



Custodial Operations Practice Directive

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1 Human Rights

To ensure corrective services officers act or make decisions in a way that is compatible with human rights, officers must give proper consideration to human rights relevant to the decision including but not limited to:

- a) recognition and equality before the law, including the right to equal and effective protection against discrimination;
- b) the right not to be treated or punished in a cruel, inhuman or degrading way;
- c) the right not to be arbitrarily deprived of property;
- d) the protection of families as the fundamental group unit of society and the protection of children;
- e) cultural rights - generally and for Aboriginal peoples and Torres Strait Islander peoples;
- f) the right to privacy and to reputation; and
- g) the right to be treated with humanity and respect when deprived of liberty.

2 Limitation of Human Rights

Human rights can be limited if certain conditions are present:

- a) the limit must be provided under law;
- b) the limit must be reasonable;
- c) any imposition on the human rights must be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

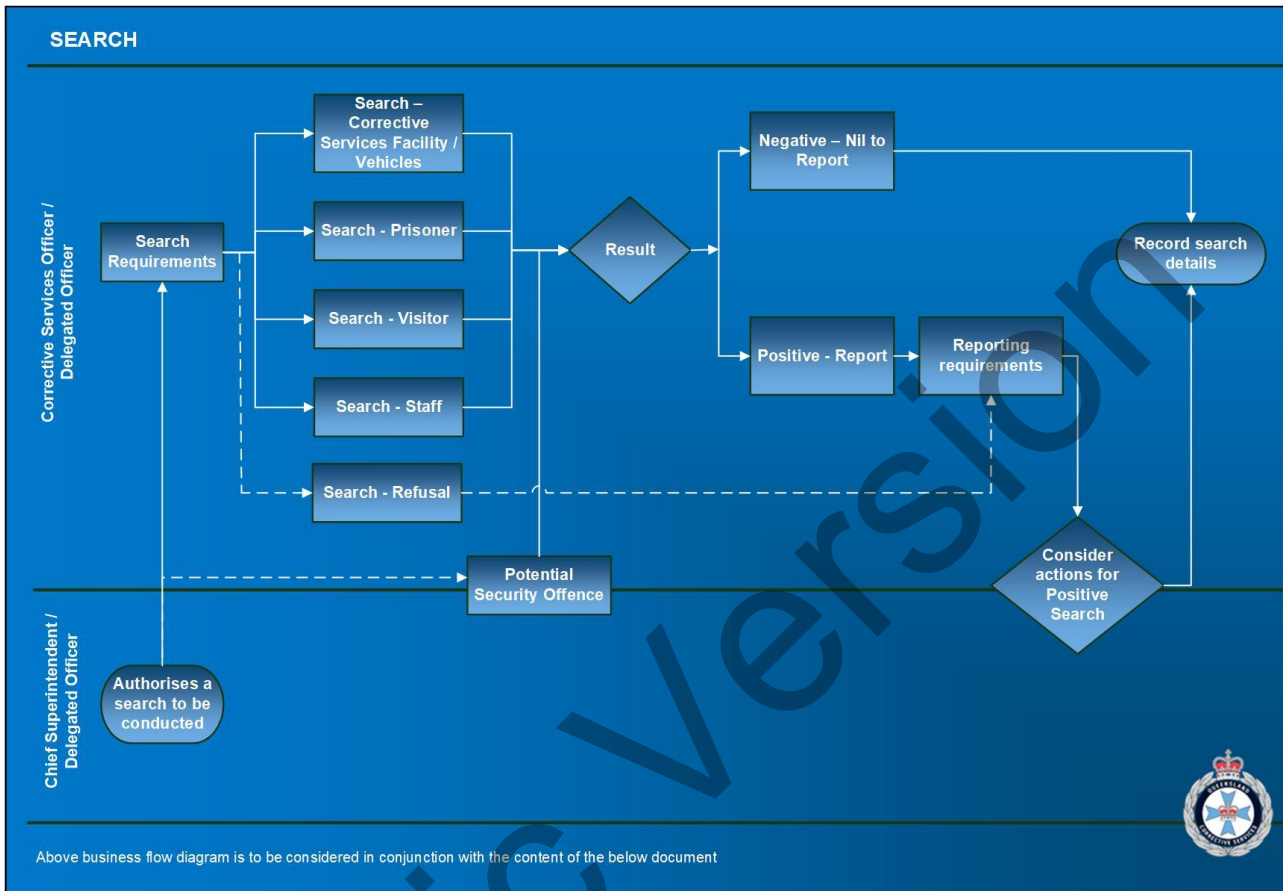
A person's human rights should only be limited to the extent that is reasonably and demonstrably justified.

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3 Search Requirements



Above business flow diagram is to be considered in conjunction with the content of the below document

When conducting a search, the delegated officer (refer to Queensland Corrective Services Instrument of Delegation of Chief Executive Powers) must ensure that:

- items seized during a search, where appropriate, are preserved and reported in accordance with the Custodial Operations Practice Directive (COPD) Incident Management: Incident Management Process;
- care is exercised when searching private property to avoid damage to the property;
- care is taken when searching a prisoner's accommodation to minimise disruption to the prisoner; and
- the use of reasonable force to compel compliance with an order given is in accordance with the COPD Use of Force.

Only those searches prescribed by the *Corrective Services Act 2006* (CSA) may be conducted by corrective services officers within corrective services facilities.

3.1 Recording details of a search - mandatory requirements

Details of all scan, screening and search activities conducted and the outcome must be recorded in a register determined for that specific purpose only. The occurrence of the search is to be recorded in the relevant log book (e.g. accommodation unit log book or reception store log book).

Refer COPD Daily Operations: Gate Books Log Books and Registers.





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Details to be recorded include:

- all search details and results including accommodation searches - common areas and cells;
- removal of clothing or body search details must include the reason and approval for the search, the names of all persons present during the search and details of anything seized from the prisoner in accordance with the section 40 of the CSA and sections 9-10 of the Corrective Services Regulation 2017 (CSR); and
- all items that are found within a vehicle and are to be utilised must be recorded against the visitor in the appropriate register or log book.

4 Personal Protective Equipment (PPE)

Supplied PPE must be utilised by staff to prevent needle-stick/blood and body fluids exposure, e.g. needle-stick resistant gloves or nitrile protective gloves.

Stocks of disposable PPE equipment must be maintained in each facility.

5 Security Offence

In accordance with section 136(5) of the CSA a security offence poses a risk to:

- the security or good order of a corrective services facility; or
- the security of a prisoner or a prisoner of a court.

Where it is reasonable to suspect a security offence may have been committed, an authorised delegate may, in accordance with section 136 of the CSA using reasonably necessary force:

- conduct a general search or scanning search of the person (there is no legislative authority for a corrective services officer to conduct a search requiring the removal of clothing or a personal search of a staff member); and
- search anything in the person's possession, including a motor vehicle detain the person until the person can be handed over to a police officer.

A person must not be detained for longer than four hours (in such an instance, there must be sufficient evidence to justify detaining a staff member - under no circumstances should a staff member be detained with a prisoner). The detained person must be treated in a way that is appropriate for a person who has not been convicted.

This power should only be used in circumstances where it has been assessed that the safety and security risk of letting the person leave (and reporting to the police) is too high.

If a search, other than a general or scanning search, appears to be justified, only the QPS may make this determination whether to do so under the *Police Powers and Responsibilities Act 2000* (PPRA).

For this section, a person does not include a prisoner, other than a prisoner who is released on parole or a *Dangerous Prisoner (Sexual Offenders) Act 2003* order, refer section 125 of the CSA.

Refer Instrument of Limitation of Corrective Services Officers' Powers.

The Chief Superintendent or delegate of a corrective services facility must be notified immediately if an officer conducting a scanning or general search finds that a person:

- is committing a security offence; or
- is reasonably suspected of having committed a security offence.





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The Corrective Services Investigation Unit (CSIU) must be notified when a decision has been made to temporarily detain a staff member in response to that staff member committing a security offence or being reasonably suspected of committing a security offence to determine what further action is warranted.

In the case of a staff member of Queensland Health, the Chief Superintendent or Superintendent of a corrective services facility must advise the Senior Queensland Health Officer of any actions taken.

6 Facility Search

6.1 Conduct search – corrective services facility/vehicles

Sections 33 and 174 of the CSA provides the power for the Chief Executive to search a corrective services facility. The Chief Superintendent of a corrective services facility must ensure that a program of searches be established as per the specific timeframes for each type of search.

A visual search of all prisoner access areas and compounds must be conducted prior to the commencement of unescorted prisoner movement in a corrective services facility.

The officer controlling access to a facility is authorised to remove any prohibited thing or non-approved item from any visitor or vehicle. Officers may also remove any item from visitors or a vehicle that may not be permitted to be taken into a facility as a condition of entry to that facility. Refer sections 128 and 138 of the CSA, section 19 of the CSR and Appendix S1 Prohibited Things.

Any non-approved item removed must be returned on the exit of the visitor and a verbal warning issued to prevent re-occurrence unless the items are seized. Secure storage facilities must be provided for items not permitted to be taken into a corrective service facility.

Refer COPD Visitors to a Facility: Visits Process and COPD Facility Security: Barrier Control and Access.

6.2 Health centres

In the case of a health centre located in a corrective services facility, the Chief Superintendent or Superintendent of the corrective services facility must advise the Senior Queensland Health Officer of any non-approved item or prohibited thing located within the health centre.

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6.6 Accommodation search

Prior to a prisoner occupying accommodation and following any change in accommodation allocation, the accommodation should be thoroughly searched or inspected for:

- a) contraband;
- b) interference with fixtures and fittings; and
- c) structural defects.

A minimum of 15 percent of the total number of cells of a secure corrective services facility must be searched each week.

Body Worn Cameras (BWCs) are to be set to record by a corrective services officer prior to any planned operational activities such as cell, lockdown and accommodation searches (excluding the search of a prisoner requiring the removal of clothing). Refer to COPD Safety and Security Equipment: Body Worn Cameras.

Searches of accommodation areas require corrective services officers to search in-cell and common area electrical items (QCS and prisoner owned) and look for any indication that the tamper label has been tampered with.

When searching in-cell electrical items the prisoner's IOMS number on the tamper label must match the prisoner that occupies the cell.

Refer COPD Property: QCS Property, Tamper Labels, Electronic Equipment and Restrictions.

When searching a prisoner's accommodation, the prisoner's personal property and belongings are to be returned, as far as practicable, to their original position.

The Chief Executive may require a child accommodated with a female prisoner in a corrective services facility to submit to a general search or scanning search before entering the facility. A child accommodated with a female prisoner must not be submitted to a personal search or a search requiring the removal of clothing.

A prisoner cell in which a child is accommodated is subject to searching as per this COPD. Refer section 33 of the CSA.

6.7 Post search action required

6.7.1 Response to a negative search – nil to report

When the result of a search is negative, the only further requirement is to record the results in the relevant log book/register. A negative search result does not limit or impact upon the implementation of any other processes within a corrective services facility.





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6.7.2 Response to a positive search – report

All articles, substances or things located during a search are to be handled in accordance with COPD Incident Management: Incident Management Process and disposed of in accordance with sections 138-142 of the CSA.

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