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SEARCHES:

POLICY:

Individual and area searches may be made to discover and eliminate anything considered detrimental to the safety and security of residents and staff. Normally, search procedures should proceed from the least intrusive to more intrusive as is considered necessary to enhance safety and security.

All searches are to be conducted in a manner respectful of the privacy and dignity of the person being searched and must be performed in a manner that avoids unnecessary embarrassment to the person being searched. Searches must never be conducted in an abusive fashion.

Prior to any search being conducted, staff shall inform the resident that he or she is to be searched and inform them of the search procedures. In addition, staff shall advise them of the complaint procedures available to them if they have any concerns or issues with respect to the conduct of the search.

DIRECTIVE:

Prior Authorization

Staff are required to have prior authorization, **Form 19-148A** (Appendix A), in writing from the Administrator (or designate) before:

1. non-routine strip search;
2. non-routine room search;
3. non-routine frisk search; or
4. dry-cell search.

Documentation

The Department requires that written reports be issued when conducting specific searches.

All pre-authorization search reports must be in writing, **Form 19-148A** (Appendix A), and must contain the reasonable grounds for the search based on security issues of the facility, staff, youth, or for the preservation of life.


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“Reasonable Grounds” is defined as a set of circumstances, which would satisfy an ordinary, cautious and prudent person, that there is reason to believe an offence has been or will be committed. The belief must go beyond mere suspicion.

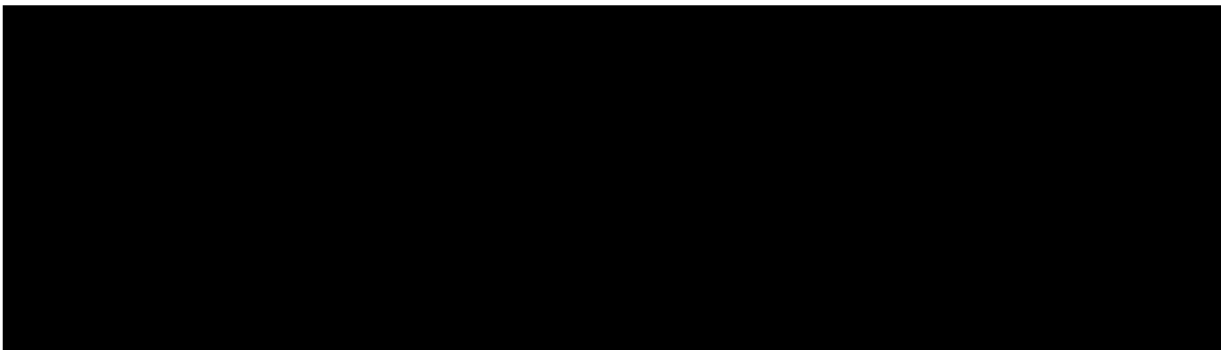
A post-search incident report, **Form 19-148B** (Appendix B), must also be completed when the following searches occur:

1. non-routine strip search of resident(s);
2. non-routine frisk search of resident(s);
3. non-routine room search;
4. dry-cell search;
5. non-compliant clothing removal for life safety purposes;
6. emergency search of a resident, a vehicle or a cell; or
7. the seizure of an item by a staff member during a search.

All post-search incident reports, **Form 19-148B** (Appendix B), must be in writing and are required to contain the following:

- the date, time and place of the search;
- a description of every item seized shall be documented in the report identifying where the contraband was found; 
- the name of the person searched; s. 31.(1)(l)
- the number of the room or cell that was searched or the license number of the vehicle searched, as applicable;
- the name of every person conducting the search and, where applicable, the name of every person present during the search;
- the grounds for the search; and
- the manner in which the search was conducted.

All post-search incident reports shall be submitted to the NL Youth Centre Administrator.



Non-Responsive

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Strip Search

A strip search involves a manual and visual inspection of the resident's clothes and a visual inspection of the resident's body. **Staff are not to touch the resident during the strip search.**

Staff will explain to the youth that a strip search will be occurring in order to ensure their and other resident's safety. Assure the youth that at no time will anyone touch them.

A strip search shall be conducted in a suitable private area with two staff of the same sex as the resident. In exceptional circumstances, when sufficient same-gender staff are not available, a frisk search will be conducted. The resident will be provided with facility clothing, a second frisk search will be conducted, and the resident will be assigned to a room with a camera and remain under constant supervision until the appropriate staff are called in and a strip search is conducted.

Prior to initiating a strip search, staff shall provide the resident the opportunity to voluntarily give up any contraband that they may possess.

Staff are not to conduct group strip searches under any circumstances.

Staff are not to strip search youth who are being released for court.

Staff are only permitted to search one resident at a time.

Staff shall complete a strip search once they commence a strip search.

After the search, the resident's clothes are returned and an opportunity is to be provided for the resident to redress prior to the next resident being strip searched.

At no time shall a resident be left standing uncovered prior to or following a strip search.

A strip search will NOT be conducted on a resident, if the outside agency that is responsible for the resident's care outside of the Youth Centre/Detention Centre, can provide a declaration, Form 19-120 (Appendix C), stating that the continuity of care/conduct was not been breached and security was maintained while the resident was under their supervision. The outside agency must provide confirmation that the resident had no contact with the public and that the resident was under constant supervision.

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A strip search is NOT required where the resident has been monitored appropriately.

Routine Strip Search

All new residents to the NL Youth Centre are required to be strip searched **unless** they were strip searched at the SJYDC and continuity of supervision was provided in accordance with Section 1.11 (*Overnight Detention*) of the NL Youth Centre Policy Manual.

Non-Routine Strip Search

A non-routine strip search may be conducted on any resident in exceptional circumstances when there are reasonable grounds to believe that the resident is concealing contraband.

Staff shall complete a pre-search incident report, **Form 19-148A** (Appendix A), containing all relevant information as to the justification for why the strip search is required.

Prior written authorization from the Administrator or designate is required prior to all non-routine strip searches being conducted.

Upon completion of a non-routine strip search, staff shall complete a post-search incident report, **Form 19-148B** (Appendix B), containing information as to what contraband was found, location and any other pertinent information related to the search.

When establishing reasonable grounds for a non-routine strip search, the following circumstances shall be considered:

- Did the resident have an unsupervised visit or appointment?
- Did the escorting staff lose visual contact of the resident while resident was on escorted leave?
- Did the resident have a contact visit, **except** those involving professional visitors such as a lawyer, police officer or child advocate?
- Did the resident have physical contact with the public while on escorted leave?

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- There are reasonable grounds to believe that the resident is carrying contraband; for example,
 1. If the staff observe the resident receiving contraband;
 2. If the staff receive reliable information concerning the possibility of contraband;
 3. If the staff smell the presence of drugs in the area; or
 4. If the staff notices the resident is acting in a different way than he or she does normally.

Strip Search Procedure

When completing a strip search, the staff must ensure that they:

- a) Receive written approval from the MOSO (non-routine strip search).
- b) Inform the resident that he or she is to be searched and the reasons for the search. Assure the resident that at no time will a staff person touch them.
- c) Instruct the resident to remove all clothing.
- d) Conduct a thorough search of clothing, including shoes, socks, underwear, all pockets, and garment seams; particular attention should be given to detecting any tampering with clothing; disposable water proof gloves should be used over protective gloving.
- e) Examine all bandages and casts using a metal detector; the name of the physician who applied the bandage or cast is to be procured from the resident.
- f) Instruct the, unclothed resident, to stand with his or her arms held horizontal to the side and legs spread apart to at least shoulder width; visually inspect surface of body, including underarms.
- g) Have resident run his or her fingers through hair and beard vigorously.
- h) Use a flashlight to inspect the inside of the resident's ears, nose, and mouth, including under the tongue.

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- i) Have the resident display both open hands, with fingers spread; the resident should be directed to turn the hands over for back and palm inspection.
- j) Have the resident raise each foot, wiggle the toes, and turn it up for visual inspection of the bottom.
- k) Have the resident spread legs apart and bend to expose the anal area (and in the case of females, the outer labia majora). Visually inspect the genital area and anal area while standing behind the resident. If the female resident is menstruating at the time of the search, all feminine hygiene products will be removed and discarded. New hygiene products will be issued at the conclusion of the search, residents will be given privacy to apply those products.
- l) Inspect artificial limbs, false teeth, etc.
- m) Have the resident dress after all clothing is inspected.
- n) Complete an incident report supporting the strip search. This report must also be completed for strip searches upon admission.

Non-Compliant Clothing Removal For Life Safety Purposes

When a resident refuses a search, resists a strip search or fails to co-operate in the conducting of a strip search, the resident must be isolated immediately from other residents in a secure, separate location until they submit to the strip search or until there is no longer a need to strip search the resident. This room will be equipped with a CCTV camera that records in real time.

The staff shall continue to talk encouragingly to the youth and explain the reason for the strip search while waiting for the MOSO.

Residents will be provided with the opportunity to remove their clothing by themselves. Clothing will not be forcibly removed by staff unless the clothing is being utilized by the youth to harm themselves (e.g. tying it around their neck).

The MOSO will be contacted immediately when a resident refuses a strip search. The MOSO will conduct the initial assessment in consultation with the staff supervising the youth.

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If the youth **is NOT harming** him / herself then the following procedures will be followed:

1. The youth will be frisked and wanded prior to being placed in an observation cell.
2. The youth will be isolated (i.e. moved to an observation cell in the main facility).
3. The CCTV will be activated and recording at real time during the period of isolation.
4. A youth care counsellor will be assigned to supervise the youth.
5. A log book will be started and staff will be required to document all activities of the youth while under observation.
6. The youth care staff will continue to make all efforts to encourage the youth to submit to a strip search.
7. The MOSO will be required to visit the observation cell hourly to encourage the youth to submit to a strip search.
8. Once the youth has submitted to a strip search, the youth will be placed on s. 31.(1)(I) [REDACTED] and his/her case team will determine the youth's placement within the facility.
9. The only exception to waiting for the youth to comply with the request for a strip search is in an emergency situation where there are reasonable grounds to believe that an immediate search is necessary because the resident is concealing contraband that is dangerous or potentially harmful to personal safety or facility security. In this situation, if all other options have been exhausted, then force may be used to carry out the search, but only such force as is necessary in the circumstances.

If there are reasonable grounds to believe that a youth **is harming** him / herself with contraband that they have concealed in their clothing, the following actions will be taken:

1. The MOSO shall immediately contact the Administrator or designate on duty.
2. The MOSO must consider **all other options** before deciding on actions that will result in the forcible removal of outer clothing from the youth who is harming him / herself.

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3. Life safety of the youth will be the deciding factor when implementing and following these procedures.
4. All reasonable efforts should be made to identify the possible location of the contraband from the least intrusive to most intrusive.
5. If possible the youth should be wanded.
6. Once the Administrator or designate approves the decision to remove clothing from the youth, the MOSO will direct staff to remove all of the clothing the youth is wearing including underwear.
7. The youth will be restrained by staff of the same gender, utilizing the training techniques learned from the Use of Force (Managing Aggressive Behaviour Program).
8. After all the clothes have been removed the youth will then be provided with new facility clothing.
9. Staff will remove themselves from the cell and secure the door while the youth is getting dressed.
10. Once the youth is clothed, staff will open the door and remain in the resident's presence to observe the youth.
11. All clothing will be searched for contraband.
12. If the contraband is not found in the clothing that was removed from the youth, staff will continue to monitor the youth until they are able to identify exactly where the contraband is being concealed.
13. If the item of contraband is found, then the youth will remain in observation with the door closed or be placed on [REDACTED] until the youth's case team has an opportunity to review the file.

s. 31.(1)(I)

The MOSO will prepare a post-search incident report, **Form 19-148B** (Appendix B), identifying all options considered and identify why these options were not acted upon or if the options were acted upon, the result.

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Staff shall ensure that they cover or bandage any open wounds while in the workplace in order to create an effective barrier against infection and transmission. Should the bandage become wet or soiled it should be changed immediately.

Staff shall wash their hands after every frisk search, strip search, or cell search.

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APPENDIX A

PRE-SEARCH AUTHORIZATION FORM

SECTION A

Resident(s) Name and File #: _____

PRIOR AUTHORIZATION

- Type of Search Requested:
- a non-routine strip search of resident;
 - a non-routine room search;
 - a dry-cell;
 - a group frisk search.

SECTION B

Reasonable Grounds for Search:

Signature of Requesting Staff

Date & Time of Request

SECTION C To be completed by Institutional Head (or designate)

Comments on Why Search Request Was Approved:

Signature of Institutional Head (or designate)

Date & Time of Approval

See Also Post-Search Report (19-148B)

**Form: 19-148A
2022**

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POST-SEARCH REPORT FORM

APPENDIX B

SECTION A

Resident(s) Name and File #: _____

Prior Authorization Approved: **YES** **NO**

- Type of Search Used:
- a non-routine strip search of resident;
 - a non-routine frisk search of residents;
 - a non-routine room search;
 - a non-compliant clothing removal for life safety purposes;
 - an emergency search of a resident, vehicle or a cell; or
 - the seizure of an item by a staff member during a search.

SECTION B

NARRATIVE DESCRIPTION OF SEARCH

Date: _____ Time: _____

Location of the Search: _____
(The Room # or Cell # that was searched or the license number of the vehicle searched, as applicable.)

Reason(s) for the Search if there is **No Pre-Search Authorization Request Completed**:

The name(s) of every person involved in conducting the search (please print):

The name(s) of every person present during the search (please print):

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Description of the Search, including the process:

The description of contraband seized and location of the contraband on/in the resident/clothing:

Signature of Requesting Staff

Date & Time Report Completed

SECTION C

Comments of MOSO / Supervisor:

Signature of MOSO / Supervisor

Date & Time of Report Received

SECTION D

Comments of Institutional Head:

Acknowledged by Administrator

Date & Time of Report Received

Section 7: Security and Control

Sub-Section: Security Searches – Inmate Searches

Policy

Inmates are to be searched in various ways consistent with authorized standards; however, the nature and scope of such searches are to be limited to what is reasonably required for security purposes.

Definitions

Non-Responsive

Strip Search: is when a person is required to undress completely and personally expose the external areas of body orifices for visual inspection. The person's clothing shall also be closely examined and searched. At no time during a strip search is it necessary to touch the person to complete the search.

Body Cavity Search: refers to the examination by a qualified medical practitioner of the rectal and vaginal body cavities in accordance with Section 19(2)(b) of the *Prisons Act*. This search can only be conducted with the permission of the offender.

Directives

General

Staff must be trained in search procedures before conducting or assisting in searches of offenders.

The safety and security of staff completing personal searches, as well as the need to avoid situations that may initiate allegations of sexual or physical abuse, require strict adherence to the requirements outlined in this section.

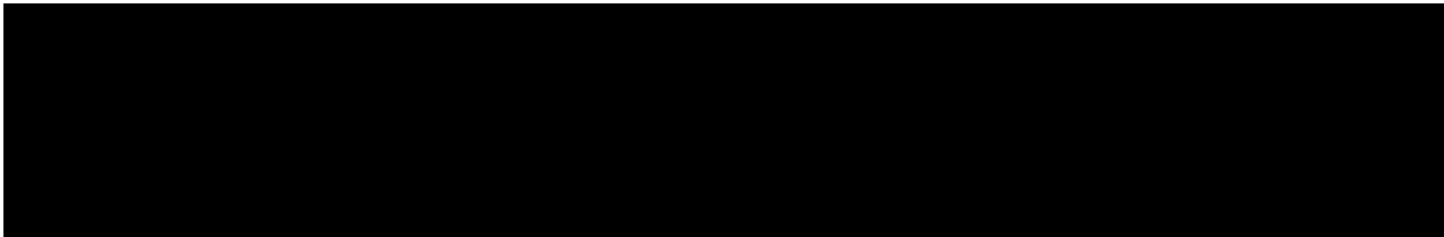
Staff should take universal precautions necessary, to ensure their personal safety and security when conducting searches. These precautionary measures include the use of protective clothing and devices as appropriate to the given situation.

Searches are to be conducted in a manner respectful of the privacy and dignity of the person being searched.

Searches are to be conducted in a location that allows for privacy and which minimizes opportunities for distractions.

Only reasonable and necessary force shall be used against a person being searched.

An inmate should be informed of the reason for the search by the officer conducting the search.



Non-Responsive

Strip Search

Can only be conducted by an officer of the same gender as the inmate, however, the officer conducting the search can be witnessed by a staff member of either gender.

The witness will be positioned to allow unobstructed viewing of the Officer conducting the search, however, direct visual access of the prisoner should not be possible.

A strip search can be undertaken in the following circumstances:

- with the consent of the Officer-in-Charge when there is “reasonable belief” or “individualized suspicion” that an inmate is carrying weapons or contraband;
- without the prior authorization of the Officer-in-Charge when there is ‘reasonable belief’ or “individualized suspicion” that an inmate is carrying contraband and when a delay in conducting the search would result in danger to human life or safety or in loss, destruction or disposal of the evidence;
- without the prior authorization of the Officer-in-Charge and without ‘individualized suspicion’ or “reasonable belief”, in circumstances where the inmate has been in a place where there was a likelihood of access to contraband that is capable of being hidden on or in the body, e.g., upon admission to the institution, return to the institution from conditional release or when the inmate is entering or leaving the segregation area, visiting room or workshop.

Body cavity search

- A body cavity search can only be conducted in accordance with the Prison Regulations Section 19(2)(b).

If a medically-trained person is not available or refuses to perform a body cavity search, the inmate shall be segregated in a dry cell under close observation until an acceptable timeframe passes.

All body cavity searches must be fully documented and recorded in PCOMS.



Non-Responsive