



Search

Vehicle Search

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Custodial Operations Practice Directive

Process Owner: Custodial Operations

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PUBLIC VERSION



OFFICIAL/PUBLIC



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) right to recognition and equality before the law, including the right to equal and effective protection against discrimination;
- b) right to not be deprived of liberty except on grounds, and in procedures, established by law, including the right not to be subjected to arbitrary detention;
- c) right not to be treated or punished in a cruel, inhuman or degrading way;
- d) right not to be arbitrarily deprived of property;
- e) cultural rights – generally and for Aboriginal peoples and Torres Strait Islander peoples;
- f) right to privacy and to reputation;
- g) right to be treated with humanity and respect when deprived of liberty; and
- h) right to access health services without discrimination, including the right not to be refused emergency medical treatment that is immediately necessary to save the person's life or prevent serious impairment to the prisoner.

2. Limitation of Human Rights

Human rights can be limited if certain conditions are present:

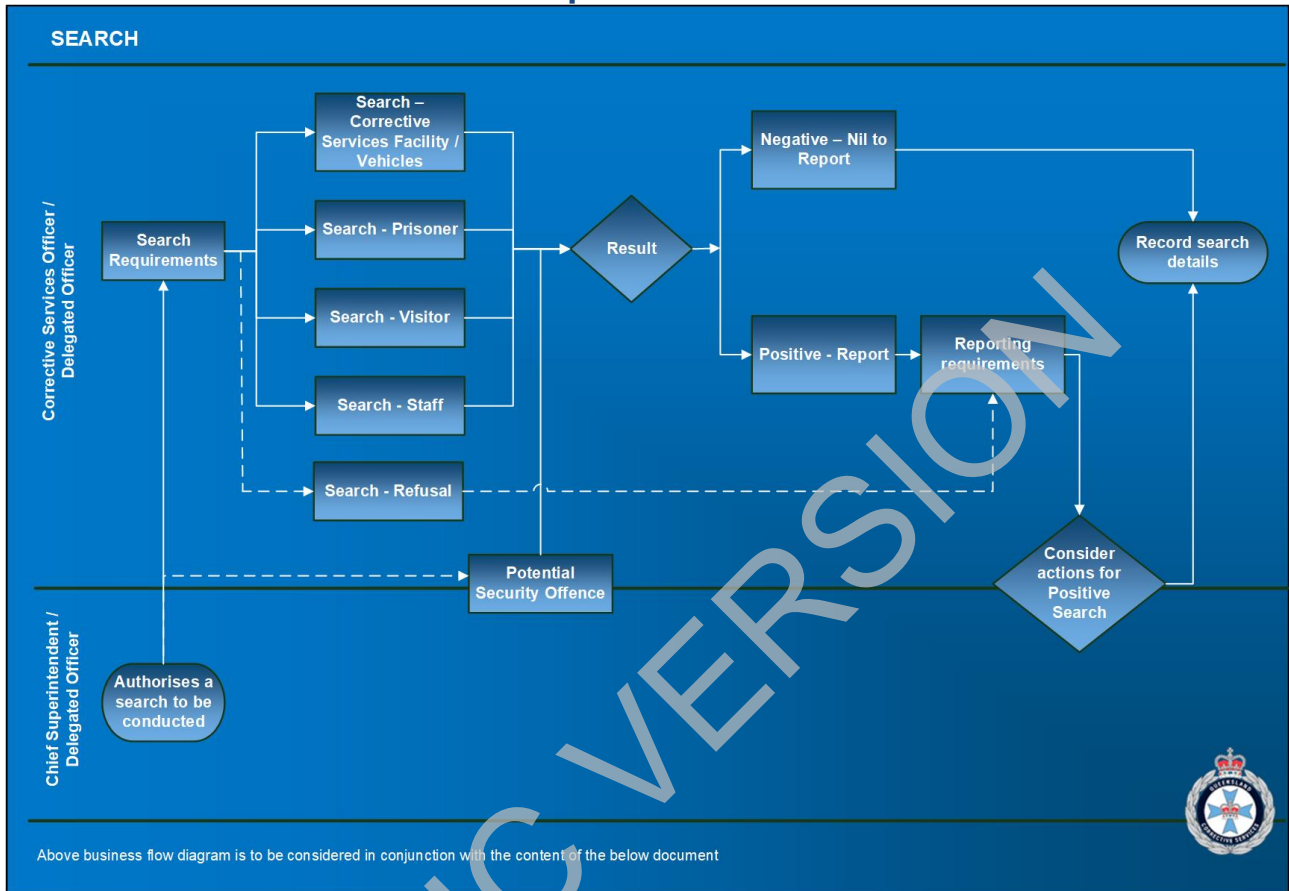
- a) the limit must be provided under law;
- b) the limit must be reasonable; and
- c) any imposition on the human rights must be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

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





3. Vehicle Search Process Map



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

4. General Search Requirements

When conducting a search, the delegated officer (refer 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 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.





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4.1 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 (i.e. accommodation unit log book or reception store log book). Refer COPD Daily Operations: Gatebooks, Log Books and Registers.

Details to be recorded include:

- a) all search details and results including accommodation searches - common areas and cells;
- b) 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 s10 of the Corrective Services Regulation 2017 (CSR); and
- c) all items that are found within a vehicle and are to be utilised must be recorded against the visitor in the appropriate register or logbook.

4.2 Personal Protective Equipment (PPE)

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

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

4.3 Security offence

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

- a) the security or good order of a corrective services facility; or
- b) 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:

- a) 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);
- b) search anything in the person's possession, including a motor vehicle;
- c) detain the person until the person can be handed over to a police officer; and
- d) 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 Queensland Police Service (QPS) may make the 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.





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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:

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

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.

5. Vehicle Search

Section 175 of the CSA provides a general power to search a vehicle before entering or leaving a corrective services facility. The power to temporarily detain a person and search anything in their possession, including a motor vehicle, anywhere within the relevant designated lot plan area arises if the corrective services officer finds the person committing a security offence, or in circumstances that lead, or has information that leads, the officer to reasonably suspect the person has committed a security offence.

Refer section 136 of the CSA and the Instrument of Limitation of Corrective Services Officers' Powers.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





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[REDACTED] A prohibited thing must not be permitted to enter a corrective services facility unless approval has been provided. Refer Appendix S1 Prohibited Things.

All vehicles entering the secure perimeter of a facility must be searched by an officer to establish whether any prohibited things (i.e., firearms or mobile telephones. Refer section 128 of the CSA and section 19 of the CSR) or any other item likely to threaten the security of the facility, are in or on the vehicle. Any search of a vehicle must comply with sections 128 and 138–142 of the CSA.

[REDACTED]

6. Law Enforcement Officers

[REDACTED]

Law enforcement officers are not authorised to enter a corrective services facility with firearms, tasers or batons.

Items entering the corrective service facility must be tracked in a register similar to the process that is used to record tools being brought into a corrective services facility.

[REDACTED]

Personnel in emergency response vehicles are not required to have access approval. The vehicle number, registration and number of personnel on board must be entered into the vehicle entry/exit log book.



