Protective Actions Continuum.
- 6.9 Any suspected use of unreasonable or unnecessary force will be referred to the department's Ethical Standards Unit.

7. Record keeping

- 7.1 All searches, including the risk assessment and justification for the search, must be recorded on DCOIS.
- 7.2 For pat and wand searches conducted as part of daily operations (to ensure the safety and security of the centre during young people's movements from programs to accommodation etc) – these searches are to be recorded on the relevant activity log as an occurrence, rather than against an individual young person. If items are found as part of this process, staff must create an ad-hoc search activity record and record: justification; approving officers; searching officers; items found and the young people searched.
- 7.3 Where a pat and/or wand search of a young person is conducted in a program area because there are reasonable grounds that a young person may be in possession of a restricted item missing from that area, staff must record the following on DCOIS: search type; justification; approving officers of search conducted; and what item(s), if any, were found.
- 7.4 For partially clothed searches the shift supervisor must:
- create an ad-hoc young person search record in the relevant log
 - detail the risk assessment and justification for the search and any special instructions.

¹ In accordance with Policy YD3-8: Use of separation in response to an incident.

7.5 All cavity searches, including risk assessment and justification, must be recorded in the Cavity Search Register on DCOIS.

7.6 Staff must follow the additional guidance noted in Chapter 4 of the Youth Detention Centre Operations Manual in relation to record keeping for searches of young people.

Objectives

The department has a legislative responsibility to ensure that youth detention centres are safe and secure environments.

Searches are a risk reduction strategy that assist in the elimination and control items in a youth detention environment that have the potential to cause harm to people and/or property. Searches also contribute to the security management of a youth detention centre.

Accordingly, this policy identifies the types of searches that can be conducted of a young person in youth detention and regulates the way that searches are to be conducted.

Scope

This policy applies to young people sentenced or remanded in a youth detention centres.

This policy is part of a suite of policies and processes developed to support the safe and secure operations of youth detention centres and is to be read in conjunction with:

- Policy YD-4-1: Management of restricted and prohibited articles
- Policy YD-4-4: Retention and disposal of evidence relevant to an incident
- Chapter 4: Security Management, Youth Detention Centre Operations Manual.

Roles and responsibilities

- Unit manager and shift supervisor - using their professional judgement to assess the level of risk that exists to determine whether reasonable grounds exist for a young person to be searched, demonstrating a duty of care to any young person who is searched, ensuring the search is recorded on DCOIS.
- Centre director - ensuring practice complies with this policy, determining whether reasonable grounds exist to authorise a cavity search by a medical practitioner, ensuring that any medical practitioner required to do a cavity search on a young person understands their responsibilities under section 27 of the *Youth Justice Regulation 2003*, training new youth detention operational staff during their induction to ensure understanding of their responsibilities in accordance with this policy, and on appropriate wand, clothed and partially clothed search techniques.
- Director, Youth Detention Operations - collecting and analysing data for monitoring purposes about search trends and providing regular advice to the Youth Detention Governance committee about any emerging issues, providing practice support and advice to youth detention operational staff and youth detention management about issues relating to compliance with this policy.
- Director, Youth Justice Capability and Learning - reviewing and updating relevant training materials as required.

Authority

Youth Justice Act 1992

Youth Justice Regulation 2003

Public Records Act 2002

Delegations

- Assistant Director-General, Youth Justice, director, youth detention centre, director, Youth Detention Operations - *Youth Justice Act 1992* Section 263 (2), (5) – Issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and wellbeing of children in detention. Comply with youth justice principles.
- Assistant Director-General, Youth Justice, director, youth detention centre, deputy director, youth detention centre, unit manager (accommodation), unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre, court supervisor, youth detention centre, section supervisor, youth detention centre, visits coordinator, youth detention centre - *Youth Justice Regulation 2003* Section 24 (1) – Authorise staff member to search a child.
- Assistant Director-General, Youth Justice, director, youth detention centre, deputy director, youth detention centre, unit manager (accommodation), unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre, court supervisor, youth detention centre, section supervisor, youth detention centre, community assistance project supervisor, youth detention centre, visits coordinator, youth detention centre - *Youth Justice Regulation 2003* Section 24 (2) - Determine when search should take place.
- Assistant Director-General, Youth Justice, director, youth detention centre, deputy director, youth detention centre, unit manager (accommodation), unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre - *Youth Justice Regulation 2003* Section 26 (1) - Determine when search should involve removal of clothes.
- Assistant Director-General, Youth Justice, director, youth detention centre - *Youth Justice Regulation 2003* Section 27(1), (3) – Authorise medical practitioner to conduct a body search. When chief executive may authorise body search.
- Assistant Director-General, Youth Justice, director, youth detention centre, unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre, section supervisor, youth detention centre, community assistance project supervisor, youth detention centre, visits coordinator, youth detention centre, youth worker, youth detention centre - *Youth Justice Regulation 2003* Section 28 (2) – Must keep a register.
- Assistant Director-General, Youth Justice, director, youth detention centre, deputy director, youth detention centre, shift supervisor, section supervisor, visits coordinator, youth worker - *Youth Justice Regulation 2003* Section 29 (4) - Record particulars of property in property register.

Definitions

For the purpose of this policy, the following definitions shall apply:

Term	Definition
Authorised officer	<p>Refers to an officer with the delegated authority to approve the search type.</p> <p>Refer to list of delegations.</p>
Centre director	<p>Means the director of the youth detention centre.</p>
Illegal article	<p>Refers to items which are illegal in the wider community, such as illicit drugs.</p>
Personal protective equipment	<p>Refers to the First Aid Response Pouch carried by all youth detention operational staff. Refer to Chapter 3: Incident Management, Youth Detention Centre Operations Manual for further information.</p>
Prohibited article	<p>Refers to items which are legal in the community but strictly prohibited in a youth detention centre.</p> <p>Prohibited articles must not be brought into or conveyed to a young person in a youth detention centre without the express authorisation of the centre director (for example, weapons carried by a police officer).</p> <p>Refer to Policy YD-4-1: Management of restricted and prohibited articles for further information.</p>
Reasonable force	<p>Reasonable force in the conduct of a search can only occur when all of the following are completed/complied with:</p> <ul style="list-style-type: none"> • the young person's age, maturity and the nature of their non-compliance have been considered • attempts to negotiate with the young person to comply with the search have failed • no more force than is reasonably necessary is used in order to enact the search, and • a record is made about the use of force.
Restricted article	<p>Refers to items required for use in centre operations but have the potential to cause harm to people or property or pose a security risk.</p> <p>These items include medical equipment, stationary and gardening tools. Accordingly, restricted articles are permitted into a centre only under strict restrictions and conditions.</p> <p>Refer to Policy YD-4-1: Management of restricted and prohibited articles for further information.</p>

SIYP	Means Special Interest Young Person,
Youth Detention Governance committee	Refers to the regular meetings convened between the Centre Directors and the Director, Youth Detention Operations
Youth detention operational staff	Refers to a staff member who has direct care responsibility for young people. For example, a youth worker or section supervisor.

Communication strategy

(mark all that apply)

- publish on intranet (all Youth Justice policies to be published on intranet)
- publish on internet
- advise staff to read
- supervisors discuss with direct reports

Links

[Australasian Juvenile Justice Administrators \(AJJA\) service standards for juvenile custodial facilities](#)

[United Nations Rules for the Protection of Young People Deprived of Their Liberty 1990](#)

[Youth Detention Centre Operations Manual](#)

Policy	
	Search of a young person
Version number	V 1.1
Date of approval	Version 1.0 - Director-General (1 May 2013) 1.1 – Assistant Director-General (17 March 2015)
Date of operation	17 March 2015
Policy owner	Youth Detention Operations
Review date	24 months from the date of approval

Appendix A. Search types and conditions

Type of search and description	Delegated officer who can authorise search	Special conditions
<p>1. Clothed search</p> <p>A clothed search is where a young person remains clothed, but is requested to empty their pockets and remove their shoes. Staff members will 'pat-down' a young person making sure not to come into contact with the young person's genitalia. The young person will be asked to open their mouth, run their fingers through their hair and be directed to stand with the feet apart and arms raised away from their body.</p>	<ul style="list-style-type: none"> • Assistant Director-General, Youth Justice • Centre Director • Deputy Director • Unit Manager (Accommodation) • Unit Manager (Operations) • Shift Supervisor • Section Supervisor • Visits Coordinator <p>A standing authority may apply in particular circumstances. Refer to section 4 above.</p>	<ul style="list-style-type: none"> • Young people cannot be required to remove their clothing • Two staff members must be present • The staff member conducting the search must be the same gender as the young person • The staff member searching the young person must remain in sight of the second officer at all times
<p>2. Wand search</p> <p>A search with a hand-held metal detector</p>	<ul style="list-style-type: none"> • Assistant Director-General, Youth Justice • Centre Director • Deputy Director • Unit Manager (Accommodation) • Unit Manager (Operations) • Shift Supervisor • Section Supervisor • Visits Coordinator <p>A standing authority may apply in particular circumstances. Refer to section 4 above.</p>	<ul style="list-style-type: none"> • The wand is not to come into contact with the young person. • The young person is to remain clothed at all times.
<p>3. Partially clothed search</p> <p>A partially clothed search is a search of a young person that does not involve touching the young person and searches their upper and lower body, permitting the young person to remain partially clothed (i.e. upper body remains clothed while their lower body is searched and vice versa).</p>	<ul style="list-style-type: none"> • Shift Supervisor • Unit Manager • Deputy Director • Centre Director 	<ul style="list-style-type: none"> • The search must never be conducted in a manner than involves the removal of all of the young person's clothing at the same time. • Staff are not permitted to touch the young person. • At least two staff members must be present during the

Type of search and description	Delegated officer who can authorise search	Special conditions
		<p>search.</p> <ul style="list-style-type: none"> The staff member conducting the search must be the same gender as the young person. The second staff member must stand where they can directly observe the staff member. If they are the opposite gender of the young person, they must be able to directly observe the staff member but not the young person.
<p>4. Cavity search</p> <p>A cavity search involves the visual, manual or instrument inspection of a young person's body cavities.</p>	<p>The Centre Director or Assistant Director-General can authorise a medical practitioner to conduct a cavity search</p>	<ul style="list-style-type: none"> Must be conducted by a medical practitioner. Where possible, the medical practitioner should be of the same gender as the young person The young person must be given the opportunity to remain partially clothed during the search If the medical practitioner requires assistance, they may request a detention centre staff member of the same gender as the young person to assist

4

Security management

RTI RELEASE

Contents

Introduction..... 5

Chapter structure..... 5



Section 3: personal area and vehicle searches..... 17

3.1 Personal searches 17

3.1.1 Mandatory requirements for personal searches..... 18

3.1.2 Overview of risk assessment process 18

3.1.3 Pat and wand searches.....20
3.1.4 Partially clothed searches.....23
3.1.5 Cavity searches.....28
3.1.6 The use of reasonable force to conduct a personal search.....29

RTI RELEASE

73(2)

73(2)

RTI RELEASE

Introduction

This chapter details security management procedures essential to maintaining the security of Queensland youth detention centres¹. A youth detention centre is a secure environment designed to provide safety and security to those in the centre and to the community beyond the centre.

Maintaining this secure environment is achieved through the joint application of both dynamic and static security measures/processes. Staff play a major role in making sure that these security measures are operating effectively and efficiently.

Security strategies in youth detention centres:

- promote the safety and wellbeing of young people, staff and visitors
- use risk management systems that are reliable, accountable and allow for the exercise of professional judgement, experience and expertise to assess the security risk posed by individual young people and to plan interventions to manage these risks
- involve an inter-relationship of static (physical), dynamic (staff related) and electronic security systems.

Chapter structure

Chapter 4: Security management has five main sections:

73(2)

3. Personal, area and vehicle searches

¹ Including, as relevant and operationally possible, the Brisbane Childrens Court cells.

Section 3: Personal area and vehicle searches

Key messages

- A risk assessment must be conducted to ascertain if, and what type, of search is needed.
- There must be reasonable grounds for conducting a search.
- Staff must have the required approval before conducting searches, unless a standing authority applies
- All searches, including the justification for the search, must be recorded appropriately in DCOIS and on all registers.
- Personal searches must be conducted as quickly as reasonably possible, with regards to the young person's dignity and privacy.

Section 3 outlines procedures for:

3.1 Personal searches



3.1 Personal searches

This section is to be read in conjunction with Policy YD-4-2: Search of a young person.

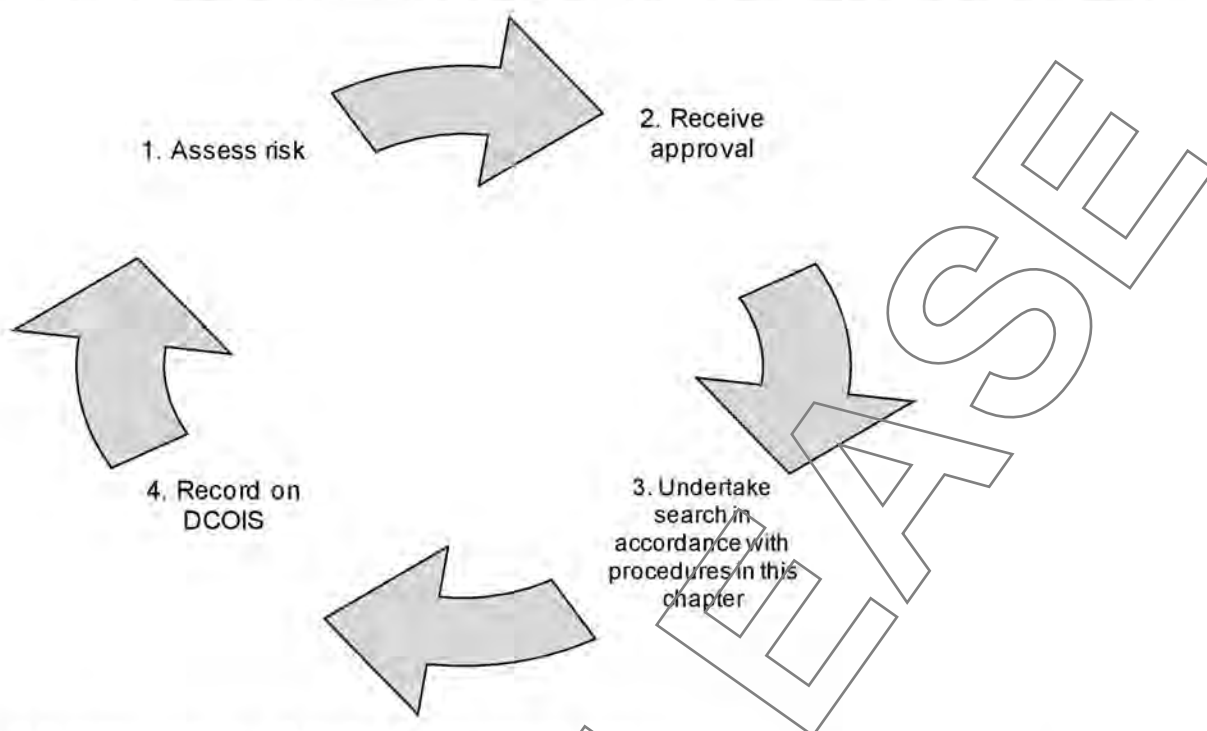
The *Youth Justice Regulation 2003* provides for personal searches of young people. Personal searches are:

- **wand searches** - a search where a young person remains clothed and is searched with a hand held metal detector (section 25 of the *Youth Justice Regulation 2003*)
- **pat searches** - a search where a young person remains clothed but is requested to remove their shoes and empty and turn out their pockets. Staff then use a 'pat-down' technique to search the young person (section 25 of the *Youth Justice Regulation 2003*)
- **partially clothed searches** - during which a young person can be required to remove part of their clothing, with the young person able to remain partially clothed at all times during the search (section 36 of the *Youth Justice Regulation 2003*)
- **cavity searches** – a search that must be performed by a medical practitioner and which involves a visual, manual or instrument inspection of a young person's body cavities (section 27 of the *Youth Justice Regulation 2003*).

Once a young person has been searched, they are not permitted to move back to the same area until it is searched. This removes the possibility of a young person retrieving restricted, prohibited or illegal articles they may have hidden before their search.

3.1.1 Mandatory requirements for personal searches

In seeking to undertake a search of a young person, the following steps must be followed:



3.1.2 Overview of risk assessment process

Decisions about whether reasonable grounds exist to search a young person must be made on a case by case basis. Searches must never be undertaken as an automatic procedure. The safety and wellbeing of young people is paramount and security considerations cannot override or expose the young person to a search type that may be detrimental to their safety or wellbeing.

In practice, this means that the behaviour and the victim history of the young person, as well as the immediate situation, must be considered. While the good order and safety of the centre is an appropriate consideration in the risk assessment, further substantiation based on the individual situation is needed for it to be a valid reason for a search.

To assess whether reasonable ground exist for a search, operational staff (and specifically officers authorised to approve searches) must consider the following risks:

- risks associated with the young person such as:
 - previous relevant behaviours including previous incidents in a youth detention centre and offence history
 - current mental health issues which may have an impact on their behaviour
 - history of possession and/or use of restricted, prohibited or illegal articles
 - past or present self-harm or suicide risk
 - SIYP rating and history
 - drug or alcohol history
 - the possible intended outcome/use of the article they are suspected to be hiding
 - any other risk factor that may be relevant

- situational factors such as:
 - whether a potential dangerous item has gone missing from a secure area (e.g. a piece of cutlery, tools, writing implement)
 - their current behaviour
 - recent visitors
 - intelligence which indicates the young person may be in possession of a restricted, prohibited or illegal article
 - intelligence which indicates the young person may intend to harm someone or themselves
 - movement factors such as:
 - whether the young person is returning from a location within the centre where they may have had access to restricted or prohibited articles (including visits area, programs and the education precinct)
 - whether the young person is being admitted
 - whether the young person is returning from a leave of absence
 - whether the young person is being transferred from police custody (and whether the young person was searched by the police).
 - any other risk factor that may be relevant.

Once all risk factors have been considered, youth detention operational staff should use their professional judgement to assign a risk level, using the diagram below as a guide.

Level of risk assessed

No risk	Low risk	High risk	Extreme risk
No search	Pat and wand searches	Partially clothed search	Cavity search
<p>Factors that may lead to a no risk assessment:</p> <ul style="list-style-type: none"> • no risk factors associated with the young person • no risk factors associated with the situation • a young person who is leaving the centre and has no recent history of suicidal ideations and no recent history of possession of restricted or prohibited articles • no SIYP related risks. 	<p>Factors that may lead to a low risk assessment:</p> <ul style="list-style-type: none"> • a low-risk item (such as a pen/lid) going missing from a secure area but with no intel on who might possess it or what happened to it • admission with no specific young person risks • attendance at tooled or metal work programs • low SIYP related risks. 	<p>Factors that may lead to a high risk assessment:</p> <ul style="list-style-type: none"> • a dangerous item (such as a pen or a compass) going missing from a secure area • highly suspicious behaviour from a young person following their access to an area outside of accommodations and following intel of their intent to harm another young person • a number of high risks such as specific risks associated with the young person such as a history of possession and a movement risk • a pat and wand search indicating the young person is secreting something on their person 	<p>A cavity search can only be authorised if the centre director considers on reasonable grounds that:</p> <ul style="list-style-type: none"> • the young person is in possession of a thing that may: <ul style="list-style-type: none"> – threaten the security or good order of the detention centre, or – endanger, or be used to endanger, the young person or another person.

Additional risk factors to consider are noted throughout the following sections of this chapter for each search type.

Ultimately, the decision about the risk level is a matter of professional judgement made on a case by case basis. Every situation will be different and the above table is a guide only. Any item (for example a rock, stick from a tree, broken plastic sleeve of a pen) in the possession of a young person with intent to harm (someone else, themselves or property) could be dangerous.

Staff must record all of the risks identified in the circumstances to justify the decision made about the most appropriate search.

3.1.3 Pat and wand searches

Step 1: Assess risk

Due to the level of risk, all young people must undergo a minimum of pat and wand search when admitted or readmitted to a youth detention centre.

Depending on the circumstances, reasonable grounds may also exist:

- following visits with personal visitors
- following centre programs and activities before young people return to their accommodation section and as near as possible to the point of exit from the program
- following access to areas in the centre where restricted, prohibited or illegal articles may be found
- when it is known that tools or equipment are missing from an area
- before separation
- before young people enter their room, if on high suicide risk observations. For more information on risk assessment, refer to Chapter 1 – Incident management, Youth Detention Centre Operations Manual.
- when there is reasonable cause to suspect possession of restricted, prohibited or illegal articles
- when the young person is listed on the Special Interest Young Person (SIYP) list. For more information on SIYP, refer to Chapter 1 – Incident management, Youth Detention Centre Operations Manual.

Step 2: Seek appropriate approval

Pat and wand searches need prior approval from the relevant officer as listed in search types and authority to approve. The only exception to prior authorisation is when an emergency situation exists or when a standing approval applies.

A standing approval is in place for the use of searches required for routine security purposes. Searches required for routine security purposes refer only to:

- clothed pat-down and wand searches of young people in the following circumstances:
 - following a visit
 - following a participation in a program before returning to their accommodation unit
 - following access to areas of a detention centre where restricted and/or prohibited articles may be found
- upon leaving or returning to the centre
- prior to being separated
- prior to entering a bedroom if the young person is on high suicide prevention observations
- searches of rooms, areas of the detention centre and vehicles entering and leaving the centre.

If there is a need to conduct an additional search, authorisation must be obtained from the relevant delegated officer. Such searches require additional record keeping.

Step 3: Conduct search

Before starting the pat or wand search

Staff must:

- make sure there is an appropriate justification to conduct the search
- make sure the search is authorised by a delegated officer
- make sure the search area is sterile
- make sure that at least two staff members are present, with at least one staff member of the young person's gender
- advise the young person of the reasonable grounds for conducting the search
- advise the young person that a pat or wand search will be conducted
- ask for the young person's cooperation
- ask the young person if he or she wants to disclose whether he or she is in possession of any restricted, prohibited or illegal article/s which he or she would like to relinquish
- before, during and after the search, explain the search process to the young person in an effort to allay any fears the young person may have
- make sure the search will take place in an area where the dignity of the young person can be maintained
- make sure that the young person to be searched is separated from other young people in the area, to prevent any passing of restricted, prohibited or illegal articles
- put on protective gloves.

Pat search procedure

Young people must remain dressed for a pat search. The searching staff member must be of the same gender as the young person and must remain in sight of the second officer at all times. The second officer is a witness to the searching procedure, to make sure it is conducted correctly and with regard at all times to the young person's dignity.

Staff must:

- stand back from the young person and direct him or her to remove all articles from pockets and to turn the pocket linings out
- direct the young person to face the staff member and move his or her hands out from the side of the body with fingers spread
- check hands for restricted, prohibited and illegal articles
- direct the young person to face away with feet apart and arms raised away from the body
- carefully pat the young person, starting at the back of the head and following a direct course around the collar, making sure that nothing is hidden inside or under the collar of the shirt
- place both hands on the base of the neck, covering the shoulders with palms open and pressing firmly
- pat down the back and side of the belt line
- place one hand under the armpit and the other hand on top of the shoulder
- carefully pat down the entire length of both sleeves to the cuff or end of the shirt paying close attention to collars, facings, lapels, seams and linings of clothing. If the young person is not wearing a shirt or sleeves there is no need to pat bare skin
- repeat the procedure with the other arm
- direct the young person to release the belt line and turn it out
- search the belt line

- from the back of the belt line, carefully pat down the sides of the hips and legs, making sure that hands do not come into contact with the young person's genitalia
- starting at either leg, place both hands around the leg and carefully pat down from the top down. If the young person is wearing shorts and his or her legs are bare, there is no need to pat bare skin
- search any trouser or shorts turn-ups or cuffs paying close attention to facings, labels, seams and linings of clothing
- ask the young person to run his or her fingers vigorously through the hair
- look into the ear cavities and behind the ears
- ask the young person to open his or her mouth. Look in the mouth and under the tongue and dental prostheses if necessary
- ask the young person to remove footwear and search footwear thoroughly.

If, after conducting a pat search, staff continue to suspect that a young person is in possession of restricted, prohibited or illegal articles, a partially clothed search may be ordered by an authorised staff member.

All searches, including the risk assessment and justification for the search, must be logged in DCOIS. In general, pat and wand searches that are conducted as part of daily operations to ensure the safety and security of the centre during young people's movements from programs to accommodation etc are noted on an activity log (usually the relevant section log) as an occurrence, rather than against an individual young person. In the event that an item is found, a search record specific to an individual young person will be created.

Wand search procedure

At times it will be appropriate to search a young person using a metal detector as an alternative to, or in addition to, a pat search. When conducting these searches the young person is to remain clothed. The wand should not come into contact with the young person. To conduct the search staff must:

- direct young person to raise his or her arms up and to the side, with the palms of his or her hands facing upwards
- direct young person to stand with his or her legs spread, with feet flat on the ground. Legs are to be apart only to the distance where the young person is still comfortable and can maintain balance
- advise the young person that he or she must remain with arms outstretched and legs apart for the entire search
- move the wand up the right side of body, up to and including armpit
- move the wand along the underside of the right outstretched arm, around right hand, then across the top of right arm to the neck
- move the wand over the head, passing the right ear, over and around the head area, down past left ear to the neck
- move the wand along the top of left arm, over the hand, then along the underside of left arm
- move the wand down the left side of the body, to the side of left foot
- move the wand from the inside of right foot, up along the inside right leg, past the crotch area, and down inside left leg to left foot
- move the wand, holding it lengthwise and flat across the body, up along the back of the body
- direct the young person to face the searcher
- move the wand, holding it lengthwise and flat across the body, from the head down along the front of the body.

If restricted, prohibited or illegal articles are found, complete an occurrence report in DCOIS and observe evidence procedures (Chapter 3 – 'Incident management', Youth Detention Centre Operations)

Manual). The shift supervisor is to notify the operations manager for further action. For more information on articles found during a search, refer to section 1 of this chapter.

Step 4: Recordkeeping

All searches, including the risk assessment and justification for the search, must be recorded in DCOIS. In general, pat and wand searches that are conducted for routine security purposes are noted on an activity log (usually the relevant section log) as an occurrence, rather than against an individual young person.

If items are found, the occurrence report does not have enough structure to record that items were found so the user will need to create an ad-hoc search record. The user creates the ad-hoc pat search activity using the create activity from the actions menu on the associated log. The results are recorded as per record search results, noting the justification, approving officers, searching officers, items found and the young people searched.

The search is marked as complete when recording is finished.

Where a pat and/or wand search of a young person is conducted in a program area because there are reasonable grounds that a young person may be in possession of a restricted item missing from that area, the report must record the type, justification and approving officers of search conducted and what item(s), if any, were found. In addition, the search must be recorded in the section log.

3.1.4 Partially clothed searches

Step 1: Assess risk

Officers delegated to approve partially clothed searches must consider all risk factors (in accordance with the guidance provided in section 3.1.2 in this chapter) in consideration when determining whether a search will proceed. Officers delegated to approve partially clothed searches must approve the form in DCOIS after undertaking the risk assessment.

Wherever possible, other strategies that may reduce the need to conduct partially clothed searches should be considered first.

Questions that may be used to ascertain whether there are reasonable grounds to conduct partially clothed searches in each of those circumstances appear below. The questions are guidelines for staff and do not cover every possible scenario.

Scenario	Considerations
On admission or readmission to the centre from court or police custody	<p>On admission, an interim risk assessment is to be done, and the shift supervisor is to ascertain from police:</p> <ul style="list-style-type: none"> • Whether the police performed a clothed search on the young person • If so, by whom, at what time and at what location? • If so, was anything found? If so, request a description of what was found. • How the young person behaved during the escort. • Whether the young person threatened to injure other people or themselves. If so, request a description of the threats. <p>During the admissions process, staff must also consider:</p> <ul style="list-style-type: none"> • the young person's current behaviour • recent drug, alcohol or other substance use • recent suicide risk or self harm incidents • an assessment on admission that a young person is at risk of suicide or self harm • recent significant stressful personal events • current mental health issues which may have a bearing on behaviour • previous Special Interest Young Person documentation • suspected involvement in hiding drugs or weapons. <p>The risk assessment must be recorded in DCOIS as part of the admission³. This must be done whether or not it is assessed that there are reasonable grounds to conduct a partially clothed search.</p>
After transfer from another youth detention centre	<p>Staff at the receiving centre must consider information about the young person's behaviour at the transferring centre, as well as the behaviour and circumstances during the escort from the transferring centre to the receiving centre. When the transferring centre is negotiating the transfer, the receiving centre should consider the following:</p> <ul style="list-style-type: none"> • Did the young person have a history at the transferring centre of secreting drugs or items that could be used as weapons or for self harm? • Have there been any recent incidents where concerns about risk of suicide or self harm have been raised? • Has the young person threatened to injure anyone or him or herself? If yes, ask for a description. • Have there been any recent significant stressful personal events? • Are there any current mental health issues which may have a bearing on behaviour? • Was the young person previously listed on a Special Interest Young Person (SIYP) list? <p>On admission to the receiving centre, staff at the receiving centre should consider the following:</p> <ul style="list-style-type: none"> • Was the young person subjected to a partially clothed search before leaving the transferring centre? • If yes, was anything found? If yes, request a description. • Is there any possibility (suspicion) that the young person could have obtained any restricted, prohibited or illegal articles during the escort? If yes, ask for details. • How did the young person behave during the escort? • Was the young person previously listed on a Special Interest Young Person (SIYP) list?
On return from unescorted or accompanied leave	<p>Staff should consider:</p> <ul style="list-style-type: none"> • balancing that a young person is considered trustworthy enough to be granted leave without a staff member being present with the risk that they will attempt to bring restricted, prohibited or illegal articles back into the centre. • Does the young person have any prior history involving restricted, prohibited or illegal articles? • Is there any evidence that the young person is susceptible to peer pressure and is therefore at risk of being put under pressure to bring restricted, prohibited or illegal articles back to the centre? • Was the young person previously listed on a Special Interest Young Person (SIYP) list?

³ In the search screen as part of the admissions process on the 'justification' tab.

Scenario	Considerations
On return from escorted leave	<p>Staff should consider:</p> <ul style="list-style-type: none"> Is there any possibility or suspicion that the young person may have obtained any restricted, prohibited or illegal articles during the escort? If yes – details. How did the young person behave during the escort?
Following contact visits with parents, caregivers, significant others and friends	<p>In assessing whether reasonable grounds exist to conduct a partially clothed search following contact visits, staff should consider the following:</p> <ul style="list-style-type: none"> where interaction or behaviour observed during a visit raised suspicion that restricted, prohibited or illegal articles may have been passed to the young person if the young person has a previous history of obtaining restricted, prohibited or illegal articles through visits if there is a reasonable suspicion that the young person has previously obtained restricted, prohibited or illegal articles through visits (e.g. a pattern of restricted, prohibited or illegal articles being discovered following visits).
If a young person is considered to be a high risk of suicide or self harm	<p>Youth detention centre staff have a duty of care to young people assessed as being at high risk of suicide or self harm to make sure they do not have any item hidden on their person that could be used to self harm. Therefore, if a young person is assessed as being at high risk of suicide or self harm it may be considered that reasonable grounds exist to conduct a partially clothed search to minimise the potential for harm to that young person. This needs to be balanced against the potential effect on the young person of undergoing a partially clothed search. In general, partially clothed searches should be used as a last resort for young people on High suicide risk observations. For more information, refer to section 7 in Chapter 1, Youth Detention Centre Operations Manual.</p>
Where there is a reasonable suspicion that a young person is carrying restricted, prohibited or illegal articles	<p>Staff should consider if they have:</p> <ul style="list-style-type: none"> received information that a young person does or may possess restricted, prohibited or illegal articles observed an interaction or behaviour that raised suspicion that a young person may possess restricted, prohibited or illegal articles?
Before a young person is transferred to police custody	<p>Staff should consider:</p> <ul style="list-style-type: none"> the young person's current behaviour any history at the centre of concealing restricted, prohibited or illegal articles on their person recent drug, alcohol or other substance use recent suicide risk or self harm incidents recent significant stressful personal events current mental health issues which may have a bearing on behaviour whether the young person is on the SIYP list suspected involvement in hiding drugs or weapons

Step 2: Seek appropriate approval

All personal searches need the appropriate substantiation of need and prior approval from the centre director, deputy director, unit manager (operations), shift supervisor or unit manager (accommodation), as listed in [search types and authority to approve](#). The only exception to prior authorisation is when an emergency situation exists.

Step 3: Conduct search

Before starting the partially clothed search

Staff must:

- make sure that the search is authorised in writing by the delegated officer, with the justification for the search included in the authorisation
- make sure that at least one staff member of the same gender as the young person is present
- advise the young person that a partially clothed search will be conducted
- ask for the young person's cooperation

- advise the young person of the reasonable grounds for conducting the search
- advise the young person of the order by the delegated officer authorising the search and the reasonable grounds for conducting the search as recorded in the search authorisation
- ask the young person if he or she wants to disclose whether he or she is in possession of any restricted, prohibited or illegal article/s which he or she would like to relinquish
- tell the young person he or she will be required to partly remove clothing during the search
- tell the young person why it is necessary to remove the clothing and
- before, during and after the search, explain the search process to the young person in an effort to allay any fears the young person may have
- make sure the search will take place in place of privacy where the young person's dignity can be maintained
- make sure the search is conducted with regard to the young person's dignity at all times
- put on protective gloves.

Partially clothed search procedure

Key principles

- A partially clothed search must never be conducted in a manner that involves the removal of all of the young person's clothing at the same time.
- Staff are not permitted to touch the young person. A young person's non-compliance with a search is dealt with as a refusal to obey staff direction.
- At least two staff members must be present during the search.
- At least one staff member should be of the same gender as the young person and must assure the young person that privacy and dignity will be maintained.
- Where possible, where the young person being searched is Indigenous, the staff member performing the search should be Indigenous.
- A young person must not be ordered to partly undress in the presence of a person of the opposite gender.
- The staff member of the same gender as the young person must stand where they can directly observe the young person. If the second staff member is of the opposite gender they must stand where they can directly observe the first staff member but not the young person.
- Staff must maintain a high level of sensitivity throughout the search procedure. Due regard must be given to gender, privacy, vulnerability, possibility of prior sexual abuse, cultural differences of young people. It is important that opportunities to maintain self-respect and dignity are maximised for all young people.
- If a female young person is menstruating at the time of the partially clothed search, they are still required to remove their underwear.
- ~~Young people must not be instructed to squat or lift up their genitals an unreasonable number of times.~~

Initial phase of search

1. Direct the young person to remove all articles from his or her pockets and turn the linings out.
2. Direct the young person to remove shoes, socks, outer jumper or jacket and jewellery and place on a flat surface.
3. Search all removed items in the presence of the young person, paying close attention to collars, cuffs, facings, lapels, seams and linings of clothing and heels and lining of shoes.

Upper body phase of search

1. Direct the young person to face the searcher.
2. Direct the young person to bend his or her head forward and to run his or her hands vigorously through his or her hair.

3. Look into the ear cavities and behind the ears.
4. Ask the young person to open his or her mouth, look into the mouth, under the tongue and dental prosthesis if any.
5. Ask the young person to run his or her fingers around the teeth and gums and between the teeth.
6. Direct the young person to turn his or her head to each side and to pull ears forward.
7. Direct young person to remove his or her upper layer of clothing and place it on a flat surface.
8. Search the removed items as quickly as possible in the presence of the young person, paying close attention to pockets, linings, seams and facings.
9. Direct the young person to move his or her hands out to the side of the body with fingers spread.
10. Check hands for restricted, prohibited or illegal articles.
11. Direct the young person to raise his or her arms so that it is possible to check armpits.
12. Visually inspect the top half of the young person's body.
- ~~13. Direct the young person to lift breasts if necessary.~~
- ~~14-13~~ Direct young person to put on upper clothing (one layer only).

Lower body phase of search

1. Direct the young person to remove his or her lower layer of clothing including underwear and footwear and place on a flat surface.
2. Search all removed items of clothing and footwear in the presence of the young person, paying particular attention to pockets, linings, seams and facings.
3. Conduct the search of clothing as quickly as possible while making sure that the search is thorough, so that the young person can be searched and have clothing returned as soon as possible.
4. Visually inspect the lower half of the young person's body, including between the toes and soles of the feet.
5. Check lower half of body for restricted, prohibited or illegal articles.
- ~~6. Direct a young male person to lift his genitalia.~~
- ~~7. Direct the young person to squat.~~
- ~~8-6.~~ Direct the young person to put on his or her lower layer of clothing.
- ~~9-7.~~ Allow young person to put on all remaining clothing and return any other items the young person is permitted to have.

If no items are discovered, the staff members must return the clothing to the young person. The exception to this is on admission, when the young person's clothing will be laundered and he or she will be provided centre issued clothing.

The search must be conducted as quickly as reasonably practicable and the young person must be allowed to dress as soon as the search is finished. The young person should be thanked for cooperating.

If restricted, prohibited or illegal articles are found, complete an occurrence report in DCOIS and observe evidence procedures outlined in section 1 and section 6 of this chapter.

The shift supervisor must notify the operations manager if restricted and/or prohibited articles are found.

Step 4: Recordkeeping

All partially clothed searches performed on a young person need to be logged in DCOIS.

The shift supervisor creates the ad-hoc young person search, detailing if the search is to be partially clothed. The shift supervisor determines which log the search should be recorded in.⁴

The shift supervisor will detail the risk assessment and justification for the search on the activity and any special instructions. They will also detail the young person to be searched and the date for the search. The search record should be marked as mandatory so that any cancellation of the record will need a shift supervisor to cancel the record before the log can be closed. This will add another indicator to the shift supervisor that the search was not completed.

The shift supervisor approves the partially clothed search by setting its status to approved. The search is marked as complete when recording is finished.

For more information on search of a young person, refer to Policy YD-4-2: Search of a young person.

3.1.5 Cavity searches

A cavity search includes the manual or instrument inspection of the mouth, ears, vaginal, or anal orifices.

Cavity searches can only be approved by the centre director (for more information on search types, refer to search types and authority to approve) and must be performed in accordance with section 27 of the *Youth Justice Regulation 2003*.

Step 1: Assess risk

Cavity searches are to be conducted only when the centre director believes, on reasonable grounds, that a young person is in possession of an item that may threaten the security or good order of the centre and/or endanger, or be used to endanger, the young person or another person. These searches are always to be conducted by a medical practitioner after authorisation by the centre director.

Step 2: Seek appropriate approval

Only the centre director can approve a cavity search, and authorisation must be sought before the search is conducted.

Step 3: Conduct search

A search of this type is a medical procedure that must only be conducted where reasonable grounds exist in accordance with the regulation.

The medical practitioner must, before conducting the search:

- make sure that the search is authorised in writing by the centre director, with the justification for the search included in the authorisation
- make sure that at least one staff member of the same gender as the young person is present
- advise the young person that a cavity search will be conducted
- ask for the young person's cooperation
- advise the young person of the reasonable grounds for conducting the search
- advise the young person of the order by the centre director authorising the search and the reasonable grounds for conducting the search as recorded in the search authorisation
- ask the young person if he or she wants to disclose whether he or she is in possession of any restricted, prohibited or illegal article/s which he or she would like to relinquish
- tell the young person he or she will be required to undress during the search
- tell the young person why it is necessary to remove the clothing and

⁴ Shift supervisors log for admission and visits searches; Section log for any others.

- before, during and after the search, explain the search process to the young person in an effort to allay any fears the young person may have
- make sure the search will take place in place of privacy where the young person's dignity can be maintained
- make sure the search is conducted with regard to the young person's dignity at all times.

If possible, the medical practitioner must be of the same sex as the young person.

The medical practitioner may ask for reasonable necessary help from a youth detention centre employee to carry out the search. The detention centre employee must be of the same sex as the child.

The search must be conducted as quickly as reasonably practicable and the young person must be allowed to dress as soon as the search is finished.

If restricted, prohibited or illegal articles are found, complete an occurrence report in DCOIS and observe evidence procedures. If restricted and/or prohibited articles are found, the shift supervisor is to notify the operations manager for further action.

Step 4: Recordkeeping

All instances of a cavity search, including risk assessment and justification, must be recorded in the cavity search register.

In DCOIS each search order is created as an ad hoc activity attached to a log. The shift supervisor determines which log is the best to attach the search, which will be the shift supervisors log for admission and visits searches and a section log for any others.

If items are found, the results are recorded as per record search results, noting the searching officers, items found and the young people searched.

The search is marked as complete when recording is finished.

For more information on search of a young person, refer to Policy YD-4-2: Search of a young person.

3.1.6 The use of reasonable force to conduct a personal search

The *Youth Justice Regulation 2003* permits the use of reasonable force to conduct all search types in instances where a young person fails to cooperate with the conduct of the search.

In instances where a cavity search has been authorised, reasonable force can only be used to conduct the search if the medical practitioner or centre director believes the search cannot be conducted in any other way.

To remove any doubt, use of reasonable force for any search type must only be enacted as an option of last resort.

If a young person is refusing to cooperate with the search, youth detention staff must make reasonable efforts to:

- communicate to the young person why the search must be conducted
- negotiate with the young person to encourage them to cooperate
- communicate to the young person that force may be used if they fail to cooperate
- have a second staff member approach the young person to offer to search the young person (rather than the first staff member).

Staff can also consider separating the young person in a sterile room and placing them under observation. Refer to Policy YD-3-8: Use of separation in response to an incident to ensure the separation meets the requirements outlined in the section 22(1)(d) and (e) of the *Youth Justice Regulation 2003*.

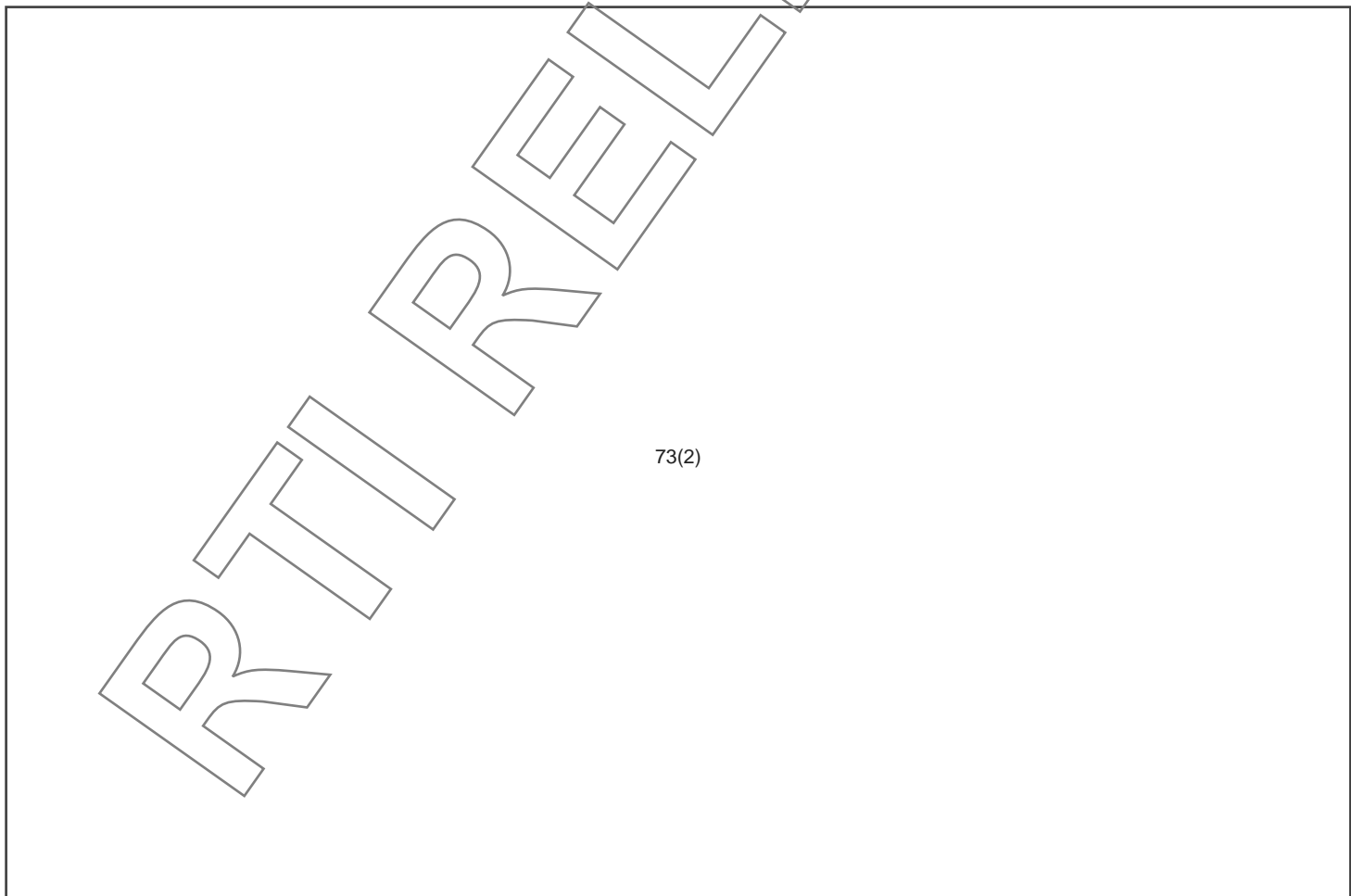
If after attempting the above steps and force is still required, the staff member should discuss the proposed use of force with the centre director and obtain their approval for the use of force. Any youth detention operational staff member who uses force to conduct a search must ensure that the least amount of force necessary is used.

If an immediate decision about the use of reasonable force is required in order to protect a person or property or to immediately obtain a dangerous item and the staff member is unable to discuss the use of force with a supervisor beforehand, the staff member may use reasonable force in accordance with Policy YD-3-4: Youth Detention Protective Actions Continuum.

Any suspected use of unreasonable or inappropriate force will be referred to the department's Ethical Standards Unit.

All use of reasonable force must be recorded appropriately in DCOIS. Details of the risk assessment demonstrating the need for the use of force must be recorded in DCOIS on the appropriate registers, i.e., searches and use of force. Records must also be created in DCOIS about whether force was used to carry out the search and, if force was used, the reason for its use, details of the force used and how it was the least amount necessary.

For more information on search of a young person, refer to Policy YD-4-2: Search of a young person.



Review

This chapter will be reviewed annually.

Version history

Version	Notes	Change officer	Date of change
1.0	Approved	Director-General	1 May 2013
1.1	Approved Minor amendments: <ul style="list-style-type: none"> • Model number of the Spyderco • Extra detail about where on DCOIS to record the risk assessment about searches on admission. 	Director, Youth Detention Operations	31 May 2013
1.2	Edits to incorporate minor changes to: <ul style="list-style-type: none"> • Approvals for routine searches • Movement coordination • Rescue knives procedures • PADD Dogs procedures. 	Assistant Director-General	17 March 2015

Attachment 2: Procedures for conducting searches

1. CONDUCTING PARTLY UNCLOTHED SEARCHES

1.1. Before the search

Before commencing the search staff must:

- put on protective gloves
- ensure second officer is present
- ensure that the search will be conducted in a place of privacy and where security can be maintained
- ensure the search is conducted with regard to the young person's dignity at all times
- inform the young person of the intention to conduct a partly unclothed search
- ask for the cooperation of the young person
- ask the young person if they want to disclose whether they are in possession of any restricted, prohibited or illegal article which they would like to relinquish
- ensure that the search is authorised in writing by the delegated officer
- advise the young person of the order by the delegated officer authorising the search and point out the reasons given for conducting the search as noted in the Search Order Form
- tell the young person he or she will be required to partly remove clothing during the search
- tell the young person why it is necessary to remove the clothing and
- explain the search process to the young person including, what the search staff are doing, why, and what the next step will be in an effort to allay any fears. This must also be done during and after the search.

1.2. Search methods

Partly unclothed searches must be conducted with young people partly clothed. A partly unclothed search must never be conducted in a manner that involves the removal of all of the young person's clothing at the same time.

Staff are not permitted to touch the young person. A young person's non-compliance with a search is dealt with as a refusal to obey staff instruction. (Refer to policy and procedure YDC-009-01 Case management - behaviour development.)

At least two staff members must be present during the search. Both staff members should be of the same gender as the young person and must assure the young person that privacy will be maintained. A young person must not be ordered to partly undress in the presence of a person of the opposite gender. Where it is impossible within a reasonable period of time to arrange to have two staff of the same gender as the young person conduct a partly unclothed search, the staff member of the same gender as the young person must stand where they can directly observe the young person. The staff member of the opposite gender must stand where they can directly observe the other staff member but not the young person.

Staff conducting partly unclothed searches must maintain a high level of sensitivity throughout the search procedure. Due regard must be given to gender, privacy, vulnerability, possibility of prior sexual abuse and cultural differences of young people. It is important that opportunities to maintain self-respect are maximised for all young people. Where possible, where the young person being admitted is Indigenous, the Officer performing the search should be Indigenous.

1.3. Initial phase of search

During the initial phase of a partly unclothed search, staff must:

- direct the young person to remove all articles from his or her pockets and turn the linings out
- direct the young person to remove shoes, socks, outer jumper or jacket and jewellery and place on a flat surface
- search all removed items in the presence of the young person, paying close attention to collars, cuffs, facings, lapels, seams and linings of clothing and heels and lining of shoes.

1.4. Upper body phase of search

During the upper body phase of a partly unclothed search staff must:

- direct young person to remove his or her upper layer of clothing and place it on a flat surface
- search the removed items in the presence of the young person, paying close attention to pockets, linings, seams and facings
- direct the young person to face the searcher
- direct the young person to move his or her hands out to the side of the body with fingers spread
- check hands for restricted, prohibited or illegal articles
- direct the young person to bend his or her head forward and to run his or her hands vigorously through his or her hair
- look into the ear cavities and behind the ears
- ask the young person to open his or her mouth, look into the mouth, under the tongue and dental prosthesis if any
- ask the young person to run his or her fingers around the teeth and gums and between the teeth
- direct the young person to turn his or her head to each side and to pull ears forward
- direct the young person to raise his or her arms so that it is possible to check armpits
- visually inspect the top half of the young person's body
- direct the young person to lift breasts if necessary
- direct young person to put on upper clothing (one layer only).

1.5. Lower body phase of search

During the lower body phase of a partly unclothed search staff must:

- direct the young person to remove his or her lower layer of clothing including underwear and place on a flat surface
- search all removed items of clothing in the presence of the young person, paying particular attention to pockets, linings, seams and facings
- conduct the search of clothing as quickly as possible while ensuring that the search is thorough, so that the young person can be searched and have clothing returned as soon as possible
- visually inspect the lower half of the young person's body, including between the toes and soles of the feet
- check lower half of body for restricted, prohibited or illegal articles
- direct a young male person to lift his genitalia
- direct the young person to squat
- direct the young person to put on his or her lower layer of clothing
- allow young person to put on all remaining clothing and return any other items the young person is permitted to have.

If no items are discovered, the staff members must return the clothing to the young person except upon admission, when his or her clothing will be laundered and he or she will be provided centre issued clothing. The young person should be thanked for cooperating.

The search must be conducted as quickly as reasonably practicable and the young person must be allowed to dress as soon as the search is finished.

Reasonable force may only be used if the authorised staff member reasonably believes that the search cannot be conducted in any other way. Therefore, wherever possible, the staff member should discuss the proposed use of force with their supervisor and obtain their agreement on the use of force. If an immediate decision regarding the use of reasonable force is required to protect a person or property in the centre and the staff member is unable to discuss the use of force with a supervisor beforehand, the staff member may use reasonable force if the staff member believes that the search cannot be conducted in any other way.

If force is used without considering alternatives, or unreasonable force is used, the use of force may not be authorised and the staff member could be liable for an assault. A record must be kept of whether force was used to carry out the search and, if force was used, the reason for its use and details of the force used. (Refer to policy and procedure YDC-014-01 Internal working relationships - records, registers and logbooks).

RTI RELEASED

2. PARTLY UNCLOTHED SEARCHES – ASSESSING WHETHER REASONABLE GROUNDS EXIST

Reasonable grounds may exist in the following circumstances:

- on admission or readmission to the centre from court or police custody
- on admission to the receiving centre after transfer from another youth detention centre
- on return from unescorted or accompanied leave or from escorted leave
- following contact visits with parents, care-givers, significant others and friends.
- if a young person is considered to be a high risk of suicide or self harm
- in situations where there is a reasonable suspicion that a young person is carrying contraband which may affect the safety and well being of the young person, other young people, staff or visitors
- when a young person is listed on the Special Interest Young Person (SIYP) list
- before a young person is transferred to police custody.

Questions that may be used to ascertain whether there are reasonable grounds to conduct partly unclothed searches in each of those circumstances appear below. The questions are intended only as guidelines for staff and do not cover every possible scenario.

2.1. Assessing whether reasonable grounds exist on admission or readmission to the centre from court or police custody

An interim risk assessment is to be conducted on admission. On admission of a young person into the centre, the Shift Supervisor is to inform the police of centre policy in regard to partly unclothed searches and ascertain from police:

- whether the young person has been subject to an unclothed search while in police custody
 - If so, by whom and at what time and at what location?
 - If so – was anything found? If so, request a description of what was found.
- What the young person's behaviour has been like during the escort
- Whether the young person threatened to injure other people including themselves. If so – describe.

In the course of the admissions process, staff must also consider the following factors:

- the young person's current behaviour
- recent drug, alcohol or other substance use
- recent incidents of suicide risk or self harm
- an assessment on admission that a young person is at risk of suicide or self harm
- recent significant stressful personal events
- current mental health issues which may have a bearing on behaviour
- suspected involvement in drug or weapon secretion.

The information so obtained must be recorded along with the name and signature of the person conducting the assessment and placed on the young person's case file. That must be done whether or not it is assessed that there are reasonable grounds to conduct a partly unclothed search.

2.2. Assessing whether reasonable grounds exist on admission to the receiving centre after transfer from another youth detention centre.

In assessing whether reasonable grounds exist to conduct a partly unclothed search on admission, staff at the receiving centre must consider information relating to the young person's behaviour at the transferring centre as well as their behaviour and circumstances concerning the escort from the transferring centre to the receiving centre.

When the transferring centre is negotiating the transfer, the receiving centre should consider the following:

- Did the young person have a history at the transferring centre of secreting drugs or items that could be used as weapons or for self harm?
- Have there been any recent incidents where concerns have been raised regarding risk of suicide or self harm?
- Has the young person threatened to injure anyone including themselves? If yes – describe.
- Have there been any recent significant stressful personal events?
- Are there any current mental health issues which may have a bearing on behaviour?
- Was the young person previously listed on a Special Interest Young Person (SIYP) list?

On admission to the receiving centre after transfer from another youth detention centre, staff at the receiving centre should consider the following:

- Was the young person subjected to a partly unclothed search before leaving the transferring centre?
 - If yes – was anything found? If yes, request a description of what was found.
- Is there any possibility (suspicion) that the young person could have obtained any items of contraband during the escort?
 - If yes – details.
- What has the young person's behaviour been like during the escort?
- Was the young person previously listed on a Special Interest Young Person (SIYP) list?

2.3. Assessing whether reasonable grounds exist on return from unescorted or accompanied leave or from escorted leave.

In assessing whether reasonable grounds exist to conduct a partly unclothed search on return from approved leave of absence, staff should consider the following:

Escorted leave (where a young person is accompanied by centre staff):

- Is there any possibility or suspicion that the young person may have obtained any items of contraband during the escort? If yes – details.
- What has the young person's behaviour been like during the escort?

Unescorted or accompanied leave (where a young person is unaccompanied or is accompanied by a person or persons who is/are not a centre staff member):

- The issue here is balancing the fact that a young person is considered trustworthy enough to be granted leave without a staff member being present with the risk that they will attempt to bring contraband back into the centre. In that context, key considerations are:
 - Does the young person have any prior history involving contraband?
 - Is there any evidence that the young person is susceptible to peer pressure and is therefore at risk of being put under pressure to bring contraband back to the centre?
 - Was the young person previously listed on a Special Interest Young Person (SIYP) list?

2.4. Assessing whether reasonable grounds exist following contact visits with parents, care-givers, significant others and friends.

In assessing whether reasonable grounds exist to conduct a partly unclothed search following contact visits, staff should consider the following:

- where interaction or behaviour observed during a visit raised suspicion that contraband may have been passed to the young person

- if the young person has a previous history of obtaining contraband through visits
- if there is a reasonable suspicion that the young person has previously obtained contraband through visits (e.g. a pattern of contraband being discovered following visits).

2.5. If a young person is considered to be a high risk of suicide or self harm.

Section 263 of the *Juvenile Justice Act 1992* makes the chief executive responsible for the safe custody and wellbeing of detained young people. Youth detention centre staff, therefore have a duty of care to young people assessed as being at high risk of suicide or self harm to ensure that they do not have any item secreted on their person that could be used to self harm. Therefore, if a young person is assessed as being at high risk of suicide or self harm it may be considered that reasonable grounds exist to conduct a partly unclothed search in order to minimise the potential for harm to that young person.

2.6. Assessing whether reasonable grounds exist in situations where there is a reasonable suspicion that a young person is carrying contraband which may affect the safety and well being of the young person, other young people, staff or visitors.

In assessing whether reasonable grounds exist to conduct a partly unclothed search of a young person suspected of possessing contraband, staff should consider the following:

- Have they received information that a young person is or may be in possession of contraband?
- Have they observed an interaction or behaviour that raised suspicion that a young person may be in possession of contraband?

2.7. Assessing whether reasonable grounds exist before a young person is transferred to police custody.

Staff must consider the following factors when deciding whether reasonable grounds exist to conduct a partly unclothed search of a young person before they are transferred to police custody:

- the young person's current behaviour
- any history at the centre of concealing contraband on their person
- recent drug, alcohol or other substance use
- recent incidents of suicide risk or self harm
- recent significant stressful personal events
- current mental health issues which may have a bearing on behaviour
- whether the young person is on the Special Interest Young Person (SIYP) list
- suspected involvement in drug or weapon secretion.

2.8. Initial risk assessments

An initial risk assessment is to be completed as close as possible to admission into a youth detention centre and, in addition to any extraordinary factors, will take into account the young person's:

- criminal history
- substance abuse history
- previous institutional behaviour
- suicide risk history.

The risk assessment is a guide only and ensures that the individual circumstances of a young person are being taken into account when deciding whether there are reasonable grounds to conduct partly unclothed searches.

Where possible, other methods that may reduce the need to conduct partly unclothed searches should be considered first. For example, young people may be allocated, during visits, to the

large visits table which reduce the likelihood of close physical contact with visitors. This would mean that young people may not need to be subjected to a partly unclothed search in this situation.

Regular reviews to assess any changes in each young person's circumstances are to be carried out by a panel of senior operations, accommodation and medical staff on a monthly basis where possible.

RTI RELEASE

3. BODY SEARCHES

A search of this type is a medical procedure that must only be conducted in circumstances where reasonable grounds exist, in accordance with *Juvenile Justice Regulation 2003 sections 27(3) (a) and (b)*.

A body search includes the manual or instrument inspection of the mouth, ears, vaginal, or anal orifices. Body searches must be conducted by medical practitioners only and require authorisation by the Director Youth Detention Centre. Every body search must be appropriately recorded in the Body Search Register. If reasonably practicable, the Medical Practitioner must be of the same sex as the young person.

The Medical Practitioner must before conducting the search:

- tell the young person he or she will be required to remove clothing
- tell the young person why it is necessary to remove the clothing and
- ask for the young person's cooperation.

The search must be conducted as quickly as reasonably practicable and the young person must be allowed to dress as soon as the search is finished.

Reasonable force may only be used if the authorising staff member reasonably believes the search cannot be conducted in any other way. Therefore, wherever possible, the staff member should discuss the proposed use of force with their supervisor and obtain their agreement to the use of force. If an immediate decision regarding the use of reasonable force is required to protect a person or property in the centre, and the staff member is unable to discuss the use of force with a supervisor beforehand, reasonable force may be used if the staff member believes that the search cannot be conducted in any other way.

If force is used without considering alternatives, or unreasonable force is used, then the use of force may not be authorised and the staff member could be liable for an assault.

A record must be kept of whether force was used to carry out the search and, if force was used, the reason for its use and details of the force used. (Refer to policy and procedure YDC-014-01 Internal working relationships - records, registers and logbooks.)

7. RESTRICTED, PROHIBITED AND ILLEGAL ARTICLES FOUND DURING A SEARCH

This section should be read in conjunction with policy and procedure YDC-029-01 Safety and security - restricted, prohibited and illegal articles.

Whilst conducting a search, staff must take possession of any article found that:

- is declared to be a restricted, prohibited or illegal article
- threatens the security or good order of the detention centre or
- endangers, or may be used to endanger, the young person or someone else.

Any restricted, prohibited or illegal article that is discovered and is required as evidence should immediately be placed in an evidence bag and passed to the Shift Supervisor to be secured in the evidence safe. (Refer to related policy and procedure YDC-024-01 Safety and security - preservation of crime scenes and evidence.)

If the article is property that is not recorded in the Valuables and Property List, the Shift Supervisor must record particulars of the property and sign the list. The young person must sign the record. If the young person refuses to sign the record a detention centre staff member, other than the one who made the record, may sign the record.

When prohibited or restricted articles are discovered that are not required as evidence, the Unit Manager must decide whether the property is:

- to be returned to the original owner if it belongs to someone else
- stored with the young person's property if it belongs to them.

If a decision is made to destroy an article, refer to policy and procedure YDC-029-01 Safety and security - restricted, prohibited and illegal articles.

At times it will be appropriate for staff to permit restricted articles into the centre, for example, when trades people are required to bring tools into the centre. When this is necessary, the entry and exit of all tools must be recorded in the Tool and Equipment Register. (Refer to policy and procedure YDC-014-01 Internal working relationships -records, registers and logbooks and YDC-029-01 Safety and security - restricted, prohibited and illegal articles).

8. RECORDING OF SPECIFIC INFORMATION RELATING TO PARTLY UNCLOTHED SEARCHES

Where a partly unclothed search is conducted, the following information is to be recorded in the Partly Unclothed Search and Clothed Search Where Force Used Register:

- the young person's name
- the reasonable grounds that existed that justified conducting the partly unclothed search
- the name of the person who authorised the partly unclothed search
- whether force was used and if so, the type of force used, the reason force was used and who approved the use of force
- details of what, if any, contraband was found during the search.

For the purpose of monthly reporting on partly unclothed searches conducted at youth detention centres, use the following codes in the Partly Unclothed Search and Clothed Search and Where Force Used Register to identify the circumstances in which the partly unclothed searches were conducted.

Description	Code
Admission	ADM
Readmission	READM
Pre-court	PRECRT
Visits	VISITS
Accompanied Leave	LEAVE ACC
Unescorted Leave	LEAVE UNESC
Escorted Leave	LEAVE ESC
Suicide Risk Management	SR
Suspicion of Possession of Contraband	SUS