

Youth detention centre OPERATIONAL POLICY

Title: YD-4-2 Youth detention – Search of a young person

Policy statement:

Any search of a young person must be actioned in strict compliance with the requirements of the *Youth Justice Regulation 2016*.

Accordingly, youth detention centres will ensure:

- search procedures and requirements are explained to young people during the induction process on admission
- searches of young people are undertaken only when reasonable grounds exist for the search
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- the reasonable grounds for conducting a search are explained to the young person
- the appropriate search is conducted commensurate to the level of risk assessed
- all searches are approved by a delegated officer authorised to approve that particular search type, prior to the search being conducted
- any search of a young person is conducted as quickly as reasonably possibly, with regard to their dignity, privacy and trauma history
- body worn cameras are not operational or worn whilst conducting or supporting a partially clothed search of a young person
- records are created of the search that are compliant with the requirements of the *Youth Justice Regulation 2016*.

Principles:

1. Search types

1.1 Where reasonable grounds exist, a young person may be subject to a:

- 1.1.1 wand search – a search where a young person remains clothed and is searched with a hand-held metal detector or ion scanner (only a young person's hands will come into contact with the ion scanner)
- 1.1.2 clothed search – a search where a young person remains clothed but is requested to remove their shoes and empty and turn-out their pockets, and staff then use a pat-down technique to search the young person
- 1.1.3 partially clothed search – a search of a young person that does not involve touching the young person and searches their upper and lower body, permitting the young person to remain partially clothed (i.e. upper body remains clothed while their lower body is searched and vice versa). Completely unclothed searches of a young person are strictly prohibited.

- 1.1.4 cavity search – a search of a young person that involves the visual, manual or instrument inspection of a young person’s body cavities by a medical professional.
- 1.2 A young person’s belongings or any unidentified substance that is found or surrendered during a search may be subject to an ion scan.

2. Mandatory requirements for search process

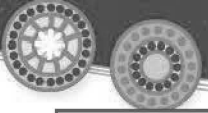
In seeking to undertake a search of a young person, youth detention operational staff must:

- 2.1 undertake a risk assessment
- 2.2 seek appropriate approval from an authorised officer prior to conducting the search, unless a standing approval applies (refer to section 4 below)
- 2.3 ensure the staff member searching the young person is of the same sex as the young person, unless the young person identifies as transgender or intersex (transgender and intersex young people must be asked to nominate the sex of the staff member that they feel most comfortable searching them¹)
- 2.4 conduct the search in a manner consistent with legislation, this policy and the procedures outlined in Chapter 4 – security management - Youth detention centre operations manual
- 2.5 record all searches in DCOIS.

3. Risk assessment to inform search decision

Security

¹ Refer to section 6 of this policy for more information about transgender or intersex young people.



Security

Level of risk assessed

Security

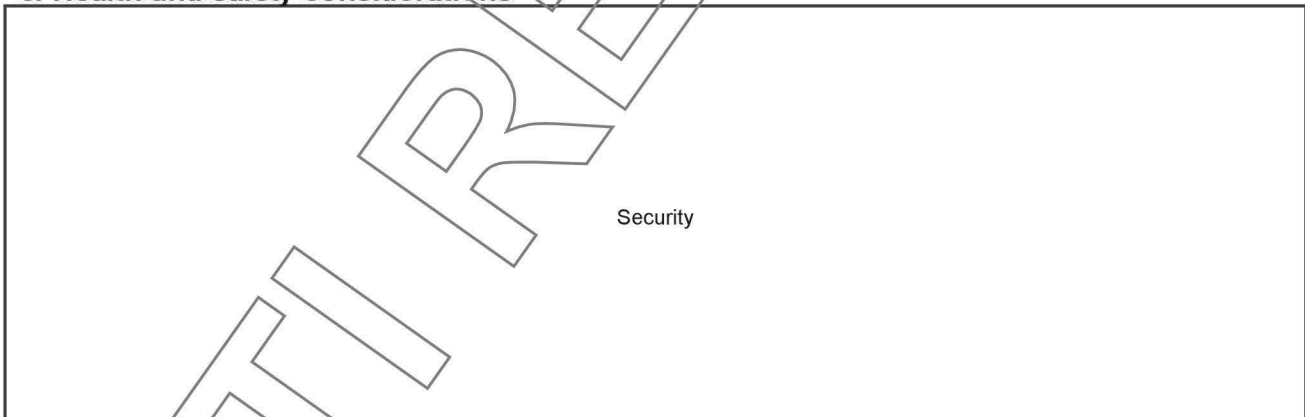
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4. Routine searches

- 4.1 Routine searches are part of the centre's standard dynamic and procedural security protocols.
- 4.2 A standing authority is in place approving the use of routine searches in youth detention centres (Standing Authority No. YD/13/01 – Searches authorised for routine security purposes).
- 4.3 Routine searches are to be conducted as necessary to maintain the safety and security of the centre.
- 4.4 Searches required for routine security purposes refer only to:
 - clothed pat-down and wand searches of young people in the following circumstances:
 - following a visit
 - following participation in a program before returning to their accommodation unit
 - following access to areas of a detention centre where restricted and/or prohibited articles may be found
 - upon leaving or returning to the centre
 - prior to being separated
 - prior to entering a bedroom if the young person is on high suicide prevention observations
 - searches of rooms, areas of the detention centre and vehicles entering and leaving the centre.
- 4.5 All searches must be recorded in DCOIS and include the risk assessment and justification for the search.
- 4.6 If there is a need to conduct an additional search, authorisation must be obtained from the relevant delegated officers. These searches require additional record keeping.
- 4.7 Separate authorisation must be obtained from the relevant delegated officer and additional record keeping requirements completed if reasonable force is required to conduct a routine search.

5. Health and safety considerations



6. Considerations for transgender and intersex young people

- 6.1 Transgender and intersex young people must be asked to nominate the sex of the staff member they feel most comfortable searching them for clothed and partially clothed searches.
- 6.2 The young person's nominated preference must be documented in DCOIS.
- 6.3 Youth detention staff may decline to search a transgender or intersex young person of the opposite sex without being subject to disciplinary action. Reasonable and timely enquiry should be taken to locate an appropriate staff member of the sex requested by the young person.

- 6.4 If a staff member of the requested sex is unavailable or not willing to undertake a search, the young person must be managed in a way that maintains regular observations to ensure the young person's safety, and the safety of the centre and others until such time as a search by an appropriate person can be facilitated. This may mean being placed temporarily in a camera room and/or on behavioural observations.
- 6.5 Youth detention casework staff should continue to have conversations about searches with the young person and ask whether the preference they nominated (for the sex of the youth worker searching them) continues to be their preference.
- 6.6 If a young person changes their mind about their preference (of the sex of the staff member they have nominated to search them) any search about to take place should cease. Any change of preference must be recorded on DCOIS immediately.

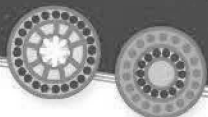
7. Reasonable force to conduct a search

- 7.1 The *Youth Justice Regulation 2016* permits the use of reasonable force to conduct all search types in instances where a young person fails to cooperate with the conduct of the search.
- 7.2 In instances where a cavity search has been authorised, reasonable force can only be used to conduct the search if the medical practitioner or Executive Director believes the search cannot be conducted in any other way.
- 7.3 To remove any doubt, use of reasonable force for any search type must only be enacted as an option of last resort.
- 7.4 If a young person is refusing to cooperate with the search, youth detention staff must make reasonable efforts to:
- communicate to the young person why the search must be conducted
 - negotiate with the young person to encourage them to cooperate
 - communicate to the young person that force may be used if they fail to cooperate
 - have a second staff member approach the young person to offer to search the young person (rather than the first staff member).
- 7.5 Staff can also consider separating² the young person in a sterile room and placing them under observation.
- 7.6 If after attempting the above steps force is still required, the staff member should discuss the proposed use of force with the shift Supervisor, Executive Director or on call manager and obtain their approval prior to any use of force.
- 7.7 If approved, the youth detention operational staff member who uses force to conduct a search must ensure that the least amount of force necessary is used.
- 7.8 If an immediate decision about the use of reasonable force is required in order to protect a person or property in the centre or to immediately obtain a dangerous item, and the staff member is unable to discuss the use of force with a Supervisor beforehand, the staff member may use reasonable force in accordance with [Policy YD-3-4: Youth detention protective actions continuum](#).
- 7.9 Any suspected use of unreasonable or unnecessary force will be referred to the department's Professional Standards unit.

8. Record keeping

- 8.1 All searches must be recorded on DCOIS and must include the risk assessment and justification for the search.

² In accordance with Policy YD3-8: Use of separation in response to an incident.



- 8.2 For pat and wand searches conducted as part of daily operations (to ensure the safety and security of the centre during young people's movements from programs to accommodation etc.) These searches are to be recorded on the relevant activity log as an occurrence, rather than against an individual young person. If items are found as part of this process, staff must create an ad-hoc search activity record and record: justification; approving officers; searching officers; items found and the young people searched.
- 8.3 Where a pat and/or wand search of a young person is conducted in a program area because there are reasonable grounds that a young person may be in possession of a restricted item missing from that area, staff must record the following on DCOIS: search type; justification; approving officers of search conducted; and what item(s), if any, were found
- 8.4 For partially clothed searches the shift Supervisor must:
- create an ad-hoc young person search record in the relevant log
 - detail the risk assessment and justification for the search and any special instructions.
- 8.5 All cavity searches, including risk assessment and justification, must be recorded in the cavity search register on DCOIS.
- 8.6 Staff must follow the additional guidance noted in chapter four of the Youth Detention Centre Operations Manual in relation to record keeping for searches of young people.

Objectives:

The department has a legislative responsibility to ensure that youth detention centres are safe and secure environments.

Searches are a risk reduction strategy that assist in the elimination and control items in a youth detention environment that have the potential to cause harm to people and/or property. Searches also contribute to the security management of a youth detention centre.

Accordingly, this policy identifies the types of searches that can be conducted of a young person in youth detention and regulates the way that searches are to be conducted.

Scope:

This policy applies to young people sentenced or remanded in a youth detention centres.

This policy is part of a suite of policies and processes developed to support the safe and secure operations of youth detention centres and is to be read in conjunction with:

- Policy YD-2-1: Admission of a young person
- Policy YD-4-1: Management of restricted and prohibited articles
- Policy YD-4-4: Retention and disposal of evidence relevant to an incident
- Chapter 4: Security Management, Youth Detention Centre Operations Manual.

Roles and responsibilities:

- Unit Manager and Shift Supervisor:
 - use professional judgement to assess the level of risk that exists to determine whether reasonable grounds exist for a young person to be searched

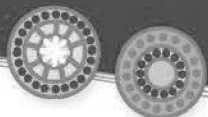
- demonstrate a duty of care to any young person who is searched, ensuring the search is recorded on DCOIS.
- Executive Director:
 - ensure practice complies with this policy, determining whether reasonable grounds exist to authorise a cavity search by a medical practitioner, ensuring that any medical practitioner required to do a cavity search on a young person understands their responsibilities under section 26 of the *Youth Justice Regulation 2016*
 - train new youth detention operational staff during their induction to ensure understanding of their responsibilities in accordance with this policy, and on appropriate wand, clothed and partially clothed search techniques.
- Director, Youth Detention Operations and Support:
 - review and update the induction booklet as required
 - provide practice support and advice to youth detention staff and youth detention management about issues relating to compliance with this policy, and
 - review and updates this policy as required.
- Director, Capability and Learning:
 - review and update training materials as required.

Authority:

Youth Justice Act 1992
Youth Justice Regulation 2016
Public Records Act 2002

Delegations:

Position	Delegation
Senior Executive Director, Youth Justice Executive Director, youth detention centre Director, Youth Detention Operations and Support	<i>Youth Justice Act 1992</i> Section 263 (2), (5) – Issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and wellbeing of children in detention. Comply with youth justice principles.
Senior Executive Director, Youth Justice Executive Director, youth detention centre Deputy Director Unit Manager Accommodation Unit Manager Operations Unit Manager Shift Supervisor Court Supervisor Section Supervisor Visits Coordinator, youth detention centre	<i>Youth Justice Regulation 2016</i> Section 23 (1) – Authorise staff member to search a child.
Senior Executive Director, Youth Justice Executive Director, youth detention centre Deputy Director Unit manager (accommodation) Unit Manager Operations Unit Manager Shift Supervisor Court Supervisor Section Supervisor Community assistance project Supervisor	<i>Youth Justice Regulation 2016</i> Section 23 (2) - Determine when search should take place.



Visits coordinator	
Senior Executive Director, Youth Justice Executive Director, youth detention centre Deputy Director Unit Manager Accommodation Unit Manager Operations Unit Manager Shift Supervisor	<i>Youth Justice Regulation 2016</i> Section 25 (1) - Determine when search should involve removal of clothes.
Senior Executive Director, Youth Justice Executive Director, youth detention centre	<i>Youth Justice Regulation 2016</i> Section 26(1) – Authorise medical practitioner to conduct a body search. When chief Executive may authorise body search.
Senior Executive Director, Youth Justice Executive Director, youth detention centre Unit Manager Operations Unit Manager Shift Supervisor Section Supervisor Community assistance Project Supervisor Visits Coordinator Youth worker	<i>Youth Justice Regulation 2016</i> Section 27 (2) – Must keep a register.
Senior Executive Director, Youth Justice Executive Director, youth detention centre Deputy Director Shift Supervisor Section Supervisor Visits Coordinator Youth Worker	<i>Youth Justice Regulation 2016</i> Section 28 (4) - Record particulars of property in property register.

Definitions:

For the purpose of this policy, the following definitions shall apply:

Term	Definition
Authorised officer	An officer with the delegated authority to approve the search type (refer to list of delegations).
DCOIS	Detention Centre Operational Information System
Executive Director	The Director of the youth detention centre.
Illegal article	Items which are illegal in the wider community, such as illicit drugs.
Intersex	Intersex people are born with physical, hormonal or genetic features that are neither wholly female nor wholly male; or a combination of female and male; or neither female nor male.
Ion scanner	A highly sensitive trace detector used to accurately detect and identify explosive threats and illegal substances.
Prohibited article	Items which are legal in the community but strictly prohibited in a youth detention centre. Prohibited articles must not be brought into or conveyed to a young person in a youth detention centre without the express authorisation of the Executive Director (for example, weapons carried by a Police Officer). Refer to Policy YD-4-1: Management of restricted and prohibited articles for further information.
Reasonable force	Reasonable force in the conduct of a search can only occur when all of the following are completed/complied with: <ul style="list-style-type: none"> the young person's age, maturity and the nature of their non-compliance have been considered attempts to negotiate with the young person to comply with the search have failed no more force than is reasonably necessary is used in order to enact the search

	<ul style="list-style-type: none"> a record is made about the use of force.
Restricted article	<p>Items required for use in centre operations but have the potential to cause harm to people or property or pose a security risk.</p> <p>These items include medical equipment, stationary and gardening tools. Accordingly, restricted articles are permitted into a centre only under strict restrictions and conditions.</p> <p>Refer to Policy YD-4-1: Management of restricted and prohibited articles for further information.</p>
SIYP	Special interest young person.
Transgender	A broad term used to describe people who were assigned a sex at birth that they do not feel reflects how they understand their gender identity, expression or behaviour.
Youth detention operational staff	A staff member who has direct care responsibility for young people, for example a Youth Worker or Section Supervisor.

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Approved by: 1.0 Director General, DJAG (1 May 2013)

1.1 Assistant Director-General (17 March 2015)

1.2 Director, Practice, Program and Design (16 November 2017)

1.3 YDC Executive Directors

1.4 Deputy Director-General (2 December 2019)

1.5 Director, Youth Detention Operations and Support (22 July 2020)

Date of operation: 3 October 2018

Date to be reviewed: 22 July 2023

Office: Youth Detention Operations and Support

Help contact: Youth Detention Operations:
YJPracticeEnquiries@youthjustice.qld.gov.au

Communication strategy:

- publish on intranet
- publish on internet
- advise staff to read
- Supervisors discuss with direct reports

Links:

[Australasian Youth Justice Administrators \(AYJA\) service standards for juvenile custodial facilities](#)

[United Nations Rules for the Protection of Young People Deprived of Their Liberty 1990](#)

[Youth Detention Centre Operations Manual](#)

[Youth Justice delegations](#)

[Youth Justice policies](#)

Bob Gee

Director-General

Appendix A - Search types and conditions

Type of search and description	Delegated officer who can authorise search	Special conditions
<p>1. Clothed search</p> <p>A clothed search is where a young person remains clothed, but is requested to empty their pockets and remove their shoes.</p> <p>Staff members will pat-down a young person making sure not to come into contact with the young person's genitalia.</p> <p>The young person will be asked to open their mouth, run their fingers through their hair and be directed to stand with the feet apart and arms raised away from their body.</p>	<ul style="list-style-type: none"> • Senior Executive Director, Youth Justice • Executive Director • Deputy Director • Unit Manager Accommodation • Unit Manager Operations • Shift Supervisor • Section Supervisor • Visits coordinator <p>A standing authority may apply in particular circumstances. Refer to section 4 above.</p>	<ul style="list-style-type: none"> • Young people cannot be required to remove their clothing • Two staff members must be present • The staff member conducting the search must be the same sex as the young person, unless the young person is transgender or intersex and has nominated a staff member of a particular sex • The staff member searching the young person must remain in sight of the second officer at all times.
<p>2. Wand search</p> <p>A search with a hand-held metal detector.</p>	<ul style="list-style-type: none"> • Senior Executive Director, Youth Justice • Executive Director • Deputy Director • Unit Manager Accommodation • Unit Manager Operations • Shift Supervisor • Section Supervisor • Visits coordinator <p>A standing authority may apply in particular circumstances. Refer to section 4 above.</p>	<ul style="list-style-type: none"> • The wand is not to come into contact with the young person. • The young person is to remain clothed at all times.
<p>3. Partially clothed search</p> <p>A partially clothed search is a search of a young person that does not involve touching the young person and searches their upper and lower body, permitting the young person to remain partially clothed (i.e. upper body remains clothed while their lower body is searched and vice versa).</p>	<ul style="list-style-type: none"> • Shift Supervisor • Unit Manager • Deputy Director • Executive Director 	<ul style="list-style-type: none"> • The search must never be conducted in a manner that involves the removal of all of the young person's clothing at the same time. • Staff are not permitted to touch the young person. • Staff must turn off and remove their body worn camera whilst conducting or supporting the search process • At least two staff members must be present during the search. • The staff member conducting the search must be the same sex as the young person, unless the young person is transgender or intersex and has nominated a staff member of a particular sex • The second staff member must stand where they can directly observe the staff member. If they are the opposite sex of the young person, they must be able to directly observe the staff member but not the young person. • At no time is the young person to be directed to squat or lift their breasts or genitals.
<p>4. Cavity search</p> <p>A cavity search involves the visual, manual or instrument inspection of a young person's body cavities.</p>	<p>The Executive Director or Senior Executive Director, Youth Justice can authorise a medical practitioner to conduct a cavity search.</p>	<ul style="list-style-type: none"> • Must be conducted by a medical practitioner. • Where possible, the medical practitioner should be of the same sex as the young person.

Type of search and description	Delegated officer who can authorise search	Special conditions
		<ul style="list-style-type: none"> • The young person must be given the opportunity to remain partially clothed during the search. • If the medical practitioner requires assistance, they may request a detention centre staff member of the same sex as the young person to assist. • Any staff assisting a medical practitioner must turn off and remove their body worn camera during the search process

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