

SUBJECT: Search of an Individual or Area

1. Purpose

- 1.1. To detect and prevent the introduction, fabrication, storage, trafficking and use of contraband.
- 1.2. To recover stolen or missing items.
- 1.3. To maintain the safety and security of staff, inmates/residents, and visitors.

2. Authority/References

- 2.1. *The Correctional Services Act (CSA), Section 43(1)*, states that “a search of an individual, place or property within a correctional centre or of an offender under supervision of a Correctional Officer/Juvenile Counsellor (CO/JC) outside a correctional centre, may be conducted in accordance with the regulations or as otherwise permitted or required by law.”
- 2.2. *CSA, Section 28(1)* authorizes a facility head to “establish a random selection Search Program or urinalysis program for the purpose of ensuring safety and security within the facility.”
- 2.3. *CSA, Section 38(1)* states that a CO/JC may seize property.
- 2.4. *Cross Gender Staffing, Custodial Policy*.
- 2.5. *Transgender Policy, Custodial Policy*.

3. Principles

- 3.1. COs/JCs will use the least intrusive search technique available to satisfy search objectives.
- 3.2. COs/JCs will search in a manner that maintains the inmate’s/YP’s dignity, including respect for personal property.
- 3.3. Searches should not be used as punitive measure or as discipline.
- 3.4. The primary objective of searching techniques and procedures will be to prevent the introduction and possession of contraband in custody centres.

4. Definitions

- 4.1. *Contraband* – any item that is altered or used in a manner that differs from its intended purpose or any object or substance prohibited by statute, regulation, or corrections policy.
- 4.2. *Non-Intrusive Search* – without any physical contact, the search of a person’s clothed body with an electronic device, such as a detection wand or scanner.

- 4.3. *Clothed Search* – Search of a person’s clothed body, or pat down search, which involves physically contacting the person to feel for hidden contraband and visually inspecting the person’s mouth, ears and nose. The subject of the search shall remove outer layers of garments and surrender any carried items to the CO/JC for inspection.
- 4.4. *Unclothed Search* – The inmate/YP is required to remove all clothing for examination and expose the external areas of their body for visual inspection.
- 4.5. *Urinalysis Testing* – The collection and testing of an inmate’s/YP’s urine to determine whether an unauthorized intoxicant has been ingested.
- 4.6. *K9 Search* – The search of an area or person by a dog trained to detect contraband under the control of a handler.
- 4.7. *Body Scanner* – a stationary or mobile device that uses low-level x-ray technology to generate an image of a person’s internal anatomy or beneath an object’s surface.

5. Authority to Search

- 5.1. **Without Individualized Suspicion** – Routine searches that are performed as part of a Search Program.
 - 5.1.1. As part of a Search Program, searches and searching techniques must be uniformly and fairly applied. If *all* inmates/YPs are not subjected to a search technique, a random selection process must be used to identify the specific targets of a search or search technique.
 - 5.1.2. All Search Program activities should be logged and these records should be retained for a minimum of two (2) years (Government Records Authority Schedule J/CSC 0130) and then archived. These logs shall detail the names, location, techniques and outcome of all searches.
- 5.2. **With Individualized Suspicion** – Targeted searches that are performed when a CO/JC reasonably believes that an inmate/YP or group:
 - Is engaging or intends to engage in self-harm;
 - Is in possession of an object or substance that would jeopardize the inmate’s/YP’s health and safety, or threaten the security of the facility;
 - Is in possession of evidence relating to a disciplinary offence.
 - 5.2.1 Any search based on individualized suspicion must be documented in a COMS incident report and include the grounds for search, the technique(s) used, process, and the outcome.
 - 5.2.2 A Supervisor or higher authority may authorize a general search of the correctional centre or a specific area in response to an escape, disturbance, assault, violent act, or any incident that may threaten the correctional centre’s safety and security.

6. Precautions

- 6.1. Each correctional centre will post notification at the entrance advising that:
 - 6.1.1. All vehicles and persons on the property may be searched.
 - 6.1.2. That the centre may prohibit items and that these may be seized.

- 6.1.3. Visitors to a correctional centre are not to transport, give, or receive anything from an inmate/young person (YP) on correctional centre property without a Correctional Officer/Juvenile Counsellor's (CO/JC) consent.
- 6.2. COs/JCs participating in any search should use protective gloves, detection wands/scanners, and/or mirrors and probes to search areas not otherwise visible.
- 6.3. A CO/JC should assess inmates/YPs for compliance before commencing a search.
- 6.4. When conducting a search of a unit or dormitory, COs/JCs should maintain numerical advantage in relation to inmates/YPs who are unsecured during the search process whenever possible. This may be achieved by limiting the number cells open at a time, or moving inmates/YPs to a secondary location (contained space) to complete the search.
- 6.5. A CO/JC will not physically penetrate a body cavity.

7. Search Program

- 7.1. The Superintendent or designate at each correctional centre shall ensure that routine search practices are defined in standing or post orders. A Search Program requires searching at regular intervals and may utilize any type of search.
- 7.2. A Search Program will define:
 - 7.2.1. The frequency, locations, and groups subject to search.
 - 7.2.2. The types of searches to be performed.
 - 7.2.3. A random selection process, if applicable.
 - 7.2.4. The types of tools or equipment that are used during a search, including their proper use.
 - 7.2.5. The procedures for searching visitors.
- 7.3. Inmate/YP units must be searched at a minimum of twice each month. The search of any location may include an inmate's/YP's personal property, clothing, and any equipment in the area, including vehicles, and furnishings.

8. Seizing Property

- 8.1. A CO/JC is authorized to seize property located at or within the correctional centre, if the property is:
 - 8.1.1. Contraband or unauthorized.
 - 8.1.2. Evidence of or relating to a disciplinary or criminal offence.
 - 8.1.3. Property that that was exchanged with an inmate/YP without authorization.
- 8.2. Seized property should be itemized, placed in an evidence bag (if possible), and stored in a secure location. The list of seized property will be retained in the inmate's/YP's legal file and a copy will be provided to the inmate/YP.
- 8.3. The handling of seized property should be minimized to the fewest number of COs/JCs. As much as possible, COs/JCs should maintain continuity when handling seized items.
- 8.4. The seizure of any property will be documented in a COMS incident report, including reference to the evidence bag number (if applicable) and storage location.

9. Use of Force

- 9.1. If an inmate/YP is non-compliant with a search, alternatives will be used as defined in the Use of Force Policy.
- 9.2. Use of force is not permitted to compel an unclothed search and clothing will not be forcibly removed.
- 9.3. If an inmate/YP becomes non compliant during a search, COs/JCs will stop the search process and restrain/isolate the inmate/YP as required. If the inmate/YP is partially unclothed, a covering will be provided prior to transport and pending compliance.
- 9.4. The rationale and type of force used will be documented in a COMS incident report.

10. Clothed Search

- 10.1. COs/JCs may perform clothed searches:
 - 10.1.1. As part of a Search Program, if *all* inmates/YPs are subject to a clothed search *or* if randomly selected.
 - 10.1.2. In any situation when there is individualized suspicion.
 - 10.1.3. Before and/or after the movement of an inmate/YP to a new living location inside the correctional centre.
 - 10.1.4. Before and/or after participation in group related activity, such as programs or work assignments.
 - 10.1.5. Before and/or after unsupervised and direct contact with external agencies inside the correctional centre.
- 10.2. If possible, male COs/JCs will *not* perform clothed searches on female inmates/YPs. Female COs/JCs are permitted to perform clothed searches on both male and female inmates/YPs.
- 10.3. A clothed search involving transgendered persons will take into account the inmate's/YP's preference, as defined in the Transgender Policy.
- 10.4. COs/JCs may require an inmate/YP to remove outer layers of garments or other items, including:
 - 10.4.1. Jackets, sweaters, hats, shoes etc.
 - 10.4.2. Bandages, prosthesis, dentures, or other medical devices. Health Services may be required to re-apply any dressings after their removal.
 - 10.4.3. Jewelry or piercings.

11. Unclothed Search

- 11.1. COs/JCs will perform unclothed searches:
 - 11.1.1. As part of a Search Program, if *all* inmates/YPs are subject to an unclothed search *or* if randomly selected.
 - 11.1.2. In any situation when there is individualized suspicion.
 - 11.1.3. During admission to a correctional centre by an external agency (e.g. following arrest).
 - 11.1.4. When moving an inmate/YP into segregation or observation.

- 11.1.5. When an inmate/YP has attempted to escape lawful custody.
- 11.1.6. For all outgoing transfers and inmates/YPs who return to the centre after community exposure, including medical appointments, rural court, and work assignments. Before and/or after having direct physical contact with a member of the general public (e.g. contact visit).
- 11.1.7. When an inmate/YP is assessed as suicidal (SUH) or higher security level (acute).
- 11.2. Unclothed searches will be performed individually and in an area away from other inmates/YPs to provide as much privacy as possible.
- 11.3. During emergencies such as a riot, disturbance or escape, inmates/YPs may be unclothed searched in groups.
- 11.4. No less than two (2) COs/JCs shall be present during the search. Both COs/JCs shall be the same sex as the inmate/YP, if possible. Otherwise, one (1) CO/JC must be the same sex as the inmate/YP, and the other should be in the vicinity to view the CO/JC conducting the search, but not able to view the inmate/YP.
- 11.5. Any unclothed searches involving transgendered persons will take into account the inmate's/YP's preference, as defined in the Transgender Policy.
- 11.6. If COs/JCs conducting an unclothed search believe the inmate/YP has concealed contraband in a body orifice, they may order him/her to remove the item(s) or perform movements designed to expel hidden objects. This may include the removal of personal hygiene products (replacement personal hygiene product shall be issued at the conclusion of the search, and in a timely manner).
- 11.7. When an unclothed search is necessary as part of a cell extraction, this search should be deferred until the inmate/YP arrives at his/her new location and subject to compliance. The inmate/YP is subject to a clothed search following the application of restraints and prior to movement. Under no circumstances should an inmate/YP be escorted in an unclothed state.

12. Body Scanner

Scans may be performed in place of an unclothed search in accordance with Appendix C.

13. K9 Search

- 13.1. A K9 search may be done as part of a Search Program or in any situation when there is individualized suspicion. If used as part of a Search Program, all inmates/YPs will be subject to the K9 search or randomly selected.
- 13.2. The K9 will be supervised by a designated handler at all times while on centre grounds and a manager or supervisor at the hosting centre will brief the dog handler regarding the search plan.
- 13.3. Prior to a K9 search, inmates/YPs must first be subject to a clothed or unclothed search.

14. Urinalysis Testing

- 14.1. Urinalysis testing will be authorized by the Superintendent or designate and only if the inmate/YP has been in custody for 30 days or more.
- 14.2. Urinalysis testing may be done when:
 - 14.2.1. Directed as part of a Search Program and randomly selected.
 - 14.2.2. In any situation when there is individualized suspicion.
 - 14.2.3. An inmate/YP is participating in a program and the urinalysis is needed to monitor compliance with the conditions of that program (e.g. Unescorted Temporary Absence, Reintegration Leave).
- 14.3. During the testing process, the inmate/YP will remain under constant personal observation by a CO/JC (same sex, or in accordance with Transgender Policy guidelines) and the time limits for testing and re-testing are noted on *Appendix A*. The specimen is to be handled by the fewest number of staff possible.
- 14.4. *Appendix A* is to be completed for each inmate/YP who is subject to testing and retained on the inmate's/YP's file.

15. Searching Visitors

- 15.1. Visitors include any person who is not employed by the custody centre, but has access for personal or professional reasons.
- 15.2. Corrections, law enforcement, sheriffs, lawyers, Members of the Legislative Assembly/Parliament, and court personnel are exempt from search when entering a correctional centre. Other visitors are subject to a non-intrusive search only.
- 15.3. Under no circumstances will force be applied to a visitor during a search.
- 15.4. A visitor may be required to leave the correctional centre and is subject to restrictions and/or suspension of access, if:
 - 15.4.1. They refuses to comply with a non-intrusive search, or
 - 15.4.2. A CO/JC reasonably believes that the visitor possesses contraband.

16. Searching Religious Items

- 16.1. Items used in a religious context will be searched in a manner that is thorough, but causes the least possible disruption to the item or offense to the person.
- 16.2. If direct physical contact with the items(s) is not advisable or the subject does not permit direct contact, the following steps should be followed:
 - 16.2.1. Ask the inmate/YP to display or open the item for visual inspection, or
 - 16.2.2. Have a Spiritual Care provider inspect the items in the presence of a CO/JC, or
 - 16.2.3. If the inmate/YP does not comply with the search of the item, it should be confiscated and secured in his/her property.

17. Searching Mail

See Appendix B.

18. Training

- 18.1. During initial staff training, COs/JCs are provided training in searching methods, approved policy, and procedures related to searching.
- 18.2. When new equipment and techniques are introduced into the searching process, COs/JCs shall receive refresher training as required.

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