



Search

Prisoner Search

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Custodial Operations Practice Directive

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1. Human Rights

It is unlawful for corrective services officers to act or make decisions in a way that is not compatible with human rights, or in making a decision, fail to give proper consideration to a human right relevant to the decision.

Giving proper consideration to human rights entails identifying human rights which may be relevant to a decision and considering whether the decision would be compatible with human rights.

A decision will be compatible with human rights when it does not limit a human right, or only limits a right to the extent that is reasonable and demonstrably justifiable.

Human rights which may be relevant include:

- a) the right to privacy;
- b) the right to humane treatment when deprived of liberty;
- c) cultural rights generally;
- d) cultural rights - Aboriginal peoples and Torres Strait Islander peoples;
- e) the right to freedom of expression;
- f) the protection of families and children;
- g) property rights; and
- h) the right to liberty and security of person.

2. Limitation of Human Rights

In determining whether a limitation may be reasonable and demonstrably justified, the following factors are relevant to consider:

- a) The nature of the human right – this involves looking at the purpose and underlying value of the human right. For example:
 - i. the right to privacy provides for the right not to have the person's privacy, family or correspondence unlawfully or arbitrarily interfered with;
 - ii. humane treatment when deprived of liberty requires that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person; and
 - iii. the right to security of person requires that QCS takes reasonable measures to protect a person's security.
- b) The nature and purpose of the limitation – this involves considering the actual purpose or legitimate aim/reason for limiting the human right. In this policy document, the personal search of a prisoner and their property and mail limits the rights listed above for the purpose of preventing the entry of prohibited items into the corrective services facility which could then be deployed to threaten or harm the security of person of other prisoners and officers and the overall safety and security of the corrective services facility.
- c) The relationship between the limitation and its purpose – this involves considering the connection between the limitation of the right and whether this will assist with achieving the purpose or legitimate aim. For example:
 - i. Property searches - this policy provides for occasions when property searches are to be conducted. A property search is effective in restricting the concealment of prohibited items.





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- ii. Mail searches - this policy provides for the searching of prisoner mail to achieve the purpose of reducing the entry of prohibited items into the corrective services facility.
 - iii. Personal searches - this policy provides for the personal search of a prisoner for the purpose of minimising opportunities for the concealment of a prohibited thing and reducing the likelihood of the entry of a prohibited thing into the corrective services facility.
 - iv. Removal of clothing search – this policy provides for removal of clothing searches for the purpose of reducing the concealment of prohibited items which may pose a safety risk to prisoners and/or others. Such searches are undertaken in compliance with the *Corrective Services Act 2006* (CSA) and appropriately recorded as required by section 40 of the CSA. The removal of clothing search for non-compliant prisoners is undertaken in compliance with section 143 of the CSA. In some centres, an imaging search may be conducted as an alternative if appropriate equipment has been installed and staff trained in the correct operation of said equipment.
 - v. Imaging search – this policy provides for an imaging search of a prisoner as a less restrictive and invasive means of detecting prohibited items which may be concealed on or in a prisoner, using electronic imaging produced by a method of scanning the person, using ionising or non-ionising radiation. Section 33(1)(a) of the CSA provides authority for corrective services officers to conduct an imaging search of a prisoner. Imaging searches are conducted through use of a full body scanner (body scan search), noting that these scanners are not currently available at all corrective services facilities.
- d) Whether there are less restrictive and reasonable ways to achieve the purpose – this involves a ‘necessity analysis’ where it is necessary to consider the purpose of the limitation and whether it can be achieved in any other way. It is recognised that all types of searches may be intimidating and degrading. The more intrusive the search, the stronger the feelings of violation.

Property searches are an effective process in restricting the concealment of prohibited items and there is no equivalent process available to officers at this current time. In relation to the searching of prisoner mail, this policy mitigates the limits to human rights by providing a standardised process for how these searches are to be conducted, which in the first instance is a scanning search. The more intrusive physical search is undertaken on the detection of a prohibited item, [REDACTED]. Personal searches are an effective process for restricting the concealment of prohibited items and there are no alternative options available to officers at this time.

The removal of clothing searches in particular can cause feelings of violation and humiliation. These feelings can be exacerbated for prisoners from particular cultural backgrounds or religions as well as for vulnerable prisoners. For prisoners who have experience of past sexual and/or physical abuse, this can be retraumatising.

The QCS policy requires that a removal of clothing search is completed in such a way that, as far as is reasonable, respects the dignity of the person.





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For example, the prisoner is allowed to remain partially clothed at all times and the policy states that the search must be conducted in a way that, as far as reasonably practicable, ensures care is taken to cause minimal embarrassment to the prisoner and protect the prisoner's dignity and privacy. It is recognised that these process inclusions do not necessarily address the feelings of violation or trauma.

Body scanning technology is an alternative process to removal of clothing searches. In recognition of the above, where the required equipment is installed, a body imaging scan can be used as an alternative method of searching female prisoners, as an alternative to some routine searches.

- e) The importance between the purpose of the limitation and preserving the human right – this involves balancing the benefits obtained by the limitation with the harm caused to the human right. For example, does the security of person and the safety and security of the corrective services facility overall that is provided by the searching of prisoners and their property and mail, outweigh the limitation caused to the human rights?

This policy document provides for the standardisation of practice across the State and ensures that searches of prisoners and their property are conducted in such a way that, as far as reasonably practicable, maintains the dignity of person and are undertaken in accordance with legislative requirements.

The searching of prisoners and their property, when carried out according to the legislative provision and the requirements of this policy document, positively engages the right to security of person of the individual, other prisoners and officers and ensures the safety and security of the corrective services facility. This is achieved by ensuring that prohibited items are prevented or restricted from entering the corrective services facility where they can cause harm directly and indirectly to the prisoners and others.





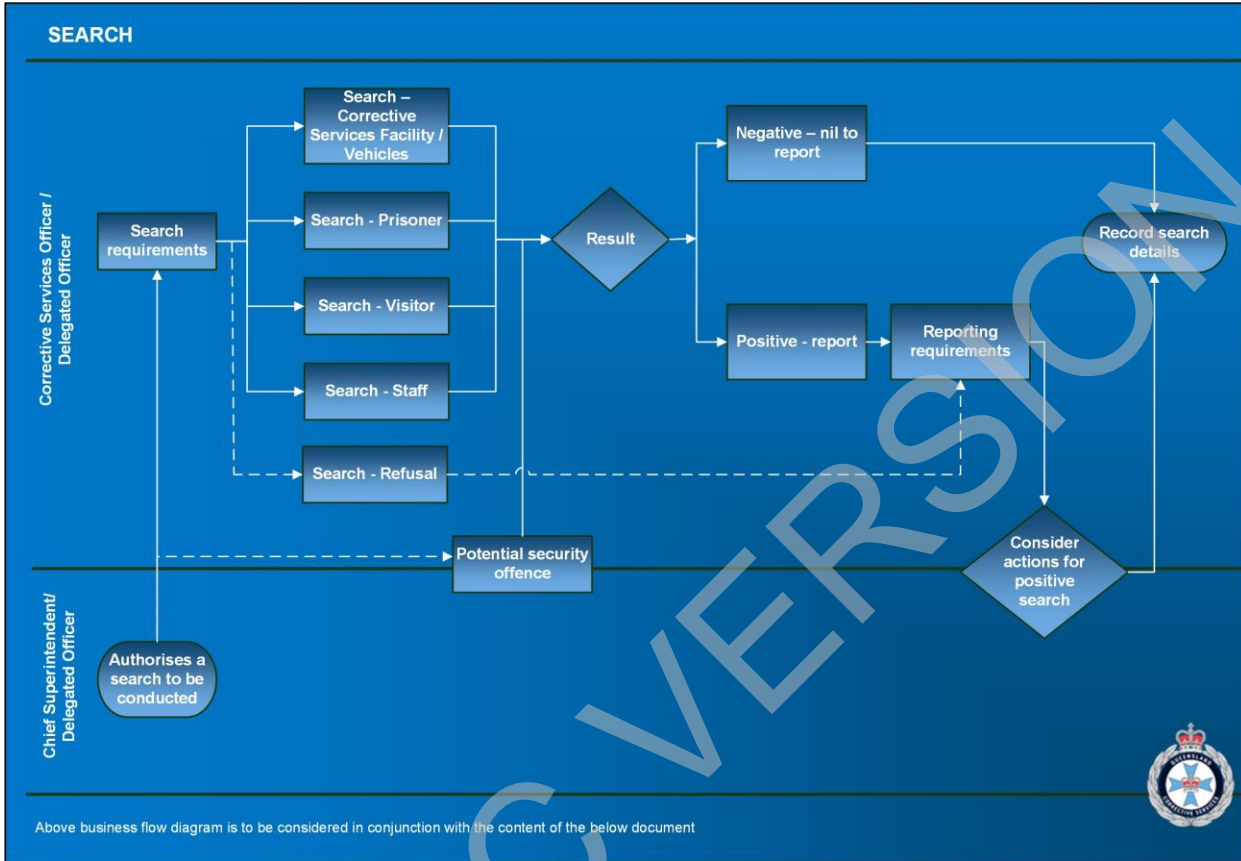
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3. Search Function Process Map



4. Definitions of Relevant Search Provisions

4.1 Male and female corrective services officers

For the purpose of this COPD, the following definitions (taken from section 8A of the CSR) apply:

- **Female corrective services officer:** an officer who presents themselves as a female or is designated by the Chief Superintendent of the corrective services facility as a person who may exercise powers for which a female corrective services officer is required.
- **Male corrective services officer:** an officer who presents themselves as a male or is designated by the Chief Superintendent as a person who may exercise powers for which a male corrective services officer is required.

All corrective services officers who are qualified to perform search and urine sample taking functions on a prisoner must fall into one of the above role categories. The categories do not allocate a gender to any officer and only relate to how they present themselves in their professional capacity to perform the role for searches and urinalysis. An officer's gender or legally registered sex is not required to be verified or disclosed for the officer to perform duties of a *male or female corrective services officer*.





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Any staff member that identifies as a female or male person, whether or not they are legally registered as male or female, should present themselves in the relevant capacity that aligns with that identity. If a staff member does not identify in the binary, they may still choose which category they will present themselves in. To maintain the intent of the gendered protections described above, a staff member who identifies as a male should not present themselves as a *female corrective services officer* or vice versa.

Staff are not required to disclose their gender identity or registered sex to present themselves in the relevant capacity. For example, where a corrective services officer presents themselves in their role as female and the chief executive has no reason to reasonably assume otherwise, the officer will self-select as a *female corrective services officer* and be taken to be suitable to perform those duties related to searches.

'Presentation' can be as simple as asking the officer if they are qualified to conduct a search requiring a female corrective services officer and the officer responding in the affirmative if they are presenting themselves as a *female corrective services officer* for this role, or responding in the negative if they are presenting themselves as a *male corrective services officer* for this role.

If an officer self-selects a role category, no further action is required. If an officer does not present as male or female, an officer openly identifies as a gender other than male or female (e.g. the officer identifies themselves as non-binary or gender fluid) and does not wish to self-select a role category or if the officer wishes to clarify which category is most appropriate for their personal circumstances, they are to raise this with their Manager/Superintendent who will notify the Chief Superintendent of the corrective services facility. The delegate may also raise this with the individual staff member if they are unsure as to which role category the officer should be accommodated in.

Any designation by the Chief Superintendent should consider:

- a) the individual circumstances and preference of the officer;
- b) that designations apply across both search and urine sample taking procedures;
- c) whether the officer is employed in a men's or women's corrective services facility;
- d) the safety of prisoners involved in the procedures, taking a trauma-informed approach; and
- e) any potential risks to the safety and good order of the facility.

If the Chief Superintendent of the corrective services facility designates an officer to a category, they are to record the consideration via an email to the relevant officer. It is the responsibility of the officer to retain a record of this designation in case they are required to confirm this at a later date.

The Chief Superintendent must develop a Local Instruction detailing how the designation **result only** will be communicated to relevant staff, i.e. managers and supervisors who allocate searching responsibilities and/or staff relevant for drafting work rosters. The **reasons** why the officer has been designated to a particular role category must remain confidential.





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4.2 General search

A general search of a person, means a search:

- a) to reveal the contents of the person's outer garments or general clothes, or of a thing in the person's possession, including touching or moving the thing without touching the person; or
- b) in which the person may be required to:
 - i. open their hands or mouth for visual inspection; or
 - ii. shake their hair vigorously.

Refer to schedule 4 of the CSA.

4.3 Personal search

A personal search of a prisoner, means a search in which light pressure is momentarily applied to a prisoner over their general clothes without direct contact being made with:

- a) the prisoner's genital or anal areas; or
- b) the prisoner's breasts.

Refer to section 34(2) and Schedule 4 of the CSA.

A prisoner detained in a women's corrective services facility must be subject to a personal search by a female corrective services officer and a prisoner detained in a men's corrective services facility must be subject to a personal search by a male corrective services officer, unless a modification has been approved by the Chief Superintendent of the corrective services facility. For a personal search of a prisoner, the observing officer may be either a male or female corrective services officer.

Refer section 8C(3) of the Corrective Services Regulation 2017 (CSR), the section Search Requirements of this COPD and Appendix S5 Deciding Modification Requests for Search and Urine Sample Taking Practices.

4.4 Scanning search

A scanning search of a person is a search of a person by electronic or other means that does not require a person to remove the person's clothing but may require another person or an apparatus to touch or come into contact with the person.

Where a scanning search involves the use of an apparatus for touching or coming into contact with a person who is submitting to a scanning search, the apparatus must be prescribed by regulation.

Examples of a scanning search:

- a) using a portable electronic apparatus that can be passed over the person;
- b) using an electronic apparatus through which the person is required to pass; and
- c) using a corrective services dog trained to detect the scent of a substance that is a prohibited thing.

A corrective services officer conducting a scanning search of a person must:

- a) ensure, as far as reasonably practicable, the way the person is searched causes minimal embarrassment to the person; and
- b) take reasonable care to minimise any physical contact with the person.





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Refer to section 175A of the CSA.

An ion scanning device is prescribed by section 48 of the CSR for use in conducting a scanning search of a person.

4.5 Imaging search

The CSA defines an imaging search of a person to mean 'a search of the person using electronic imaging produced by a method of scanning the person, including, for example, using ionising or non-ionising radiation'.

Section 33(1)(a) of the CSA provides authority for corrective services officers to conduct an imaging search of a prisoner. Imaging searches are conducted through use of a full body scanner (body scan search). Full body scanners are designed to produce an image of a person's whole body to detect any concealed items. Prisoners undergoing body scan searches will be exposed to a very low dose of radiation.

For further information regarding the safe operation of body scanner equipment refer to subsection 'Conducting a body scan search' of this COPD, Appendix S4 Safe Operation of Body Scanner Equipment Guidelines and the Approved Radiation Safety and Protection Plan for Body Scanners for Queensland Corrective Services (RSPP).

5. Search Requirements

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

- a) reasonable care is taken to protect the dignity and self-respect of the person being searched and to ensure minimal embarrassment to the person, without impeding the effectiveness of the search, for example:
 - i. care is exercised when searching private property to avoid damage to the property;
 - ii. care is taken when searching a prisoner's accommodation to minimise disruption to the prisoner; and
- b) the use of reasonable force to compel compliance with an order given is in accordance with the COPD Tactical Options Response - Use of Force.

Only those searches prescribed by the CSA may be conducted by corrective services officers within corrective services facilities.

In respect of personal searches, searches requiring the removal of clothing of a prisoner and body searches, a prisoner detained in a women's corrective services facility must be searched by a female corrective services officer and a prisoner detained in a men's corrective services facility must be searched by a male corrective services officer. Refer section 8C(3) of the CSR.

5.1 Modification requests to standard search procedures

A prisoner must be provided an opportunity to request a modification of search procedures to take account of their special or diverse needs. This must be provided initially on admission or as soon as practicable after admission.





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The prisoner must also be allowed, within reasonable limits, to make a request at a later time or withdraw/change a request. Modification requests may take into account considerations such as gender diversity, sexual orientation, history of abuse, culture and disability.

Refer to Appendix S5 Deciding Modification Requests for Search and Urine Sample Taking Practices, Administrative Form 70 Request for Modification to Search and/or Urine Sample Taking Practices and section 8C of the CSR.

There is to be no change to standard practices while a request is being considered by the delegate. For clarity, the removal of clothing search conducted upon reception to a men's corrective services facility will be conducted by male corrective services officers and the removal of clothing search conducted upon reception at female corrective services facilities will be conducted by female corrective services officers. Where centres have body scanning technology installed, this can be utilised instead by any officer in accordance with the provisions of this COPD and the Directions for a Search of a Prisoner Requiring the Removal of Clothing.

If a prisoner requests a search modification at a later time during their custodial admission, this is not grounds or cause to postpone a justifiable search or urinalysis being conducted while the request is being considered.

5.2 Approved modifications

The prisoner has a responsibility to advise the searching officers if they have been approved for a modification to standard practices. Once the officer is aware of the possibility of an approved modification, where operationally viable, they will confirm this by referring to the approval document on IOMS. Officers should confirm the nature of the modification before proceeding with the search.

If it is not operationally viable to conduct the search in accordance with the approved modification, the Supervisor must be contacted prior to the test commencing to determine if a refusal can be granted on a case-by-case basis. Refer to Appendix S5 Deciding Modification Requests for Search and urine Sample Taking Practices, section Case-by-case Modification Refusals – Emergent Situations.

5.3 Refusal by prisoner

In the event a prisoner refuses to submit to a search the following COPDs may assist when deciding on an action to be taken:

- a) Tactical Options Response - Use of Force; or
- b) Breaches of Discipline.

6. Targeted Searches





7. Property Searches

Property searches limit the rights to property and the right to privacy and are required to prevent or restrict the entry of prohibited items into the corrective services facility. The property search positively engages the right to security of person for prisoners and officers and therefore the purpose of the limit to human rights is assessed as balanced against the safety of individuals and the safety and security of the corrective services facility.

As necessary, a comprehensive search is to be undertaken of individual items, which includes a thorough inspection to ensure there is no concealment of prohibited items. Refer to the Appendix S1 Prohibited Things.

Property searches are to be conducted:

- a) upon admission;
- b) of approved items prior to issuing to a prisoner;
- c) of items issued to a prisoner immediately prior to a movement external to the facility;
- d) of clothing prior to issuing to a prisoner for any court appearance or leave of absence; and
- e) when a prisoner returns to custody at a corrective services facility with property following an external movement.

8. Personal Searches

Personal searches limit the right to privacy and the right to humane treatment when deprived of liberty, specifically with respect to the inherent dignity of the human person.

The purpose of personal searches is to ensure the safety and good order of the corrective services facility and the safety of persons in the facility. Personal searches achieve this by preventing or restricting the entry of prohibited items into the corrective services facility and the concealment of prohibited items on the person. It is recognised that personal searches may be intimidating and degrading for the prisoner involved, but at this time, there are no alternative methods available that maintain the same level of security. To limit the intimidating feelings that a personal search can evoke, this document provides a standardised process that all officers are to follow when conducting a personal search. Personal searches positively engage the right to security of person for other prisoners and officers and therefore the purpose of the limit to human rights is assessed as balanced against the limitation caused to the human rights.

The Chief Executive or delegate may order the personal searching of prisoners be conducted at any time to ensure the security and good order of the corrective services facility and the safety of persons in the facility. This includes whenever prisoners leave a part of the corrective services facility and where prisoners may have access to concealable prohibited things e.g. a kitchen or workshop.

A prisoner detained in a women's corrective services facility must be searched by a female corrective services officer and a prisoner detained in a men's corrective services facility must be searched by a male corrective services officer, unless a modification has been approved by the Chief Superintendent of the corrective services facility.





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Refer to section 8C(3) of the CSR, the section Search Requirements of this COPD and the Appendix S5 Deciding Modification Requests for Search and Urine Sample Taking Practices.

When conducting a personal search, the prisoner is to be asked to remove their hat, shoes/socks, bags or excess clothing. The removed articles must be searched, item by item, in the following manner:

- a) all pockets emptied;
- b) stitched seams and sleeves checked for concealed articles;
- c) inner linings checked for evidence of damage or tampering;
- d) loose inner soles in shoes removed;
- e) shoes held by the toes and heels banged against each other to loosen any secreted items, and shoe cavities checked; and
- f) each sock turned inside out.

The searching officer must stand to a side-on position to the prisoner and:

- a) if the prisoner is wearing a jumper or jacket, direct the prisoner to remove the item and shake it to ensure nothing is concealed within the jumper or jacket;
- b) ask the prisoner to run their fingers through their hair;
- c) inspect the prisoner's mouth and ears;
- d) ask the prisoner to raise each foot and wiggle their toes;
- e) search the seams on the collar of the clothing on the side facing the officer;
- f) apply light pressure with the palms of the hands and pat over the prisoner's torso, paying particular attention to the recess of the spine, until reaching the belt line;
- g) search the waistband of clothing by applying pressure with the thumb and finger around the inside of the band;
- h) ensure pockets are patted; and
- i) ensure pant cuffs are unrolled and patted.

The searching officer is then to repeat the search on the prisoner's other side.

9. Authority to Conduct Removal of Clothing Searches

Removal of clothing searches limit human rights including the right to privacy and the right to humane treatment when deprived of liberty, specifically with respect to the inherent dignity of the human person. The purpose of removal of clothing searches is to ensure the safety and good order of the corrective services facility and the safety of persons in the facility. The searches achieve this by preventing or restricting the entry of prohibited items into the corrective services facility and preventing the continued concealment of prohibited items that have entered the facility. It is recognised that a removal of clothing search is intrusive and may cause feelings of violation and humiliation. These feelings can be exacerbated for prisoners from particular cultural backgrounds or religions as well as for vulnerable prisoners, particularly those who have experienced past sexual and/or physical abuse. For these prisoners, the search can be retraumatising. A scanning search would be an alternative means of achieving the relevant purpose, but this technology isn't currently available in QCS. This policy mitigates the limitations imposed to some extent by providing a standardised process for how these searches are to be conducted, in accordance with the legislative provisions.

Removal of clothing searches positively engage the right to security of person of the individual being searched, and also the right to security of person for other prisoners and officers. In this regard, it is highly relevant to consider that limiting the human rights of a person being searched may often serve to protect the human rights of others.





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9.1 Searches requiring the removal of clothing of prisoners on chief executive's direction

Section 35(1) of the CSA provides that the Commissioner or delegate may give a written direction to a corrective services officer to carry out a removal of clothing search as stated in the direction.

For a high security facility, the Direction requires that a prisoner must be searched requiring the removal of clothing at the following times:

- a) when a prisoner enters a corrective services facility;
- b) when a prisoner is moving from a low custody facility to an adjoining high security centre for reasons such as a medical appointment;
- c) immediately prior to the exit of a prisoner from a corrective services facility for the purposes of an external transfer or leave of absence;
- d) any time a prisoner enters the facility with regard to inter-facility contact;
- e) when a prisoner enters a health centre, safety unit or S4 accommodation unit under a safety order;
- f) when a prisoner is subject to a safety order and, prior to being placed in the approved accommodation nominated on the order;
- g) whenever a prisoner on a safety order as a result of being at risk of self-harm or suicide in accordance with the Custodial Operations Practice Directive: At Risk Management: At Risk and in accordance with any requirements for searching included in the prisoner's At Risk Management Plan;
- h) before a prisoner begins a period of separate confinement;
- i) before a prisoner is transferred or removed from the facility for any of the purposes stated in Chapter 2, Part 2, Division 7 Transfer and removal of Prisoners of the CSA;
- j) before a prisoner is required to provide a test sample of urine.

Refer to the Queensland Corrective Services Direction for a Search Requiring the Removal of Clothing of Prisoners, including for provisions for prisoners at a low security facility and those subject to a Maximum-Security Order; and the QCS Instrument of Delegation of Chief Executive Powers.

Removal of clothing searches conducted under section 35 must be carried out as required under the Direction.

Section 35(3) of the CSA provides a direction under subsection (1) does not apply to a particular prisoner if the Commissioner or delegate, reasonably considers it unnecessary for the search to be carried out on the prisoner because of the prisoner's exceptional circumstances. For example:

The direction requires a search requiring the removal of clothing of a prisoner to be carried out when a prisoner enters a corrective services facility.

A pregnant prisoner returns to the facility from an escorted antenatal visit and the corrective services officer who escorted the prisoner advises that the prisoner had no likely opportunity to obtain a prohibited thing while on the visit. The delegate may consider it unnecessary for the search to be carried out on the prisoner.





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9.2 Search requiring the removal of clothing of prisoners on chief executive's orders - generally

Section 36(1) of the CSA provides that the chief executive may order a search requiring the removal of clothing of one or more prisoners if the chief executive or delegate is **satisfied** the search is **necessary** for:

- a) the security or good order of the corrective services facility; and /or
- b) the safe custody and welfare of prisoners at the facility.

An example of this is: a knife is missing from the kitchen of a corrective services facility. Personal searches are conducted on each prisoner who worked in the kitchen that day, however the knife is not found. The chief superintendent or other delegate may be satisfied that a search requiring the removal of clothing of each prisoner who worked in the kitchen that day is necessary for the security or good order of the facility or for the safe custody and welfare of prisoners at the facility.

Section 36(2) of the CSA provides that a search requiring the removal of clothing under this section may be preceded by another less intrusive search.

In recognition of the limit to human rights that are engaged in the carrying out of a removal of clothing search under section 36, consideration is to be given to preceding a removal of clothing search with a less intrusive search and the removal of clothing search is to be progressed on occasions where the delegate is **satisfied this is necessary** for reasons listed at a or b above.

9.3 Search requiring the removal of clothing on reasonable suspicion

Section 37(1) of the CSA provides that the Commissioner or delegate may order a search requiring the removal of clothing of a prisoner if they **reasonably suspect** the prisoner has a prohibited thing concealed on the prisoner's person.

This provision is to be used to apply to a particular prisoner in a particular situation in contrast to a larger cohort of prisoners who may be affected by the removal of clothing searches outlined in 9.1 and 9.2.

A reasonable suspicion is a suspicion on grounds that are reasonable in the circumstances. While a suspicion does not have to be a strong conviction or belief, it is required to be more than idle wondering or assumptions. It is a positive feeling of apprehension or mistrust based on the circumstances available. There must be sufficient factual grounds to induce the suspicion and the suspicion must be reasonable, as opposed to arbitrary, irrational or prejudiced. It is more than a 'hunch'.





Section 37(2) of the CSA provides that a search requiring the removal of clothing under this section may be preceded by another less intrusive search.

In recognition of the limit to human rights that are engaged in the carrying out of a removal of clothing search as stated above, consideration is to be given to preceding a removal of clothing search with a less intrusive search and the removal of clothing search is only to be progressed on occasions where the delegate has a **reasonable suspicion** the prisoner has a prohibited thing concealed on their person.





10. Required Method for a Removal of Clothing Search

The CSA and CSR are prescriptive in the lawful authority that a corrective services officer must comply with when directing a prisoner/s to undertake a search requiring the removal of clothing. Only practices identified in the CSA and CSR may be implemented when undertaking these searches and historical practices (e.g. asking a prisoner to squat or asking a male prisoner to lift his scrotum or asking a female prisoner to lift her breasts), are not authorised under the legislation.

The prisoner should be allowed to remain partially clothed at all times, and the search should be carried out as quickly as possible.

The following method for a search is required for a removal of clothing search of a prisoner in accordance with section 38 of the CSA and section 9 of the CSR:

- a) Determine the appropriate officers to conduct the search in accordance with section Search Requirements of this COPD. Where operationally viable, this may include reviewing IOMS to determine if the prisoner has been approved a modification to search practices by the Chief Superintendent. If the modification is not appropriate in the immediate circumstances, refer to the process for 'Case-by-case Refusals – Emergent Situations' in Appendix S5 Deciding Modification Requests for Search and Urine Sample Taking Practices and contact the Supervisor.
- b) A search requiring the removal of clothing of a prisoner must be carried out by at least two corrective services officers, but by no more officers than are necessary to carry out the search.
- c) A search requiring the removal of clothing of a prisoner must not be carried out in the presence of anyone who is not carrying out the search.
- d) Before carrying out the search, one of the corrective services officers must tell the prisoner:
 - i. that the prisoner will be required to remove the prisoner's clothing during the search; and
 - ii. why it is necessary to remove the clothing.
- e) Where the prisoner makes a request to modify, or withdraw a modification to, the search procedure at the time it is occurring, the request is not grounds to immediately modify/postpone a legitimate search. The request must be case noted, the prisoner provided with the Administrative Form 70 Request for Modification to Search and/or Urine Sample Taking Practices and the completed form provided to the delegate for consideration as soon as practicable after completing the search.
- f) A corrective services officer carrying out the search:
 - i. must ensure, as far as reasonably practicable, that the way in which the prisoner is searched causes minimal embarrassment to the prisoner. This includes officers not making any unnecessary remarks about a prisoner's body;
 - ii. must take reasonable care to protect the prisoner's dignity;
 - iii. must carry out the search as quickly as reasonably practicable; and
 - iv. must allow the prisoner to dress as soon as the search is finished.
- g) A corrective services officer carrying out the search must, if reasonably practicable, give the prisoner the opportunity to remain partly clothed during the search, including for example, allowing the prisoner to dress their upper body before being required to remove clothing from the lower part of the body.
- h) If a corrective services officer seizes clothing because of the search, the officer must ensure the prisoner is left with, or given, reasonably appropriate clothing.
- i) A corrective services officer carrying out the search may require the prisoner to do any or all of the following during the search:
 - i. hold their arms in the air;
 - ii. stand with their legs apart; and





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- iii. lean forward.

The purpose of having the prisoner lean forward is to allow for a more thorough search for contraband.

The prisoner is not to be directed to bend forward unsupported but should always be allowed to lean supported with their hands or forearms on a stable structure e.g. a wall, as directed by the officer. In requiring a prisoner to lean forward as part of a search the prisoner must not be required to remain in that position for an unreasonable period of time.

A prisoner must not be directed to lean at such an angle that may make the action unsafe.

In determining whether to direct the prisoner to lean forward as part of the search the following factors must be considered:

- a) whether the requirement to lean forward is reasonably necessary to effectively carry out the search;
- b) age of the prisoner;
- c) mobility of the prisoner;
- d) if the prisoner is infirm;
- e) if the prisoner has a disability which could prevent them from leaning forward;
- f) whether the prisoner is pregnant or breast feeding; and
- g) any other factor that may prevent the prisoner from safely undertaking the direction.

A corrective services officer carrying out a search requiring the removal of clothing may also incorporate the following practices which are in accordance with legislative requirements:

- a) The prisoner is to run their fingers through their hair.
- b) The prisoner's mouth and ears are to be inspected.
- c) The prisoner is to raise each foot and wiggle their toes.
- d) The prisoner is to be instructed to remove upper clothing. Upper outer and inner garments are to be searched and returned to the prisoner who may put them back on.
- e) The prisoner is then instructed to remove the lower clothing. Lower outer and inner garments are to be searched and returned to the prisoner who may put them back on.
- f) The officer conducting the search must not make physical contact with the prisoner being searched. The officer may only consider using reasonable force where there is an immediate risk that endangers the life of the prisoner or others and the use must be approved by the Chief Superintendent or Superintendent prior to the search being conducted. Refer to 'Removal of Clothing Search for Non-Compliant Prisoners' section of this COPD.

A regulation may prescribe other requirements and procedures for ensuring the effective carrying out of searches requiring the removal of clothing of prisoners. A failure to comply with a requirement under this section in relation to a search does not invalidate the carrying out of the search. A search requiring the removal of clothing in accordance with sections 35, 36 or 37 of the CSA must be recorded in a register.

Refer to the Administrative Form 304 Example Removal of Clothing Search Register (Minimum Standard).

All prisoners entering and leaving a visits area may be subject to a search requiring the removal of clothing.





Custodial Operations Practice Directive

10.1 Management of monitoring device recording

If the prisoner is detained in a women's corrective services facility, steps must be taken to ensure that no male corrective services officer views the search through an electronic device that monitors the area in which the prisoner is searched.

If the prisoner is detained in a men's corrective services facility, steps must be taken to ensure that no female corrective services officer views the search through an electronic device that monitors the area in which the prisoner is searched.

Where this is not possible, steps must be taken to ensure the officer does not view the recording, such as the officer turns away from viewing the recording, to preserve the dignity of the prisoner.

However, the above restrictions do not apply if a Supervisor reasonably believes there is no suitable corrective services officer readily available to monitor the area during the search and it is being conducted in circumstances of imminent risk to the life or safety of the prisoner or staff.

If a recording is made on a video recorder or visual monitoring device of a search under section 10 of the CSR, the recording must be kept in a secure place.

The recording must not be shown to anyone other than persons listed in section 10(2) of the CSR.

The Chief Superintendent of the corrective services facility must ensure that all personnel operating closed circuit television monitoring and other recording devices are instructed on, and acknowledge the intent of:

- a) the Code of Conduct for the Queensland Public Service; and
- b) the COPD Facility Security: Security Management Systems and Intercoms.

A body worn camera must not be activated to record a search of a prisoner requiring the removal of clothing. Refer to the COPD Safety and Security Equipment: Body Worn Cameras.

11. Removal of Clothing Searches for Female Prisoners

Removal of clothing searches limit the right to privacy and the right to humane treatment when deprived of liberty, specifically with respect to the inherent dignity of the human person. The purpose of removal of clothing searches is to ensure the safety and good order of the corrective services facility and the safety of persons in the facility. The searches achieve this by preventing or restricting the entry of prohibited items into the corrective services facility. It is recognised that a removal of clothing search is intrusive and may cause feelings of violation and humiliation. These feelings can be exacerbated for prisoners from particular cultural background or religion as well as for vulnerable prisoners, particularly those who have experienced past sexual and/or physical abuse.





Custodial Operations Practice Directive

For the above reasons it is recognised, that removal of clothing searches may be particularly traumatising for women.

The individual needs of female prisoners must be accommodated when conducting removal of clothing searches including, but not limited to:

- a) the prisoner's menstrual cycle;
- b) if the prisoner is pregnant or breastfeeding;
- c) if they have a disability; and
- d) if they have children with them.

If a female prisoner is required to remove their headwear during the course of a removal of clothing search, where operationally feasible and safe to do so, they are to be given access to a mirror to assist them in reattaching their headwear in private after the search. A reasonable amount of privacy includes staff remaining present on the other side of an ajar door or curtain, or allowing the prisoner to remain in their cell after staff leave, to reattach their headwear. The removal of clothing search process is not considered complete until after the female prisoner has reattached her headwear and the 'Management of monitoring device recording' section of this COPD still applies until this time.

11.1 Pregnant women

A pregnant woman is not required to participate in a Removal of Clothing search in the following circumstances, unless reasonable suspicion exists that she has a prohibited thing concealed on her person:

- a) returning to a high security facility from an escorted medical appointment; and
- b) entering or leaving a visits area.

If it is reasonably suspected that a woman is concealing a prohibited thing on her person, approval to conduct a removal of clothing search is to be obtained from the delegate.

The reason/s for suspicion and details of the approval must be recorded in a case note in the 'Removal of Clothing Search' category.

When following the required method for conducting a removal of clothing search, pregnancy is a factor that must be considered in determining whether to direct the prisoner to lean forward as part of the search, in addition to the other factors listed in the 'Required Method for a Removal of Clothing Search' section of this COPD.

11.2 Women who are menstruating

Removal of clothing searches must only occur when suitable supplies of sanitary items (sanitary pads, sanitary bins/bags) are available in the searching location.

A woman is not to be required to remove a tampon.

At the commencement of the search, the woman must be provided with the opportunity to dispose of their sanitary item by using the bags/bins provided. The dignity of the woman must be preserved at all times.

After the search is completed, the woman is to be provided with a fresh sanitary item for them to apply in privacy. The application of the fresh item does not form part of the search.





11.3 Women who are breastfeeding

Removal of clothing searches must only occur when suitable supplies of breast pads are available in the searching location. After the search is completed, the woman is to be provided with fresh breast pads for them to apply in privacy. The application of the fresh breast pads does not form part of the search.

When following the required method for conducting a removal of clothing search, breastfeeding is a factor that must be considered in determining whether to direct the prisoner to lean forward as part of the search, in addition to the other factors listed in the 'Required Method for a Removal of Clothing Search' section of this COPD.

The dignity of the woman must be preserved at all times.

11.4 Women with children in custody

Women who have children in their presence are not required to participate in a removal of clothing search upon returning to a high security facility from a medical appointment, unless reasonable suspicion exists that she has a prohibited thing concealed on her person.

If it is reasonably suspected that a woman is concealing a prohibited thing on her person, approval to conduct a removal of clothing search is to be obtained from the delegate.

The reason/s for suspicion and details of the approval must be recorded in a case note in the 'Removal of Clothing Search' category.

Prior to the search commencing, the child's approved prisoner carer is to attend the searching location to collect the child. The child is to remain in the care of the prisoner carer in the accommodation area until the search is complete and the prisoner is allowed to leave the area.

11.5 Aboriginal and Torres Strait Islander women

Considerations relevant to the specific cultural rights of Aboriginal and Torres Strait Islander women must be taken into account during any decision-making. Considering the cultural protocol of women's business, searches must be conducted by female officers.

Decisions are to be made on a case-by-case basis taking into account the traumatic impact of removal of clothing searches.

11.6 Women accommodated in a low security facility

Women accommodated in a low security facility are not to undergo a removal of clothing search on either their departure or return. This includes on return from attending the high security facility of the centre following a medical appointment or program attendance.

Should it be reasonably suspected that a prisoner is concealing a prohibited thing on their person, approval to conduct a removal of clothing search is to be obtained from the delegate.

11.7 Non-compliant women

In instances where a woman refuses to comply with a Removal of Clothing search, the delegate must be informed and alternative management strategies employed to gain compliance, that take account of the individual circumstances and risks.





12. Removal of Clothing Searches for Gender Diverse and Lesbian, Gay, Bisexual, Trans/transgender, Intersex, Queer/questioning and Asexual (LGBTIQA+) Prisoners

Removal of clothing searches limit the right to privacy and the right to humane treatment when deprived of liberty, specifically with respect to the inherent dignity of the human person. The purpose of removal of clothing searches is to ensure the safety and good order of the corrective services facility and the safety of persons in the facility. The searches achieve this by preventing or restricting the entry of prohibited items into the corrective services facility. It is recognised that a removal of clothing search is intrusive and may cause feelings of violation and humiliation. These feelings can be exacerbated for prisoners from particular cultural background or religion as well as for vulnerable prisoners, particularly those who have experienced past sexual and/or physical abuse.

It is recognised, that removal of clothing searches may be particularly traumatising for individuals in this cohort and officers conducting these searches are to be cognisant of this and treat all prisoners with dignity and respect. Prisoners must not be discriminated against or harassed on the grounds of sexual identity, gender identity or related issues. A prisoner must be provided an opportunity to request a modification of search procedures to take account of their special or diverse needs. This must be provided initially on admission or as soon as practicable after admission. The prisoner must also be allowed, within reasonable limits, to make a request at a later time or withdraw/change a request. Refer to section 'Modification requests to standard search procedures' of this COPD.

Considerations relevant to the LGBTIQA+ cohort of prisoners (where this is known) must be taken into account during any decision-making. Decisions are to be made on a case-by-case basis following an individualised assessment of relevant factors, including relevant human rights and the reasonableness of the actions being considered.

12.1 Considerations for Aboriginal and Torres Strait Islander transgender women

Considerations relevant to First Nations transgender women (where this is known) must be taken into account during any decision-making.

Decisions are to be made on a case-by-case basis taking into account the traumatic impact of removal of clothing searches.

12.2 Additional considerations for trans and gender diverse prisoners

Staff should be aware, and be prepared for the fact, that a trans and gender diverse prisoner may not have the genitalia of the gender with which the prisoner identifies. Refer to the COPD Trans and Gender Diverse Prisoners.

13. Removal of Clothing Search for Non-Compliant Prisoners

A forced removal of clothing search **must only** be considered where there is an immediate risk that endangers the life of the prisoner or others and must be approved by the Chief Superintendent or Superintendent prior to the search being conducted. Refer to section 14.7 Non-compliant women for additional considerations.





Custodial Operations Practice Directive

A forced removal of clothing search is considered a planned use of force (UoF) and permission must be obtained from the delegate prior to proceeding with the search, which if approved, must be conducted in accordance with the COPD Tactical Options Response - Use of Force.

Approval must be requested and consideration given by the approving delegate, only after all other non-UoF options have been exhausted, including allowing a reasonable time for the prisoner to comply with the removal of clothing direction.

Where approval is given to progress with the search, prior to this being conducted, consideration should be given to the roles and responsibilities of staff that will be involved. In this planning stage, consideration should be given to selecting officers with the relevant experience and skills to safely conduct the search.

14. Use of Body Scanners for Female Prisoners

Removal of clothing searches limit the right to privacy and the right to humane treatment when deprived of liberty, specifically with respect to the inherent dignity of the human person.

As stated above, it is recognised that a removal of clothing search is intrusive and may cause feelings of violation and humiliation and can be particularly traumatising for women.

In recognition of this, at female corrective services facilities where body scanning equipment is available, a body scan search will be used, where this is possible, to replace some routine removal of clothing searches.

Body scan searches must only be conducted at corrective services facilities which have body scanning equipment installed and which have been approved to conduct body scan searches.

Only authorised corrective services officers (authorised operators) who are suitably qualified and experienced may conduct body scanner searches. Refer to Appendix S4 Safe Operation of Body Scanner Equipment Guidelines and the RSPP.

Body scan searches may be conducted on pregnant prisoners in accordance with the provisions of this COPD, being mindful of the lesser dose constraints for this cohort of prisoners provided for in the Appendix S4 Safe Operation of Body Scanner Equipment Guidelines and the RSPP.

Body scan searches **must not** be conducted on children accommodated at corrective services facilities.

Female prisoners are not required to remove any sanitary items to participate in a body scan search.





Custodial Operations Practice Directive

14.1 Conducting a body scan search

A body scan search may be conducted by an authorised operator of any gender, regardless of the gender of the prisoner to be searched. A body scan search may be conducted instead of a removal of clothing search, taking into account an assessment of any relevant risk factors.

Body scan searches must be carried out by at least one authorised operator, but by no more than are reasonably necessary to carry out the search. Refer to section 26C of the CSR.

Body scan searches **must not** be carried out on any person if their annual accumulated effective dose from body scanning searches is likely to exceed the dose constraints provided for in the RSPP, unless this is specifically approved by the Radiation Safety Officer. Refer to the Appendix S4 Safe Operation of Body Scanner Equipment Guidelines and the RSPP.

Before conducting a body scan search on a prisoner, the prisoner must be made aware of:

- a) the purpose of the scan;
- b) that the equipment emits ionising radiation;
- c) each body scan will be at an effective dose of two micro sieverts;
- d) the effective dose is less than the radiation that a person would be exposed to during a one hour flight;
- e) Radiation Health, a division of Queensland Health (Q Health), regulates the use of body scanners in QCS facilities. All QCS' body scanning practice, equipment and premises comply with the requirements of the *Radiation Safety Act 1999 (Qld)* and radiation safety regulations and standards. QCS staff are trained and issued a licence to use the equipment;
- f) that more information relating to the safety of the use of body scan equipment is available; and
- g) a maximum of **two body scan searches** per prisoner can be conducted in any single instance. A second scan may be conducted at the discretion of the officer conducting the body scanning search **only** if the first scan image is distorted by prisoner movement. Any prisoner attempting to distort or interfere with imaging from the second scan should be taken to be non-compliant with the search. In every instance a second scan has to be undertaken, the reason for the second scan **must be** recorded in the relevant search register and the Radiation Safety Officer (RSO) **must be** notified.





14.2 Prisoner request for exclusion from the body scan process

A prisoner's request to be considered for exclusion from the body scanning process is to be referred to the RSO for consideration. Where a prisoner makes this request due to medical reasons, this must be confirmed with Q Health.

14.3 Body scan searches on prisoners with a disability/mobility impairment

Where a prisoner has a disability or mobility impairment (e.g. requiring the use of a wheelchair) which may hinder their ability to assume the correct scanning position, the prisoner must be asked whether they are capable of assuming the correct scanning position for the duration of the scan and be advised what alternative search methods may be available in the event that they are unable. When making such a request officers should be mindful of doing so in a respectful manner which causes minimal embarrassment to the person.

Officers should also provide any necessary assistance (i.e. keeping any mobility equipment as close as is safely possible to facilitate ease of entry and exit) to assist mobility impaired prisoners who are undertaking body scans.

14.4 Detection of a prohibited item – concealed on the person

Where a body scan image of a prisoner gives rise to a reasonable suspicion that the prisoner is concealing a prohibited item on their person, a correctional supervisor must be notified and the prisoner may be subject to further searches as outlined in this COPD. Refer to the 'Post Search Action Required' section of this COPD, Appendix S1 Prohibited Things and COPD Incident Management: Incident Management Process.

14.5 Detection of a prohibited item – concealed internally

Where a body scan image of a prisoner gives rise to a reasonable suspicion that a prisoner may be concealing an item internally, a correctional supervisor must be notified and advice provided to Q Health with respect to this.

In addition, consideration should be given to raising a safety order taking into account the assessed individual risks and needs of the prisoner and the security and good order of the corrective services facility. Refer to section 53 of the CSA.





Custodial Operations Practice Directive

Refer to the 'Post Search Action Required' section and 'Body Search' section of this COPD, Appendix S1 Prohibited Things and the COPD Incident Management: Incident Management Process.

15. Body Search

The Chief Executive or delegate may authorise a health practitioner to conduct a body search of a prisoner in accordance with section 39 of the CSA if the chief executive or delegate reasonably believes:

- a) the prisoner has ingested something that may jeopardise their health or wellbeing;
- b) the prisoner has a prohibited thing (refer to the Appendix S1 Prohibited Things) concealed within their person that may potentially be used in a way that may pose a risk to the security or good order of the facility; or
- c) the search may reveal evidence of the commission of an offence or breach of discipline by the prisoner.

Two health practitioners must be present during the body search.

If the prisoner is detained in a women's corrective services facility, at least one of the health practitioners present at the search must be a female health practitioner and a person helping to conduct the search must be a female helper. If the prisoner is detained in a men's corrective services facility, at least one of the health practitioners present at the search must be a male health practitioner and a person helping to conduct the search must be a male helper.

These restrictions do not apply in an emergency or if the chief executive has accepted a request to modify the search process. Refer to sections 8B and 10A of the CSR.

A health practitioner may seize anything discovered during the body search if:

- a) seizing the thing would not be likely to cause grievous bodily harm to the prisoner; and
- b) the health practitioner reasonably believes the thing may be evidence of the commission of an offence or breach of discipline by the prisoner.

The health practitioner must give a seized thing to a corrective services officer as soon as practicable after seizing it.

16. Recording Details of a Search - Mandatory Requirements

Details of all scanning, 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 to the COPD Daily Operations: Gate Books 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 section 40 of the CSA and section 10 of the CSR;
- 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 log book.





Custodial Operations Practice Directive

16.1 Recording body scan searches and images produced by body scan searches

To ensure the effective and safe operation of body scanner equipment at QCS facilities, records are to be kept of body scan searches to ensure the effective doses to prisoners screened with body scanning equipment are below the annual dose constraints outlined in the Appendix S4 Safe Operation of Body Scanner Equipment Guidelines and the RSPP.

Details of each scan undertaken must be recorded in the relevant search register and must include the following information:

- a) the scanned person's name and IOMS number;
- b) the date the body scanning is performed; and
- c) the particulars of the body scanning performed.

The accumulated reference effective dose received by each prisoner scanned will be manually recorded by the body scanner equipment.

Images produced by body scan searches will be stored for 30 days unless a prohibited item is detected. Body scan images must be kept securely and **must not** be shown to any person not prescribed by section 26E of the CSR. Refer also to s 26D of the CSR.

17. 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.

18. Complaints

Complaints must be actioned appropriately and in a timely manner.

19. Prisoner Deemed in Possession of Prohibited Thing

If a prohibited thing is located in a prisoner's cell that is occupied solely by that prisoner, or is located on a prisoner, it is deemed evidence that the thing was in the prisoner's possession when it was found. Refer to section 123(4) of the CSA, the Appendix S1 Prohibited Things and the COPD Incident Management: Incident Management Process.

20. Post Search Action Required

20.1 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.





Custodial Operations Practice Directive

20.2 Response to a positive search – report

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

21. Mail

21.1 Ordinary mail

Ordinary mail means mail other than privileged mail.

The searching of prisoner mail engages the right to privacy. The purpose of these searches is to ensure the safety and good order of the corrective services facility and the safety of persons in the facility by preventing or restricting the entry of prohibited items into the corrective services facility and by identifying anything that appears to be intended for the commission of an offence. Searches of prisoner mail positively engages the right to security of person for other prisoners and officers and therefore the purpose of the limit to human rights is assessed as balanced against the limitation caused to the human rights.

Only a corrective services officer authorised by the Chief Executive should open, search and censor ordinary mail and this should be done in the presence of another corrective services officer.

All outgoing ordinary mail must be left unsealed by the prisoner for monitoring purposes by corrective services officers prior to posting.

Ordinary mail sent to, or out by, a prisoner may be opened and inspected to determine whether or not the contents of the letter or parcel may pose a risk to the safety and security of the centre, the safety and welfare of any prisoner or anything that appears to be intended for the commission of an offence.

If the search of a prisoner's ordinary mail reveals information about the commission of an offence, the mail may be seized by a corrective services officer. The Chief Executive or delegate must give the information revealed in the mail to the relevant law enforcement agency.

21.2 Privileged mail

Privileged mail means mail sent to, or by, a person who is prescribed under section 17 of the CSR





Custodial Operations Practice Directive

Where a prisoner receives privileged mail, a corrective services officer may:

- a) hand unopened privileged mail to a prisoner and request that the prisoner remove any contents and demonstrate to the officer that no unauthorised articles are contained (e.g. prisoner to shake the contents or flip through the pages of the mail) - the officer must not physically handle or read the contents of the mail at this point; and/or
- b) request that the empty envelope be handed to the officer for inspection.

If the officer considers the privileged mail may contain an unauthorised article or may not be privileged mail or the prisoner refuses to comply with either of the above, refer to the COPD Prisoner Entitlements: Prisoner Communications and sections 263 and 265 of the CSA.

21.3 Search of privileged mail

Privileged mail to or from a prisoner is not subject to a standard search. Privileged mail should be forwarded unopened. Refer to section 17 of the CSR.

Only a corrective services officer authorised by the Chief Executive may conduct a search of privileged mail in accordance with section 45(2) of the CSA. Refer to the Queensland Corrective Services Instrument of Authorisation, noting custodial correctional officers generally have not been authorised to conduct this search.

If a corrective services officer considers privileged mail may contain an unauthorised article or may not be privileged mail, the officer must advise the Chief Executive or delegate who must decide whether to conduct a search of the mail in accordance with section 45 of the CSA.

Under no circumstance should the Chief Executive or delegate read mail that is marked "privileged", other than to establish that it is privileged mail in accordance with sections 45(2) and (3) of the CSA, unless express written permission has been received from the prisoner to whom the mail is addressed.

If a search of privileged mail reveals information about the commission of an offence, the Chief Executive or delegate should first confirm that the mail is not merely discussing details of the offence for which the prisoner is currently detained.

The Chief Executive or delegate may seize mail that reveals information about the commission of an offence and give the information revealed in the mail to the relevant law enforcement agency.





Each corrective services facility must maintain a register that records the details of searches carried out on privileged mail. Refer to sections 49 and 291 of the CSA. The information recorded in the register must be completed as thoroughly as possible and the register made available for inspection by an Official Visitor upon request.

21.4 Seizure of privileged mail

Refer to sections 46 and 47 of the CSA and the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

If a search of privileged mail reveals a prohibited thing or something that may harm the person to whom the mail is addressed, the contents of the mail may be seized by the Chief Executive or delegate.

Where the Chief Executive or delegate has determined an offence has been committed a referral to the Commissioner of Police must be made.

PUBLIC VERSION

