

# Topic: Searches

Ministry of Corrections, Policing and Public Safety  
Custody, Supervision and Rehabilitation Services

<b>LEGISLATIVE AUTHORITY:</b> <i>The Correctional Services Act, 2012</i> , section 34-44 <i>The Correctional Services Regulations, 2013</i> , section 22-28	Authorization: Assistant Deputy Minister, Custody, Supervision and Rehabilitation Services Policy Owner: Executive Director, Custody Services
Prepared by: Fred Burch	Effective Date: July 11, 2013
Revised by: Lindsay Tokarski	Latest Revisions Effective: December 9, 2021

## **SCOPE:**

This policy applies to all adult correctional facilities as defined by section (s.) 2(h) of *The Correctional Services Act, 2012*.

## **POLICY OBJECTIVE:**

The objective of this policy is to provide standards for searches conducted in correctional facilities. Adherence to this policy will mitigate the risk of contraband and unauthorized items as well as ensure that searches are conducted in a thorough manner while respecting the rights, privacy and dignity of individuals being searched.

## **PRINCIPLES:**

- Searches will be conducted in a manner consistent with *The Correctional Services Act, 2012* and *The Correctional Services Regulations, 2013*.
- Searches of inmates will be conducted in a manner that respects gender, religious and cultural considerations; however, the safety of individuals and the security of the facility shall be the paramount concern.
- Sacred, religious, and cultural items will be always treated with respect.

## **DEFINITIONS:**

**Cell:** refers to a cell, dormitory, or any other living area in which the inmate normally sleeps.

**Contraband:** any unauthorized article, as defined as per s. 2(e) of *The Correctional Services Act, 2012* in the possession of an inmate or found in the correctional facility or on the grounds of the correctional facility.

**Emergency Search:** a strip search of an inmate without the normally required approval from a correctional facility manager and without complying with the same sex gender requirement in male facilities. This type of search is permitted if the staff member:

- Believes that the reasonable grounds requirement is satisfied; and
- Believes on reasonable grounds that the delay that would be necessary in order to obtain the normally required approval or comply with the gender requirement in a male facility, would

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result in danger to the safety of inmates, staff members or the public or the loss or destruction of the contraband or evidence.

**Exceptional Search:** a frisk or a strip search of all inmates or a search of all or any part of the correctional facility as per the Correctional Centre Director's authorization. This search may be conducted in instances where the Correctional Centre Director is satisfied that there are reasonable grounds to believe that there exists, because of contraband, a clear and substantial danger to human life, safety or the security of the correctional facility, and a search is necessary in order to seize the contraband and avert the danger.

**Frisk Search:** a search by hand in the prescribed manner; commonly referred to as a 'pat-down' search.

**Non-Intrusive Search:** a search conducted by technical or other means in the prescribed manner. Includes, but is not limited to walk-through scanners, x-ray scanners, metal detectors and canine searches.

**Non-Routine Search:** a search conducted **based on reasonable grounds**, when it is determined that the search is necessary to detect the presence of contraband, or evidence related to an offence pursuant to s. 56 of *The Correctional Services Act, 2012*.

**Non-supervisory Staff:** a staff member whose primary responsibility is to perform functions directly related to the administrative, personnel, supply management services or maintenance matters within a correctional facility.

**Reasonable Grounds:** a set of facts or circumstances which would cause a person of ordinary and sound judgement to believe beyond a simple suspicion. Reasonable grounds are a standard of less than a balance of probabilities but more than mere suspicion.

**Routine Search:** a search conducted **without individualized suspicion** in the prescribed circumstances and manner and is part of the facility's search plan.

**Strip Search:** a visual search, in the prescribed manner, of the naked body and a search of all clothing, items in the clothing and other personal possessions the inmate may be carrying.

**Supervisory Staff:** a staff member whose primary responsibility is to perform functions directly related to the custody, control, assessment, supervision, or counselling of inmates within a correctional facility.

**Thorough Visual Inspection:** a routine inspection to visually detect contraband, unauthorized items or activity which may jeopardize the safety or security of the correctional facility. This does not normally include opening drawers or closets, but may include inspecting under beds or behind dressers, cabinets or cupboards.

**Universal Precautions:** acting under the assumption that all bodily fluids, found substances, surfaces, etc. may be contaminated and using preventative measures such as barrier devices (e.g., gloves, masks, protective eyewear), cleaning procedures for surfaces and disposal procedures for potentially contaminated waste. Universal precautions are meant to supplement, not replace, directives for specific situations.

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## **STANDARDS:**

### **1.0 GENERAL**

- 1.1 All persons conducting searches in correctional facilities shall be trained according to the Induction Training Program (ITP) approved by the Executive Director of Custody Services.
- 1.2 The use and operation of non-intrusive searching tools approved by the Executive Director of Custody Services (e.g., ion scanners, body scanners, metal detectors) shall be detailed in local procedural directives.
- 1.3 Any contraband or evidence found during a search shall be handled in accordance with Provincial Policy **Security 509** – *Contraband and Evidence Handling, Testing and Disposition*.
- 1.4 Routine and non-routine non-intrusive searches using a body scanner shall be conducted in accordance with Provincial Policy **Security 520** – *The Use of Whole-Body X-Ray Security Scanning Systems*.

### **2.0 CORRECTIONAL FACILITY SEARCH PLANS**

- 2.1 Each Correctional Facility Director will establish a Correctional Facility Search Plan. This plan *must* include, but is not limited to:
  - When the searches are to take place;
  - The location of the searches;
  - The means that may be used to conduct the searches; and
  - All routine circumstances for searches specific to each facility.
- 2.2 In correctional centres, all routine searches of inmates, visitors, staff, and vehicles shall be included in the search plan.
- 2.3 Community correctional facilities are not required to have a section in their search plan concerning the routine searching of inmates, visitors, staff, staff lockers and vehicles.
- 2.4 The Facility Search Plan shall specify:
  - All routine thorough visual inspections of any inmate accessible areas;
  - All routine searches of cells, living accommodations and other areas of the facility; and
  - That these searches are to be conducted without individual suspicion and within a specified period of time.
- 2.5 Routine searches of staff and visitors included in the search plan may include an imaging device and/or visual examination of belongings and metal detection of all persons entering the correctional centre.

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## **3.0 EXCEPTIONAL POWER OF SEARCH**

- 3.1 The Correctional Facility Director or designate may authorize an exceptional search in exigent circumstances where the Director or designate believes on reasonable grounds that contraband or evidence related to the emergency is located on the inmate or in the cell.
- 3.2 Any exceptional search of any inmate, cell or area shall be documented in an incident report on the Criminal Justice Information Management System (CJIMS) but do not require a *Search and Seizure Report* unless items were seized from an inmate or cell.
- 3.3 Exceptional cell searches will not be counted against the regular cell searches as outlined in the Correctional Facility Search Plan.
- 3.4 Every Director or designate who authorizes an exceptional search involving all the inmates in the facility will submit a report to the Executive Director of Custody Services as soon as practicable.

## **4.0 NON-INTRUSIVE AND FRISK SEARCHES OF INMATES**

- 4.1. Any staff member assigned to work in a correctional facility may conduct a **routine non-intrusive search** or **routine frisk search** of an inmate, without individualized suspicion, when the inmate:
  - Enters, leaves or returns to a correctional facility;
  - Enters or leaves a segregation area or a high security area;
  - Enters an area in a correctional facility for the purposes of a contact visit with a visitor or completes a contact visit with a visitor in the correctional facility;
  - Enters or leaves a work area or an activity area in a correctional facility;
  - Has been requested to submit to urinalysis and the search is conducted immediately before the commencement of the collection; or
  - Enters or leaves any of the following areas of a correctional facility:
    - A medical area;
    - An admitting and discharge area;
    - An administration area;
    - A recreation area;
    - A programs area; or
    - a counselling area.
- 4.2. Supervisory workers and Correctional Facility Managers may conduct a **non-routine frisk search** of an inmate by their own authority where there are reasonable grounds to believe the inmate may be concealing contraband or evidence on their person.

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## **4.3 Gender Requirements**

- 4.3.1 Female staff members are permitted to perform frisk searches of male inmates in accordance with the search plans developed by each correctional centre.
- 4.3.2 If, before or during a frisk search, a male inmate objects to being searched by a female staff member, a male staff member will perform the search where reasonably practicable.
- 4.3.3 Male staff members are not permitted to frisk search female inmates. Should a frisk search be required, the male staff member(s) shall contain the situation until a female staff member arrives to perform the search.

## **5.0 STRIP SEARCHES OF INMATES**

5.1 Supervisory workers and Correctional Facility Managers who are of the same sex as the inmate may conduct a **routine strip search** of an inmate, without individualized suspicion, when the inmate:

- Enters or leaves a correctional facility;
- Enters or leaves a segregation area or a high security area;
- Enters an area in a correctional facility for the purposes of a contact visit with a visitor or completes a contact visit with a visitor in the correctional facility;
- Leaves a work area or an activity area in a correctional facility; or
- If contraband is found in the possession of the inmate.

5.2 A Correctional Facility Manager must approve a **non-routine strip search** of an inmate, based on reasonable grounds, unless the requirements for an emergency search are met, in which case a supervisory worker of the same sex as the inmate may conduct the search by their own authority.

5.3 A report on CJIMS outlining the reasons for the non-routine strip search is required regardless of whether any contraband is seized.

5.4 A staff member who conducts an **emergency strip search** shall immediately provide the Correctional Centre Director with a written report setting out the circumstances and results of the search.

## **5.5 Procedures for Strip Searching**

5.5.1 A strip search, whether routine or non-routine, will be conducted in a private area out of sight of others by a staff member of the same sex in the presence of a witness.

5.5.2 Additional staff may be present to control an uncooperative inmate provided the gender requirements are complied with.

5.5.3 Strip searches shall be conducted in the manner prescribed in subsection 26(1) of *The Correctional Services Regulations, 2013*.

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## 5.6 Gender Requirements

5.6.1 Female staff members may assist with the strip search of a male inmate under the following conditions:

- The inmate must be strip searched by a male staff member behind a privacy screen;
- The inmate must not be in view of the female staff unless there is a privacy screen;
- The staff member shall perform a frisk search of the inmate's clothing; and
- The staff member shall act as a witness to the strip search.

5.6.2 Only female staff members may conduct and witness strip searches of female inmates. Under no circumstances shall a male staff member conduct or witness a strip search of a female inmate. If only male staff are present, they will contain the situation until female staff members arrive to conduct and witness the strip search.

5.6.3 Strip searches of transgender inmates will be conducted in accordance with Provincial Policy **Case Management 313 – Transgender Offenders**.

5.6.4 The gender requirement for conducting and witnessing emergency strip searches of female and transgender inmates shall not be violated.

## 6.0 SUSPECTED CONTRABAND IN A BODY CAVITY

6.1 Where a staff member believes on reasonable grounds that an inmate is carrying contraband in a body cavity, the staff member shall not attempt to seize the contraband but will arrange to keep the inmate under constant observation while the Assistant Deputy Director of Operations (ADDO) and the Medical Unit is informed.

6.2 Where the ADDO is satisfied that there are reasonable grounds to believe that an inmate has ingested contraband or is carrying contraband in a body cavity, a designated staff member may conduct a non-routine body scan in accordance with Provincial Policy **Security 520 – The Use of Whole-Body X-Ray Security Systems**.

6.3 Where there is an expectation that the contraband will be expelled, an inmate may be detained in a cell without plumbing fixtures as per Provincial Policy **Security 522 – Use of Dry Cells**. The Medical Unit shall be informed of this placement.

## 6.4 Body Cavity Search

6.4.1 If it is determined that a body cavity search may be required, the inmate shall be kept under constant observation while the Correctional Facility Director and the Medical Unit are informed.

6.4.2 The Correctional Facility Director may authorize, in writing, the use of a medical imaging device by a qualified technician to find the contraband if:

- The inmate has been given reasonable opportunity to seek legal counsel; and
- Written consent of the inmate (*Inmate Consent for Medical Imaging/Examination* form) and of a qualified medical technician is obtained.

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And a body cavity search conducted by a qualified medical practitioner if:

- The inmate's written consent is obtained; and
- The inmate has been given reasonable opportunity to communicate with legal counsel.

## **7.0 SEARCHES OF CELLS**

- 7.1 A Supervisory Worker may conduct a **routine cell search** if the search is conducted in accordance with the Correctional Facility Search Plan.
- 7.2 Where a Supervisory Worker believes on reasonable grounds that contraband or evidence of an offence is located in an inmate's cell, the staff member may, with the prior authorization of a Correctional Facility Manager, conduct a **non-routine search** of the cell and its contents.
- 7.3 Searches of cells that involve the confirmation of personal effects shall be verified against the Inmate Personal Property Record.

## **7.4 Cultural Considerations**

- 7.4.1 Any required examination of medicine bundles, religious/spiritual articles and/or other sacred objects will be accomplished by having the owner manipulate them for visual inspection by the examining staff member.
- 7.4.2 In the owner's absence, an Elder or a religious representative will manipulate the contents for inspection. The staff member responsible for the search of these items must be satisfied that the search has been conducted thoroughly.

## **8.0 DISCIPLINE**

- 8.1 Inmates who refuse to submit to searches as authorized by *The Correctional Services Act, 2012* and *The Correctional Services Regulations, 2013* may be disciplined in accordance with Provincial Policy **Inmate Rights and Privileges 403 – Inmate Discipline**.

## **9.0 SEARCHES OF VISITORS**

- 9.1 All social visitors will be subject to a non-intrusive search upon entering a correctional centre. Searches of professional visitors and others identified in Provincial Policy **Administration 103 – Institutional Access** shall be conducted in accordance with that policy.
- 9.2 A staff member on an assigned post may by their own authority conduct a **routine non-intrusive search or a routine frisk search** of a visitor if the search is conducted in accordance with the Correctional Facility Search Plan. If the visitor does not consent to the frisk search, they will be given the option of immediately leaving the correctional facility.
- 9.3 A staff member on an assigned post may by their own authority conduct a **non-routine frisk search**, after giving the visitor the option of voluntarily leaving the facility if the staff member suspects on reasonable grounds that a visitor is carrying contraband or other evidence related to an offence. If the visitor does not consent to the frisk search, they will be given the option of immediately leaving the correctional facility.

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- 9.4 Where a staff member believes on reasonable grounds that a visitor is carrying contraband or other evidence relating to an offence, the staff member may conduct a **strip search** only after obtaining prior written authorization of the Correctional Centre Director. If the visitor does not consent to the strip search, they will be given the option of immediately leaving the correctional facility.
- 9.5 All strip searches of visitors will be conducted in a private area, out of sight of others, by a staff member of the same sex as the visitor and in the presence of a witness of the same sex as the visitor.
- 9.6 All frisk searches of visitors shall be conducted by a staff member of the same sex as the visitor being searched.
- 9.7 Strip searches shall not be conducted on visitors under the age of 18 unless the visitor is the spouse of the inmate.
- 9.8 A visit shall be cancelled and the reason for the cancellation documented on CJIMS if contraband or unauthorized items are found on the visitor's person or in their possession.
- 9.9 Detention of a Visitor**
- 9.9.1 If contraband of a criminal nature is found during the search, the visitor may be detained with the prior authorization of the Correctional Facility Director to obtain the assistance of the police.
- 9.9.2 A visitor who is detained shall be informed without delay of the reasons for the detention and will be advised of the right to retain counsel and be given the opportunity to do so.
- 10.0 SEARCHES OF VEHICLES**
- 10.1 A Supervisory Worker may conduct **routine searches** of vehicles when the vehicle enters or leaves a secure area on the correctional facility property and the search is conducted in accordance with the Correctional Facility Search Plan.
- 10.2 A staff member who believes on reasonable grounds that contraband is located in a vehicle at a facility may, with prior authorization from the Correctional Facility Director, conduct a **non-routine** search of the vehicle.
- 10.3 A staff member may search a vehicle without prior authorization from the Correctional Facility Director if the staff member believes on reasonable grounds that the delay to obtain prior authorization would result in danger to human life or safety or the loss or destruction of the contraband.
- 11.0 SEARCHING PRECAUTIONS**
- 11.1 It is expected that all staff use universal precautions and, at a minimum, wear search gloves while searching.



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- 11.2 If there is any suspicion that an area or cell may contain potentially harmful or toxic contraband, staff may dress in the appropriate Personal Protective Equipment (PPE), including N95 mask, prior to searching the area/cell (see Appendix A and Provincial Policy **Security 509 – Contraband and Evidence Handling, Testing and Disposition**).
- 11.3 In general, when an unknown substance is encountered during a search, staff are to:
- Handle the item as little as possible;
  - Not sniff, smell, taste or inhale the substance;
  - Not shake or wave any items suspected to contain an unknown substance;
  - Not open containers suspected of containing drugs;
  - Make sure the item is secured and double sealed in an evidence bag; and
  - Wash their hands after coming into contact with the substance.
- 11.4 Potentially harmful or toxic contraband shall be handled and collected as per Provincial Policy **Security 509 – Contraband and Evidence Handling, Testing and Disposition**.

## **12.0 REPORTING AND DOCUMENTATION**

- 12.1 *Search and Seizure Reports* and CJIMS reports shall be completed in the following circumstances:
- After any search in which an item is seized;
  - After any non-routine search whether or not any item(s) were seized;
  - After any emergency search of an inmate whether or not any item(s) were seized;
  - After a routine strip search in which the use of force was required to complete the search;
  - After any body cavity search;
  - After the use of a cell without operating plumbing fixture; and
  - After the use of a medical imaging machine.
- 12.2 CJIMS reports shall also be completed after any exceptional search whether or not any item(s) were seized.

### **CROSS-REFERENCE:**

**Personnel 220 – Cross Gender Staffing**

**Case Management 313 – Transgender Offenders**

**Inmate Rights and Privileges 410 – Standards for Personal Pictures and Photos**

**Security 509 – Contraband and Evidence Handling, Testing and Disposition**

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**Security 511** – *Institutional Lockdowns*

**Security 513** – *Inmate Property*

**Security 515** – *Preventative Measures for Control of Illicit Drug Use*

**Security 516** – *Urinalysis Testing*

## **Forms**

*Search and Seizure Report*

*Inmate Consent for Medical Examination or Procedure*

## **ACCOUNTABILITY:**

A quality assurance audit will be conducted as required by a person designated by the Assistant Deputy Minister of Custody, Supervision and Rehabilitation Services. The audit will, at a minimum, assess compliance with all sections that require a recorded task. A report of this audit will be submitted to the Executive Director of Custody Services.

## **REVIEW:**

The ministry will conduct routine reviews to ensure the content reflects any recent provincial, federal legislation changes and/or higher court decisions. In addition, all policies are subject to review or revision at any time on an as-needed basis.

## **AUTHORIZATION:**



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**for** Heather Scriver, Assistant Deputy Minister  
Custody, Supervision and Rehabilitation Services

# Application and Removal of Personal Protective Equipment

## **Application:**

1. Wash hands prior to donning PPE.
2. Put on a fit-tested N95 filtering mask by:
  - Placing the mask over nose and under chin;
  - Securing ties, loops or straps;
  - Moulding metal piece to bridge of nose; and
  - Performing a seal-check.
3. Put on eye protection and adjust to fit.
4. Put on protective coveralls (or at very least, wear long sleeves);
5. Put on two pairs of nitrile gloves one at a time and ensure that:
  - They do not tear or puncture; and
  - The cuffs of the gloves are over the sleeves.

## **Removal:**

1. Remove nitrile gloves by using the following technique:
  - Grasp outside edge of first glove near the wrist and peel away from hand, rolling the glove inside-out;
  - Cup the glove you just removed in the remaining gloved hand;
  - Reach under the remaining glove with your bare fingers at the cuff and peel away;
  - Dispose of gloves in plastic garbage bag; and
  - Wash hands with soap and water. Do not use alcohol-based cleaners or sanitizers.
2. Remove eye protection by handling by the loop/strap/arm and clean eye protection with soap and water or dispose of in a plastic garbage bag.
3. Remove N95 mask by grabbing the straps or tie loops from the back and bending forward to allow the respirator to fall away from the face. Discard in a plastic bag.
4. Carefully remove coveralls, taking care not to touch the outside surface of the coveralls and dispose of in plastic bag.
4. Wash hands again with soap and water. Do not use alcohol-based cleaners or sanitizers.
5. The plastic garbage bag containing the discarded PPE can be disposed of in regular waste.