

Community and Correctional Services
Policy and Procedures

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1 Purpose

The purpose of this policy is to provide direction to staff on how, where, and in what situations youth workers are required to conduct strip searches, while minimizing trauma and maintaining the dignity, safety and the security of young persons and staff.

2 Legislative Authority

Authority for conducting searches is derived from section 8 and subsection 18 (2) the **Correctional Services Act and Regulations:**

A Centre Manager may authorize a search, at any time, of :

(a) the correctional centre or any part of it, including adjacent property;

(b) an inmate;

(c) the property of an inmate; or

(d) any vehicle located on the premises of the correctional centre. (EC616/92).

2.1 **1 (h) "inmate"** means a person under arrest, remand or sentence who is confined in a correctional centre according to law, or who is in the custody of an employee while in transit to a penitentiary or correctional centre;

but does not include:

(i) a person arrested or committed under the Mental Health Act R.S.P.E.I. 1988, Cap. M-6,

(ii) a person remanded to a psychiatric facility for an assessment under section 672.11 of the Criminal Code (Canada) R.S.C. 1985, Chap. C-46;

2.2 The **Correctional Services Act** is the sole legislative authority for the administration and management of offenders in the province, both adult and youth. References to inmates are applicable to young persons under the **Youth Criminal Justice Act (YCJA)**.

3 Policy

3.1 Staff shall exercise universal trauma informed approaches by assuming a trauma history for all youth. Cultural, religious, spiritual, and gender-based related considerations shall be factored into any search response.

3.2 In cases where there are obvious physical indicators, or a young person verbally reports to be transsexual, staff shall electronically scan (wand) the young person to restrict opportunity for contraband to be brought into the Youth Centre. The young person shall be issued Youth Centre clothing and placed under observation in either secure or open custody according to legal status. The Designated Shift Supervisor shall be consulted for direction. In most cases, without undue delay, the Centre Manager, Clinical Services designate, and medical staff shall gather information from the young person and legal guardians to determine an appropriate search response.

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- 3.3 Staff shall conduct all searches using universal precautions, assuming that the person being searched may have a communicable disease.
- 3.4 At no time will staff be required or permitted to touch a young person during strip search procedures.
- 3.5 A strip search is performed as part of the admission to custody and is considered to be the first step in the assessment process.
- 3.6 A strip search enables staff to assess whether a young person is in need of immediate medical attention due to presence of markings on the body that could be a result of self-harm and/or victimization, and to prevent/minimize contraband from entering the Youth Centre. Contraband may include drugs, weapons, any prohibited item, or any item considered a potential safety risk to the young person and/or others at the PEI Youth Centre.
- 3.7 A strip search is required upon admission to custody and upon return from unescorted reintegration leave. A strip search shall be conducted by two youth workers of the same sex as the young person, while maintaining privacy, dignity, and personal safety.
- 3.8 Youth workers may conduct a discretionary strip search only with reasonable grounds that a young person is in possession of contraband, and only after a frisk and electronic scan (wand) search have been completed and have not addressed or minimized safety concerns.
- 3.9 Maintaining the emotional and physical safety of all persons shall be of utmost importance when conducting a strip search.
- 3.10 All strip searches shall be documented by staff who shall record the following:
- 3.10.1 persons involved;
 - 3.10.2 date and time of the search;
 - 3.10.3 type of search conducted; and
 - 3.10.4 outcome of the search.

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4 Procedures

When to Conduct A Strip Search

Open Custody

4.1 Young persons serving open custody sentences are not bound by the same level of supervision and restraint as young persons in secure custody. Young persons serving *open custody sentences*, shall be strip searched in the following instances:

- 4.1.1 upon admission;
- 4.1.2 subsequent to escorted leave if the young person was out of the visual sight of the escorting staff member at any time;
- 4.1.3 subsequent to unescorted leave; and
- 4.1.4 at any other time there is strong evidence to suspect the young person may be in possession of contraband.

4.2 Open custody staff shall participate in this procedure unless extenuating circumstances prevail.

Secure Custody

4.3 Young persons serving *secure custody sentences* shall be strip searched by two staff members of the same sex upon admission, *subsequent to all reintegration leave*, and at any other time there are reasonable grounds to suspect the young person may be in possession of contraband.

Conducting a Strip Search

4.4 Youth Centre staff shall commence admission procedures with a wand and frisk search under video camera surveillance. In the case of female young persons, if only one female staff member is on duty and a female arresting officer is on site, the officer may be asked to act as a witness during the strip search component of the admission process. If this is not possible, the Designated Shift Supervisor shall be consulted for direction.

4.5 All strip searches shall be completed in the admission area where a surveillance camera views the actions of two staff members while the young person's identity and privacy is protected. One staff member does the talking, and the second staff member acts as a witness to the admission procedures.

4.6 Staff shall calmly talk with the youth and explain that all young persons go through a standard admission procedure which involves a strip search. He or she shall outline what to expect during the process, and explain the following reasons

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for conducting a strip search:

- 4.6.1 to ensure no one brings anything that could be used as a weapon into the Youth Centre which could pose a threat to themselves or others;
 - 4.6.2 to ensure a young person is not injured and/or in need of medical attention;
 - 4.6.3 to ensure a young person is not bringing contraband into the Youth Centre;
- 4.7 A young person may be fearful and may appear uncooperative and/or even aggressive as a result of having to undergo a strip search. The staff member shall reassure the young person that they will be safe and that no one will touch them or hurt them. Staff shall be professional in their conduct with the young person at all times. Often, a few minutes is all that is required for a young person to agree to comply.
- 4.8 In cases where a young person appears unwilling to co-operate with strip search procedures, and sufficient time has elapsed for staff to conclude that the young person is not going to comply, OR in situations where a young person is intoxicated or impaired, staff shall keep the young person confined to one area, and postpone the strip search until the risks have been minimized. At no time shall open custody youth to be detained in the Admission and Discharge area unless a temporary transfer to secure custody, pursuant to paragraph 24.2(9) of the Young Offenders Act and section 88 of the Youth Criminal Justice Act, applies. If a young person sentenced to open custody is resistant to the strip search procedure, he or she shall be frisked, wanded and isolated from other youth in open custody until he or she complies with strip search procedures or it is deemed unnecessary by staff, in consultation with the Designated Shift Supervisor (DSS).
- 4.9 An Observation Sheet shall record ongoing physical (face to face) checks of the young person.
- 4.10 The following procedures apply when conducting a strip search:
- 4.10.1 Ensure the young person remains behind the taped line in the admission area to ensure his/her privacy;
 - 4.10.2 Two staff of the same sex of the young person shall be present, visible under video surveillance, and shall wear latex gloves to inspect the young person's clothing;
 - 4.10.3 Instruct the young person to bend forward and shake head vigorously and run his or her fingers through hair (and/or beard);
 - 4.10.4 Inspect the inside of the young person's ears, nose, and mouth, including under the tongue; Staff may use a flashlight to assist with visual inspection;

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- 4.10.5 Instruct the young person to remove all clothing and throw it forward, in the direction of staff;
 - 4.10.6 Instruct the unclothed young person 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;
 - 4.10.7 Instruct female youth to lift breasts up and away from the body, as deemed necessary.
 - 4.10.8 Instruct the young person to display both open hands, with fingers spread, then direct him or her to turn their hands over for back and palm inspection;
 - 4.10.9 Instruct the young person to raise each foot, wiggle the toes, and turn foot up for visual inspection of the bottom;
 - 4.10.10 Instruct the young person to turn around, spread legs apart and bend away from you to expose the anal (and in the case of females, the outer labia majora); visually inspect the genital area and anal area while standing behind the resident;
 - 4.10.11 Note: inspection of casts, partial and complete dentures, etc may also be required;
 - 4.10.12 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;
 - 4.10.13 Have the young person dress after all clothing is inspected or Centre issue clothing has been provided;
- 4.11 Young persons with suspected parasites or communicable diseases must be treated humanely and isolated until treated and/or deemed clear of infecting others.
- 4.12 Staff shall wash hands after search procedures;

Cavity Searches

- 4.13 A cavity search shall only be considered in extenuating circumstances, and only completed by a physician. For example, when there are strong reasons to suspect that contraband, which poses an imminent threat to the young person or others has been hidden in a body cavity, or the safety and security of the facility has been compromised.
 - 4.14 When a cavity search is being recommended, the Designated Shift Supervisor shall consult with the Centre Manager, who in consultation with the Provincial Custody Manager shall make the final decision as to whether or not to proceed. Refer to Policy # 06-01-25 for further information.
- 3.16 Anytime a young person is subjected to a cavity search, Clinical Services will be contacted without delay for follow up .