COPP 11.2 Searching

Prison

|  |
| --- |
| Principles As referenced in the [Guiding Principles for Corrections in Australia, 2018](https://dojwa.sharepoint.com/sites/intranet/prison-operations):  2.3.12 Staff, prisoners and visitors are searched lawfully, in the least invasive manner possible and with due regard to their rights and dignity.  3.2.7 The security and safety of staff, prisoners, visitors, and the community are supported by a variety of strategies and systems to prevent, detect, and deter contraband.  As referenced in the [National Child Safe Principles](https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf)  1.5 Risk management strategies focus on preventing, identifying and mitigating risks to children and young people.  1.6 Staff and volunteers understand their obligations on information sharing and recordkeeping.  2.1 Children and young people are informed about all of their rights, including to safety, information and participation. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to:

* all public and private prisons administered by or on behalf of the Department of Justice (the Department).
* any organisation contracted to the Department of Justice in Western Australia under the Court Security and Custodial Services Act 1999[[1]](#footnote-1) for the provision of custodial transport services.

# Policy

This COPP sets out mandatory search procedures for prison environments, property, prisoners, visitors, and staff, necessary for the security and good order of all prisons.

Searches of people and property entering and exiting prisons, as well as prison environments and vehicles, are necessary aspects of the overall strategy to detect and prevent the passage of unauthorised items or contraband into prisons.

Effective searches can assist to increase the safety and security of every person within the prison and reduce the likelihood of:

* escapes
* unlawful activity
* the number of unauthorised items in prisons
* harm to self and others.

All persons, vehicles and property may be searched on entry, within the prison or on exit to prisons.

Searches of all persons and their property shall be conducted in a manner that:

* maintains the dignity, self-respect, and privacy of the person
* avoids any unnecessary and unreasonable humiliation and embarrassment
* ensures the person knows how a search will be conducted and their rights and obligations in relation to that search.

Search practices shall utilise various methods and available technology, adopting the least intrusive method possible to minimise the negative impact on a person, without compromising the integrity of the search.

Low dose x-ray body scanners are used for security screening and are capable of locating contraband and weapons concealed on or within a person’s body. The use of an x-ray body scanner compliments existing searching methods. Where available, x-ray body scanners shall only be used to search prisoners. Staff and visitors are not to be searched by the device.

X-ray equipment used to search a prisoner shall only be operated by trained, qualified and licensed staff (operators).

Searches, especially strip searches, can be embarrassing and difficult experiences for prisoners, staff and visitors. Staff shall be mindful of the impact searches may have on prisoners who may be at risk or have experienced trauma.

# Search Requirements

## General

### Searching Officers undertaking search activities shall have completed the relevant training and utilise all required personal protective equipment (PPE).

### Records shall be maintained of training completed by staff.

### Law enforcement agencies acting under the authority of statutory powers or warrants may conduct such searches as necessary on prison property. In these events staff shall cooperate with all lawful requests and instructions.

### If an unauthorised item is found during any search it shall be managed accordance with section 17 of this COPP.

## Gender of the person conducting the search

### A search involving physical contact shall be conducted by a Searching Officer of the same gender as the person being searched.

### All efforts shall be made to ensure the second Searching Officer is also of the same gender as the person being searched.

### Visitor searches shall be conducted by 2 Searching Officers of the same gender as the visitor and in the presence of people of the same gender, except where the visitor is a baby or child apparently under the age of 10 years (refer to section 10 of this COPP).

### All efforts shall be made to ensure basic searches of prisoners are conducted by 2 Searching Officers of the same gender as the person being searched.

### Searches of prisoners using the x-ray body scanner shall be conducted by an operator of the same gender.

### If the Searching Officer is uncertain as to the gender of a person to be searched, the Searching Officer shall ask the person if a male or women Searching Officer should carry out the search and act in accordance with the answer.

### The Superintendent may request the presence of a Medical Officer during the search of a prisoner, who can be of a different gender to the prisoner.

## Trans, gender diverse or intersex prisoners

### Searching Officers conducting the search of a prisoner who has self-identified as trans, gender diverse or intersex shall check the Total Offender Management System (TOMS) for the preferred gender of the Searching Officer to conduct the search.

### Where a prisoner self-identifies as trans, gender diverse or intersex, the prisoner shall be searched by the Searching Officer of the gender documented on TOMS.

### A prisoner who self-identifies as trans, gender diverse or intersex may also request Searching Officers of differing genders to complete top/bottom searches (dual search).

### If there is no answer as to the preferred gender of the Searching Officer, and if the prisoner is trans, gender diverse or intersex, the prisoner should be searched by a Searching Officer of the gender the prisoner identifies as. If this is not known, the prisoner shall be searched by a Searching Officer as the same gender the prisoner appears to the Searching Officer to be.

### The Searching Officer shall raise any concerns with the answer or the process with the relevant Senior Officer.

### Once the gender of the Searching Officer to conduct the search has been established, the approved search procedures apply.

### Where a Searching Officer declines to search the prisoner, who self-identifies as trans, gender diverse or intersex they shall request via the Senior Officer, another Searching Officer, of the prisoner’s preferred gender, to conduct the search.

### Where a Searching Officer is not comfortable with this directive, another Searching Officer must be assigned the task.

## Injuries or disabilities

### The search of all persons with an injury or disability (including persons with a prothesis) shall be conducted in a manner which ensures decency and the least discomfort or intrusion while maintaining the integrity of the search.

### The Searching Officer must assess the person to be searched to determine if the injury or disability requires an adjustment to the searching procedures without compromising prison safety and security.

### Where practicable, prior to the search of a prisoner, the Searching Officer should check TOMS for any alerts to indicate a disability.

## Religious and cultural headwear

### All persons entering a prison shall be permitted to wear religious and/or cultural headwear and shall be treated with respect.

### Searches of religious and cultural headwear shall be conducted in accordance with the following procedures:

|  |  |  |
| --- | --- | --- |
|  | Procedure | Responsibility |
| 1. | Ensure the search and removal of headwear is conducted in an area out of sight to all persons of the opposite gender to the person being searched. | Searching Officer |
| 2. | For the security and identification of women visitors wearing veils or other face coverings, ensure the removal of these are done in private. | Searching Officer (Women only) |
| 3. | Use a handheld metal detector to search headwear. | Searching Officer |
| 4. | Provide a mirror and privacy to the person when reapplying the veil or face covering. | Searching Officer |

## Exemptions

### Except for strip searches, prison work camp officers and officers supervising prisoners on external work activities are exempt from the requirement of 2 Searching Officers as part of searches as specified throughout these procedures.

# Search Equipment

## Search kits and environment searching equipment

### Tools in search kits shall be available in accordance with [Appendix A: Environment Searching Equipment](#_Appendix_A:_Environment) and managed in accordance with [COPP 11.5 – Tools and Material Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

## Approved searching apparatus and methods

### Approved searching apparatus may be used to detect unauthorised items[[2]](#footnote-2).

### The Commissioner shall approve all apparatus and methods used in the conduct of searches.

### Operational Support is responsible for the:

1. development and validation of doctrine, tactics, methods and procedures for searches
2. operational testing and evaluation of any apparatus proposed for use during searching.

### Evaluation outcomes and any recommendations for approval of new equipment or major changes to searching procedures shall be forwarded to the Corrective Services Intelligence, Security and Response Committee for endorsement, prior to submission to the Commissioner for final approval.

### Approved searching apparatus is detailed in [Appendix B: Approved Searching Apparatus](#_Appendix_B:_Approved).

## X- Ray Scanner Maintenance and Radiation Safety

### Operators must comply with the Department’s Radiation Management Plan, and the [SMF-PRO-009: X-ray Body Scanner Equipment - Operator](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx) (X-ray Body Scanner Operator procedure) when operating the x-ray scanner In accordance with the Department’s [SMF-PLN-002 Radiation Management Plan](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx) (Radiation Management Plan), all maintenance and repairs shall be conducted by a qualified person.

# Search Methods

## Visual search

### A visual search may be used in conjunction with other search methods.

## Basic search

### A basic search includes touch by running hands over the outside of the person’s clothing. This may include removing a person’s headwear.

## Strip Search

### A strip search of a person includes:

1. the removal of any article the person is wearing including articles covering the person’s genitals
2. searching any article removed
3. searching the person’s external parts (also his/her genitals)
4. searching the person’s mouth but not any other orifice.

### Searching Officers shall conduct strip searches by the half and half method (i.e. not fully naked) expeditiously with decency and respect, whilst remaining alert to potential safety and security risks.

## Search involving an x-ray body scanner

### Implementing x-ray body scanning equipment in prisons aims to deter and detect contraband concealed on or within a person’s body.

### Prior to searching prisoners, operators shall complete the following in accordance with the Department’s [Radiation Management Plan](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx):

1. Identify the prisoner
2. provide information to the prisoner regarding the procedure.

### The process of conducting the search shall be managed in accordance with the [X-ray Body Scanner Operator procedure](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx).

## Search involving a drug detection dog

### Deploying drug detection dogs and utilising other technology in prisons aims to detect, deter, and disrupt drug trafficking.

### A drug detection dog[[3]](#footnote-3) may be used for the purpose of carrying out drug searches to detect whether drugs are or have been present.

### A drug detection dog may be used to search a vehicle, building or a person in the following circumstances:

1. seeking to enter a prison
2. on entry to a prison
3. while in prison
4. seeking to leave a prison
5. immediately before leaving
6. anywhere on the prison gazetted grounds.

### Drug Detection Officers shall be responsible for conducting searches with a drug detection dog, in accordance with the Drug Detection Unit procedures.

### Drug Detection Officers shall ask the person if they have any drugs or medication to declare prior to the search[[4]](#footnote-4).

### The person may be asked to stand or sit in a search line and advised that they shall be searched by a drug detection dog.

### If an indication is given by a drug detection dog, the Drug Detection Officer shall refer this information to the Searching Officer who shall determine a relevant course of action.

### In all cases where a dog alerts and regardless of if a drug is found, consideration shall be given to searching the property locker and vehicle. This shall include but is not limited to:

1. interviewing the person or accompanying adult or child in relation to the positive indication
2. directing a search of the person
3. searching the person’s or accompanying adult’s locker
4. searching the person’s or accompanying adult’s vehicle
5. parts c and d may include conducting the search with a drug detection dog or Electronic Drug Trace Detection Device (ETD).

### Drugs or contraband found as a result of a drug detection dog alert shall be passed to attending Prison Officers to be secured as evidence. Evidence shall be managed in accordance with section17 of this COPP.

### Following a positive indication by a drug detection dog and if no unauthorised items were located during subsequent searches, the following procedures apply:

|  |  |  |
| --- | --- | --- |
|  | Procedure | Responsibility |
| 1. | For visitors, including babies and children, if no unauthorised item is found, offer non-contact visits if available, otherwise consider refusing the person entry on a case by case basis in accordance with [COPP 7.4 – Visitor Restrictions and Bans](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). | Searching Officer |
| 2. | For staff members, report the matter to the Superintendent. | Searching Officer |

### If drugs are found as a result of a drug detection dog alert, where practicable, a live seizure training event shall be considered for the benefit and future development of the dog.

### Searches by a drug detection dog shall be recorded on TOMS or the form [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx).

### Prisoner drug searches shall be in accordance with the Drug Detection Unit’s Standing Order 022 – Search of prisoners and detainees with drug detection dogs.

## Search involving an Electronic Drug Trace Detection Device (ETD)[[5]](#footnote-5)

### An ETD device detects trace particles of drugs.

### An ETD may be used to conduct searches on persons, their property, or other objects to determine if there is a presence of illegal or controlled drugs.

### The Drug Detection Unit is responsible for the procurement, operational testing and evaluation of Electronic Drug Trace Detection Devices (ETD)

### The Assistant Director Drug Mitigation shall seek approval from the Corrective Services Security and Intelligence Committee when renewal and replacement of current ETD is required.

### The Drug Detection Unit will maintain a register of all ETD used at each prison.

### Current approved ETD are as follows:

1. Nuc Tech TR1000QC (portable)
2. Nuc Tech TR2000DC
3. Nuc Tech Raman Narcotic Identifier
4. Smith’s Ionscan 500
5. L3 Harris B220
6. Safran Morhpo Itemiser
7. Smith’s Narcotic Identifier.

### An ETD search can occur of a person or on any property or vehicle they may have in their possession or control.

### Assistive technology includes the use of ETD and involves a swab of the visitor in locations such as clothing surfaces, pockets, belt buckles, shoes bags or any other item in their possession.

### The Prison Officer shall inform the visitor of the requirement to undergo ETD screening as a condition of entry to the prison.

### An ETD search of a person must be conducted by an officer of the same gender as the person being searched.

### If an officer of the same gender as the person is unavailable to conduct the search a visitor may swab themselves under the direction of the officer.

### ETD searches shall be recorded on TOMS.

### If the ETD alarms as a result of a drug trace detected on the visitor, the visitor shall be referred to attending Prison Officers or the Senior Officer for consideration of further action.

## Searches using approved apparatus

### Approved search apparatus for example, x-ray body scanners, handheld metal detectors, x-ray baggage scanners, body orifice security scanners (BOSS) chairs or wands may be used on their own to search a prisoner, property, person, or in conjunction with other search methods.

### Searches with a handheld metal detector shall be conducted in accordance with [Appendix C: Searches Using a Handheld Metal Detector](#_Appendix_E:_).

### Positive indications following the search using approved apparatus, for example, a handheld metal detector shall be managed in accordance with [Appendix D: Positive Indications](#_Appendix_F:_Positive).

## Property searches

### A person’s property may be searched which may include (but not limited to) bags, cars parked on prison gazetted grounds and property placed in lockers etc.

### Property searches may be conducted using a variety of methods including (but not limited to):

1. visual
2. approved apparatus, for example, scanners and handheld metal detectors
3. drug detection dogs
4. ETD.

## Environment searches and integrity checks

### Searches and integrity checks may be conducted within the prison environment including, but not limited to:

1. cells
2. internal and external common areas
3. prison gazetted grounds, perimeters, car parks etc.

# Search Reasons

## Routine searches

### Routine searches are conducted on a regular basis and form an essential part of daily operations to ensure the safety and security of the prison, staff, prisoners, visitors, vehicles, and the prison environment.

## Targeted searches

### Staff, visitors, prisoners, cells/environs, and vehicles may be subject to a targeted search.

### Targeted searches may be initiated by information or intelligence received or on other grounds that provide reasonable suspicion to justify a search.

### Targeted searches may be conducted in addition to routine searches.

## Random searches

### Random searches include the random selection of a person, property, or location to be searched in which each person, property or location has an equal probability of being chosen.

### Random searches may be conducted in addition to other routine searches.

### Random, basic searches shall occur at varied intervals throughout a 24-hour period (e.g., not isolated to am/pm only).

# Prisoner Searches

## Method of searches

### Prisoners may be subjected to a:

1. visual search
2. basic search
3. strip search
4. search under force
5. search involving a drug detection dog
6. search involving ETD
7. search involving an approved apparatus
8. medical examination (for evidentiary purposes)
9. property search
10. cell search.

## Authority to conduct a basic search

### Except for a strip search, all searches may be authorised by the Superintendent, Officer in Charge (OIC) or Searching Officer with the delegated authority.

### The Superintendent or delegate may order a Prison Officer to conduct a basic search of a prisoner if the Superintendent considers that such a search is necessary for maintaining the good government, good order or security of that prison.

### Basic searches shall be conducted in accordance with [Appendix E: Basic Search](#_Appendix_G:_Basic).

## Strip search general requirements

### The method for strip searching women prisoners is different to the method used to search male prisoners (refer to section 7.5 of this COPP).

### Strip searches should be conducted on an individual basis, for example, when such items cannot be, or have not been, discovered by a basic search.

### A Superintendent shall only order the strip search of a prisoner where it is considered there are reasonable grounds that a strip search is necessary for the good government, good order, or security of the prison.

### Prisoners shall be strip searched as a minimum requirement on first reception into prison custody. This does not include the reception of a prisoner after being transferred from another prison where the Corrective Services chain of custody has not been broken.

### Further orders mandating the strip searching of prisoners in prescribed circumstances should be made sparingly and detailed within the prison’s Standing Order.

### Prisoners are not routinely required to lift breasts, genitals (males), or lift skin folds unless the Searching Officer believes there is something concealed in these areas.

### Strip searches shall be conducted in an appropriate area not visible to others (e.g. other prisoners) and by a Searching Officer of the same gender as the person to be searched. A second Searching Officer of the same gender shall witness the search.

### The role and responsibilities of the 2 Searching Officers involved in the strip search are:

First officer:

1. control and direct the search
2. observe the prisoner from the front.

Second officer:

1. receive and return clothing and other items removed by the prisoner
2. search clothing and other items.

## Authority to conduct a strip search

### The Superintendent or OIC must authorise the strip search of a prisoner. Where the Superintendent is unavailable, an officer above the rank of Senior Officer can authorise the strip search.[[6]](#footnote-6)

## Strip search of a woman prisoner

### The method for strip searching women prisoners is different to the method used to search male prisoners.

### Women prisoners shall be strip searched upon first reception into custody. This does not include the reception of a women prisoner after being transferred from another prison where the Corrective Services chain of custody has not been broken.

### Women prisoners shall not be subject to routine strip searches once received into custody. This includes not being routinely strip searched prior to placement in an observation or medical observation cell.

### Strip searching of women prisoners shall only be conducted as directed by the Superintendent as a last resort based on either:

1. intelligence
2. indication by a drug detection dog
3. for safety or security proposes.

### Prior to conducting a strip search directed by the Superintendent, consideration shall be given to the health, welfare and circumstances of the woman, including, but not limited to, their, age, vulnerability, mental health and trauma.

### Searching Officers shall consider the health, welfare and circumstances of the individual when determining the requirement and impact of conducting a strip search of a woman prisoner.

### Women prisoners shall not be requested to squat under any circumstances during a strip search.

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Order the Searching Officer to conduct the strip search. | Superintendent/OIC /delegate |
| 2. | Request the presence of a Medical Officer, if required. | Superintendent or OIC |
| 3. | Inform the woman prisoner of the authority to conduct the strip search. | Searching Officer |
| 4. | Determine the gender of the Searching Officer in accordance with this COPP. | Searching Officer |
| 5. | Determine if the searching procedure needs to be altered to accommodate:   1. trans, gender diverse and intersex 2. prisoners with disabilities or injuries 3. prisoners with religious cultural headwear. | Searching Officer |
| 6. | Where a woman prisoner refuses to be strip searched, they shall be secured in a cell and remain under constant observation by a Prison Officer.  Negotiations shall be undertaken between the woman prisoner and Prison Officer with the aim of achieving compliance to the strip search. | Prison Officer |
| 7. | Where practicable, the gender of the Prison Officer visually monitoring a woman who has removed their clothing or viewing electronic images of a woman who is not fully dressed should be of the same gender as the prisoner.  This includes viewing electronic images for the purpose of management reviews. |  |
| 8. | The practice of forcibly removing clothing and/or forcibly strip searching shall not occur unless the woman prisoner is actively engaged in self-harm and a duty of care to the woman requires staff to enter the cell and remove the woman prisoner’s clothing.  Guidance on using force and restraints to facilitate a strip search is contained within [COPP11.3 – Use of Force and Restraints.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) | Searching Officer |
| 9. | Wear Department issued gloves. | Searching Officer |
| 10. | Provide the woman prisoner with a gown or towel. | Searching Officer |
| 11. | Ask the woman prisoner:   1. if they have anything on their person which is unauthorised or may cause an injury 2. to empty their pockets and remove their hat or jacket 3. to shake out their hair and untie their hair if necessary. | Searching Officer |
| 12. | Visually inspect around and inside the woman prisoner’s ears, nose and mouth and ask them to raise their tongue to enable a thorough search. | Searching Officer |
| 13. | Ask the woman prisoner to remove the top half of their clothing including their bra, hold up their arms and turn around whilst both Searching Officers observe the upper body and hands. | Searching Officer |
| 14. | Return the woman prisoner’s clothing and allow them to re-dress. | Searching Officer |
| 15. | Ask the woman prisoner to:   1. remove their footwear including socks 2. remove the bottom half of their clothing, including underwear 3. lift their feet and visually check between the toes 4. raise the top half of their clothing and turn around, so the lower half of the body can be checked.   **Note\*** Both Searching Officers are to ensure that the floor area is clear of any items which may have been dropped before, during or after the search. | Searching Officer |
| 16. | Ask the woman prisoner to remove externally applied sanitary towels, napkins or pads and place in an appropriate container for disposal.  \*Provide replacement sanitary wear.  **Note\*** Do not remove or ask the woman prisoner to remove any internal sanitary products during a search. | Searching Officer |
| 17. | Provide gloves to the woman prisoner and ask the woman prisoner to remove any visible unauthorised item(s) and manage the item in accordance with section 17 of this COPP. | Searching Officer |
| 18. | Return the woman prisoner’s clothing and allow them to re-dress. | Searching Officer |
| 19. | Record the details of the search on TOMS and include:   1. any actions which may have been utilised to obtain compliance 2. a rationale as to why the strip search was deemed necessary 3. consideration given to the health, welfare and circumstances of the woman, including, but not limited to, their, age, vulnerability, mental health and trauma 4. any deviation from the searching procedures 5. the removal of all the woman prisoner’s clothing due to a suspicion of a concealment 6. engagement with support services 7. any new marks or tattoos observed on the woman prisoner 8. any unauthorised item(s) found. | Searching Officer |

## Strip search of a male prisoner

### Male prisoners may be ordered to squat during a strip search where a Searching Officer reasonably suspects an item is concealed.

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Order the Searching Officer to conduct the strip search. | Superintendent / OIC / delegate |
| 2. | Request the presence of a Medical Officer, if required. | Superintendent or OIC |
| 3. | Inform the prisoner of the authority to conduct the strip search. | Searching Officer |
| 4. | Determine the gender of the Searching Officer in accordance with this COPP. | Searching Officer |
| 5. | Determine if the searching procedure needs to be altered to accommodate:   1. trans, gender diverse and intersex prisoners 2. prisoners with disabilities or injuries 3. prisoners with religious cultural headwear 4. any other reason which make it impractical to conduct the search. | Searching Officer |
| 6. | In the event the prisoner refuses a strip search, the Searching Officer may use such force as is reasonably necessary for the purpose of performing a search of a prisoner and taking anything found, as ordered by the Superintendent/OIC[[7]](#footnote-7).  Guidance on using force and restraints to facilitate a strip search is contained within [COPP11.3 – Use of Force and Restraints.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) | Searching Officer |
| 7. | Wear Department issued gloves. | Searching Officer |
| 8. | Provide the prisoner with a gown or towel. | Searching Officer |
| 9. | Ask the prisoner:   1. if they have anything on their person which is unauthorised or may cause an injury 2. to empty their pockets and remove their hat or jacket 3. to shake out their hair and untie their hair if necessary. | Searching Officer |
| 10. | Visually inspect around and inside the prisoner’s ears, nose and mouth and ask them to raise their tongue to enable a thorough search. | Searching Officer |
| 11. | Ask the prisoner to remove the top half their clothing, hold up their arms and turn around whilst both Searching Officers observe the upper body and hands. | Searching Officer |
| 12. | Return the prisoner’s clothing and allow them to re-dress. | Searching Officer |
| 13. | Ask the prisoner to:   1. remove his footwear including socks 2. remove the bottom half of their clothing, including underwear 3. lift their feet and visually check between the toes 4. raise the top half of their clothing and turn around, so the lower half of the body can be checked.   **Note\*** Both Searching Officers are to ensure that the floor area is clear of any items which may have been dropped before, during or after the search. | Searching Officer |
| 14. | Where a Searching Officer reasonably suspects an item may be concealed, the prisoner may be requested to squat.  The prisoner shall be advised of the requirement and reason for the additional inspection.  Searching Officers shall:   1. request the prisoner to squat 2. continue the strip search if no item is visible or has been located 3. where an item is fully visible and removal can be undertaken without risk of injury, the prisoner is to be ordered to remove the item 4. the prisoner should be provided with gloves where they have been ordered to remove the item. | Searching Officer |
| 15. | Unauthorised items shall be managed in accordance with section 17 of this COPP. | Searching Officer |
| 16. | Return the prisoner’s clothing and allow them to re-dress | Searching Officer |
| 17. | Record the details of the search on TOMS and include:   1. any unauthorised item found 2. any deviation from the searching procedures 3. the removal of all the prisoner’s clothing due to a suspicion of a concealment 4. where squatting was requested during a strip search the reasons why and the outcome 5. any new marks or tattoos observed on prisoner. | Searching Officer |

## X-ray Body Scanning

### A prisoner may be searched by of an approved electronic scanning device[[8]](#footnote-8). This includes the use of an x-ray body scanner in accordance with the [X-ray Body Scanner Operator procedure](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx).

## Search using force

### A Prison Officer may, if ordered by the Superintendent, search a prisoner, and take from them anything found on their person and may use such force which is reasonably necessary[[9]](#footnote-9).

### Searches under force shall not be conducted on women prisoners unless they pose a risk to themselves or others.

### Consideration shall be given to the risk of removing the item(s) with reasonable force, if necessary[[10]](#footnote-10), in accordance with [COPP 11.3 – Use of Force and Restraints](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Staff shall not physically restrain a prisoner while using the x-ray body scanner.

### Mechanical restraints may remain in place during scanning, however the prisoner’s positioning within the x-ray equipment shall be modified in accordance with the [X-ray Body Scanner Operator procedure](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx).

## External activities (section 95) prisoner search

### All prisoners attending external activities (section 95 of the *Prisons Act 1981*) shall be searched on each exit and entry to the prison.

### The search shall be documented on TOMS and where required, the relevant checklist, for example, the Officers Daily Checklist Section 95 External Activities.

## Prisoner Employment Program (PEP) search

### PEP prisoners should be subject to searches as per section 7.8 of this COPP.

### Prisoners who utilise their own vehicles for PEP shall have their vehicles searched in accordance with this COPP.

### The search of the prisoner and where applicable, the prisoner’s vehicle, shall be documented on TOMS.

## Medical examination for evidentiary purposes

### In exceptional circumstances if a Prison Officer has reasonable grounds for believing a prisoner has internally secreted items or substances that may be used as evidence of an offence, a medical examination may be conducted only on the authority of the relevant Deputy Commissioner.[[11]](#footnote-11)

### Medical examinations for evidentiary purposes shall be conducted in accordance with the following procedures:

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Immediately advise the Superintendent or OIC if there are reasonable grounds for believing that a prisoner has internally secreted items or substances. | Prison Officer |
| 2. | Authorise and transfer the prisoner to an Observation/Medical Observation Cell in accordance with [COPP 5.2 – Observation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) Cells. | Superintendent or OIC |
| 3. | Immediately advise the relevant Deputy Commissioner if there are reasonable grounds for believing that a prisoner has internally secreted items or substances. | Superintendent or OIC |
| 4. | Consider approving a medical examination for evidentiary purposes and inform the Superintendent or OIC of the decision. | Relevant Deputy Commissioner |
| 5. | If approved, advise the prisoner of the reasons for the placement in the Observation/Medical Observation Cell:  *“This placement is being made because there are reasonable grounds for believing that you have items and/or substances secreted internally in your body. A medical practitioner has been/will be notified. If the medical practitioner considers it necessary, he/she can carry out a medical examination (The authority for this procedure is contained in Section 46 and 95D of the Prisons Act 1981). You should be aware that if you refuse to undergo an examination, the Prisons Act 1981 authorises a medical practitioner to use or direct the use of such force as is reasonably necessary for the purpose of the examination”.* | Prison Officer |
| 7. | Immediately advise the Clinical Nurse Manager or delegate:   1. if there are reasonable grounds a medical examination shall assist with evidence of an offence; or 2. internally secreted items or substances pose a threat to the prisoner’s health. | Superintendent or OIC |
| 8. | If there is a perceived immediate threat to the prisoner’s health:   1. contact the on-call Medical Practitioner for advice 2. transfer the prisoner to hospital for further examination 3. notify the Operations Centre immediately of the external transfer to hospital 4. contact the Director Health Services. | Superintendent or OIC |
| 10. | Contact the authorising Deputy Commissioner and provide a summary of the incident.  Record the incident and search on TOMS, including anything found. | Superintendent or OIC |
| 11. | If any unauthorised item is found, manage in accordance with section 17 of this COPP. | Superintendent or OIC |

## Prisoner property search

### A Prison Officer shall search all prisoner property whether on exiting (except for circumstances set out in 7.11.4 of this COPP) or entering the prison that is received by, issued to, retained by a prisoner, or retained at a prison on behalf of a prisoner.

### Due care shall be used when searching any prisoner property.

### Prisoner property searches shall be documented on TOMS.

### Where a prisoner’s property has been issued and checked against the TOMS property record and the prisoner is being released to freedom, a further property search on exit is not required.

## Discharge

### All prisoners shall be searched on discharge.[[12]](#footnote-12)

## Custodial transportation services and external locations

### Searching Officers discharging functions under the *Court Security and Custodial Services Act 1999* and Court Security and Custodial Services Contract may search prisoners and their possessions if they believe on reasonable grounds the prisoner has anything that is likely to adversely affect the good government, good order or security of the custodial place (e.g., court) or vehicle.[[13]](#footnote-13)

### Searching Officers shall consider the prisoner’s previous locations and journey (e.g., exposure to unsecure vehicles and locations) and any previous searching activities when determining the requirement and type of further searches during escorts and at external locations.

### The Contractor Representative shall detail within their Operating Manual[[14]](#footnote-14) the searching requirements for their staff to align with the requirements the *Court Security and Custodial Services Act 1999*, Court Security and Custodial Services Contract and the Department’s operating policy and procedures.

# Staff Searches

## Method of searches and authority

### Staff searching is a routine function to maintain the good government, good order or security of the prison.

### Staff may be subjected to a:

1. visual search
2. basic search
3. strip search
4. search involving a drug detection dog
5. ETD search
6. search involving an approved apparatus
7. property search.

### Staff searches are to be conducted by authorised and trained persons.

### Except for a strip search, all searches may be authorised by the Superintendent, OIC or Searching Officer with the delegated authority.

### The relevant Deputy Commissioner or the Director Integrity and Accountability must authorise the strip searches of staff.

## Refusal to be searched

### Where a staff member refuses to be searched, they shall be asked a second time by the Searching Officer.

### Where a staff member refuses to be searched a second time without a reasonable reason, the Superintendent shall refuse entry to the prison or have them removed from the prison.

### The Superintendent shall refer the incident to Professional Standards Division (PSD) for further investigation and determine a course of action regarding when the staff member can attend the workplace and any appropriate disciplinary action.

## Basic searches

### Basic searches of women staff shall only be conducted by women Searching Officers and in the presence of women persons.[[15]](#footnote-15)

### Searching Officers shall contact the Superintendent if an unauthorised item(s) is found or is suspected to be concealed following a basic search.

### The Superintendent or OIC shall report any unauthorised item(s) located during the search to the PSD and if required, the Western Australia (WA) Police Force.

### Basic searches shall be conducted in accordance with [Appendix E: Basic Search](#_Appendix_G:_Basic).

## Unauthorised items

### The Superintendent shall ensure the information contained within [Appendix H: Authorised and Unauthorised Items – Staff](#_Appendix_I_:) is printed and made public to all staff.

### If a staff member reasonably suspects another staff member has or is intending to have an unauthorised item(s) in their possession that is likely to jeopardise the good government, good order or security of the prison, they shall immediately report to the Superintendent or OIC.

### Where a Superintendent or OIC reasonably suspects a staff member has or is intending to have an unauthorised item in their possession that is likely to jeopardise the good government, good order or security of the prison, they must contact PSD.

### If the information is received and there is insufficient time to plan for the search the Superintendent or OIC shall determine a relevant course of action. This shall include (but is not limited to):

1. interviewing the staff member in relation to the suspected unauthorised item(s)
2. contacting the PSD who shall provide advice and attend the facility to assist and determine if the Western Australian (WA) Police Force are required
3. directing the least intrusive search method of the staff member to identify the risk, seizure and safe handling of the item(s).

## Strip searches

### Searching staff shall conduct the search in a manner which is respectful and where practicable, retains the dignity and confidentiality of the staff member being searched.

### The strip searching of a staff member shall be based on reasonable suspicion that the staff member is in possession of an unauthorised item(s) which may pose a risk to the good government, good order or security of the prison.

### These items include (but are not limited to):

1. illegal drugs and paraphernalia
2. weapons and weapon components
3. prescription or over the counter drugs in quantities not required for personal use.

### Wherever possible, PSD staff are responsible for conducting staff strip searches. PSD staff will engage with the WA Police Force where appropriate.

### In exceptional circumstances where PSD staff are unable to conduct a staff strip search and other reasonable options have been exhausted, the relevant Deputy Commissioner may request assistance from the WA Police Force.

### The relevant Deputy Commissioner shall make a request to the WA Police Force, Police Operations Centre Duty Inspector at the Police Operations Centre on 9374 4025.

### The appropriate legislative authority to be utilised for WA Police Force to conduct the strip search will be conveyed to the WA Police Force representative (*Prisons Act 1981 or Criminal Investigation Act*).

### The WA Police Force Police Operations Centre shall then deploy the appropriate police resources to assist with conducting the staff strip search.

### Where the PSD and WA Police Force are unable to attend to facilitate a strip search, the relevant Deputy Commissioner may approve prison-based Searching Officers to conduct the search.

### Prison based Searching Officers shall be Assistant Superintendent level (or equivalent classification) or higher and must be the same gender as the officer being searched.

### Prison based Searching Officers may be from the prison in question, another prison, or another Corrective Services location where staff of the level of Assistant Superintendent (or equivalent classification) or higher work.

### If the staff member’s responses satisfy the Searching Officers that the strip search is no longer required, the Searching Officers shall brief the relevant Deputy Commissioner and Director Integrity and Accountability (whoever authorised the search).

### Where a strip search cannot be facilitated by prison staff, the staff member shall be refused admission to the prison by the Superintendent.

### Strip searches shall be conducted in accordance with the procedures below:

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | The staff member shall be provided with the grounds to justify the strip search. | Searching Officer with delegated authority |
| 2. | Prior to conducting a strip search, the Searching Officers shall explain to the staff member the procedures to be undertaken and the authority to conduct the search. | Searching Officer with delegated authority |
| 3. | The staff member shall be afforded the opportunity to seek advice from a support person or union delegate.  The inability to contact the chosen support person or union delegate in a timely manner shall not delay the search. A staff member can request to contact a support person or union delegate at any time during the process of a strip search. | Searching Officer with delegated authority |
| 4. | Turn on the video recorder to record and capture footage of the staff member, Searching Officers, and environment.  Capture footage of the environment and any item(s) located during the search. | Searching Officer with delegated authority |
| 5. | Inform the staff member:   1. the relevant Deputy Commissioner or Executive Director Professional Standards has approved the search 2. The authority to conduct the type of search required and the reason for the search 3. there shall be an audio recording of the actual search process. | Searching Officer with delegated authority |
| 6. | Confirm the gender of the Searching Officer in accordance with this COPP. | Searching Officer with delegated authority |
| 7. | Determine if the searching procedures need to be altered to accommodate:   1. staff with religious cultural headwear 2. staff with disabilities or injuries 3. for any other reason which makes it impractical to conduct the search in accordance with these procedures. | Searching Officer with delegated authority |
| 8. | The following role responsibilities apply:  **First officer:**   1. Control and direct the search 2. Observe the person from the front.   **Second officer:**   1. Receive and return clothing and other items removed by the person 2. Search clothing and other items. | Searching Officer with delegated authority |
| 9. | Ask the staff member if they have anything on their person which may jeopardise the good government, good order or security of the prison and if so to produce the item(s).  Allow the staff member the opportunity to respond and record their response on the form [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx). | Searching Officer with delegated authority |
| 10. | Inform the staff member if they do not consent to a search, they may be refused entry or may be removed from the prison[[16]](#footnote-16). | Searching Officer with delegated authority |
| 11. | Ensure the video camera is placed in such a manner that no footage is captured of the staff member removing their clothing whist the audio is captured (e.g. the camera lens placed against a wall). | Searching Officer |
| 12. | Wear Department issued gloves. | Searching Officer |
| 13. | Provide the staff member with a gown or towel. | Searching Officer |
| 14. | Ask the staff member:   1. if they have anything on their person which is unauthorised or may cause an injury 2. to empty their pockets and remove their hat or jacket 3. to shake out their hair and untie their hair if necessary. | Searching Officer |
| 15. | Visually check around and inside the ears, nose and mouth and ask the staff member to raise their tongue to enable a thorough search. | Searching Officer |
| 16. | Ask the staff member to:   1. remove the top half of their clothing (including bra, for a woman) 2. hold up their arms and turn around whilst both Searching Officers observe the upper body and hands. | Searching Officer |
| 17. | Return the staff member’s clothing and allow them to re-dress. | Searching Officer |
| 18. | Ask the staff member to:   1. remove their footwear including socks 2. remove the bottom half their clothing, including underwear 3. lift their feet and visually check between the toes 4. raise the top half of their clothing and turn around, so the lower half of the body can be checked.   **Note\*** Both Searching Officers are to ensure that the floor area is clear of any items which may have been dropped before, during or after the search. | Searching Officer |
| 19. | Ask the woman staff member to remove externally applied sanitary towels, napkins or pads and place in an appropriate container for disposal.  \*Provide replacement sanitary wear.  **Note\*** Do not remove, or ask the woman staff member to remove, tampons during a search. | Searching Officer |
| 20. | Ask the staff member to remove a visible unauthorised item(s).  If the staff member refuses, consider removing the item(s) with reasonable force, if necessary.[[17]](#footnote-17) | Searching Officer |
| 21. | Return the staff member’s clothing and allow them to re-dress. | Searching Officer |
| 22. | Provide the staff member with an opportunity to provide any comment or feedback with regards to the search.  Camera footage shall be stored in accordance with the Department’s [recording keeping policy](https://dojwa.sharepoint.com/Pages/policies-procedures.aspx). | Searching Officer |
| 23. | Ensure the [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form is completed, and a copy is placed on the staff member’s personnel file. | Searching Officer with delegated authority |

### At the conclusion of the searching process, the Superintendent shall complete a report and submit the report to the PSD, along with any evidence and records.

### A copy of the audio recording shall be provided to the staff member by the PSD.

## Staff property searches

### Only items necessary for a staff member’s duty or function, or the function of the prison, shall be permitted to enter a prison (refer [Appendix H – Authorised and Unauthorised Items – Staff](#_Appendix_I_:)).

### The Superintendent may, on an individual basis, authorise additional items to be brought into the prison.

### The Superintendent shall consider and grant in writing approval/ongoing approval for a staff member requesting to bring in and possess unauthorised items required to perform a duty or function.

### Searches of staff property shall be conducted in accordance with [Appendix F: Property Searches– Contractor Tools, Visitors and Staff](#_Appendix_H:_Property).

### Staff exiting a prison may be searched in accordance with this COPP to ensure property is not being removed from a prison without authorisation.

## Staff targeted searches

### A targeted search will generally occur based on information received which should allow time to plan and seek assistance from the PSD if required, prior to executing the search.

## Unauthorised items

### If an unauthorised item is located during any search, refer to section 17 of this COPP.

## Grievance

### Staff members who wish to raise a grievance in regard to the search process, should do so in accordance with current [Departmental process](https://dojwa.sharepoint.com/sites/intranet/human-resources/Pages/workplace-behaviour.aspx) or public sector avenues (eg Ombudsman, Corruption and Crime Commission).

# Social Visitor Searches: Adults

## Method of searches

### Social visitors may be subjected to a:

1. visual search
2. basic search
3. strip search (except for visitors under the age of 18 years)
4. search involving a drug detection dog
5. search involving ETD
6. search involving an approved apparatus
7. property search.

## Authority to search

### Except for a strip search, all searches may be authorised by the Superintendent, OIC or Searching Officer with the delegated authority.

## Basic search

### The Superintendent shall only direct the basic search of a social visitor where the Superintendent considers it necessary for the good government, good order or security of a prison as determined on an individual basis.

### As random searching has a deterrent effect and therefore a positive impact on the good government, good order or security of a prison, the Superintendent may require and direct random basic searching of social visitors.

### Basic searches shall be conducted in accordance with [Appendix E: Basic Search](#_Appendix_G:_Basic).

## Strip search

### Routine or random strip searches of visitors shall not occur.

### The Superintendent or OIC shall authorise the strip searches of visitors.

### Superintendents may consider alternative options to conducting a strip search of a visitor such as a non-contact visit or refusing the visitor entry.

### Where the Superintendent considers it necessary for the good government, good order, or security of the prison, they shall direct the strip search of a visitor as determined on an individual basis.[[18]](#footnote-18)

### A strip search of a visitor shall not be conducted with more than 2 Searching Officers present unless otherwise authorised by the Superintendent in the interests of security of the prison or to overcome actual resistance to the search.[[19]](#footnote-19)

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Inform the person of the authority to conduct the search, the type of search required and the reason for the search. | Superintendent/OIC/Searching Officer with delegated authority |
| 2. | Inform the person if they do not submit to a search, they may be refused admission or be removed from the prison.[[20]](#footnote-20) | Superintendent/OIC/Searching Officer with delegated authority |
| 3. | Ask the person if they have anything on their person which may jeopardise the good government, good order or security of the prison and if so to produce the thing.  Allow the person the opportunity to respond and record their response to the request on the form [Search of a person entering or leaving a prison.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) | Superintendent/OIC/Searching Officer with delegated authority |
| 4. | Determine if a strip search is still necessary for the good government, good order or security of the prison. | Superintendent/OIC/Searching Officer with delegated authority |
| 5. | If so, direct the Searching Officer to conduct the search. | Superintendent/OIC/Searching Officer with delegated authority |
| 6. | Searching Officers shall conduct strip searches expeditiously by the half and half method and regarding decency and respect, whilst remaining alert to potential risks.  The following role responsibilities apply:  **First officer:**   1. control and direct the search 2. observe the person from the front.   **Second officer:**   1. receive and return clothing and other items removed by the person 2. search clothing and other items. | Searching Officer |
| 7. | Inform the person they are permitted to have a person of the same sex present (who is not a prisoner). | Searching Officer |
| 8. | Strip searches of visitor must be conducted by 2 Searching Officers of the same gender as the visitor. | Searching Officer |
| 9. | Determine if the searching procedures need to be altered to accommodate:   1. people with religious cultural headwear 2. people with disabilities or injuries 3. for any other reason which make it impractical to conduct the search in accordance with these procedures. | Searching Officer |
| 10. | Ask the person if he/she has anything on their person which may jeopardise the good government, good order or security of the prison and if so to produce the thing.  Allow the person the opportunity to respond and record their response on the form [Search of a person entering or leaving a prison.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) | Searching Officer |
| 11. | Wear Department issued gloves. | Searching Officer |
| 12. | Provide the person with a gown or towel. | Searching Officer |
| 13. | Ask the person:   1. if they have anything on their person which is unauthorised or may cause an injury 2. to empty their pockets and remove their hat or jacket 3. to shake out their hair and untie their hair if necessary. | Searching Officer |
| 14. | Visually check around and inside the person’s ears, nose and mouth and ask them to raise their tongue to enable a thorough search. | Searching Officer |
| 15. | Ask the person to:   1. remove the top half of their clothing (including bra, for women persons) 2. hold up their arms and turn around whilst both Searching Officers observe the upper body and hands. | Searching Officer |
| 16. | Return the person’s clothing and allow them to re-dress. | Searching Officer |
| 17. | Ask the person to:   1. remove their footwear including socks 2. remove the bottom half of their clothing, including underwear 3. lift their feet and visually check between the toes 4. raise the top half of their clothing and turn around, so the lower half of the body can be checked.   **Note\*** Both Searching Officers are to ensure that the floor area is clear of any items which may have been dropped before, during or after the search. | Searching Officer |
| 18. | Ask women persons to remove externally applied sanitary towels, napkins or pads and place in an appropriate container for disposal.  \*Provide replacement sanitary wear.  **Note\*** Do not remove, or ask the woman person to remove, tampons during a search. | Searching Officer |
| 19. | Ask the person to remove a visible unauthorised item(s). | Searching Officer |
| 20. | Return the person’s clothing and allow them to re-dress. | Searching Officer |
| 21. | Record the details of the search on TOMS and complete the form [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx). | Searching Officer |

# Social Visitor Searches: Persons Under the Age of 18 Years

## Method of searches

### Persons under the age of 18 years (babies and children) may be subjected to:

1. visual search
2. basic search
3. property search
4. search involving a drug detection dog
5. search involving ETD
6. search involving an approved apparatus.

### Strip searches of babies and children must not occur.

## Authority to conduct searches

### Except for a basic search, all searches may be authorised by the Superintendent, OIC or Searching Officer with the delegated authority.

### The Superintendent or OIC must authorise the basic search of a baby or child.

### The Superintendent shall only direct the basic search of a baby or a child on entry to the prison where the Superintendent considers it necessary for good government, good order or security of a prison as determined on an individual basis.

## General

### The Searching Officer shall notify the Superintendent or OIC if the person accompanying the child refuses to be present during the search. The Superintendent, OIC or Security Manager shall be required to be present for the search.

### Searches of persons under the age of 10 years shall be conducted expeditiously[[21]](#footnote-21) and:

1. only by women Searching Officers
2. only in the presence of women persons
3. with the person accompanying the child and
4. the accompanying person giving instruction to the child if necessary.

## Basic search

### A basic search of babies and children shall be conducted in accordance with the following procedures:

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Inform the person accompanying the baby/child and the child (if appropriate) of the authority to conduct the basic search and the reason for the search.  Searches of babies or children shall be conducted by 2 women officers. | Superintendent/OIC/Searching Officer with delegated authority |
| 2. | Inform the person accompanying the baby/child and the child (if appropriate) if they do not submit to a search, they may be refused admission or be removed from the prison[[22]](#footnote-22). | Superintendent/OIC/Searching Officer with delegated authority |
| 3. | Ask the person if he/she believes there may be anything on the baby/child which may jeopardise the good government, good order or security of the prison and if so to produce the thing.  Allow the person the opportunity to respond and record their response to the request on the form [Search of a person entering or leaving a prison.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) | Superintendent/OIC/Searching Officer with delegated authority |
| 4. | Determine if a basic search is still necessary for the good government, good order or security of the prison and if so, direct the search. | Superintendent/OIC/Searching Officer with delegated authority |
| 5. | Wear Department issued gloves | Searching Officer |
| 6. | As required (depending on the age of the child), the person accompanying the baby/child shall be asked to place the baby/child on a convenient and safe surface or stand the child on the floor.  Officers should be mindful of the ambient temperature of the room, particularly when searching babies or young children. | Searching Officer |
| 7. | Ask the person accompanying the baby/child or the child (if appropriate) to empty the child’s pockets and remove their hat or jacket.  Searching Officers must not remove clothing from the baby. Searching Officers shall search the items removed from pockets, hat, and jacket. | Searching Officer |
| 8. | Ask the person accompanying the baby or the child (if appropriate) to shake out child’s hair and untie their hair if necessary.  Using flat, open hands, search around the top of the baby or child’s shirt and shoulders. | Searching Officer |
| 9. | Ask the person accompanying the baby or the child (if appropriate) to raise their arms with fingers apart and palms downwards.   1. Using flat, open hands, search each arm or check visually if not covered with clothing. 2. Check the hands visually, including between fingers. | Searching Officer |
| 10. | If the baby/child is male, using flat, open hands, check the front of the body from neck to waist, sides from armpits to waist, to and including the waistband. | Searching Officer |
| 11. | If the baby/child is a woman, using flat, open hands, check the front of the body from neck to top of chest, then from bottom of the chest to waist, to and including the waistband.  Check the sides from armpits to waist. | Searching Officer  (women officers only) |
| 12. | Ask the person accompanying the baby (or the child where appropriate) to turn around to assist the search, if required. | Searching Officer |
| 13. | Check the back, front and sides of each leg from crotch to ankle. | Searching Officer |
| 14. | When conducting a basic search of the lower body:   1. Using flat, open hands check back, front and sides of each leg from crotch to ankle. 2. Check the top of socks or shoes, or if necessary. | Searching Officer |
| 15. | If the baby/child is wearing a skirt, search on the outside of the clothing and use a handheld metal detector, if required. | Searching Officer |
| 16. | When the baby/child has been moved to one side inspect the area for items dropped. Ensure the child or accompanying person is not standing on any item dropped. | Searching Officer |
| 17. | Record the details of the search on TOMS and complete the form [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx). | Searching Officer |

## Social visitor property searches

### Searches of visitor property shall be conducted in accordance [Appendix F: Property Searches – Contractor Tools, Visitors and Staff](#_Appendix_H:_Property).

### Searching Officers may request visitors at an external location (eg hospital) to place their personal belongings in a suitable storage area away from the prisoner.

### The Superintendent shall consider and grant in writing approval/ongoing approval for a visitor requesting to bring in and possess unauthorised item(s) or material.

# Official Visitors

### The Superintendent may require and direct random, basic searching of official visitors (excluding those official visitors listed in section 11.2 of this COPP).

### Basic searches shall be conducted in accordance with [Appendix E: Basic Search](#_Appendix_G:_Basic).

## Searching official visitors with statutory powers of entry

### Official visitors with statutory powers to enter prisons, i.e. staff from the State Coroner,[[23]](#footnote-23) OICS[[24]](#footnote-24) and the Ombudsman WA,[[25]](#footnote-25) Mental Health Advocates[[26]](#footnote-26) may be searched by an approved apparatus such as a walk-through metal detector.

### Searching staff shall note that OICS, Ombudsman staff and Mental Health Advocates cannot be refused entry.

### Where there is a positive indication by a scanner or no scanner is available, the Searching Officer shall undertake a search with a handheld metal detector (refer [Appendix C: Searches Using a Handheld Metal Detector](#_Appendix_E:_)).

### Following a positive indication from a handheld metal detector and where the Searching Officer is of the opinion that further a search is required (eg basic or strip search), the matter must be reported immediately to the Superintendent or OIC.

### The Superintendent or OIC shall report the matter directly to the head of the relevant agency and provide details of the search. If required, the official visitor shall facilitate contact with the head of the relevant agency.

### The Superintendent shall request guidance directly from the relevant agency regarding further searches and the requirement for the official visitor to enter the prison.

### Searching Officers shall contact the Superintendent or OIC if an official visitor with statutory powers refuses the searches outlined above. The Superintendent or OIC shall report the matter directly to the head of the relevant agency and provide details of the situation.

## Professional Standards Division

### The Director General has approved staff who are engaged in positions within the PSD as authorised to enter and have unrestricted access to all Department premises and facilities (including prisons and custodial facilities) and to take possession of all Departmental assets, personnel, records and any other documentation and information necessary to carry out the PSD’s functions.

### PSD staff may bring into any Department premises and facility any equipment that the Executive Director PSD deems necessary to carry out its functions.

### Searching staff shall note that staff within the PSD cannot be refused entry.

### PSD staff may be searched with approved apparatus such as a walk-through metal detector.

### If there is a positive indication, or if no scanner is available, the Searching Officer shall undertake a search with a handheld metal detector (refer [Appendix C: Searches Using a Handheld Metal Detector](#_Appendix_E:_)).

### Where the Searching Officer is of the opinion that further a search is required (eg basic or strip search), the matter must be reported immediately to the Superintendent or OIC.

### The Superintendent shall request guidance directly from the Executive Director PSD where a further search is required, or the PSD staff member refuses a search.

### The provisions of [section 11.3](#_Professional_Standards_Division) of this COPP regarding PSD staff, override any other requirements listed in this COPP.

## Corrective Services staff

### Corrective Services staff and their equipment involved in an operation including an unannounced search approved by the Director General or Commissioner shall not be searched on arrival at the prison.

## Official visitor property searches

### Official visitors may use clear plastic carry bags for items necessary for conducting their business in the prison.

### The following official visitors are authorised to bring any item(s) into the prison for their official duties. These items may be searched for the purpose of locating unauthorised items:

1. Special Operations Group
2. Intelligence Services
3. Office of the Inspector for Custodial Services (OICS)
4. Ombudsman Western Australia
5. State Coroner
6. Judges of the Supreme Court or District Court
7. Mental Health Advocates.

### Searching Officers must not read, review, or interfere with documentation. Any documentation must be treated as confidential.

### Searching Officers may conduct searches in accordance with [Appendix F: Property Searches – Contractor Tools, Visitors and Staff](#_Appendix_H:_Property).

## Official visitor property exemptions

### The following official visitors, while not exempt from property searches as defined in these procedures, are subject to amended processes.

### Legal practitioners, who are visiting clients in an official capacity, are permitted to bring the following into a prison:

1. a laptop (with Wi-Fi turned off)
2. documents necessary for the interview
3. Dictaphones (without Wi-Fi capability).

### Law enforcement and intelligence agencies (eg WA Police Force Officers, Australian Federal Police (AFP), Australian Criminal Intelligence Commission and Intelligence Services staff. WA Police Force Officers and AFP may also take a mobile phone into the prison. All such items shall be declared upon entry and exit.

### WA Police Force Officers or AFP Officers transferring a prisoner may take into a prison all issued defensive, personal protective equipment and mobile phones. This excludes firearms which are to be deposited in the appropriate storage location prior to entry into the prison.

### Any equipment of emergency agencies and their staff (eg Ambulance Services, Department of Fire and Emergency Services, Special Operations Group, necessary to respond to an emergency. This includes the use of mobile telephones and other electronic equipment in prisons to assist in the ability to transmit critical data. Where possible, all items shall be declared upon entry and exit.

# Visitor Refusal to be Searched

### Except for official visitors with statutory powers, if a visitor refuses a direction to have their person or property searched, the following procedures applies:

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Ascertain the reason for refusing and attempt to address the reason to facilitate compliance. | Searching Officer |
| 2. | Inform the Superintendent or delegate that a visitor has refused to be searched and the reason for refusing. | Searching Officer |
| 3. | For official visitors (without statutory powers) the relevant Deputy Commissioner shall be notified if the Superintendent or OIC is unable to resolve the issue. | Superintendent or OIC |
| 4. | Direct one of the following actions:   1. consider the circumstances of the situation 2. refuse entry and cancel the visit; 3. provide a non-contact visit (if available) 4. direct the visitor to be searched[[27]](#footnote-27). 5. consider the application of a visitor ban in accordance with [COPP 7.4 – Visitor Restrictions and Bans](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) | Superintendent or OIC |
| 5. | Complete the action directed by the Superintendent or delegate. | Searching Officer |
| 6. | If the visitor has already entered the prison, authorise the removal of the visitor. | Superintendent or OIC |
| 7. | Record the action on TOMS. | Searching Officer |

# Visitors – Other Considerations

## Visitor medications and medical considerations

### Visitors shall notify Searching Officers if they are required to carry medication on their person.

### Following notification, the Superintendent or delegate shall conduct an assessment to determine authorisation, storage, and supervision of medication, where required.

### The Searching Officer shall determine any adjustments to the searching procedures without compromising prison safety and security for visitors with assistive technology, medical equipment, and assistance dogs.

## Visitors with electronic monitoring devices

### Where a visitor attends a prison wearing a Departmental issued electronic monitoring device, the Security Manager shall be notified of the person’s attendance to determine the legitimacy of the visit. Where the visit is permitted, the equipment shall be declared on entry and exit to the prison.

# Residential Children

## General

### [COPP 4.5 – Residential Children](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) outlines the process and ages for children that can reside with their mothers in prisons.

### The Superintendent may direct a basic search of a residential child while residing in prison where they consider the search necessary for the good government, good order or security of a prison.

## Authority to conduct a basic search

### The Superintendent may direct the basic search of a residential child while in prison where the Superintendent considers it necessary for the good government, good order or security of a prison as determined on an individual basis supported by credible information.

### The Superintendent may direct the search of the property accompanying a residential child on entry and exit to the prison.

# Environment Searches

## General requirements

### The Superintendent shall ensure that appropriate equipment is available to conduct searches of cells and environments and equipment is maintained and replaced as required.

## Cell search

### A minimum of 15% of all cells shall be searched per week.

### Cell searches includes the process of checking the integrity of all fixtures, fittings, and items within a cell while performing a search simultaneously.

### Special purpose cells include cells constructed and reserved for a special purpose and not considered long-term general accommodation cell. Special purpose cells shall be searched prior to and upon cessation of a prisoner being placed in the cell.

### Occupied special purpose cells are to be searched daily.

### Cell searches are to be conducted by 2 Searching Officers in accordance with the following procedures:

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Print the TOMS Cell Inventory Report and any other required documentation, for example, Offender Property Sheet – 220 or Electrical Items by Cell – Unit Report. | Searching Officers |
| 2. | Continuity of evidence equipment shall be taken to the search location where practical. | Searching Officers |
| 3. | Department issued gloves are to be worn and replaced with a fresh pair between cell searches. | Searching Officers |
| 4. | Instruct the prisoner(s) to vacate the cell and conduct a basic search of the prisoner as a minimum requirement. | Searching Officers |
| 5. | Ask the prisoner(s) if they have any unauthorised item(s) in their cell or on their person(s) including any items which may cause harm.  **Note\*** If an item(s) are handed over, continue the search. | Searching Officers |
| 6. | Commencing at the door, systematically work around the cell (one officer to the left, one officer to the right) searching all contents thoroughly from top to bottom, to include:   1. voids 2. ventilators 3. ceilings 4. floors 5. walls 6. doors 7. windows (inside, and where possible, outside) 8. grilles 9. pipes 10. fixed furniture and fittings. | Searching Officers |
| 7. | Check the serial numbers of security seals fitted to any USB ports within the cell match those recorded on TOMS (eg Offender Property Sheet – 220 or Electrical Items by Cell – Unit Report).  Identify any item(s) which are not lawfully issued. | Searching Officers |
| 8. | Only read targeted confidential mail based on received information and intelligence and manage in accordance with [COPP 7.1 – Prisoner Communication](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). | Searching Officers |
| 9. | Seek an explanation from the prisoner(s) if any unauthorised item(s) is found.  **Note\*** Do not take a statement or conduct formal questioning. | Searching Officers |
| 10. | Remain diligent for the presence of chemicals and ensure to check all containers for illicit or dangerous unauthorised items. | Searching Officers |
| 11. | Advise the prisoner(s) of any item(s) that has been removed or damaged on completion of the search.  Damaged items shall be managed in accordance with [COPP 3.1 – Managing Prisoner Property](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). | Searching Officers |
| 12. | Leave the cell as tidy as possible. | Searching Officers |
| 13. | Remove and account for all equipment used, prior to vacating the cell and storage after use. | Searching Officers |
| 14. | Record the search on TOMS and include any unauthorised item(s) found and manage in accordance with section 17 of this COPP. | Searching Officers |

## Common area searches

### A minimum of 2 Searching Officers shall conduct a daily common area search.

### Additional Searching Officers may be required depending on the size and complexity of the area.

### Common area searches shall be conducted in accordance with the following procedures:

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Obtain the relevant continuity of evidence and search equipment. | Searching Officers |
| 2. | Department issued gloves are to be worn and replaced with a fresh pair between common area searches. | Searching Officers |
| 3. | Staff shall be mindful of the use of drug detection dogs in areas which are used for the production or storage of foodstuffs. | Searching Officers |
| 4. | Where prisoners are in a common area, conduct a basic search of the prisoners as a minimum requirement, prior to vacating the prisoners from the area. | Searching Officers |
| 5. | Commencing at the door, systematically work around the area (left and right) searching all contents systematically and thoroughly from top to bottom, to include all:   1. voids 2. ventilators 3. ceilings 4. floors walls 5. doors 6. windows (inside, and where possible, outside) 7. grilles 8. pipes 9. fixed furniture and fittings. | Searching Officers |
| 6. | Remove and account for all equipment used, prior to vacating the common area and store after use. | Searching Officers |
| 7. | Record the search on TOMS, to include any unauthorised item(s) found and manage in accordance with section 15 of this COPP. | Searching Officers |

## Common area inspections, maintenance checks

### Common area inspections, maintenance or service checks may be detailed within the prison’s Standing Orders.

## Perimeter search

### A perimeter search includes a dual function of checking the integrity of the perimeter, security systems etc while searching for contraband and unauthorised items.

### A perimeter search is documented on TOMS on the search function.

### Superintendents must ensure that searches of prison perimeter fences and searches for contraband in the vicinity are conducted randomly at a minimum of twice daily.

### Perimeter searches shall be conducted in accordance with the following procedures:

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Obtain the relevant continuity of evidence and search equipment. | Searching Officers |
| 2. | Wear Department issued gloves. | Searching Officers |
| 3. | Prisons with a secure perimeter fence: Searching Officers shall ensure that the prison’s perimeter security systems are in working order and barriers are free from damage. | Searching Officers |
|  | Searching Officers shall observe and test in accordance with local instructions, any technical security aids fitted to the perimeter.  Searching Officers on completion of the search shall:   1. complete the necessary records in respect to any minor defects for repair 2. report any potential security breaches to the Security Manager immediately. | Searching Officers |
| 4. | Proceed around the perimeter and return to the main gate (starting point). | Searching Officers |
| 5. | The perimeter should be checked for any signs of damage, markings, or other interference.  Check the integrity of the perimeter. | Searching Officers |
| 6. | Ensure the area adjacent to the perimeter is free from obstruction or potential escape materials. | Searching Officers |
| 7. | Enter the sterile area (if applicable) and proceed around the perimeter of the prison again, once the initial circuit is complete. | Searching Officers |
| 8. | Ensure the immediate area inside the internal perimeter, is free from unauthorised items or other objects. | Searching Officers |
| 9. | If a security breach is discovered, remain with it and summons assistance. Where prisoners are within the area of the security breach do not draw prisoners attention to the breach (refer to local Emergency Management Plan). | Searching Officers |
| 10. | Record the search on TOMS, to include any unauthorised item(s) found and manage in accordance with section 17 of this COPP. | Searching Officers |

# Vehicle Searches

## General

### Superintendents shall ensure all vehicles are searched when entering or seeking to enter a prison, which the exception of emergency response vehicles.

### The level of vehicle access to prisons and search standards will depend upon the security rating and the traffic management plan of the prison in accordance with [COPP 11.6 – Vehicle Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Prisoners and vehicles used to transport prisoners must be searched.

### The Superintendent shall ensure appropriate equipment is available to conduct vehicle searches and the equipment is maintained and replaced.

### As a minimum, prior to entering or exiting a prison all vehicle occupants (other than prisoners on a prison escort vehicle) shall be required to alight from the vehicle.

### Officers on board non-secure prisoner transport vehicles which attend a prison with prisoners in transit are not required to alight from the vehicle, in order to maintain the security of the prisoners on board (refer [COPP 12.3 – Conducting Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)).

### Custodial transportation service providers are authorised to bring approved devices (eg tablets) whilst transporting prisoners.

### Vehicle searches shall be recorded on TOMS.

## Vehicle search procedures

### Vehicle searches shall be conducted in accordance with the following procedures (also refer to vehicle searches diagram below):

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Obtain form [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) prior to the search of a person in a vehicle seeking to enter a prison. | Searching Officer |
| 2. | Confirm the identity and authority to enter the prison of the driver and any passengers. | Searching Officer |
| 3. | Wear Department issued gloves. | Searching Officer |
| 4. | Obtain the relevant continuity of evidence equipment and search equipment  The following equipment may be used for searching vehicles:   1. stepladders 2. mirrors (including telescopic, trolley and ceiling mounted mirrors in the gate area) 3. torches 4. drug detection dogs 5. ETD. | Searching Officer |
| 5. | Systematically search the:   1. inside driver and passenger area 2. boot cargo area 3. outside engine/engine compartments (where appropriate) 4. outside, underneath, and top of the vehicle. 5. wheel arches and spare wheel. | Searching Officer |
| 6. | Where possible and practicable, equipment not required for the purpose of the vehicle’s entry shall be stored at the gate (or prison entry point).  Any item(s) stored at the gate shall be returned when the vehicle leaves the prison. | Searching Officer |
| 7. | If any unauthorised item(s) is found, manage in accordance with this COPP.  **Note\*** Do not take a statement or conduct formal questioning. | Searching Officer |
| 8. | Record the search on TOMS or where applicable, on the form [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) including any unauthorised item(s) found.  Unauthorised items shall be managed in accordance with section 17 of this COPP. | Searching Officers |

## Vehicle Search



**E**

**A**

**B**

**C**

**D**

### Using suitable equipment, the following areas of the vehicle should also be searched:

1. doors and inside the vehicle including in consoles, glove box, door pockets, etc
2. inside the vehicle
3. the engine compartment (where applicable)
4. the roof
5. underneath.

## Searching vehicles on prison property

### The Superintendent, OIC or delegate may authorise a search of a vehicle brought onto prison property (eg prison car park) by a visitor or staff member after they have assessed and considered whether there are sufficient grounds to justify the search.

### Official visitor cars shall not be subject to random searches as part of car park search operations unless information and intelligence suggests otherwise.

### When conducting a search of a vehicle, the following shall apply:

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Inform the person of the authority and the reason to conduct the search of their vehicle. | Searching Officer |
| 2. | Ask the person if he/she has any unauthorised items in their vehicle. | Searching Officer |
| 3. | Ask the person to open their vehicle and conduct a thorough search of the vehicle using Department issued gloves. | Searching Officer |
| 4. | Record the search on TOMS. | Searching Officer |
| 5. | If an unauthorised item(s) is found:   1. Notify the WA Police Force. 2. Refer the situation to the Superintendent or OIC to consider refusing the person entry and if relevant, on a case by case basis in accordance with [COPP 7.4 – Visitor Restrictions and Bans](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). 3. Manage items in accordance with section 17 of this COPP. | Searching Officer |

## Searching vehicles used for external activities

### In accordance with [section 8](#_Vehicle_Searches) of this COPP, all vehicles must be searched when entering and leaving a prison (this includes section 95 vehicles departing from or returning to their parking location).

### On a random basis, searches of vehicles used for section 95 must be undertaken by an independent officer (an officer not part of the section 95 escort or activity, or the driver of the vehicle).

### The Superintendent may determine the quantity of random searches; however, this shall meet a minimum of:

1. 1 per week, where the total number of section 95 vehicle searches for that week is less than 5
2. 2 per week, where the total number of section 95 vehicle searches for that week is greater than 5.

## Searching prisoner’s own vehicles used for prisoner employment programs (PEP)

### Prisoner’s own vehicles used by PEP approved prisoners should be searched on a random basis but not less than twice per week.

### Where applicable, the Superintendent shall include a process for searching of a prisoner’s own vehicle used for PEP in the prison’s Standing Order.

### The search shall be documented on TOMS.

# Unauthorised Items

## Continuity and preservation of evidence

### Any incident which takes place within a prison may become the subject of an investigation, either internally or externally, including the PSD or other agencies such as the WA Police Force.

### In the event an electronic (including a mobile telephone), Subscriber Identity Module (SIM), Universal Serial Bus (USB), compact disk, Digital Video Disk (DVD), hard drive, or smartwatch, refer to [Appendix G: Examples of Electronic Devices](#_Appendix_J:_Examples)) is located during a search or via any other avenue, the electronic device shall be placed in an evidence bag, sealed and labelled (refer to [SMF-DIR-003 Physical Evidence Management and SMF-PRO-Physical Evidence Management.](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx)

### The evidence shall be hand delivered or sent via internal mail to the Corrective Services Intelligence Services for review without being interfered or tampered with in any manner. This includes unlocking or attempting to retrieve any form of data from the device.

### Prison staff are not to insert any device found in any computer to investigate the device’s contents.

### All evidence shall be photographed, and staff shall manage and treat evidence in accordance with the [SMF-DIR-003 Physical Evidence Management and SMF-PRO-Physical Evidence Management.](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx)

### Staff shall report all incidents where unauthorised items are found in accordance with [COPP 13.1 – Incident Notifications, Reporting and Communications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). Where these incidents involve staff being in possession of unauthorised items the Department of Justice: [A Guide for Reporting Misconduct in the Corrective Services Division](https://dojwa.sharepoint.com/sites/intranet/department/Pages/code-conduct.aspx) must be followed.

### The Superintendent or delegate may seize personal property which may jeopardise the good government, good order or security of the prison[[28]](#footnote-28).

### A Prison Officer may arrest a person without the necessity of a warrant if they breach the good government, good order or security of the prison. Once the person is arrested, the Prison Officer shall contact the WA Police Force.[[29]](#footnote-29)

### If the WA Police Force are unable to attend, for detained persons:

1. seize evidence in accordance with the [SMF-DIR-003 Physical Evidence Management and SMF-PRO-Physical Evidence Management](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx) record the necessary details of the person (e.g., identity, vehicle registration)
2. release the person
3. provide WA Police Force with the unauthorised item and relevant information on arrival.

# Superintendent Requirements

## Superintendent requirements

### The frequency and nature of searches shall be consistent with the security classification of the prison, considering relevant information and intelligence whilst addressing the key risk areas and considering resources available.

### The Superintendent shall set out in writing their search powers[[30]](#footnote-30) that are delegated to an officer to enable search functions to be performed ([Superintendent’s delegations](http://justus/intranet/prison-operations/Pages/copp-adult-forms.aspx)).

### The Superintendent shall display this COPP and the relevant sections of legislation in an appropriate area used for the purpose of searching, providing reference for visitors and staff, to include:

1. s.49 of the Prisons Act 1981
2. r.78 to 81 of the Prisons Regulations 1982
3. Part 4, Division 2 of the Inspector of Custodial Services Act 2003
4. [Superintendent’s delegations](http://justus/intranet/prison-operations/Pages/copp-adult-forms.aspx) under s.51 of the Prisons Act 1981
5. [Search of a person entering or leaving a prison](http://justus/intranet/prison-operations/Pages/copp-adult-forms.aspx) form.

### The Superintendent shall display a list of authorised items at the Gatehouse or point of entry into the prison.

### The Superintendent shall ensure the information contained within [Appendix H: Authorised and Unauthorised Items – Staff](#_Appendix_I_:) is printed and made public to all staff.

### Superintendents shall develop Standing Orders in accordance with the [section below](#_Standing_Orders) and this COPP.

### The Standing Order shall be approved by the relevant Deputy Commissioner in accordance with [COPP 1.3 – Standing Orders](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Standing Orders

## General requirements

### The Superintendent is responsible to make and issue a written Standing Order for the searches of persons, person’s property, buildings, places, and vehicles within the prison.

### Superintendents may develop Standing Orders which include the administration and coordination of searches conducted by external agencies.

### The Standing Order may include:

1. search frequencies
2. type of search (e.g., basic, strip)
3. location of search
4. quality assurance measures.

### Within the Standing Order, the Superintendent may also determine when to use drug detection dogs to assist in the searching of:

1. prisoners
2. visitors
3. staff
4. vehicles
5. environment.

### The Standing Order may include the process for searches of a prisoner on discharge to freedom[[31]](#footnote-31).

### Superintendents may detail searching requirements for children within their Standing Order and any required accompanying property that attend the prison as part of day and/or overnight visits.

### Where a prison has x-ray body scanning equipment, reference to the Department’s [Radiation Management Plan](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx) and [X-ray Body Scanner Operator procedure](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx) may be detailed within the Standing Order.

### Where a prison has a BOSS chair the procedure for searching using this equipment may be detailed within the Standing Order.

## Random searches

### The Superintendent may detail within their Standing Order how at least 5% of all social and official visitors (including external contractors and vehicle drivers) other than prisoners entering the prison, shall be randomly selected for a basic search to create a deterrent effect.

### The Superintendent may detail within their Standing Order how at least 5% of all staff entering the prison within a 24hour period shall be randomly selected for a basic search. Random basic searchers should not be isolated to am/pm only.

## Environment

### The Standing Order may specify where environment searching equipment is stored.

### Common area inspections, maintenance or service checks may be detailed within the prisons Standing Orders.

### Common area inspections are to be conducted at a regular frequency as determined by the Superintendent within the Standing Order on all areas of the prison. This includes dayrooms, ovals, workshops, recreation areas and any other area where a prisoner may be reasonably expected to have access to.

## Vehicles

### The Superintendent may set out within their Standing Orders the requirements for conducting random vehicle searches to detect unauthorised items.

### Searching requirements in the prison’s Standing Order may determine the prison’s vehicle access and specify the:

1. location and level of search of the vehicle
2. searching equipment and techniques
3. exceptions for emergency vehicles
4. access control for vehicles which may pose a security risk to the prison (e.g., cranes, fork-lifts, cherry pickers)
5. level of search required for goods entering and exiting the prison
6. prison premises and environments including, but not limited to cells, common areas and perimeters.

### Where applicable, the Superintendent may include a process for searching of prisoner’s own vehicles used by PEP approved prisoners in the Standing Order.

### The Superintendent may determine the quantity of random searches for vehicles used for s.95; however, this should meet a minimum of:

1. 1 per week, where the total number of s.95 vehicle searches for that week is less than 5
2. 2 per week, where the total number of s.95 vehicle searches for that week is greater than 5.

## Cells

### The Superintendent may include a schedule for cell searches in the Standing Order which includes:

1. the minimum requirement for the frequency of each cell to be searched
2. consideration of additional searches in key risk cells
3. resources to be used to conduct the search.

## Cell security/ integrity check

### All cells are to be security/integrity checked at a minimum of once per fortnight in accordance with the Standing Order, which ensures all physical components of the cell are to design standard and are safe and secure.

# Annexures

## Related COPPs and documents

**Related COPPs**

* [COPP 1.3 – Standing Orders](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 1.4 – Uniforms, Dress Standards and Appearances](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 3.1 – Managing Prisoner Property](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 4.5 – Residential Children](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 5.2 – Observation Cells](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 7.4 – Visitor Restrictions and Bans](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 9.6 – Access to Information](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.5 – Tools and Materials Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.6 – Vehicle Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.3 – Use of Force and Restraints](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.3 – Conducting Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.1 – Incident Notifications, Reporting and Communications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

**Related Documents**

* [Court Security and Custodial Services Contract, 2016](https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/3914901aa07fe9393c76e34f4825806e0027deca/$file/4901.pdf)
* [Department of Justice: A Guide for Reporting Misconduct in the Corrective Services Division](https://dojwa.sharepoint.com/sites/intranet/department/Pages/code-conduct.aspx)
* [Department of Justice: Code of Conduct](https://dojwa.sharepoint.com/sites/intranet/department/Pages/code-conduct.aspx)

* [SMF](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx)-DIR-003 Physical Evidence [Management](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx)
* SMF-PRO-Physical Evidence [Management](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx), [Procedures for the Preservation of Evidence, Continuity of Exhibits, Drug](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/publications.aspx)
* National Child Safe [Principles](https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf)

radiation

## Definitions

| Term | Definition |
| --- | --- |
| Assistive technology | Assistive, adaptive, and rehabilitative devices that help people with practical solutions to everyday life activities. Examples include wheelchairs, prostheses, hearings aids and visual aids. |
| Basic Search | Means to quickly and methodically run the hands over the outside of the person’s clothing. This may include removing a person’s headwear to facilitate the basic search. |
| Body Orifice Security Scanner (BOSS) Chair | The BOSS chair is a non-intrusive scanning system within a moulded chair, designed to detect small concealed metallic objects, such as mobile phones and their component parts or weapons. |
| Commissioner’s Operating Policy and Procedures (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Contractor | Means the organisation engaged to provide the Services under the *Court Security and Custodial Services Act 1999.* |
| Contractor Representative | Means the person appointed as the representative of the Contractor under clause 13.5 of the Court Security and Custodial Services Contract. |
| Custodial Place | Mean as defined within clause 10(1) of Division 1 within Schedule 2 of the *Court Security and Custodial Services Act 1999.* |
| Department Issued Gloves | Gloves issued by the Department which protect the wearer from hypodermic needles and other thin, sharp items such as thin shards of glass and metal wire. |
| Drug Detection Officer | A member of the Drug Detection Unit trained to use and care for drug detection dogs, ETD, and other technologies to deter, detect and disrupt drugs and contraband entering prisons |
| Drug Detection Unit (DDU) | The Drug Detection Unit (DDU) contributes to the safe, secure, and efficient operation of Custodial Facilities by utilising canines and other technologies to detect and prevent drugs and other contraband coming into Custodial Facilities. |
| Drug Detection Dog | Means ‘prison dog’ as defined in section 49(A) of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). |
| Electronic Drug Trace Detection Device | A device used to detect trace particles of drugs that may be present on a person or object |
| Electronic Monitoring Device | Defined within the *Adult Community Corrections Handbook* as Global Positioning System tracking and radio frequency. |
| Gender Diverse | An umbrella term that is used to describe gender identities that demonstrate a diversity of expression beyond the binary framework. |
| Handheld Metal Detector | A device used to detect metallic items on a person or within areas or goods/property. |
| Intersex Person | A person born with genetic, hormonal, or other sex characteristics that are not typically male or women. |
| Medical Practitioner | A person who is registered under the [*Health Practitioner Regulation National Law (WA) Act 2010*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_12106_currencies.html) in the medical profession (eg a doctor). |
| Medical Officer | A person who is appointed or engaged as a medical officer referred to in section 6(3) or (4) of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). |
| Officer in Charge (OIC) | As defined in section 3(1) of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)and refers to either the designated Superintendent or the officer in charge of a prison at a particular time.  Also includes any contract worker authorised by the Commissioner in accordance with section 15I (1) (a) of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) who is in charge of a prison at a particular time. |
| Official Visitor | A person who wishes to visit or have access to and speak to a prisoner under s. 56, s. 57, s. 61, s. 62, s. 63, s. 64 and s. 65 *Prisons Act 1981.* |
| Prisoner | Any person as defined in s. 3 of the *Prisons Act 1981*; also includes a person not yet in the custody of a prison, but in the custody of a Contractor under the *Court Security and Custodial Services Act 1999*. |
| Prison Officer | A person engaged or deemed to have been engaged to be a Prison Officer under section13 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) or deemed to have been appointed under s 6 to an office designated by [Prisons Rule 1 – Designation of officers as Prison Officers](http://justus/intranet/prison-operations/ACRPrisonOrders/prison-rule-01.docx) as Prison Officers and suitably trained to undertake searches in accordance with this COPP. |
| Random Search | Random searches include the random selection of a person, property, or location to be searched in which each person, property or location has an equal probability of being chosen. |
| Reasonably Suspects | A person reasonably suspects something at a relevant time if he or she personally has grounds at the time for suspecting the thing and those grounds (even if they are subsequently found to be false or non-existent), when judged objectively, are reasonable. |
| Routine Search | Searches are conducted on a regular and consistent basis as part of the daily routine of the prison. |
| Searching Officer | Officer with delegated authority under the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) to authorise a search. |
| Social Visitor | In accordance with COPP7.2 – Social Visits, social visitors include friends and relations of prisoners, including extended family and persons in de facto relationships with prisoners. |
| Special Purpose Cell | A cell constructed and reserved for a special purpose and not considered long-term general accommodation cell. These cells are to be further classified in accordance with the following:  **observation cell** – a cell which houses prisoners who require a higher level of observation  **management cell** – a cell that may be used for a multitude of purposes. These may include basic or close supervision or for a period of separate confinement  **reception holding cell** – a cell where prisoners can be held temporarily; typically located in prison reception areas whilst waiting for processing  **infirmary cell** – a cell which assist in addressing the clinical needs of prisoners by providing accommodation to a standard of a ward within the general community  **crisis care cell** - a cell which houses prisoners who require a higher level of observation  **punishment cell** - a cell certified fit for purpose by the Chief Executive Officer, or delegate, in writing. |
| Staff | Any person in the paid or unpaid employment of the Department of Justice, Corrective Services, including contractors, subcontractors, and volunteers. |
| Strip Search | A strip search of a person includes: the removal of any article the person is wearing (also any article covering his/her private parts); searching any article removed; searching the person’s external parts (also his/her private parts); and, searching the person’s mouth but not any other orifice. |
| Superintendent | The Superintendent as defined in section 36 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)and includes any reference to the position responsible for the management of a private prison under Part IIIA of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). Does not extend to the Officer in Charge of a prison. |
| Targeted Searches | Conducted on individual prisoners, visitors, staff, or cells/environs, initiated by information or intelligence received or on other grounds that provide reasonable suspicion to justify a search. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to prisoners. |
| Trans | Trans is an umbrella term used to describe all people whose gender identity is different to the sex they were assigned at birth. |
| Unauthorised Items | Items that pose a significant risk to the good government, good order or security of the prison. |
| Visual Search | Searching Officer conducting an active scan of the person or environment using their eyes. |
| X-ray body scanner | A device that detects objects on or inside a person's body for security screening purposes, without physically removing clothes or making physical contact. |
| X-ray operator | A trained and qualified person who is authorised to operate x-ray equipment. |

## Related legislation

* *Criminal Investigations Act 2006*
* *Inspector of Custodial Services Act 2003*
* *Prisons Act 1981*
* *Prisons Regulations 1982*
* *Criminal Law (Mental Impairment) Act 2023*

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner, Head Office will undertake management oversight as required.
* Operational Compliance will undertake checks in accordance with the [Operational Compliance Framework](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* Independent oversight will be undertaken as required.

Document version history

| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| --- | --- | --- | --- | --- |
| 1.0 | Operational Policy | Approved by the Project Steering Committee | 22 May 2020 | 31 May 2020 |
| 2.0 | Operational Policy | Approved by the Project Steering Committee | 5 October 2020 | 6 October 2020 |
| 3.0 | Operational Policy | Approved by the Commissioner | 25 May 2022 | 27 May 2022 |
| 4.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 27 May 2022 | 06 June 2022 |
| 5.0 | Operational Policy | Approved by the A/Director Operational Policy, Compliance and Contracts | 15 May 2023 | 15 May 2023 |
| 6.0 | Operational Policy | Approved by the Assistant Director Operational Policy | 12 March 2024 | 12 March 2024 |
| 7.0 | Operational Policy | Approved by Deputy Commissioner, Operational Support  CM Ref: S24/86729 | 30 August 2024 | 01 September 2024 |
| 8.0 | Operational Policy | Approved by Deputy Commissioner Operational Support  CM Ref: S24/106827 | 21 October 2024 | 22 October 2024 |

Appendix A: Environment Searching Equipment

Each prison’s Standing Order may detail where the items listed below are located.

Search kits shall be available for use in each living unit and contain, at a minimum, the following:

1. 1 x flat screwdriver
2. 1 x Phillips screwdriver
3. 1 x 150mm Adjustable spanner
4. 1 x Inspection mirror
5. 1 x telescopic magnet
6. 1 x 280mm long nosed pliers
7. 1 x torch.

Specialist search equipment and tools may be available as follows:

1. Portable ETD
2. Breathalyser
3. Camera
4. Handheld metal detectors
5. Ground metal detector
6. Probes.

Appendix B: Approved Searching Apparatus

| Apparatus |  |
| --- | --- |
| Fish Bone Tweezers |  |
| Body Orifice Security Scanner |  |
| Trauma shears |  |
| ETD | Refer to section 5.5. |
| Extendable Clip Pen Search Mirror | DSC08483DSC08482 |
| Adjustable Spanner | DSC08485 |
| Leatherman Multi-tool | DSC08487 |
| Handheld Torch | DSC08486 |
| Extendable Telescopic Torch with Magnet |  |
| Flathead Screwdriver | DSC08481 |
| Philips Head Screwdriver | DSC08484 |
| Inspection Camera with 9mm Camera Head |  |
| Garrett Handheld Metal Detector | P1000400 |
| Needle Stick Gloves – (Department Issued) (various) | [TurtleSkin NYDoCS Cut-Resistant Law Enforcement Gloves](https://www.google.com/url?sa=i&url=https://turtleskin.com/default/turtleskin-nydocs-kevlar-search-gloves.html&psig=AOvVaw1rB4r8G68Ux4Kx4TEu8bCV&ust=1622520561329000&source=images&cd=vfe&ved=0CAIQjRxqFwoTCODr2qOG8_ACFQAAAAAdAAAAABAD) |
| Under Vehicle Inspection Mirror |  |
| P-9410L-Black | http://img.pelican.com/img/products/light/9410L/pelican-led-firefighter-lantern-flashlight-l.jpg |
| Sony Handheld Digital Video Camera | Sony HDR-CX405 HD 60p Camcorder |
| Garrett At Pro |  |
| Various sizes for escorts or deployments | DSC08479 |
| XENVOPOLY Small  XHARCOR PULLTIGHT |  |
| Security Movement Envelopes (SMEs) |  |
| Walk Through Scanner |  |
| Property Scanner |  |
| Xray Body Scanner  (Nutech HT3000SV) |  |

Appendix C: Searches Using a Handheld Metal Detector

Handheld metal detectors may be used on their own to search a person, or in conjunction with other search methods.

Where possible, the handheld metal detector shall be operated by a Searching Officer of the same gender as the person being searched.

Searching Officers conducting the search of a person wearing, or who declares wearing a pacemaker or metal medical device shall utilise an alternative search method.

The following procedure shall be followed when conducting a handheld metal search of a person:

|  |  |  |
| --- | --- | --- |
|  | Procedure | Responsibility |
| 1. | Determine if a search is necessary for the good government, good order, or security of the prison and if so, direct a Searching Officer to conduct the search. | Superintendent/OIC/ Searching Officer with delegated authority |
| 2. | Inform the person of his/her authority to conduct, the type of search required in this case and the reason for the search. | Superintendent/OIC/ Searching Officer with delegated authority |
| 3. | For staff and visitors, inform the person if they do not submit to a search they may, under s 49(3) of the *Prisons Act 1981*, refuse to admit them or may have them removed from the prison. | Superintendent/OIC/ Searching Officer with delegated authority |
| 4. | Ask the person if he/she has anything on their person which may jeopardise the good government, good order or security of the prison and if so to produce the thing.  Allow the person the opportunity to respond, for staff and visitors record their response to the request on the form [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) | Superintendent/OIC/ Searching Officer with delegated authority |
| 5. | Ask the person to stand with their arms spread out and face the Searching Officer. | Searching Officer |
| 6. | Run the detector closely along the person from head to toe without touching the person.  After completing the front on search, the Searching Officer shall instruct the person to turn around and the Searching Officer will repeat the search process from behind the person. | Searching Officer |
| 7. | For visitors and prisoners, record the search on TOMS.  For staff, record the search on the [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form. | Searching Officer |

Appendix D: Positive Indication

Following a positive indication by an approved apparatus, the following procedures apply:

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | If the approved apparatus indicates a positive indication, the Searching Officer shall determine the relevant course of action.  **Official visitors with statutory power of entry** (also refer to section 14.3 of this COPP)   1. where the Searching Officer is of the opinion that further a search is required (e.g., basic or strip search), the matter shall be reported immediately to the Superintendent or OIC 2. the Superintendent or OIC shall report the matter directly to the head of the relevant agency and provide details of the search 3. if required, the official visitor shall facilitate contact with the head of the relevant agency 4. the Superintendent shall request guidance directly from the relevant agency regarding further searches and the requirement for the official visitor to enter the prison.   **Professional Standards Division** (also refer to section 13.3 of this COPP)   1. if there is a positive indication, the Searching Officer shall undertake a search with a handheld metal detector (refer to [Appendix C: Searches Using a Handheld Metal Detectors](#_Appendix_E:_)) 2. following a positive indication from a handheld metal detector and where the Searching Officer is of the opinion that further a search is required (e.g., basic or strip search), the matter shall be reported immediately to the Superintendent or OIC. | Searching Officer  Superintendent |
| 2. | Where the relevant course of action requires a basic search, the Superintendent shall ensure a basic search is conducted in accordance with [Appendix E: Basic Search](#_Appendix_G:_Basic). | Searching Officer  Superintendent |
| 3. | For visitors and prisoners, record the search on TOMS, including anything found.  If an unauthorised item is found, report to the Senior Officer and refer to section 15 of this COPP. | Searching Officer |
| 4. | For visitors if nounauthorised item is found:   1. interview the visitor in relation to the initial positive indication. 2. consider conducting a search by a drug detection dog of the visitor’s locker or vehicle 3. provide non-contact visits if available, otherwise refer the situation to the Superintendent or OIC to consider refusing the person entry on a case by case basis in accordance with [COPP 7.4 – Visitor Restrictions and Bans](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). | Searching Officer |
| 5. | For staff, record the search on the [Search of a person entering or leaving a prison](http://justus/intranet/prison-operations/Pages/copp-adult-forms.aspx) form including anything found.  If any unauthorised item is found, report to the Senior Officer and refer to 15 of this COPP. The Senior Officer shall report to the Superintendent for further advice. | Searching Officer  Senior Officer |
| 6. | For staff members if no unauthorised item is found:  speak to the staff member in relation to the initial positive indication  report the matter to the Superintendent and consider further searches (e.g., locker, vehicle). | Senior Officer |
| 7. | For prisoners, if no unauthorised item is found, interview the prisoner in relation to the initial positive indication. | Searching Officer |
| 8. | For babies and children (apparently under the age of 10 years), if no unauthorised item is found:   1. interview the accompanying adult and child in relation to the initial positive indication. 2. consider conducting a search of the accompanying adult’s locker or vehicle (which may involve the use of a drug detection dog) 3. provide non-contact visits if available, otherwise refer the situation to the Superintendent or OIC to consider refusing the person entry on a case by case basis in accordance with [COPP 7.4 – Visitor Restrictions and Bans](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). | Searching Officer |

Appendix E: Basic Search

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Inform the person of the authority to conduct a search, the reason for the search and type of search to be conducted. | Searching Officer |
| 2. | Where the person is a visitor or member of staff:   1. inform the person if they do not submit to a search, they may be refused admission or be removed from the prison[[32]](#footnote-32) 2. ask the person if he/she has anything on their person which is unauthorised or may cause an injury 3. allow the person the opportunity to respond and record their response to the request on the form [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx). 4. determine if a basic search is still necessary for the good government, good order, or security of the prison and if so, direct the Searching Officer to conduct the search. | Superintendent / OIC / Searching Officer with delegated authority |
| 3. | Determine the gender of the Searching Officer in accordance with 3.[2](#_Gender_of_person_1) of this COPP.  Note: Basic searches of women visitors shall only be conducted by women Searching Officers and in the presence of women persons[[33]](#footnote-33). | Searching Officer |
| 4. | Wear approved Department issued gloves. | Searching Officer |
| 5. | Determine if the basic searching procedure needs to be altered to accommodate:   1. people with religious cultural headwear 2. people with disabilities or injuries 3. for any other reason which make it impractical to conduct the search in accordance with this procedure. | Searching Officer |
| 7. | Ask the person to empty his/her pockets and remove their hat or jacket where applicable. Search the items removed from pockets, hat, and jacket. | Searching Officer |
| 8. | Ask the person to shake out his/her hair and untie their hair if necessary. | Searching Officer |
| 9. | Using flat, open hands, search around the top of the person’s shirt and shoulders. | Searching Officer |
| 10. | Ask the person to raise their arms with fingers apart and palms downwards.  Using flat, open hands, search each arm or check visually if not covered with clothing.  Check the hands visually, including between fingers. | Searching Officer |
| 11. | If the person is male, using flat, open hands, check the front of the body from neck to waist, sides from armpits to waist, to and including the waistband. | Searching Officer |
| 12. | If the person is a woman:  Using flat, open hands, check the front of the body from neck to top of bra, then from bottom of bra to waist, to and including the waistband.  Check the sides from armpits to waist. | Searching Officer |
| 13. | If required to assist the search, ask the person to turn around. | Searching Officer |
| 14. | Using flat, open hands check back, front and sides of each leg from crutch to ankle.  Check the top of the socks or shoes, or if necessary, ask the person to remove their shoes and socks. | Searching Officer |
| 15. | If the person is wearing a skirt, search the outside of the clothing and use a handheld metal detector, if required. | Searching Officer |
| 16. | Ask the person to move to one side and inspect the area for items dropped to ensure they are not standing on any item dropped. | Searching Officer |
| 17. | If any unauthorised item is found, report to the Senior Officer and manage in accordance with section 15 of this COPP. | Searching Officer |
| 18. | For prisoners record the search on TOMS, including anything found. | Searching Officer |
| 19. | For a visitor record the search on TOMS or where applicable on the [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form. | Searching Officer |
| 20. | For a member of staff record the search on the [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form. | Searching Officer |

Appendix F: Property Searches – Contractor Tools, Visitors and Staff

**Contractor tools**

Searching Officers shall conduct, at a minimum, a visual inspection of the external contractors’ tools and equipment and compile a full tool inventory. Tools and materials shall be managed in accordance with [COPP 11.5 – Tools and Materials Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

When conducting property searches, the following shall apply:

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Inform the person of the authority to search property in their possession or control. | Superintendent/OIC/Searching Officer with delegated authority |
| 2. | Inform the person if they do not submit to the search, they may be refused admission or be removed from the prison[[34]](#footnote-34). | Superintendent/OIC/Searching Officer with delegated authority |
| 3. | Ask the person if they have anything on their person or under their control which may jeopardise the good government, good order or security of the prison and if so to produce the thing.  Allow the person the opportunity to respond and record their response on TOMS or where applicable, on the [Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form. | Superintendent/OIC/Searching Officer with delegated authority |
| 4. | Determine if a search of any property in the person’s possession or control is still necessary and if so, direct the Searching Officer to conduct the search. | Superintendent/OIC/Searching Officer with delegated authority |
| 5. | Conduct the search in the presence of the person the personal property belongs to. | Searching Officer |
| 6. | Search general property that is not the personal property of a person (e.g., general prison stores, materials for prison industries). | Searching Officer |
| 7. | **Social visitor property**  All personal items in a social visitor’s possession shall be considered unauthorised except for:   1. a locker key 2. where a baby is attending, a dummy (pacifier), blanket and baby’s bottle. The bottle may only be filled with a liquid for the baby’s consumption during the visit (e.g., formula, water, milk) 3. any other item as approved by the Superintendent. | Searching Officer  Searching Officer |
| 7. | Thoroughly visually inspect and x-ray (if available) all property items, where possible. | Searching Officer |
| 8. | Search the personal property of persons exiting a prison to ensure property is not being removed without authorisation (where required). | Searching Officer |
| 9. | If unauthorised item is found:   1. Record on TOMS or on the [form Search of a person entering or leaving a prison](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx). 2. Report in accordance with [COPP 13.1 – Incident Notifications, Reporting and Communications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) 3. Refer to section 1[5](#_Toc13824060) of this COPP. | Searching Officer |

Appendix G: Examples of Electronic Devices

This list is not exhaustive; however, it is designed to demonstrate the most likely electronic devices which may be located within prisons. The absence of an item on this list does not imply that the electronic device is an authorised item.

Images are provided as a general guide only.

|  |  |  |
| --- | --- | --- |
| Term | Definition | Reference Image |
| CD | Refers to a Compact Disk. May also be referred to as a CD-ROM. | File:CD-ROM.png |
| DVD | Refers to any type of Digital Video Disk (DVD). | File:Sony DVD+RW.jpg |
| Hard drive | Refers to large digital storage devices. These devices typically require a cable connection and may require mains power to operate. | [Image result for external hard drive](https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=images&cd=&ved=2ahUKEwitwKvF9IbkAhUEfSsKHerACwYQjRx6BAgBEAQ&url=https://www.flickr.com/photos/30478819@N08/27977626628&psig=AOvVaw1MY9yL9p4KgFrpyMLR6HWM&ust=1566028389914034) |
| Memory card | Refers to digital storage devices other than USBs (e.g., for use in cameras or mobile devices) | File:Flash memory cards size comparison (composite).svg |
| Mobile Telephone | Refers to any kind of mobile telephone. May also be referred to as a cell phone. | Honor, Honor 9, Huawei, Fingerprint, Reader, Camera |
| SIM card | Refers to any type of Subscriber Identity Module (SIM) cards. | File:SIM-Karte von Telefónica O2 Europe - Standard und Micro.jpg |
| Smartwatch | Refers to an electronic watch that can be used in the same way as a mobile telephone or digital storage device. | [Image result for smartwatch .png](https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=images&cd=&ved=2ahUKEwi-4YS6tMDlAhUBWX0KHW19BcUQjRx6BAgBEAQ&url=https://www.pixelsquid.com/png/smartwatch&psig=AOvVaw26wMp8g2ALbPVWufhDFwo_&ust=1572402102474109)[Image result for smartwatches .png](https://denver-electronics.com/products/wearable-and-smart-fitness/denver-sw-170/c-1024/c-1110/p-3496) |
| USB device | Refers to a Universal Serial Bus (USB) data device. May also be referred to as a “USB drive”, “thumb drive” or “flash drive”. | File:USB Stick.jpg |

Appendix H: Authorised and Unauthorised Items – Staff

**Authorised items**

Authorised items are items which are necessary for a staff member to perform their work duties or functions including items which are issued as part of an approved uniform.

The following personal items are authorised items:

1. jewellery worn on the person providing it meets uniform standards (refer to [COPP 1.4 – Uniforms, Dress Standards](http://justus/intranet/prison-operations/Pages/prison-copps.aspx) and Appearances)
2. unprescribed over the counter medication which is packaged in its original blister and/or blister packed is permitted in quantities to meet daily personal needs only (for example, Paracetamol)
3. any medication which is not available in in a blister or cannot be blister packed is permitted subject to documented Superintendent’s endorsement (for example, inhalers, nicotine replacement patch and nasal sprays)
4. subject to the Superintendent’s endorsement, prescribed medication is permitted on site in its original blister and/or blister packed in quantities to meet daily personal needs only (for example, Valium, blood pressure medication)
5. feminine hygiene items
6. spectacles (not including smart glasses devices)
7. food for meals and liquids not beyond a quantity reasonable to meet personal daily needs
8. all liquids and other consumable items must be contained in clear plastic containers (not glass) that can be safely screened or searched upon entry (e.g., via a baggage scanner)
9. meal replacements, such as dietary/protein powders in their original packaging with untampered security seals. Once opened these items will no longer be permitted to re-enter the facility and may be required to be stored on site
10. the Superintendent may, on a case by case basis, authorise additional items to be brought into the facility

**Bags**

The above authorised items must be conveyed to and from the facility in a bag of the following specifications, provided it can be safely screened or searched upon entry (eg via a baggage scanner):

1. issued clear plastic personal bags shall be permitted (no briefcases or suitcases)
2. bags of dimensions less than 40cms x 35cms x 15cms shall be permitted
3. one bag per staff member is permitted.

All bags transported to and from the facility during a shift must be removed from the facility at, or before, the completion of the same shift.

**Unauthorised items**

Unauthorised items are items which pose a significant risk to the good government, good order or security of the prison.

They include:

1. illegal drugs
2. alcohol including products designed to simulate but contain 0% alcohol
3. All types of chewing gum (inclusive of gum used for Nicotine Replacement Therapy)
4. any communication device, including but not limited to:

mobile phones, smart watches and smart spectacles/sunglasses or similar device unless authorised by the Superintendent

computers and laptops unless authorised by the Superintendent

E-book readers and tablets unless authorised by the Superintendent.

USB thumb drives or other storage devices including SIM cards unless authorised by the Superintendent

1. portable gaming devices
2. optical media such as compact disks and DVDs
3. iPods and MP3 players
4. tools, other than those approved by the Superintendent and necessary for the execution of staff duties or function
5. vaping implements.

The absence of an item from this list does not imply it is an authorised item.

If an item cannot be safely screened or searched upon entry (eg via a baggage scanner), then it should not be brought to the facility.

1. Part 2, Division 2, Section 18 *Court Security and Custodial Services Act 1999* () [↑](#footnote-ref-1)
2. r.80(6) *Prisons Regulations 1982* [↑](#footnote-ref-2)
3. s.49A *Prisons Act 1981* (Drug detection dog refers to ‘prison dog’ as defined in s49(A)(1)) [↑](#footnote-ref-3)
4. r.80 *Prisons Regulations 1982* [↑](#footnote-ref-4)
5. r.80 *Prisons Regulations 1982* [↑](#footnote-ref-5)
6. r.78(3) *Prisons Act 1981* [↑](#footnote-ref-6)
7. s.41(2) *Prisons Act 1981* [↑](#footnote-ref-7)
8. s. 78 (1A) *Prisons Regulations 1982* [↑](#footnote-ref-8)
9. s.41(1)(2) *Prisons Act 1981* [↑](#footnote-ref-9)
10. s.49(8) *Prisons Act 1981* [↑](#footnote-ref-10)
11. s.46 *Prisons Act 1981* [↑](#footnote-ref-11)
12. r. 78(1) *Prisons Regulations 1982* [↑](#footnote-ref-12)
13. Schedule 2, Division 1, section 8 of the *Court Security and Custodial Services Act 1999* [↑](#footnote-ref-13)
14. Clause11, Court Security and Custodial Services Contract, 2016 [↑](#footnote-ref-14)
15. s.49(4) *Prisons Act 1981* [↑](#footnote-ref-15)
16. s.49(3) *Prisons Act 1981* [↑](#footnote-ref-16)
17. s.49(8) *Prisons Act 1981* [↑](#footnote-ref-17)
18. s.49 *Prisons Act 1981* and r81 *Prison Regulations 1982* [↑](#footnote-ref-18)
19. s.81(1)b *Prisons Regulations 1982* [↑](#footnote-ref-19)
20. s 49(3) *Prisons Act 1981* [↑](#footnote-ref-20)
21. s.49(3) *Prisons Act 1981* [↑](#footnote-ref-21)
22. s.49(3) *Prisons Act 1981* [↑](#footnote-ref-22)
23. s.33 *Coroners Act 1996* [↑](#footnote-ref-23)
24. s.28 *Inspector of Custodial Services Act 2003* [↑](#footnote-ref-24)
25. s.21 *Parliamentary Commissioner Act 1971* [↑](#footnote-ref-25)
26. s. 135(1)(a) *Criminal Law Mental Impairment Act 2023* [↑](#footnote-ref-26)
27. s.49(3) *Prisons Act 1981* [↑](#footnote-ref-27)
28. s.49(5) *Prisons Act 1981* [↑](#footnote-ref-28)
29. s.50(5) and (6) *Prisons Act 1981* [↑](#footnote-ref-29)
30. s.51 *Prisons Act 1981* (Superintendent’s delegation of powers under s.49) [↑](#footnote-ref-30)
31. r.78(1) *Prisons Regulations 1982* [↑](#footnote-ref-31)
32. s.49(3) *Prisons Act 1981* [↑](#footnote-ref-32)
33. s.49(4) *Prisons Act 1981* [↑](#footnote-ref-33)
34. s. 49(3) of the *Prisons Act 1981* [↑](#footnote-ref-34)