

## Youth Justice Policy Determination: 2.1 Searches

### 1. Policy Purpose

- 1.1. The purpose of this policy is to establish guidelines for conducting searches of people, property and the environment of a youth detention centre.

### 2. Authority / Responsibility

- 2.1. The authority for this policy determination is Regulation 30 of the [Youth Justice Regulations](#).
- 2.2. The authority for the search of a young person within a detention centre is contained within section 161 of the [Youth Justice Act](#) and Regulations 73 and 74 of the [Youth Justice Regulations](#).
- 2.3. This policy applies to all staff within a detention centre.
- 2.4. The Superintendent is responsible for the management of this Policy Determination.

### 3. Policy Statement

- 3.1. Personal, property and environment searches at a detention centre are necessary to prevent the entry of prohibited or hazardous items into the centre, and ensure the safety and security of everyone within the centre.
- 3.2. Any person who is being searched will be treated respectfully and in a manner that upholds their dignity and self-respect.

### 4. Searches of Young People

- 4.1. The following searches are permitted within a detention centre:
  - (1). **Screening search** – this is a search conducted using equipment that is designed to carry out the search without touching the person;
  - (2). **Pat down search** – this is a search conducted by feeling clothing from the outside for objects that may be concealed in or beneath the clothing; and
  - (3). **Personal search** – this is a search which may require the person to remove clothing and allow the examination of the person's body (strictly excluding body cavities) and of those clothes.

### 5. Searches of Young People entering a Detention Centre

#### *Screening and Pat Down Searches*

- 5.1. When entering a detention centre on admission, or re-admission following a transfer from another centre or a leave of absence, a young person will be directed to undergo a screening or pat down search.

#### *Personal Searches*

- 5.2. The Manager Youth Justice Operations – Superintendent (or delegate) may only direct a young person to submit to a personal search when entering a detention centre if:
  - (1). The young person has already submitted to a pat down search, and
  - (2). The Manager Youth Justice Operations – Superintendent (or delegate) believes on reasonable grounds that a personal search is necessary to prevent a risk of harm to the young person or another person.

## 6. Searches of Young People within a Detention Centre

### *Screening and Pat Down Searches*

- 6.1. Within a detention centre, the Manager Youth Justice Operations – Superintendent (or delegate) may direct a young person to submit to a screening or pat down search if they believe on reasonable grounds that the search is necessary:
  - (1). To ensure the safety of any person within the detention centre, or
  - (2). To ensure the security of the detention centre.
- 6.2. The following are non-exhaustive examples of circumstances where the Manager Youth Justice Operations – Superintendent (or delegate) might believe a screening or pat down search is necessary:
  - (1). Where intelligence suggests that a particular young person has concealed a prohibited item in their clothing – the Superintendent (or delegate) may authorise a screening or pat down search of that young person.
  - (2). Where an item that is approved for use as part of a specific program cannot be found at the end of the program. For example, a pencil is missing after education – the Superintendent (or delegate) may authorise a pat down search of all young people before they leave the class, after first giving the young people the opportunity to produce the concealed item.
  - (3). A screening search of the young person indicates the presence of a prohibited or unauthorised item – the Manager Youth Justice Operations – Superintendent (or delegate) may authorise a pat down search to locate the item.

### *Personal Searches of Young People*

- 6.3. The Manager Youth Justice Operations – Superintendent (or delegate) may only direct a young person to submit to a personal search within a detention centre if:
  - (1). The young person has already submitted to a pat down search, and
  - (2). The Manager Youth Justice Operations – Superintendent (or delegate) believes on reasonable grounds that a personal search is necessary to prevent a risk of harm to the young person or another person.

## 7. Rules applying to screening and pat down searches

- 7.1. All searches must be conducted in the presence of another member of staff.
- 7.2. A screening search should be conducted by a member of staff of the same gender as the young person wherever practicable.
- 7.3. A pat down search must be conducted by a member of staff of the same gender as the young person.
- 7.4. All searches must be recorded in the search register.

## 8. Rules applying to personal searches

- 8.1. A personal search can only be authorised by the Manager Youth Justice Operations – Superintendent of a detention centre or their delegate.
- 8.2. A personal search must be conducted by no more than two people of the same gender as the young person and must not be conducted in the sight or presence of:
  - (1). Another young person, or
  - (2). A person of the opposite gender, or
  - (3). More people than is necessary.

- 8.3. A personal search must be conducted in the least intrusive manner possible in the circumstances and the person conducting the search must make every effort to minimise the potential negative impact of the search on the young person.
- 8.4. A personal search is a visual inspection and must never involve the person conducting the search touching the young person's body, except in the limited circumstances where force is authorised (refer below).
- 8.5. The person conducting the search must ensure that the visual inspection of a young person's body is limited only to that which is reasonable and necessary to conduct the search. The person must not visually inspect the genital area, buttocks or a female young person's breasts.
- 8.6. Anyone involved in the search must not make any comments—positive, negative or neutral—in relation to the young person's appearance, body shape or attributes, either to the young person or anyone else, at any time, during or after the search.
- 8.7. If a personal search is deemed necessary, but it is not possible for any reason (i.e. no availability of staff of the same gender or the young person is displaying distress), the search must not proceed. In these circumstances the young person must be placed in an observation room and continuously observed to ensure their safety and the safety of others, until the search can be conducted.
- 8.8. Force can only be used to conduct a personal search if the person conducting the search believes on reasonable grounds that force is necessary to prevent a serious and imminent risk to the safety of the young person or another person. All force must be applied in accordance with [Youth Justice Policy Determination 2.5 Use of force](#).

## 9. Authorisation of a personal search

- 9.1. To ensure the Manager Youth Justice Operations—Superintendent (or delegate) is able to make a fully informed decision regarding the personal search of a young person, the person seeking the Superintendent's (or delegate's) approval to undertake the personal search must advise the Superintendent (or delegate) of the following:
  - (1). Whether the young person has been recently assaulted;
  - (2). Whether the young person is suspected to be the victim of sexual abuse;
  - (3). Whether the young person is showing signs of extreme agitation or distress at being subjected to a partially clothed search; or
  - (4). Whether the young person has disclosed religious or cultural beliefs which would mean a partially clothed search is likely to be particularly traumatic.

## 10. Half and half process for all personal searches

- 10.1. Prior to conducting a personal search, the person must ask for the young person's cooperation and answer the young person's questions about the search, including the reason for the search.
- 10.2. The person conducting the search must let the young person know:
  - (1). If they will have to remove clothing
  - (2). How the clothing will be removed; and
  - (3). Why removing the clothing is necessary.
- 10.3. Where clothing has to be removed, a 'half and half' search must be conducted as follows:
  - (1). The young person should be asked to remove their outer layer clothing from the top half of their body first, then the lower half;
  - (2). The young person must be allowed to re-dress their top half before removing the outer clothing on the lower half of the body;

- (3). The young person should then be allowed to dress in privacy as soon as the search is finished.
- 10.4. The young person only needs to remove as much clothing as is necessary and reasonable for the search to be conducted.

#### *Removal of underwear during a personal search*

- 10.5. A young person should always be permitted to leave their underwear on during a personal search. Where the person conducting the search considers that removing the young person's underwear is necessary, they must seek permission from the Manager Youth Justice Operations—Superintendent.

#### *Objections to personal searches by young people*

- 10.6. If a young person objects to a personal search because they are not comfortable with the person delegated to carry out the search, wherever possible another person should be assigned to carry out the search.
- 10.7. If a young person objects to a personal search, only the Assistant Manager Youth Justice Operations—Deputy Superintendent or Manager Youth Justice Operations—Superintendent can authorise the search to proceed, after taking into consideration the young person's reasons for objecting to the search, and weighing that against any risks to the safety and security of the young person and others in the youth detention centre if the search does not proceed.
- 10.8. The following must be recorded in the Search Register:
  - (1). The objection of a young person to a personal search
  - (2). The decision of the assistant manager youth justice operations—deputy superintendent or manager youth justice operations—superintendent to proceed with the search despite the young person's objection.

## 11. Refusal to cooperate with a search

- 11.1. If a young person refuses to cooperate with a search, all reasonable behavioural or therapeutic measures should be used to encourage the young person to cooperate.
- 11.2. Until such time as the search can be undertaken, the young person should be continuously monitored to ensure their safety, and the safety and security of everyone within the detention centre.
- 11.3. Force may only be applied in accordance with [Youth Justice Policy Determination 2.5 Use of force](#).
- 11.4. However, force may not be used to conduct a personal search unless the person conducting the search believes on reasonable grounds that force is necessary to prevent a serious and imminent risk to the safety of the young person or another person.

#### *Debriefing*

- 11.5. Staff and young people should be offered debriefing and support as soon as possible after any personal search, particularly a search involving the young person being distressed, where they have been directed to remove underwear and/or force is used.

## 12. Searches of premises, property and vehicles

- 12.1. A search of premises, property and vehicles may occur:
  - (1). By physical means;
  - (2). Using screening technology (such as a mobile scanner); and/or
  - (3). With the assistance of a trained search dog.
- 12.2. Any of the following may be searched:

- (1). Any area within the detention centre, including accommodation areas;
  - (2). Any vehicle at a detention centre;
  - (3). Any other items at a detention centre, including anything in the possession of anyone at a detention centre; and
  - (4). Any vehicle used for transporting young people (whether at a detention centre or elsewhere).
- 12.3. Any person conducting a search of premises, property and vehicles must treat property or belongings with respect and must return the searched area to the condition it was in prior to the search. The person will be responsible for the safety and security of the items in the search area during the search.

#### *Searching a young person's room*

- 12.4. When searching a young person's room, a person must:
- (1). Explain to the young person the purpose and reason for the search;
  - (2). Request the young person hand over any prohibited items they may have in their possession;
  - (3). Permit the young person to observe the search if it is believed that the young person being present during the search does not pose a risk to the safety of any person;
  - (4). Undertake the search in accordance with training instructions; and
  - (5). Leave the room in the same condition it was in before the search.
- 12.5. If a person conducting a search locates a prohibited item, the person must comply with the [Youth Justice Policy Determination 2.2 Prohibited Items](#).

### 13. Searches of other people – visitors, contractors and staff

- 13.1. Screening or pat down searches of all people entering a youth detention centre will be conducted to ensure prohibited items or items that endanger the safety and security are not brought into the centre. This includes all staff, visitors and people providing services at the centre.
- 13.2. The person who conducts a screening or pat down search of a person entering a youth detention centre must:
- (1). Explain the reasons for the search and how the search will be conducted, asking for the person's cooperation; and
  - (2). Conduct the search in an area which allows for reasonable privacy for the person.
- 13.3. The person conducting the search may, as far as practicable, agree to any reasonable request made by the person to be searched, such as a request for a different person to conduct the search.
- (1). If the person entering a detention centre continues to refuse to cooperate with a search, the person conducting the search must direct the person to leave.

### 14. Health and safety considerations

- 14.1. Anyone conducting searches of people, property or premises must take care to protect themselves and minimise the risk of injury or infection from concealed items. Accordingly, when conducting any searches, a person must:
- (1). Use appropriate personal protective equipment, including gloves designed to provide protection against needle stick injuries;
  - (2). Maintain an awareness of their position in relation to the person being searched;
  - (3). Monitor the person to be searched closely to detect any potential hostile or aggressive behaviour; and

- (4). Utilise safe search practices in accordance with training instructions.

## 15. Reporting and recording

- 15.1. All searches must be recorded in the Search Register.

### Legislative Basis and Related Documents

[Youth Justice Act](#)

[Youth Justice Regulations](#)

[Youth Justice Policy Determination 2.2 Prohibited Items](#)

[Policy Determination 2.5 Use of force](#)

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Version 1.1	October 2018	Legislative amendments commenced on 24 May 2018
Version 1.02	March 2018	Update of terminology
Version 1.01	January 2018	Update to position titles and policy determination references
Version 1.0	January 2018	New Youth Justice Policy Determination approved by Deputy Chief Executive Officer Operations