

**National Security Framework**  
**3.1**  
**SEARCHING OF THE PERSON**

|  |   |                    |
|--|---|--------------------|
| <b>This instruction applies to:-</b>   |   | <b>Reference:-</b> |
| Prisons  |   | <b>PSI 07/2016</b> |
| <b>Issue Date</b>  | <b>Effective Date</b>   | <b>Expiry Date</b> |
| 26 July 2016   | 26 October 2016   | N/A                |
| <b>Issued on the authority of</b>  | NOMS Agency Board   |                    |
| <b>For action by</b>   | <p>All staff responsible for the development and publication of policy and instructions</p> <p><input type="checkbox"/> NOMS HQ</p> <p><input checked="" type="checkbox"/> Public Sector Prisons</p> <p><input checked="" type="checkbox"/> Contracted Prisons*</p> <p><input type="checkbox"/> NOMS Immigration Removal Centres (IRCs)</p> <p><input type="checkbox"/> National Probation Service (NPS)</p> <p><input type="checkbox"/> Community Rehabilitation Companies (CRCs)</p> <p><input type="checkbox"/> Other Providers of Probation and Community Services</p> <p><input checked="" type="checkbox"/> Governors</p> <p><input type="checkbox"/> Heads of Groups</p> <p><input type="checkbox"/> NOMS Rehabilitation Contract Services Team</p> <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p> |                    |
| <b>Instruction type</b>  | Service specification support/ Service improvement/ Legal compliance  |                    |
| <b>For information</b>   | All HQ and prison staff   |                    |
| <b>Provide a summary of the policy aim and the reason for its development / revision</b> | <p>This instruction is one of a number of Prison Service Instructions covering the searching function of the National Security Framework.</p> <p>It provides policy and guidance on the searching of the person and replaces PSI 68/2011.</p>   |                    |
| <b>Contact</b>   | <p>Emma Prince, Security Policy Unit</p> <p><a href="mailto:emma.prince@noms.gsi.gov.uk">emma.prince@noms.gsi.gov.uk</a></p> <p>0300 047 6202</p>   |                    |
| <b>Associated documents</b>  | <p>Cell and Area Searching Specification</p> <p>Discharge Specification</p> <p>Security Management Specification</p> <p>Reception-In Specification</p> <p>Residential Services Specification</p> <p>Enablers of National Co-Commissioned Services in Prisons Specification</p> <p>Related Operating Models</p> <p>Related Direct Service Costs and Assumptions</p> <p>Related Cost Spreadsheets</p>   |                    |

See:

<http://www.justice.gov.uk/about/noms/noms-specification-benchmarking-and-costing-programme/index.htm>

NSF Function 3.2 - PSI 09/2016 - Cell, Area and Vehicle Searching

NSF Function 3.3 - PSI 08/2016 - Dealing with Evidence

NSF Function 3.4 - PSI 50/2010 - Covert Testing Strategy

See for National Security Framework

PSO 1600 – Use of Force

PSO 1700 - Segregation

PSI 40/2008 - Guidance on Use of Closed Visits when Applied to Prisoners

PSI 06/2010 – AI 05/2010 - Conduct and Discipline

PSI 07/2011 - The Care and Management of Transsexual Prisoners

PSI 11/2011 - Incentives and Earned Privilege

PSI 12/2011 – Prisoners' Property

PSI 15/2011 - Management of Security at Visits

PSI 16/2011 - Providing Visits and Services to Visitors

PSI 32/2011 – Ensuring Equality

PSI 64/2011 - Management of prisoners at risk of harm to self, to others and from others (Safer Custody)

PSI 02/2012 - Prisoner Complaints

PSI 10/2012 - Conveyance and Possession of Prohibited Items and Other Related Offences

PSI 30/2013 - Incentives and Earned Privileges

PSI 13/2015 – PI 10/2015 - Release on Temporary Licence

**Replaces the following documents which are hereby cancelled:**

PSI 67/2011 - Searching of the Person

PSI 16/2014 - Searching Young People

**Audit/monitoring:** Monitoring of compliance will be undertaken by Audit and Corporate Assurance and as part of the self-audit process.

Mandatory elements of instructions must be subject to management checks (and may be subject to self or peer audit by operational line management), as judged to be appropriate by the managers with responsibility for delivery. In addition, NOMS will have a corporate audit programme that will audit against mandatory requirements to an extent and at a frequency determined from time to time through the appropriate governance.

**Introduces amendments to the following documents:** None

**Notes:** *All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.*

## CONTENTS

Hold down "Ctrl" and click on section titles below to follow link.

| Section | Title  | Page   | Applicable to |
|---------|--|--|---------------|
| 1       | <a href="#">Executive summary</a>  | 3  | All staff     |
| 2       | <b>Operational Instructions</b><br><a href="#">General</a><br><a href="#">Searching of Prisoners</a> <ul style="list-style-type: none"> <li>• <a href="#">Overview</a></li> <li>• <a href="#">Male Prisoners Outside of the High Security Estate</a></li> <li>• <a href="#">High Security Prisoners</a></li> <li>• <a href="#">Young People</a></li> <li>• <a href="#">Women Prisoners</a></li> <li>• <a href="#">Transsexual Prisoners</a></li> <li>• <a href="#">E-List Prisoners</a></li> </ul> <a href="#">Searching Prisoner Property on Reception</a><br><a href="#">Searching of Visitors</a><br><a href="#">Searching of Staff</a><br><a href="#">Searching of Babies in Mother and Baby Units</a> | 6<br>6<br>7<br>7<br>11<br>13<br>14<br>15<br>17<br>17<br><br>17<br>18<br>19<br>19 | All staff     |
| Annex A | <b><a href="#">Authority for Searching and Powers of Arrest</a></b><br><a href="#">A1 - Powers of Search</a><br><a href="#">A2 – Gender Issues</a><br><a href="#">A3 – Searching Vehicles</a><br><a href="#">A4 - Powers of Arrest and Arrest Procedures</a>   | 20<br>20<br>24<br>26<br>26   | All staff     |
| Annex B | <b><a href="#">Searching Procedures</a></b><br><a href="#">B1 – Rub-down Searches</a><br><a href="#">B2 – Full Searches</a><br><a href="#">B3 – Searches of Other Body Areas</a><br><a href="#">B4 – Pictorial Instructions</a>  | 28<br>28<br>31<br>38<br>40   | All staff     |
| Annex C | <b><a href="#">Technical Aids</a></b><br><a href="#">C1 – X-Ray Machines</a><br><a href="#">C2 - Metal Detecting Portals</a><br><br><a href="#">C3 - Hand-held Metal Detectors</a><br><a href="#">C4 - Other Searching Equipment</a><br><a href="#">C5 - BOSS Chair</a><br><a href="#">C6 – Responding to Metal Detector Indications on Discharges from Prison</a><br><a href="#">C7 - Pictorial Instructions</a>  | 43<br>43<br>43<br>44<br>44<br>44<br>50<br><br>52                                 | All staff     |
| Annex D | <b><a href="#">Religious and Cultural Arrangements for Searching The Person</a></b><br><br><a href="#">D1 - Rub-Down Searches</a>  | 53<br><br>53<br>53   | All staff     |

|         |  |    |           |
|---------|--|----|-----------|
|         | <a href="#">D2 - Full Searches of Muslims</a>  | 53 |           |
|         | <a href="#">D3 – Full Searches of Sikh Prisoners</a>   | 53 |           |
|         | <a href="#">D4 - Searching Religious or Cultural Headwear</a>                                  | 54 |           |
|         | <a href="#">D5 - Searches Using Dogs</a>   |    |           |
| Annex E | <a href="#">Searching People With Injuries or Disabilities</a>                                 | 55 | All staff |
| Annex F | <a href="#">Searching of People Using Dogs</a>   | 58 | All staff |
|         | <a href="#">F1 - Measures to Follow After an Indication on a Visitor by a Passive Drug Dog</a> | 68 |           |
|         | <a href="#">F2 - Possible Masking of Drugs</a>   | 59 |           |
| Annex G | <a href="#">Searching Prisoners in Work and Activity Areas</a>                                 | 60 | All staff |
| Annex H | <a href="#">Searching of Transsexual Prisoners</a>   | 61 | All staff |
|         | <a href="#">H1 - Legal Obligations</a>   | 61 |           |
|         | <a href="#">H2 - Concerns</a>  | 61 |           |
|         | <a href="#">H3 - Compact</a>   | 61 |           |
|         | <a href="#">H4 - Full Searches</a>   | 62 |           |
|         | <a href="#">H5 - Rub-Down Searches</a>   | 63 |           |
|         | <a href="#">H6 - Squat Searches</a>  | 64 |           |
|         | <a href="#">H7 - Summary of Searching Procedures for Transsexual Prisoners</a>                 | 65 |           |
| Annex I | <a href="#">Searches of Babies</a>   | 66 | All staff |
|         | <a href="#">I1 - Searches of Babies in Mother and Baby Units</a>                               | 78 |           |
|         | <a href="#">I2 - Searching Babies Visiting Prisons</a>   | 70 |           |
|         | <a href="#">I3 – Pictorial Instructions</a>  |    |           |
| Annex J | <a href="#">Full Search Notices</a>  | 73 | All staff |
| Annex K | <a href="#">The Searching Strategy</a>   | 77 | All staff |

## 1. Executive summary

### Background

1.1. This instruction is one of a number of Prison Service Instructions (PSIs) covering the searching function of the National Security Framework. All searching instructions can be accessed via the [National Security Framework](#) website.

1.2 This PSI updates and replaces PSI 67/2011 with the following clarifications and changes to policy:

- References to semi-open prisons and young women under 18 removed;
- **Paragraph 2.12 – 2.13** – Requirement included that there must be arrangements in place for keeping records of searches and finds and that, as a minimum, non-routine full-searches of prisoners must be recorded and records must be kept of any additional search procedure used in accordance with [Annex B3](#). This includes where a male prisoner is asked to squat as part of a full search;
- **Paragraph 2.31** – Amended to reflect requirement within NSF Function 3.2 that prisons outside of the High Security Estate are no longer required to routinely conduct full property record checks as part of cell searches. Instead, prisons are required to develop a local strategy on conducting property record checks which may or may not be undertaken at the same time as cell searches;
- **Paragraph 2.33 and section 1.10 of the table at paragraph 2.15** – Updated to require that male prisoners outside of the High Security Estate must routinely be given a Level A rub-down search and hand-held metal detector scan following visits, in addition to the requirement for a percentage of prisoners to be full-searched at random;
- **Paragraphs 2.41 – 2.53 and table at paragraph 2.15** – Incorporates policy on the searching of young people contained within PSI 16/2014, which is now cancelled;
- **Paragraph 2.54** – Emphasis provided that a prisoner must never be naked as part of a full search;
- **Paragraph 2.55 and table at paragraph 2.15** – Amended to provide that in open prisons there is no central mandate for searching women prisoners on return from ROTL or outside working party. Instead a risk-assessment must be conducted to determine a searching response;
- **Paragraph 2.70** – Clarification that a search is a condition of entry to a prison;
- **Annex A1, paragraph 4** – Amended to reflect section 27 of the Offender Management Act (2007), which amended the Prison Act to provide that a person who is not a direct employee of a prison can be authorised to conduct a rub-down search/metal-detector scan of a prisoner;
- **Annex A2, paragraphs 36 - 51** – Additional policy and guidance provided to clarify what is meant by a “religious or cultural objection”, in respect of a male prisoner being rub-down searched by a female member of staff, and the processes/assessments that must be undertaken when an objection is made;
- **Annex A2, paragraph 57** – Amended to include the word “indictable” in respect of offences or suspected offences in which citizens may exercise powers of arrest, to reflect terminology used in section 24A of the Police and Criminal Evidence Act 1984;
- **Annex B1, paragraphs 4 and 5** – Inclusion of guidance and instruction regarding the searching of waistbands as part of a rub-down search;
- **Annex B2, paragraph 16** – Clarification provided as to when prior authorisation should be sought for a full search;

- **Annex B3, paragraph 35** – Reference to “she” removed in relation to searching of anal/ genital area, which only applies to male prisoners;
- **Annex B3, paragraph 37** – Clarification provided that staff must wear plastic gloves when removing items from the genital area and the mouth;
- **Annex B3, paragraph 39** – Explanation provided as to why records are required to be kept when searches of other body areas are conducted;
- **Annex C2, paragraph 9**, final bullet-point – Requirement included that, where it is not possible to identify the source of a positive metal detector alarm, a risk-assessment must be undertaken to determine what action should be taken;
- **Annex C6** – new section included to provide instruction and guidance on responding to positive metal detector indications on prisoner discharges from prison;
- **Annex D4** - Updated to include instruction and guidance on the removal of underwear as part of a full search of a Sikh prisoner, further action on action to take on activation of an alarm during a hand-held metal detector search of religious headwear and to include new instruction on the removal of religious headwear as part of a search;
- **Annex D (new D5)** – Included to provide guidance that it is good practice to make available protective clothing for Muslim visitors, staff and prisoners attending Friday Prayers to wear when being searched by a passive drug dog and to provide instruction previously contained within the Religion Manual that washing/changing facilities must be made available should they be touched by a dog during the search;
- **Annex E, paragraph 6** – Amended to allow persons wearing a pacemaker to walk through a metal detector portal and be searched with a hand-held metal detector;
- **Annex E** procedural instructions for rub-down searching female wheelchair users – requirement included for the searching officers to ask the woman being searched to empty her pockets and remove any jewellery, to reflect the instruction for men;
- **Annex I** – Clarification provided that the routine searching of babies is not mandatory either on visiting a prison or on entry to a Mother and Baby Unit (MBU) and that two trained officers of either sex can search a baby.

### Desired Outcomes

- 1.3 There are lawful and effective procedures in place for the searching of prisoners, visitors and staff to ensure that:
- escapes are prevented;
  - threats to the security, order and control of the establishment are detected and deterred;
  - crime is detected and deterred;
  - the number of illicit and unauthorised articles present in establishments is reduced;
  - harm to self and others is reduced;
  - searching contributes to a safe and decent environment by being proportionate to the risk assessed.

### Application

- 1.4 This PSI is applicable to all prison establishments. For High Security prisons, this PSI should be read in conjunction with the searching instructions and guidelines in the Category A instructions the National Security Framework.

### Mandatory Actions

- 1.5 *All instructions included in the National Security Framework (NSF) are mandatory. The NSF incorporates mandatory requirements derived from specifications relevant to its specific policy areas. This PSI incorporates mandatory requirements derived from the [Cell and Area Searching](#), [Discharge](#) and [Reception-In](#) specifications, which are highlighted in the shaded boxes.*
- 1.6 *Governors and Directors of contracted prisons must ensure they have local security strategies in place which are in accordance with the instructions set out in this PSI.*

Resource Impact

- 1.7 There will be some resource implications for establishments in updating local security strategies to ensure that they are in line with the requirements set out in this PSI.

(Approved for Publication)

**Claudia Sturt**

**Director of Security, Order and Counter Terrorism, NOMS**

## 2. OPERATIONAL INSTRUCTIONS

Text in shaded boxes indicates specification requirements within the [relevant specification] specification

### **General**

- 2.1 [Annex A](#) sets out the legal authority for searching, powers of search and arrest procedures.
- 2.2 All persons may be searched on entry to or within prisons, including prisoners, visitors and staff.
- 2.3 The following types of searches of the person may be applied:
- [Level A rub-down search](#)
  - [Level B rub-down search](#)
  - [Full search](#)
  - [Searching of other body areas](#)
- 2.4 *The mandatory procedures for conducting these searches are set out at [Annex B](#) and must be followed.*
- 2.5 Technical aids, including X-ray machines, hand-held metal detectors and BOSS Chairs, may be used to search or as part of a search of prisoners, visitors and staff, in accordance with the instructions and guidance at [Annex C](#). *Local procedures must be in place for dealing with positive metal detector indications, which are in accordance with [Annex C6](#).*
- 2.6 *Every establishment must have a Local Searching Strategy in place, which is documented and agreed between the Governor and the Deputy Director of Custody – see [Annex K](#) for instruction on completing a Local Searching Strategy.*
- 2.7 *The Local Searching Strategy must be made available to staff, visitors and prisoners who must be made aware as to how it applies to them. Written guidance on procedures must be sent with Visiting Orders and displayed prominently in visits rooms.*
- 2.8 *The procedures detailed in [National Security Framework 3.3, Dealing with Evidence](#), must be followed when dealing with finds which may be used as evidence.*
- 2.9 *Religious and cultural arrangements and procedures for searching people, as set out at [Annex D](#), must be followed.*
- 2.10 *Procedures must be in place for the searching of people with injuries and/or disabilities, in accordance with the instructions and guidance at [Annex E](#).*
- 2.11 *Procedures must be in place for the use of dogs for searching people in accordance with [Annex F](#).*

### Records of Searching

- 2.12 *Arrangements must be in place for keeping records of searches and finds. On completion of a search, staff must sign for all examinations they have carried out in accordance with local security strategies. As a minimum, records must be kept of all non-routine full-searches of prisoners, in circumstances where they are conducted on the basis of intelligence or*

suspicion (this does not include random full-searches where conducted as part of Local Searching Strategies). Records must be kept in these circumstances irrespective of whether or not an item is found during the search. Records must detail why, when and where the full search was conducted, who conducted the search and any other relevant information. A Mercury Information Report (IR) must also be completed and submitted to the security department where contraband is found as part of a search.

- 2.13 Records must also be kept in cases where an additional procedure as part of a search (i.e. search of mouth, anal or genital area in line with [Annex B3](#)) this includes where a male prisoner is asked to squat as part of a full search. These records must indicate why an additional procedure was used, any items found and any relevant material about the conduct of the search.

**Searching of Prisoners**

**Overview**

- 2.14 Arrangements for searching prisoners must be set out in local searching strategies – see [Annex K](#) for instruction on completing a Local Searching Strategy.
- 2.15 Different searching arrangements will exist across the prison estate depending on the circumstances of the search and the type of prison concerned. In most cases, governors are required to carry out a risk assessment to determine the level of search required in various situations, taking into account local security concerns and needs. *These risk assessments and decisions on type of search must be recorded in the LSS and agreed with regional management. In addition, there are searching requirements to which all prisons must adhere, which are set out in full in this section.* The table below summarises these requirements and references the relevant parts of the PSI that provide further information.

**Table 1: Routine Searching of Prisoners: Summary of Requirements**

| CIRCUMSTANCE/AREA   | TYPE OF SEARCH  |
|---|---|
| <b>1. Male Prisoners Outside of the High Security Estate</b>  |   |
| 1.1 Initial reception to prison - new to establishment and not from another prison.   | <i>Full search mandated – see paragraph 2.24</i>  |
| 1.2 On reception – transfer in from other prison  | <i>Level B rub-down search and hand-held metal detector scan mandated – see paragraph 2.25</i>  |
| 1.3 On reception on return from ROTL or outside working party – Closed Prisons  | <i>Full search and hand-held metal detector scan mandated – see paragraph 2.26</i>  |
| 1.4 On reception on return from ROTL or outside working party – Open Prisons  | <i>No central mandate for searching. Risk assessment must be conducted to determine local searching response – see paragraph 2.25</i> |
| 1.5 Returns with non-prison escorts (e.g. police, UKVI (UK Visas and Immigration), PEMS, other law enforcement agencies but does not include inter-prison transfers in – see 1.2 above) | <i>Full search mandated – see paragraph 2.27</i>  |

|   |  |
|---|--|
| 1.6 Returns with prison escorts (e.g. hospital escorts)   | No central mandate for searching. <i>Risk assessment must be conducted to determine local searching response – see paragraph 2.28</i>  |
| 1.7 All transfers out including to another prison (but not final/ROTL discharges - see below)   | <i>Full search by the sending prison mandated – see paragraph 2.29</i>   |
| 1.8 On final discharge and discharge for ROTL   | No central mandate for searching. <i>Risk assessment must be conducted to determine local searching response – see paragraph 2.30</i>  |
| 1.9 Cell search   | <i>Risk assessment must be completed to determine whether Level A rub-down search and hand-held metal detector scan or full search is required – see paragraph 2.31</i>  |
| 1.10 Following visits   | <i>Level A rub-down search and hand-held metal detector scan mandated after visits</i><br><br><i>In addition, percentage of prisoners selected at random must be full searched – see paragraph 2.33</i>  |
| 1.11 All circumstances/areas – Restricted Status prisoners  | <i>A risk assessment must be conducted to determine the level of searching required for Restricted Status male prisoners – see paragraph 2.35</i>  |
| <b>2. Male prisoners in the High Security Estate</b>  |  |
| 2.1 All receptions to prison regardless of reason or escort type.   | <i>Full search mandated in all circumstances – see paragraph 2.36</i>  |
| 2.2 On discharges from prison regardless of reason.   | <i>Full search mandated in all circumstances – see paragraph 2.37</i>  |
| 2.3 Cell search   | <i>Full search mandated in all circumstances – see paragraph 2.38</i>  |
| 2.4 Visits<br>(a) High Risk Category A Prisoners<br><br>(b) Standard Category A prisoners<br><br>(c) Category B prisoners in High Security core local prisons and dispersal prisons | <i>Male High Risk Category A prisoners must be full searched both prior to and after visit– see paragraph 2.39</i><br><br>Level A rub-down search prior to visit and full search following visit – see paragraph 2.39<br><br>Level A rub-down search prior to visit and after visit. Risk-assess the need for full searching these prisoners following visits - see paragraph 2.39 |
| <b>3. Young People</b>  |  |

|   |   |
|---|---|
| 3.1 Initial reception to prison (new to establishment and not from another prison)  | <i>BOSS Chair, Level A rub-down + hand held metal detector search mandated – see paragraph 2.44</i>   |
| 3.2 On reception – transfer in from other prison  | <i>Level B rub-down search and hand-held metal detector scan mandated – see paragraph 2.45</i>  |
| 3.3 On reception on return from ROTL or outside working party   | <i>BOSS Chair, Level A rub-down + hand held metal detector search mandated – see paragraph 2.46</i>   |
| 3.4 Returns with non-prison escorts (e.g. police, UKVI (UK Visas and Immigration), other law enforcement agencies but does not include inter-prison transfers in) | <i>BOSS Chair, Level A rub-down + hand held metal detector search mandated – see paragraph 2.47</i>   |
| 3.5 Returns with prison escorts (e.g. hospital escorts)   | <i>No central mandate for searching. Risk assessment must be conducted to determine local searching response – see paragraph 2.48</i>   |
| 3.6 All transfers out including to another prison (but not final/ROTL discharges)   | <i>BOSS Chair, Level A rub-down + hand held metal detector search by the sending prison mandated – see paragraph 2.49</i>   |
| 3.7 On final discharge and discharge for ROTL   | <i>No central mandate for searching. Risk assessment must be conducted to determine local searching response – see paragraph 2.50</i>   |
| 3.8 Cell search   | <i>Routine cell searches - Level A rub-down search and hand-held metal detector scan mandated.</i><br><br><i>Cell searches on intelligence/suspicion - risk assessment must be completed to determine whether full-search required – see paragraph 2.51</i> |
| 3.9 Following visits  | <i>Level A rub-down search and hand-held metal detector scan mandated – see paragraph 2.52</i>  |
| <b><u>E-List Young People and Restricted Status Young People</u></b>  |   |
| 3.10 On reception   | <i>Full-search mandated – see paragraph 2.53</i>  |
| 3.11 After visits   | <i>Full-search mandated – see paragraph 2.53</i>  |
| 3.12 After work activities, education and training  | <i>Full-search mandated – see paragraph 2.53</i>  |
| 3.13 Cell search  | <i>Full-search mandated – see paragraph 2.53</i>  |
| 3.14 All external escorts   | <i>Full-search mandated – see paragraph 2.53</i>  |
| 3.15 All other areas/circumstances in which a search may be conducted (e.g. to/from exercise, on entry to segregation, other internal movements)                  | <i>A risk assessment must be conducted to determine the level of searching required – see paragraph 2.53</i>  |

| <b>4. Women Prisoners</b>  |   |
|--|---|
| 4.1 On reception on arrival to prison on initial reception to prison   | <i>Level A rub-down search and hand-held metal detector scan mandated – see paragraph 2.55</i>  |
| 4.2 On reception – transfer in from another prison.  | <i>Level B rub-down search and hand-held metal detector scan mandated – see paragraph 2.55</i>  |
| 4.3 On reception on return from ROTL or outside working party – Closed Prisons   | <i>Level A rub-down search and hand-held metal detector scan mandated – see paragraph 2.55</i>  |
| 4.4 On reception on return from ROTL or outside working party – Open Prisons   | <i>No central mandate for searching. Risk assessment must be conducted to determine local searching response – see paragraph 2.55</i>                               |
| 4.5 Returns with non-prison escorts (e.g. police, UKVI (UK Visas and Immigration) PEMS, other law enforcement agencies but does not include inter-prison transfers in – see 3.2 above) | <i>Level A rub-down search and hand-held metal detector scan mandated – see paragraph 2.56</i>  |
| 4.6 Returns from prison escorts (e.g. hospital escorts).   | <i>No central mandate for searching. Risk assessment must be conducted to determine local searching response – see paragraph 2.57</i>                               |
| 4.7 On discharge on transferring to another prison   | <i>Level A rub-down search and hand-held metal detector scan mandated – see paragraph 2.58</i>  |
| 4.8 On final discharge and discharge for ROTL  | <i>No central mandate for searching. Risk assessment must be conducted to determine local searching response – see paragraph 2.58</i>                               |
| 4.9 Cell search  | <i>Level A rub-down search and hand-held metal detector scan mandated – see paragraph 2.59</i>  |
| 4.10 Following visits – closed prisons   | <i>Level A rub-down search and hand-held metal detector scan mandated after visits – see paragraph 2.60</i>   |
| 4.11 All circumstances/areas – Restricted Status   | <i>A risk assessment must be conducted to determine the level of searching required for Restricted Status women prisoners – see paragraph 2.61</i>                  |
| <b>5. E-List Prisoners</b>   |   |
| 5.1 On reception   | <i>Full search mandated for male prisoners – see paragraph 2.63<br/>Level of search for women prisoners must be individually risk-assessed – see paragraph 2.64</i> |
| 5.2 After visits   | <i>Full search mandated for male prisoners – see paragraph 2.63</i>   |

|  |   |
|--|---|
|  | <i>Level of search for women prisoners must be individually risk-assessed – see paragraph 2.64</i>  |
| 5.3 After work activities, activities and training | <i>Full search mandated for male prisoners – see paragraph 2.63<br/>Level of search for women prisoners must be individually risk-assessed – see paragraph 2.64</i> |
| 5.4 Cell search                                    | <i>Full search mandated for male prisoners – see paragraph 2.63<br/>Level of search for women prisoners must be individually risk-assessed – see paragraph 2.65</i> |

**Notes:**

Types of search in the right-hand column above are minimum requirements. Individual staff may carry out more detailed levels of searches (subject to policy requirements) in specific cases on suspicion or on receipt of intelligence. Governors may authorise a more detailed level of search routinely if security concerns justify this. Additional resources for additional searching are expected to be met locally by governors unless negotiated as part of the specification process with regional management.

- 2.16 *If anything unauthorised is found during a search of a prisoner, officers must ask the subject for an explanation and include the answer in a written report. Any further questioning is the responsibility of the adjudicator, operational manager or the police. A Mercury Information Report must also be completed.*
- 2.17 All prisoners may be subject to Level-A or Level-B rub-down searches or full searches where appropriate, in accordance with local security strategies and procedures at [Annex B](#). Searches may be conducted routinely or in response to intelligence, suspicion or specific incidents.
- 2.18 Reasonable force can be used to ensure prisoners comply with searches, in accordance with [Annex A](#), (A1, paragraph 6).
- 2.19 *In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched. The use of prison orderlies in reception must be carefully managed to ensure that items of contraband are not passed to them.*
- 2.20 *Locally agreed arrangements must be in place for the searching of prisoners leaving workshops and activity areas in accordance with [Annex G](#), which also provides guidance on searching items within these areas.*
- 2.21 *Arrangements and levels of searches for prisoners before and after visits must be set out in the Local Searching Strategy.*
- 2.22 *Prisoners must be full-searched following visits if there is sufficient reason to believe that they are smuggling contraband.*
- 2.23 Staff should be aware that searches, especially full searches, can be embarrassing and difficult experiences for prisoners. *Staff must, in particular, bear in mind the impact searches may have on prisoners who may be at risk – see PSI 64/2011 - Safer Custody.*

**Male Prisoners Outside of the High Security Estate**

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|---|
| In reception on initial arrival to prison (new to prison): “Prisoners are full searched.” |
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- 2.24 *Male prisoners must be given a full search in accordance with national procedures at [Annex B](#) (B2, paragraph 23) on initial reception to prison unless they have been transferred from another prison, in which case see paragraph 2.25.*

In reception on arrival to prison on transfer from another prison: "Prisoners are given a Level B rub-down search and metal detector scan and full-searched on an intelligence led basis."

- 2.25 *Male prisoners on reception on transfer from another prison must be given a Level B rub-down search and hand-held metal detector scan. In addition, male prisoners may be full-searched on intelligence or reasonable suspicion that an item is being concealed on the person which may be revealed by the search.*
- 2.26 *Returns from release on temporary license or from an outside working party: Male prisoners in closed prisons must be full-searched on reception and scanned with a hand-held metal detector in these circumstances. In open prisons, there is no central mandate for a search. Establishments must carry out a risk assessment to assess the security risks/issues in not searching in these circumstances and to put into place an appropriate searching response. This could range from no searching at all through to routine rub-down searching of prisoners all the time, or for a limited period, at random or on an individual basis. Prisons are reminded that all types of authorised searching, including full-searches, may be carried out at any time on suspicion or on the basis of intelligence. This could even extend, in the extreme, to full searches of all prisoners on return from release on temporary license or from an outside working party for a period if the intelligence supports this. Risk assessments and the searching strategy adopted as a result of this, must be documented in the Local Security Strategy and re-examined routinely or when risks change.*
- 2.27 *Returns from non-prison escorts (e.g. police, UK Visas and Immigration (UKVI) PECS, other law enforcements agencies and including court returns). Male prisoners returning from a non-prison escort must be full-searched on reception in accordance with national procedures at [Annex B](#) (B2, paragraph 23). This does not apply to inter-prison transfers - see [paragraph 2.24](#).*
- 2.28 *Returns from prison escorts (e.g. hospital escorts): There is no central mandate for a full search or a rub-down search of a prisoner on reception on returning from a prison escort. However, there are associated risks in not searching prisoners at these times. For example, there is the potential for prisoners to obtain illicit items to traffic into prisons if a prisoner has been out of sight for any time on the escort – i.e. for treatment at hospital, toilet break etc. Establishments must, therefore, to carry out a risk assessment to assess the security risks in not searching in these circumstances and to put in place an appropriate searching response. This could range from no searching at all through to routine rub-down searching of prisoners all the time, or for a limited period, at random or on an individual basis. Prisons are reminded that all types of authorised searching, including full-searches, may be carried out at any time on suspicion or on the basis of intelligence. This could even extend, in the extreme, to full searches of all prisoners on return from prison escort for a period if the intelligence supports this. Risk assessments and the searching strategy adopted as a result of this, must be documented in the Local Security Strategy and re-examined routinely or when risks change.*

On Discharge: "Prisoners receive a full search."

- 2.29 *On transferring to another prison and all other discharges apart from on final discharge and discharge for ROTL (see [paragraph 2.29](#)), all male prisoners must be full-searched by officers at the sending prison in accordance with the national procedures at [Annex B \(B2, paragraph 23\)](#).*
- 2.30 Final Discharge/Discharge for ROTL: There is no central mandate for a full search or a rub-down search on final discharge, after completion of sentence, or on discharge for ROTL, (either standard or advanced ROTL - also see PSI 13/2015 - Release on Temporary Licence). However, there are associated risks in not searching in these circumstances including the risk of theft of property from the prison or other prisoners. *Establishments must, therefore, carry out a risk assessment to assess the security risks/issues surrounding prisoners leaving the establishment without searching and to put in place an appropriate searching response.* This could range from no searching at all through to routine rub-down searching all the time, or for a limited period, or at random. Prisons are reminded that all types of authorised searching, including full-searches, may be carried out at any time on suspicion or on the basis of intelligence. This could even extend, in the extreme, to full searches of all prisoners on final discharge for a period if the intelligence supports this. *Risk assessments and the searching strategy adopted as a result of this, must be documented in the Local Security Strategy and re-examined routinely or when risks change.*
- 2.31 Cell Searching: *As part of the commissioning process there must be an agreement between the Deputy Director of Custody and the Governor regarding the level and frequency of cell searching conducted in the prison, which may be at 'Routine' or 'Routine Plus' level. As part of a 'Routine' cell search, male prisoners must be given a Level A rub-down search and scanned with a hand-held metal detector. As part of a 'Routine Plus' cell search, male prisoners must be given a full search.* Prisons are not required to routinely conduct property record checks as part of cell searches. *Prisons instead must develop a local strategy on conducting property record checks which may or may not be undertaken at the same time as cell searches* - This is covered in more detail in [National Security Framework 3.2](#), Cell, Area and Vehicle Searching. See also PSI 12/2011 – Prisoners' Property, which requires that prisons effectively audit and account for prisoner property.
- 2.32 In addition to the above, male prisoners may be full-searched as part of a cell search on intelligence or reasonable suspicion that an item is being concealed on the person which may be revealed by the search.
- 2.33 Visits: *Male prisoners must routinely be given a Level A rub-down search and hand-held metal detector scan following visits. In addition, a percentage of male prisoners selected at random must be full searched following visits, at a level agreed as part of local searching strategies.*
- 2.34 Other body areas of male prisoners may be searched in accordance with [Annex B](#), (B3).
- 2.35 Restricted Status male prisoners: *A risk assessment must be undertaken in all circumstances and areas to determine the level of searching required for Restricted Status male prisoners, which will depend on the risk the individual prisoner poses.*

### **Male Prisoners in the High Security Estate**

On reception: "Prisoners are full searched."

- 2.36 *Male prisoners must, in all circumstances, be given a full search on reception on arrival to a High Security prison in accordance with national procedures at [Annex B](#) (B2, paragraph 23).*

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|--|
| On discharge: "Prisoners are full searched." |
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- 2.37 *Male prisoners in High Security prisons must, in all circumstances, be given a full search on discharge from prison in accordance with the national procedures at [Annex B](#) (B2, paragraph 23). A prisoner's property must always be searched on final discharge from High Security prisons.*

- 2.38 *As part of a cell search, male prisoners in High Security prisons must always be given a full search.*

- 2.39 *Visits: High Risk Category A male prisoners must be full-searched before and after visits and provided with sterile clothing to wear during the visit. These may be the prisoner's own clothes if he is entitled to wear them. Standard Category A male prisoners must be given a Level A rub-down search before visits and full-searched on leaving visits. Category B male prisoners in both High Security core local prisons and dispersal prisons must be given a Level A rub-down search both prior to and leaving visits. In addition, these prisons must risk-assess the need for searches of Category B prisoners following visits and to set a percentage of Category B prisoners to be full-searched in these circumstances. This percentage must be agreed with the Deputy Director of Custody High Security and documented in the Local Security Strategy. Category B prisoners can also be full-searched at any time on the basis of intelligence or reasonable suspicion that an item is being concealed on the person which may be revealed by the search.*

- 2.40 *See SSU Operating Standards (Restricted document) for detailed arrangements for visits for exceptional risk Category A prisoners.*

### **Young People**

- 2.41 *Establishments holding male young people (those prisoners under the age of 18) must have a local policy in place for searching which is in accordance with this instruction and the minimum requirements set out in the table at paragraph 2.15. Local arrangements must be set out in local security strategies (LSSs) and agreed by the Governor and Deputy Director of Custody.*

- 2.42 *Young people must not normally be full-searched as a matter of routine other than in accordance with the provisions for E-List and Restricted Status young people (see paragraph 2.53). However, they may be full-searched in response to intelligence or reasonable suspicion that an item is being concealed on the person which may be revealed by the search. In addition, full searches may be conducted on a routine or random basis for a limited period of time in response to specific security concerns and following a risk assessment. However, full-searches must not be applied to young people as a default position.*

- 2.43 *Establishments must keep records of all full-searches, which include details of the protected characteristics of those searched. Prisons must have arrangements in place to monitor and analyse this data in order to identify any disproportionality in how full searches are applied to any particular group or individual.*

### **On Reception**

- 2.44 *On initial reception to an establishment (i.e. not on transfer from another establishment), male young people must be given a Level A rub-down search, scanned with a hand-held metal detector and searched using the BOSS.*
- 2.45 *On reception following transfer from another prison, young people must be given a Level B rub-down search and scanned with a hand-held metal detector.*
- 2.46 *On reception on return to an establishment from release on temporary licence or from an outside working party, male young people must, as a minimum, be given a Level A rub-down search, scanned with a hand-held metal detector and searched using the BOSS. Governors must ensure that data is assessed that may assist in identifying trends and risks (for example, MDT rates and Mercury Information Reports) which may impact on the level of searching applied. In addition to a risk and intelligence based approach, the options available include the use of a random or mandatory full searching programme for a limited period of time if such a response is considered necessary and is proportionate to the risks identified.*
- 2.47 *On reception on return to an establishment with a non-prison escort (e.g. police, UKVI, and other law enforcement agencies), young people must be given a Level A rub-down search, scanned with a hand-held metal detector and searched using the BOSS.*
- 2.48 There is no central mandate for searching young people on reception on return to an establishment from a prison escort (i.e. hospital escort). Under these circumstances young people are supervised by prison staff. However, there are associated risks in not searching young people at these times, i.e. some court cells and hospitals can be insecure and there is the potential for prisoners to obtain illicit items to traffic into prisons. *Establishments must, therefore, carry out a risk-assessment to assess the security concerns in not searching in these circumstances and to put in place the appropriate searching response.* Full searching should not be applied in normal circumstances. However, they may be conducted on a routine or random basis for a limited period of time in response to specific security concerns and following a risk assessment.

#### On Discharge

- 2.49 *On transfers out of a prison, including to another prison (but not on final discharge or release on temporary licence), young people must be given a Level A rub-down search, scanned with a hand-held metal detector and searched using the BOSS by the sending prison.*
- 2.50 There is no central mandate for searching young people on final discharge on completion of a sentence or on discharge for release on temporary licence. *Establishments must conduct a risk-assessment to determine a local searching response in these circumstances.* Full searches should not be applied in normal circumstances. However, they may be conducted on a routine or random basis for a limited period of time in response to specific security concerns and following a risk assessment.

#### Cell Search

- 2.51 *As part of a routine cell search, young people must be given a Level A rub-down search and hand-held metal detector scan. When a cell search is conducted on intelligence or suspicion, establishments must conduct a risk-assessment to determine whether the suspected item is secreted on the person and whether a Level A rub-down search and*

*hand-held metal detector scan or full-search is required.* It will normally be appropriate to conduct the risk-assessment prior to a cell search conducted on the basis of intelligence, whereas cell searches conducted on suspicion will normally require an immediate response/dynamic assessment to be made at the time.

### Visits

2.52 *Following a visit, young people must be given a Level A rub-down search and hand-held metal detector scan.*

### Restricted Status Young People and E-List Young People

2.53 *Restricted Status young people and E-List young people must be full-searched on all receptions, on discharge to court or all other external escorts, as part of a cell search, after visits and after work activities, education and training. A risk assessment must be undertaken in all other circumstances in which a search may be conducted (e.g. to/from exercise, on entry to segregation, other internal movements, etc) and areas to determine the level of searching required, which will depend on the risk the individual prisoner poses. If a full search is conducted before a visit, sterile clothing must be provided to wear during the visit. These may be the young person's own clothes if he is entitled to wear them.*

### Women Prisoners

2.54 *Women prisoners must not be full-searched as a matter of routine but only on intelligence or reasonable suspicion that an item is being concealed on the person which may be revealed by the search. Full searches must be conducted in accordance with the correct procedures, at [Annex B, paragraph 24](#). The procedure for searching women prisoners is different to that used to search male prisoners and women visitors and staff (as set out at [Annex B](#)), and consists of two levels. Level 1 involves the removal of the woman's clothing apart from her underwear; Level 2 involves the removal of all of the woman's clothing including her underwear (NB. the woman must never be fully naked during the search) – [Annex B, paragraph 24](#) Level 2 of the search must only be applied if there is intelligence or suspicion that the woman has concealed an item in her underwear or if illicit items have been discovered about the woman's person during Level 1 of the search.*

In reception on arrival to prison: "Prisoners are given a gender specific search."

2.55 *On reception to a prison on initial reception, all women prisoners must be given a Level A rub-down search and scanned with a hand-held metal detector. In closed prisons, women prisoners returning from release on temporary licence or from an outside working party must be given a Level A rub-down search and hand-held metal detector scan. For open prisons, there is no central mandate for searching women prisoners returning from release on temporary licence or from an outside working party – a risk-assessment must be conducted to determine a local searching response. On reception on transfer from another prison, all women prisoners must be given a Level B rub-down search and scanned with a hand-held metal detector. Women may also be full searched in accordance with [paragraph 2.54](#).*

2.56 Returns from non-prison escorts (e.g. police, UKVI, PEMS, other law enforcements agencies). *Women prisoners returning from a non-prison escort must be given a Level A rub-down search on reception and scanned with a hand-held metal detector on reception. Women may also be full-searched in accordance with [paragraph 2.54](#). This does not apply*

*to inter-prison transfers, in which circumstances a rub-down search and hand-held metal detector scan must be conducted – see paragraph 2.55.*

- 2.57 Returns from prison escorts (e.g. hospital escorts): There is no central mandate for a search in these circumstances. However, there are associated risks in not searching prisoners at these times, i.e. some court cells or hospitals can be insecure and there is the potential for prisoners to obtain illicit items to traffic into prisons. *Establishments must, therefore, to carry out a risk assessment to assess the security risks/issues in not searching in these circumstances and to put into place an appropriate searching response - see guidance for this risk-assessed approach under [paragraph 2.26](#). However, women must not be full-searched routinely and only in accordance with paragraph 2.54.*

On Discharge: "Female prisoners receive a gender specific search".

- 2.58 On transferring to another prison women prisoners must be given a Level A rub-down search and scanned with a hand-held metal detector. Women may also be full-searched in accordance with [paragraph 2.54](#). *On final discharge on completion of a sentence and on discharge for ROTL (see PSI 13/2015 - Release on Temporary Licence) there is no central mandate for a search of women prisoners but prisons must carry out a risk assessment to determine the appropriate level of searching in these circumstances - see guidance for this risk-assessed approach under paragraph 2.26. However, women prisoners must not be full-searched routinely and only in accordance with paragraph 2.54.*
- 2.59 As part of a routine cell search, women prisoners must be given a Level A rub-down search and hand-held metal detector scan. Women may also be full-searched in accordance with [paragraph 2.54](#). See [National Security Framework 3.2: Cell, Area and Vehicle Searching](#).
- 2.60 Following a visit, all women prisoners in closed prisons must be given a Level A rub-down search and a metal detector scan.
- 2.61 Restricted Status women prisoners: *A risk assessment must be undertaken in all circumstances and areas to determine the level of searching required for Restricted Status women prisoners, which will depend on the risk the individual prisoner poses. If a full search is conducted, the full search procedures for women must be applied, as outlined at [Annex B, paragraph 24](#). If a full search is conducted before a visit, sterile clothing must be provided to wear during the visit. These may be the prisoner's own clothes if she is entitled to wear them.*

### **Transsexual Prisoners**

- 2.62 Specific arrangements must be in place for the searching of transsexual prisoners in accordance with the instructions at [Annex H](#).

### **E-List Prisoners**

- 2.63 Male E-list prisoners (including young people – see paragraph 2.53) must be full-searched on reception, as part of a cell search, after visits and after work activities.
- 2.64 The level of search needed for a female E-list prisoner on reception, after visits and after work activities must be individually risk-assessed and kept under review. If a full search is conducted, the full search procedures for women must be applied, as outlined at [Annex B, paragraph 24](#).

- 2.65 *The level of searching needing to be conducted for female E-list prisoners as part of cell searches must be individually risk-assessed and kept under review. If a full search is conducted, the full search procedures for women must be applied, as outlined at [Annex B, paragraph 24](#).*

### **Searching Prisoner Property on Reception**

Reception-in: "Valuables and in-possession property are searched and issued."

- 2.66 *When prisoners arrive on initial reception, all their property must be searched, in accordance with local searching strategies, before it is issued or placed in their stored property. In addition, on reception on each transfer-in from another prison, a prisoner's in-possession property must be searched. See PSI 12/2011 – Prisoners' Property, for instruction and guidance on the storage and issue of property, which must be reflected in local arrangements.*

Reception-in on transfer from another prison – Prisons outside of the High Security Estate: "The need to routinely search stored property, following a prisoner's transfer, is risk-assessed. Where required, stored property is searched on receipt."

- 2.67 *There is no central mandate for prisons outside of the High Security Estate to conduct routine searches of prisoners' stored property on reception-in on transfer from another prison. Establishments must, therefore, to carry out a risk assessment to determine if routine searches are needed and, if so, the frequency of searches required in these circumstances. However, property seals must always be checked against the PER and bags must always be searched and resealed where it is noticed or it is suspected that they have been opened, damaged or tampered with or where there is any other reason or intelligence to support the need for a search.*

The frequency of routine property searches adopted as a result of risk-assessments could range from no routine searches at all to searches on every transfer or anything in-between. *Risk assessments and any programme of checks adopted as a result of this, must be agreed by the Deputy Director of Custody and documented in the Local Security Strategy.*

- 2.68 *As part of the risk assessment process, consideration must be given to the potential associated risks to security, order and control in adopting various approaches. Governors must ensure that local policies are monitored and re-examined routinely or when risks change. Prisons are reminded that searches may be carried out at any time on the basis of suspicion or intelligence in addition to any set programme.*

Reception-in on transfer from another prison – High Security Estate: "All stored property is searched on receipt following a prisoner's transfer."

Discharge – "Prisoners' in-possession property is searched."

- 2.69 *Prisoners must have their in-possession property searched on all discharges from prison, apart from when they are being discharged on completion of their sentence. However, Governors have the discretion to search a prisoner's in-possession property either routinely or on a risk-assessed basis, on final discharge, where they feel that this is justified on security grounds. Arrangements and procedures for searching on discharge must be set out in local searching strategies, and must be based on a consideration of local security risks.*

### **Searching of Visitors**

- 2.70 As a condition of entry to the prison, visitors must consent to be searched and, where applicable, to deposit property. Staff and visitors must be informed of items not allowed in the prison.
- 2.71 Arrangements for searching visitors before and after visits must be set out in local searching strategies. Information about searching techniques and procedures must be summarised from [Annex B](#), and must, in each instance, be sent out to visitors prior to a visit taking place.
- 2.72 Social/domestic visitors may be subject to Level A rub-down searches and official and professional visitors may be subject to Level B rub-down searches as routine.
- 2.73 Visitors must not be full-searched routinely. Visitors may only be full-searched by prison staff without consent in accordance with [Annex A\(A1\)](#), paragraphs 10-13, under Firearms Act 1968 (S47), Misuse Of Drugs Act 1971 (S23) and Police and Criminal Evidence Act 1984 (S32). However, it is preferable for full searches of visitors to be conducted by the police where this is possible – see [Annex A, paragraph 14](#).
- 2.74 Visitors who are given a full search by prison staff must be presented with a Full Search Notice, at [Annex J](#) together with the attached briefing.
- 2.75 Babies who are brought into a prison by a visitor may be given a basic or detailed search in accordance with [Annex I](#). Babies will not usually be searched unless the mother or carer is searched but the baby need not be searched every time the adult is searched.
- 2.76 Other than searching without consent under Firearms Act 1968 (S47), Misuse Of Drugs Act 1971 (S23) and drugs legislation and the Police and Criminal Evidence Act 1984 (S32), (see [Annex A](#)), visitors under the age of 16 must only be searched with the consent of the accompanying adult having care and control. As indicated above, searching is a condition of entry. Children under 16 must not visit a prison unaccompanied under any circumstances. Governors have the discretion to allow an unaccompanied visit from any person aged 16 or over, who may give their own consent. See also PSI 16/2011 - Providing Visits and Services to Visitors.

#### Prisons Holding High and Exceptional Risk Category A Prisoners

- 2.77 Prisons holding high risk prisoners must ensure that following open visits, staff rub-down search visitors and scan them with a hand-held metal detector on leaving the visits room. Their property must also be searched both by X-ray and by hand. See SSU Operating Standards (Restricted document) for detailed arrangements for visits for exceptional risk prisoners.

#### Searching of Staff

- 2.78 Arrangements for searching staff must be set out in local searching strategies.
- 2.79 Staff may be subject to a Level B rub-down search on entry to establishment as a matter of routine.
- 2.80 Staff must not be full-searched routinely. Staff must only be full-searched by prison staff without consent in accordance with [Annex A\(A1\)](#), paragraphs 19-20, under Firearms Act 1968 (S47), Misuse Of Drugs Act 1971 (S23) and Police and Criminal Evidence Act 1984

(S32). However, it is preferable for full searches of prison staff to be conducted by the police where this is possible – see [Annex A](#), paragraph 21.

2.81 *Staff who are given a full search by prison staff must be presented with a Full Search Notice, at [Annex J](#), together with the attached briefing.*

### **Searching of Babies in Mother and Baby Units**

2.82 Babies may be given a basic or detailed search on entry to mother and baby units, in accordance with local security strategies and [Annex I](#).

## ANNEX A - AUTHORITY FOR SEARCHING AND POWERS OF ARREST

### A1 Powers of Search

1. \_\_\_\_\_ Prison Officers carry out searches under [Prison Rules 64](#) and [71 YOI Rules 69](#) by reason of their constabulary powers.
2. Prisoner custody officers may search any person who is in or seeking entry to, the prison (or, in the case of escort PCOs, any place where the prisoner is to be held) and any article in that person's possession.

#### Searching of Prisoners

3. \_\_\_\_\_ [Rule 41](#) of the Prison Rules 1999 is the main statutory provision governing when and how prisoners are to be searched. It provides that:
  - i. Every prisoner shall be searched when taken into custody by an officer, on his reception into a prison and subsequently as the governor thinks necessary or as the Secretary of State may direct.
  - ii. A prisoner shall be searched in as seemly a manner as is consistent with discovering anything concealed.
  - iii. No prisoner shall be stripped and searched in the sight of another prisoner, or in the sight of a person of the opposite sex.
4. \_\_\_\_\_ The effect of section 8A of the Prison Act 1952 is that a person who is a contractor (as well as those who are direct employees of a prison) can be authorised to conduct a rub-down search or metal detector scan of a prisoner. As such, any trained person listed in the categories below who is authorised by the Governor or Director may conduct a rub-down search or metal detector scan of a prisoner. Female staff can rub-down both male and females but male staff may only rub-down search other males.

#### An authorised person is a person who:

- i. is working at a prison (including employees or contractors);
- ii. falls within one of the groups listed below;
  - \_\_\_\_\_ Prison officers and operational managers
  - \_\_\_\_\_ Prisoner custody officers (those employed by escort contractors can only search the prisoners they are escorting)
  - \_\_\_\_\_ Instructional officers
  - \_\_\_\_\_ Stores staff
  - \_\_\_\_\_ Catering staff
  - \_\_\_\_\_ Agricultural and horticultural craftsmen

- \_\_\_\_\_ Night patrols
- \_\_\_\_\_ Prison Auxiliaries
- Nurses in Healthcare
- Operational support grades
- Civilian grades who have prisoners in their custody or supervision

iii. has been authorised by the governor or director to conduct searches.

5. Those authorised to carry out a search of a prisoner may use reasonable force to do so, in accordance with Prison Rule 47/YOI Rule 43, which state that:

- i. An officer in dealing with a prisoner shall not use force unnecessarily and, when the application of force to a prisoner is necessary, no more force than is necessary shall be used.
- ii. No officer shall act deliberately in a manner calculated to provoke a prisoner.
- iii. By virtue of PR 82 (I), in contracted out prisons, references in the above rules to a governor and officer here are references to the director and certified prisoner custody officers performing custodial duties.

6. Reasonable force can be defined as either a common law right to protect oneself against injury from another party, or force that is consistent with carrying out appropriate action to ensure the person being searched complies, in a way that would not cause stress or injury to the person being searched or the persons conducting the search.

7. The use of force will be justified, and therefore lawful only if:

- it is reasonable in the circumstances;
- it is necessary;
- no more force than is necessary is used;
- it is proportionate to the seriousness of the circumstances.

See PSO 1600 Use of Force.

#### Searching of Visitors

8. Any trained member of staff may be authorised to conduct rub down searches of a visitor with consent, provided this forms part of their contracted duties. Civilian staff may carry out a search of a visitor on leaving the prison with consent under [Prison Rule 71](#) and [YOI Rule 75](#).

9. *Prison Officers may carry out a search of visitors on leaving the prison without consent but must not use force if the person resists, except where there is power to search without consent under other legislation, as set out in [paragraph 12](#).*

10. Prisoner Custody Officers who have been authorised by the Governor may also carry out a search on leaving without consent.

11. *Visitors must not be full searched except where there is a power to search without consent in the circumstances outlined below.*
12. [The Firearms Act 1968](#) (S47), [Misuse Of Drugs Act 1971](#) (S23) and [Police And Criminal Evidence Act](#) 1984 (S32) allow those with constabulary powers (i.e. prison officers of the prison only) to conduct searches (up to and including full searches) within the context of their duties as Prison Officers, without consent, in the following circumstances:
  - if there is reasonable cause to suspect the subject is carrying a firearm (with or without ammunition) in a public place, or (in public or private) for the purpose of committing an indictable offence;
  - if there is reasonable cause to suspect the subject is carrying a class A, B or C controlled drug.
13. *If an officer of the prison has arrested the subject, a search may be conducted if there is reasonable cause to suspect they are a danger to themselves or others, or to search for anything which might be used to escape from arrest or which might be evidence relating to an offence – but: there must be reasonable cause to suspect they have such an item on them. They must not be required to remove more than a coat, jacket or gloves in public, and the search must only be to the extent that is reasonably required to find the object.*
14. Staff may search visitors under the above legislation only if:
  - i. the designated in-charge governor has authorised the search; and
  - ii. the police will not attend, or the in-charge governor considers the delay in waiting for the police will frustrate the purpose of the search.
15. *Visitors who are subject to non routine searches must be presented with a Full Search Notice, at [Annex J](#), together with its attached briefing.*

#### Searching of Staff

16. The power to search prison officers is contained in Prison Rule 64 (YOI Rule 63):

“An officer shall submit himself to be searched in the prison (YOI) if the governor so directs. Any such search shall be carried out in as seemly a manner as is consistent with discovering anything concealed.”
17. Any trained member of staff may be authorised to conduct rub down searches of a member of staff with consent, provided this forms part of their contracted duties
18. A search under Prison Rule 64, YOI Rule 69 of an officer of the prison without consent can only be conducted by officers of the prison.
19. *Staff must not be full searched except where there is power to search without consent in the circumstances outlined below.*
20. [The Firearms Act 1968](#) (S47), [Misuse Of Drugs Act 1971](#) (S23) and [Police And Criminal Evidence Act](#) (S32) allow those with constabulary powers (i.e. prison officers of the prison only) to conduct searches (up to and including full searches) within the context of their duties as Prison Officers, without consent, in the following circumstances):

- if there is reasonable cause to suspect the subject is carrying a firearm (with or without ammunition) in a public place, or (in public or private) for the purpose of committing an indictable offence;
- if there is reasonable cause to suspect the subject is carrying a class A, B or C controlled drug.
- *if an officer of the prison has arrested the subject, a search may be conducted if there is reasonable cause to suspect they are a danger to self or others, or to search for anything which might be used to escape from arrest or which might be evidence relating to an offence – but: there must be reasonable cause to suspect they have such an item on them. They must not be required to remove more than a coat, jacket or gloves in public, and the search must only be to the extent that is reasonably required to find the object.*

21. Staff may search other members of staff under the above legislation only if:
- i. the designated in-charge governor has authorised the search; and
  - ii. the police will not attend, or the in-charge governor considers the delay in waiting for the police will frustrate the purpose of the search.
22. Staff who are subject to non-routine full searches may request that a friend or trade union official is present during the search.
23. *Staff who are subject to non routine searches must be presented with a Full Search Notice, at [Annex J](#), together with its attached briefing.*

#### Staff Authorised To Carry Out Full Searches

24. Only prison officers and operational Managers or Prisoner Custody Officers have the authority to carry out a full search.
25. *Prison Rule 41 (3) provides that full searches must take place out of sight of the opposite sex. As such, staff must not conduct full searches on persons of the opposite sex.*

#### Intimate Searches

26. An intimate search is defined as intrusion into a bodily orifice. The NSF does not permit prison officers to conduct intimate searches as they do not have the legal powers to do so.
27. Prisoners who have secreted contraband internally may have clinical needs which require a healthcare professional to conduct an intimate examination on medical grounds. *These must only be carried out with the prisoner's consent.* Medical practitioners will not carry out intimate examinations for anything but clinical need.

#### Searching of Babies

28. *Consent must be sought from the mother for the searching of babies resident within mother and baby units. Consent is a condition of admittance to a Mother and Baby Unit. Any trained member of staff may search resident babies.*

29. If a mother in a Mother and Baby Unit does not consent to the search of her baby, there is no power to search the baby except in circumstances where there is reasonable cause to suspect that a firearm (with or without ammunition) or a controlled drug has been hidden on the baby's person, under [the Firearms Act 1968](#) (S47) and (S23) [Misuse Of Drugs Act 1971](#) respectively.
30. *Consent must be sought from the mother or carer to search babies visiting prisons. Consent is a condition of entry to the prison.*
31. There is no power to search a baby brought into a prison by a visitor without the consent of the responsible adult except in circumstances where there is reasonable cause to suspect that a firearm (with or without ammunition) or a controlled drug has been concealed on the baby's person, under [Firearms Act 1968](#) (S47), [Misuse Of Drugs Act 1971](#) (S23).

## **A2 Gender Issues**

32. *Female prisoners, visitors and staff must only be searched by female staff.*
33. *Male visitors, prisoners and staff may be rubbed down searched by male or female staff, but must only be full searched by male prison officers.*
34. Refusal by a male visitor to be routinely searched by a woman will not be grounds to refuse entry. Prisons should make available a male member of staff to undertake the search.
35. *Where a female member of staff objects to rub-down searching a male, managers must make reasonable adjustments to ensure that they do not have to carry out the search. It is usual for female members of staff to rub down search males unless the man has a genuine religious or cultural objection to this.*

### **Rub-Down Searching of Male Prisoners by Female Staff**

#### **Assessing exemptions from rub-down search by a female member of staff**

36. Exemptions for male prisoners will only be permitted when the male prisoner has genuine grounds for objecting to being searched by a female member of staff. It is not sufficient that the prisoner would prefer to be searched by a male member of staff. In practice it is likely that prisoners will only be able to establish good reason for an exemption in cases where the practice has caused genuine distress.
37. **On Religious Grounds:** Advice from NOMS Chaplaincy Headquarters is that there are very few absolute bars on cross-gender searching for any religious group. Faith Advisers have indicated that members of a number of religions may have a genuine objection to being searched by members of the opposite sex. However not all adherents of any single religion will necessarily hold the same view: certain adherents may object relying on their religious beliefs while other adherents of the same faith may not.
38. *If there are situations where a male prisoner objects to being searched by a female member of staff on grounds of religion those situations must be referred to the Managing Chaplain and relevant faith Chaplain or, where necessary, to Chaplaincy HQ where advice can be obtained from the National Faith Adviser for that religion. If the Faith Adviser indicates that this is an important aspect of the religion then an exemption on grounds of religion should be granted. Otherwise an exemption on cultural grounds (see below) may be considered.*

39. *Where an exemption is sought on religious grounds, the prisoner's stated religion must be confirmed with that on his record. There may be circumstances where a prisoner cites religious objections but does not avail himself of any other observance of that religion. In such cases the relevant Faith Adviser to the prison should be consulted. It should not be assumed in such circumstances that the prisoner's assertion of the exemption is not genuine.*
40. **On Cultural Grounds:** Some male prisoners may have genuine objections to being searched by a female member of staff on cultural grounds. A cultural ground means an objection that arises from a sincerely and deeply held belief.
41. If a prisoner asserts reliance on this exemption he will need to be able to: (a) explain what the sincerely held belief is; (b) set out the reasons why he holds that belief; (c) explain why that belief means that he objects to a rub-down search being performed on him by a female member of staff. In many if not all cases, it is to be expected that the prisoner will be able to demonstrate that being searched by a female member of staff will be a cause of genuine distress.
42. A mere preference to be searched by a male officer will not be enough to constitute a sincerely and deeply held belief. Similarly reasons which are frivolous, or are intended to frustrate the efficient running of the prison, should be rejected.
43. It may be difficult to confirm the veracity of any cultural objection based on sincerely held beliefs. Probation reports and/or consultation with the prisoner's offender manager, personal officer or wing staff may be of use. If the prisoner has made the request in writing, it might be helpful in addition to talk to him in order to confirm that the reason relied on is genuine and deeply held. Whether a prisoner has made good an objection on this ground is a matter to be decided case by case. There are no hard and fast rules. Any assessment should take into account all relevant factors. One example may be where the person in question was raised in circumstances where any physical contact with members of the opposite sex outside the immediate family was atypical or where the particular cultural group to which he belongs expressly forbids physical contact with members of the opposite sex.

#### Procedures for processing applications

44. *A prisoner's application for an exemption to being searched by a female member of staff on religious or cultural grounds must be made formally and preferably in writing. The request must be considered as quickly as possible using the above guidance. If the decision on the application is likely to take more than 72 hours, then the prisoner should not be rub-down searched by female staff in the intervening period until the application has been fully assessed and a decision made.*
45. *The request must be considered by a member of staff delegated by the Governor as competent to carry out the task. The member of staff delegated to consider exemptions must make reasonable efforts to determine the veracity of the request. Reasons for granting or rejecting the request must be recorded. The prisoner must be notified formally of the decision which should be recorded in writing. There must be procedures in place to routinely monitor decisions as part of the establishment's obligation to monitoring equality issues and to ensure consistency in decision making.*
46. *Prisoners who are granted an exemption must have this recorded so that checks can readily be made within the prison as required. The exemption must also be recorded on the*

*prisoner's security record which will be passed onto new establishments that the prisoner may move to. Prisoners granted an exemption in one establishment must have that exemption honoured by future establishments unless the underlying reason for granting the exemption has changed.*

Procedures following approval of an exemption

47. *Prisoners granted an exemption must only be rub-down searched by a male officer except in urgent situations in which a rub-down search needs to be conducted immediately and a male officer is not available. Female officers may use hand-held metal detection wands to search a male prisoner who is granted an exemption from rub-down searching by female officers. In such instances there must be no direct contact between the hands of the female member of staff and the body of the prisoner during the search. It should be made clear to staff that no other system of work (for example, use of force) is impacted by this exemption.*
48. *Prisoners must be advised that their exemption will be kept under review and, should evidence emerge that they have deliberately misled staff in order to gain the exemption, then the exemption can be withdrawn. Where an exemption is withdrawn, the prisoner must be advised in writing of that decision and the reasons for it.*
49. *Where prisoners are granted an exemption then staff must be made aware of this. Governors must have in place procedures to allow this to happen.*
50. Where staff are unsure if a prisoner has an exemption or not then the prisoner should be believed and checks made later. Prisoners who deliberately mislead staff by pretending to have an exemption may then be subject to a disciplinary charge (appropriate charge Prison Rule 51 (6), YOI Rule 55 (7) intentionally obstructs an officer in the execution of his duty, or any person (other than a prisoner / inmate) who is at the prison / young offender institution for the purpose of working there, in the performance of his work).

Procedure for Appeals

51. Appeals against a refusal to grant an exemption from being rub-down searched by a female member of staff should be made in the normal manner using Prisoner Complaint Procedures (PSI 02/2012 refers).

**A3 Searching of Vehicles**

52. Prison Rule 71 and YOI Rule 70 provides that:

“Any person or vehicle entering or leaving a prison (YOI) may be stopped, examined and searched. Any such search of a person shall be carried out in as seemly a manner as is consistent with discovering anything concealed”. See [National Security Framework 3.2](#). Cell, Area and Vehicle Searching.

**A4 Powers of Arrest and Arrest Procedures**

53. Guidelines on conditions of arrest are set out in [Chapter 15 of the Serious Crime and Police Act 2005 -Powers of Arrest](#). SOCAP abolishes the terms, arrestable offence and serious arrestable offence. SOCAP powers of arrest apply to all criminal offences.

Power of a constable

54. When acting as such, an officer of the prison may arrest a member of the public or member of staff in the following circumstances if there is reasonable cause to suspect that they have committed, are committing, or are about to commit an offence, but only if one or more of the below conditions are satisfied and the person is connected with matters relating to the prison or the prison officer's duties in some way.
- i. the arrest is necessary to prevent injury, loss of, or damage to property;
  - ii. the arrest is necessary to prevent the person committing an offence against public decency where the public cannot reasonably be expected to avoid the person;
  - iii. the arrest is necessary to protect a child or other vulnerable person from the alleged offender;
  - iv. the alleged offender's name is unknown and cannot readily be ascertained, or there are reasonable grounds for doubting whether the name they give is their real name;
  - v. the alleged offender fails to furnish a satisfactory address where a summons could be served, or there are reasonable grounds for doubting whether the address they give is a satisfactory address (see paragraph 39 below) where a summons could be served.
55. An address will be satisfactory if:
- i. there are no reasonable grounds for doubting that the address is genuine;
  - ii. it appears that the alleged offender will be at the address long enough for a summons to be served, or that a person specified by the alleged offender will be at the address to accept any summons on their behalf.
56. *Arrangements must then be made for the suspect to be taken to a police station as soon as possible.*

Citizen's powers of arrest

57. Any person may make an arrest in the following circumstances:
- i. if an indictable offence has been committed either there are reasonable grounds for suspecting that the person concerned committed it, or the person is known to be guilty of the offence.
  - ii. if a person is in the act of committing an indictable offence, or there are reasonable grounds for suspecting he/she is committing such an offence;
  - iii. citizens do not have constables' powers to arrest someone who may be about to commit an indictable offence.

The powers of arrest referred to above may only be exercised if two conditions are satisfied. The first condition is that there are reasonable grounds to believe that making the arrest is necessary to prevent the person (a) causing physical injury to themselves or others, (b) suffering physical injury, (c) causing loss or damage to property, or (d) making off before a constable can assume responsibility. The second condition is that it appears to the person making the arrest that it is not reasonably practicable for a constable to make it instead.

Arrest Procedures

58. *The person being arrested must be told that this is the case and the reasons for the arrest.*
59. *Consideration must be given to calling the police in all arrest cases.*

60. *The following caution (which may require modification) must be made and any reply from the suspect noted:*
- You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.
  - *It must be explained to the person that no further questioning by prison staff will occur and they have to remain until the police arrive.*
61. *Anyone dealing with evidence must do so in a manner which avoids contamination of the evidence and ensures its correct preservation, in accordance with [National Security Framework 3.3, Dealing with Evidence](#).*
62. *Force must only be used as appropriate when making an arrest. The use of force will be justified, and therefore lawful, only if:*
- it is reasonable in the circumstances;
  - it is necessary;
  - no more force than is necessary is used;
  - it is proportionate to the seriousness of the circumstances.

See [PSO 1600 Use of Force](#).

**ANNEX B - SEARCHING PROCEDURES****B1 Rub-Down Searches**

1. Rub down searches can be carried out on staff, visitors and contractors on entry to or exit from the prison.
2. *A rub down search may be carried out by a single officer and must be undertaken using open hands with fingers spread out.*
3. *A mat or similar item must be provided for the subject to stand on while footwear is being searched.*
4. The procedural instructions for rub-down searching (as set out below) require the searching officer to check the back from collar to waist, back of the waistband and seat of the trouser or skirt. It is understood that some prisons/staff undertake this “check” by feeling underneath the waistband, while others feel around the waistband over clothing.
5. While rub-down searches should be conducted thoroughly within the parameters of the national policy/procedures, they are not intended to be intrusive searches. It would not normally be expected for individuals to be asked to raise or remove their outer clothing (including religious clothing or dresses) to facilitate the searching of a waistband. This can normally be satisfactorily achieved by checking the area over outerwear. *If there is intelligence or reasonable suspicion that contraband is concealed in this area, the person may be asked to raise or remove outer clothing but this part of the search must, in all circumstances, be conducted in private out of sight of persons of the opposite sex.*
6. *The following procedures must be followed. Also see [B4](#), Pictorial Instructions.*
7. **Level A Rub-Down Search For Men** (for routine searches of domestic visitors and prisoners and for all targeted searches)

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| Stand facing the subject.  |
| Ask him if he has anything on him that he is not authorised to have.   |
| Ask him to empty his pockets and remove any jewellery including wristwatch.  |
| Search the contents of pockets; jewellery and any other items, including bags he is carrying then place them to one side.  |
| Ask him to remove any headgear and pass it to you for searching – see <a href="#">Annex D4</a> paragraph 7 for requirements on searching religious/cultural headwear.                      |
| Search the head by running your fingers through his hair and round the back of his ears, or asking him to shake out his hair and run his fingers through it. Untie long hair if necessary. |
| Look around and inside his ears, nose and mouth. You may ask him to raise his tongue so that you can look under it.  |
| Lift his collar, feel behind and around it and across the top of his shoulders (search any tie and ask him to remove it if necessary).   |

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| Ask him to raise his arms level with his shoulders. <i>His fingers must be apart with palms facing downwards.</i> Search each arm by running your hands along the upper and lower sides.       |
| Check between his fingers and look at the palms and back of his hands.   |
| Check the front of his body from neck to waist, the sides, from armpits to waist and the front of the waistband (see <a href="#">B1</a> , paragraphs 4 and 5 for further guidance).            |
| Check his back from collar to waist, back of the waistband and seat of the trouser. You may need to ask him to turn around. (see <a href="#">B1</a> , paragraph 4 and 5 for further guidance). |
| Check the back and sides of each leg from the crotch to the ankle.   |
| Check the front of his abdomen and front and side of each leg.<br><br>Ask him to remove footwear and search thoroughly. Check the soles of the feet.   |
| Look at the area around him for anything he may have dropped before or during the search.  |
| Ask him to step to one side to ensure he is not standing on anything he has dropped before or during the search.   |

8. **Level A Rub-Down Search For Women** (for routine searches of prisoners and domestic visitors and for all targeted searches)

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| Stand facing the subject.  |
| Ask her if she has anything on her that she is not authorised to have.   |
| Ask her to empty her pockets and remove any jewellery including wristwatch.  |
| Search the contents of pockets; jewellery and any other items, including bags she is carrying, then place them to one side.  |
| Ask her to remove any headgear and pass it to you for searching - see <a href="#">Annex D4</a> paragraph 7 for requirements on searching religious/cultural headwear.                            |
| Search the head by running your fingers through her head and round the back of her ears, or asking her to shake out her hair and run her fingers through it. Unpin/untie long hair if necessary. |
| Look around and inside her ears, nose and mouth. You may ask her to raise her tongue so that you can look under it.  |
| Lift her collar; feel behind and around it and across the top of her shoulders (search any scarf or tie and ask her to remove it if necessary).  |
| <i>Ask her to raise her arms level with her shoulders. Her fingers must be apart with palms facing downwards.</i> Search each arm by running your hands along the upper and lower sides.         |
| Check between her fingers and look at the palms and back of her hands.   |

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| Run the flat of your hand underneath and from the shoulders to the top of the bra. At no time touch her breast.   |
| Check her sides and front of abdomen from underneath breasts to and including the waistband.  |
| Check her back from collar to waist, back of the waistband and seat of the trouser or skirt. You may need to ask her to turn around (see <a href="#">B1</a> , paragraph 4 and 5 for further guidance).    |
| Check the back and sides of each leg from the crotch to the ankle.  |
| Check the front and sides of each leg. (If she is wearing a skirt, it is more difficult to search the top of the legs. Run hands down both sides of each leg outside the skirt and use a metal detector). |
| Ask her to remove footwear and search thoroughly. Check the soles of the feet.  |
| Look at the area around her for anything she may have dropped before or during the search.  |
| Ask her to step to one side to ensure she is not standing on anything she has dropped before or during the search.  |

9. **Level B Rub-Down Search For Men** (for prisoners, official/professional and domestic visitors and members of staff)

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|---|
| Stand facing the subject.   |
| Ask him if he has anything on him that he is not authorised to have.  |
| Ask him to empty his pockets and remove any jewellery including wristwatch.   |
| Search the contents of pockets; jewellery and any other items, including bags he is carrying then place them to one side.   |
| Ask him to remove any headgear and pass it to you for searching.  |
| Lift his collar, feel behind and around it and across the top of his shoulders (search any tie and ask him to remove it if necessary).  |
| <i>Ask him to raise his arms level with his shoulders. His fingers must be apart with palms facing downwards. Search each arm by running your hands along the upper and lower sides.</i>      |
| Check between his fingers and look at the palms and back of his hands.  |
| Check the front of his body from neck to waist, the sides, from armpits to waist and the front of the waistband.  |
| Check his back from collar to waist, back of the waistband and seat of the trouser. You may need to ask him to turn around (see <a href="#">B1</a> , paragraph 4 and 5 for further guidance). |
| Check the back and sides of each leg from the crotch to the ankle.  |
| Check the front of his abdomen and front and side of each leg.  |

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| Look at the area around him for anything he may have dropped before or during the search.                        |
| Ask him to step to one side to ensure he is not standing on anything he has dropped before or during the search. |

10. **Level B Rub-Down Search for Women** (for prisoners, official/professional and domestic visitors and members of staff)

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|---|
| Stand facing the subject.   |
| Ask her if she has anything on her that she is not authorised to have.  |
| Ask her to empty her pockets and remove any jewellery including wristwatch.   |
| Search the contents of pockets, jewellery and any other items, including bags she is carrying, and then place them to one side.   |
| Ask her to remove any headgear and pass it to you for searching.  |
| Lift her collar; feel behind and around it and across the top of her shoulders (search any scarf or tie and ask her to remove it if necessary).   |
| Ask her to raise her arms level with her shoulders. <i>Her fingers must be apart with palms facing downwards.</i> Search each arm by running your hands along the upper and lower sides.                  |
| Check between her fingers and look at the palms and back of her hands.  |
| Run the flat of your hand underneath and from the shoulders to the top of the bra. At no time touch her breast.   |
| Check her sides and front of abdomen from underneath breasts to and including the waistband.  |
| Check her back from collar to waist, back of the waistband and seat of the trouser or skirt. You may need to ask her to turn around (see <a href="#">B1</a> , paragraph 4 and 5 for further guidance).    |
| Check the back and sides of each leg from the crotch to the ankle.  |
| Check the front and sides of each leg. (If she is wearing a skirt, it is more difficult to search the top of the legs. Run hands down both sides of each leg outside the skirt and use a metal detector). |
| Look at the area around her for anything she may have dropped before or during the search.  |
| Ask her to step to one side to ensure she is not standing on anything she has dropped before or during the search.  |

**B2 Full Searches**

General

11. *At no time must a person be completely naked during a full search.*
12. *Full searches must only be carried out by two officers of the same sex as the person being searched and away from the view of any other person.*
13. The officer in charge of the search is responsible for controlling it. The second officer is responsible for receiving and searching clothing and other items.
14. The procedure for searching women prisoners is different to that used to search men and women visitors and staff – see Full Searching of Women Prisoners, below.
15. *Hand-held metal detectors may be used during a full search for men and must be used as part of a full search for women.*
16. *An appropriate manager must authorise the full search of a woman prisoner in the case of a “target search”, i.e. not following reception, a visit or a cell search, where time allows prior authorisation to be obtained.*
17. *Males can be asked to squat, but under no circumstances must women be asked to squat. Records must be kept of when male prisoners are asked to squat.*
18. An adult male prisoner (aged 18 years and above) may be asked to move his genitals to the side as part of a full search to enable closer visual inspection only if there are reasonable grounds to suspect that the individual has hidden an item in the genital area.
19. *When conducting full searches, staff must not deviate from the standard procedures, as set out below, as the search will otherwise be considered unlawful.*

Full Searching of Women Prisoners

20. *The procedures for full searching women prisoners outlined at [paragraph 24](#) must be applied.*
21. The full search procedures for women consist of two levels. Level 1 involves the removal of the woman’s clothing apart from her underwear; Level 2 involves the removal of all of the woman’s clothing including her underwear. Level 2 of the search may only be applied if there is intelligence or suspicion that the woman has concealed an item in her underwear or if illicit items have been discovered about the woman’s person during Level 1 of the search. *The woman must never be fully naked during the search.*
22. *Staff must carry out a rub-down search and hand-held metal detector scan when searching women entering or leaving prisons and before all full-searches are applied.*

23. Full Search – Male Prisoner, Staff or Visitor

| OFFICER 1   | OFFICER 2  |
|---|--|
| The officer in charge of the search. He is responsible for controlling the search. He will normally observe the subject from the front. | Responsible for receiving clothing and other items from the subject and searching them. <i>He must return the clothing and other items back to the subject at the direction of Officer 1.</i> Observes the prisoner throughout the search, normally from back or side. Remains vigilant to |

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|  | potential risks and remains alert throughout the search.   |
| Ask the subject if he has anything on him he is not authorised to have. Ask him to empty his pockets and remove any jewellery, including wristwatch, and hand over any bags or other items being carried.                    | Search the contents of the pockets and the jewellery and place them to one side. Search any bags or other items. |
| Ask him to remove any headgear and pass it to Officer 2 for searching - see <a href="#">Annex D4</a> paragraph 7 for requirements on searching religious/cultural headwear.  | Search headgear.   |
| Search his head either by running your fingers through his hair and around the back of his ears, or ask him to shake out his hair and run his fingers through it.  |  |
| Look around and inside his ears, nose and mouth. You may ask him to raise his tongue so that you can look under it.  |  |
| Ask him to remove the clothing from the top half of his body and pass it to Officer 2.   | Search the clothing.   |
| Ask him to hold his arms up and turn around whilst you observe his upper body. Check his hands.  | Return the clothing.   |
| Allow him time to put on clothing.   |  |
| Ask him to remove his shoes and socks and pass to Officer 2.   | Search the shoes and socks and then place them to one side.  |
| Ask him to lift each foot so the soles can be checked.   |  |
| Ask him to remove his trousers and underpants and pass to Officer 2.   | Search trousers and underpants and place to one side.  |
| Once the clothing has been searched ask him to raise the upper body clothing to his waist.<br><br>Observe the lower half of his body. <i>He must stand with his legs apart while the lower half of his body is observed.</i> |  |
| Look at the area around him for anything he may have dropped before or during the search.  |  |

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|---|--|
| Ask him to step to one side to ensure he is not standing on anything he has dropped before or during the search.  | Return the clothing, unless search is to continue. |
| Most searches will end here. However, if a closer inspection of the anal or, exceptionally, the genital area is justified (see guidance below) advise him of this and ask him to bend over or squat, and, if there is still doubt that something is concealed ask the prisoner to lift his genitals and/or pull back his foreskin. <u>Only an adult prisoner may be asked to lift his genitals and/or pull back his foreskin.</u> | Use mirrors to view these areas better.            |
| Look again at the area around him for anything he may have dropped before or during this additional procedure.  |  |
| Ask him to step to one side to ensure he is not standing on anything he has dropped before or during this additional procedure.   | Return the clothing.                               |
| Allow him time to put on his clothing.  |  |

**24. Full Search – Female Prisoner**

The procedure for searching women prisoners is different to that used to search men and women visitors and staff (see Full Searching of Women Prisoners) and consists of two levels. Level 1 involves the removal of the woman’s clothing apart from her underwear; Level 2 involves the removal of all of the woman’s clothing including her underwear. Level 2 of the search may only be applied if there is intelligence or suspicion that the woman has concealed an item in her underwear or if illicit items have been discovered about the woman’s person during Level 1 of the search.

| OFFICER 1  | OFFICER 2  |
|--|--|
| The officer in charge of the search. She is responsible for controlling the search. She will normally observe the subject from the front. She should explain the need for the search and each step, taking into account any cultural or religious sensitivity. | Responsible for receiving clothing and other items from the subject and searching them. <i>She must return the clothing and other items back to the subject at the direction of Officer 1.</i> Observes the prisoner throughout the search, normally from back or side. Remains vigilant to potential risks and remains alert throughout the search. |
| <b>LEVEL 1</b>   |  |
| Ask the subject if she has anything on her she is not authorised to have. Ask her to empty her pockets and remove any jewellery, including wristwatch, and hand over any bags or other items being carried.  | Search the contents of the pockets and the jewellery and place them to one side. Search any bags or other items. Scan her body slowly with a metal detector (wand).  |
| Ask her to remove any headgear and pass it to Officer 2 for searching - see <a href="#">Annex D4</a> paragraph 7 for requirements on searching religious/cultural headwear.  | Search headgear.   |

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|---|---|
|   |   |
| Search her head either by running your fingers through her hair and around the back of her ears, or ask her to shake out her hair and run her fingers through it. |   |
| Look around and inside her ears, nose and mouth. You may ask her to raise her tongue so that you can look under it.   |   |
| Ask her to remove the clothing from the top half of her body except for her bra and pass it to Officer 2.   | Search the clothing. If she is not wearing a bra, continue the search. Provide a towel, new bra or another top to put on if she wants one. Particular sensitivity should be shown if the woman is wearing a mastectomy bra.                             |
| Ask her to hold her arms up and turn around whilst you observe her upper body. Check her hands.   | Return the clothing.  |
| Provide a dressing-gown (pre-searched). Allow her time to put it on for the rest of the search.   |   |
| Ask her to remove her shoes, socks, tights etc and pass to Officer 2.   | Search the shoes, socks, tights etc and then place them to one side.  |
| Ask her to lift each foot so the soles can be checked.  |   |
| Ask her to remove all clothing from the lower part of her body except for her knickers and pass to Officer 2.   | Search all clothing and place to one side.  |
| Once the clothing has been searched ask her to raise the dressing-gown to her waist. Observe the lower half of her body   |   |
| Look at the area around her for anything she may have dropped before or during the search.  |   |
| Ask her to step to one side to ensure she is not standing on anything she has dropped before or during the search.  | If not proceeding to Level 2 of the search, return the clothing and allow the prisoner time to put on her clothing and search the dressing-gown again. If proceeding to Level 2, ask the prisoner to raise dressing gown to cover top half of her body. |
| <u>Level 1 Ends Here</u>  |   |
| <b>LEVEL 2</b>  |   |

|   |  |
|---|--|
| <p>If there is any suspicion or intelligence that the woman has concealed any item in her underwear, or any illicit articles have been discovered concealed, during Level 1 of the search, proceed as follows:</p>  |  |
| <p>Ask the woman to lower her dressing gown to her waist and remove her bra.</p>  | <p>Search the bra.</p>   |
| <p>Ask her to hold her arms up and turn around whilst observing her upper body. Check her hands. Ask her to put her bra and dressing gown back on.</p> <p>NOTE: If necessary, the woman can be required to expose part of her body where items are thought to be concealed i.e. under breasts.</p>  |  |
| <p>Ask her to remove her knickers and pass to Officer 2.</p>  | <p>Search the knickers.</p>                                    |
| <p>Once the knickers have been searched ask her to raise the dressing-gown to her waist and observe lower half of her body. Ask the woman to stand with her legs apart while the lower half of her body is observed.</p> <p>If necessary, the women can be required to expose part of her body where items are thought to be concealed, i.e. under the stomach.</p> <p><i>Staff must be aware of the policy applying to the removal and disposal of sanitary wear. Externally applied sanitary towels will be removed and placed in an appropriate container and disposed of. A replacement must be provided. Staff must not remove, or ask the subject to remove, internally fitted tampons.</i></p> <p><i>A women must never be asked to squat.</i></p> |  |
| <p>Look at the area around her for anything she may have dropped before or during the search.</p>   |  |
| <p>Ask her to step to one side to ensure she is not standing on anything she has dropped before or during the search.</p>   | <p>Return the clothing and search the dressing-gown again.</p> |
| <p>Allow the prisoner time to put on her clothing.</p>  |  |
| <p>Sign record to state why Level 2 search was initiated.</p>   | <p>Sign record to state why Level 2 search was initiated.</p>  |

25. **Full Search – Female Visitors and Staff**

|                         |                         |
|-------------------------|-------------------------|
| <p><b>OFFICER 1</b></p> | <p><b>OFFICER 2</b></p> |
|-------------------------|-------------------------|

|  |   |
|--|---|
| <p>The officer in charge of the search. She is responsible for controlling the search. She will normally observe the subject from the front.</p>   | <p>Responsible for receiving clothing and other items from the subject and searching them. <i>She must return the clothing and other items back to the subject at the direction of Officer 1.</i> Observes the prisoner throughout the search, normally from back or side. Remains vigilant to potential risks and remains alert throughout the search.</p> |
| <p>Ask the subject if she has anything on her she is not authorised to have. Ask her to empty her pockets and remove any jewellery, including wristwatch, and hand over any bags or other items being carried.</p> | <p>Search the contents of the pockets and the jewellery and place them to one side. Search any bags or other items.</p>   |
| <p>Ask her to remove any headgear and pass it to Officer 2 for searching.</p>  | <p>Search headgear.</p>   |
| <p>Search her head either by running your fingers through her hair and around the back of her ears, or ask her to shake out her hair and run her fingers through it.</p>   |   |
| <p>Look around and inside her ears, nose and mouth. You may ask her to raise her tongue so that you can look under it.</p>   |   |
| <p>Ask her to remove the clothing from the top half of her body and pass it to Officer 2.</p>  | <p>Search clothing.</p>   |
| <p>Ask her to hold her arms up and turn around whilst you observe her upper body. Check her hands.</p>   | <p>Return the clothing.</p>   |
| <p>Provide a dressing-gown (pre-searched). Allow her time to put it on for the rest of the search.</p>   |   |
| <p>Ask her to remove her shoes, socks, tights etc and pass to Officer 2.</p>   | <p>Search the shoes, socks, tights etc and then place them to one side.</p>   |
| <p>Ask her to lift each foot so the soles can be checked.</p>  |   |
| <p>Ask her to remove all clothing from the lower part of her body and pass to Officer 2.</p>   | <p>Search all clothing and place to one side.</p>   |

|   |  |
|---|--|
| <p>Once the clothing has been searched ask her to raise the dressing-gown to her waist and observe the lower half of her body.</p> <p><i>She must stand with her legs apart while the lower half of her body is observed.</i></p> <p><i>Staff must be aware of the policy applying to the removal and disposal of sanitary wear. Externally applied sanitary towels will be removed and placed in an appropriate container and disposed of. A replacement must be provided. Staff must not remove, or ask the subject to remove, internally fitted tampons.</i></p> <p><i>Women must not be asked to squat.</i></p> |  |
| <p>Look at the area around her for anything she may have dropped before or during the search.</p>   |  |
| <p>Ask her to step to one side to ensure she is not standing on anything she has dropped before or during the search.</p>   | <p>Return the clothing and search the dressing-gown again.</p> |
| <p>Allow her time to put on her clothing.</p>   |  |

### **B3 Searches of Other Body Areas**

26. Prison officers can conduct searches of other body areas in certain circumstances. However, prison officers do not have the legal authority to conduct an intimate search, which is defined as intrusion into a bodily orifice, i.e. the mouth, anus or vagina.
27. Prisoners who have secreted contraband internally may have clinical needs which require a healthcare professional to conduct an intimate examination on medical grounds. *These must only be carried out with the prisoner's consent.* Medical practitioners will not carry out intimate examinations for anything but clinical need.

#### Items Hidden In the Mouth

28. Searching staff can visually inspect a person's mouth during a rub down or full search in line with standard procedures. *However, they must not physically intrude into the person's mouth.*

#### Visual Inspection of Intimate Areas- Male Prisoners Only

29. *If there are grounds to suspect (e.g. from CCTV footage or intelligence or from the way the prisoner is behaving during a full search) that a male prisoner has an item hidden in the anal area or hidden in the genital area then a closer visual inspection must be undertaken as part of a full search.*
30. *A male prisoner must be asked to bend/squat.* Officers will then be able to visually examine the area more closely, using mirrors if necessary. *Staff are reminded that in*

*carrying out searches of this type they must take particular care to adopt an appropriate demeanour and to avoid inappropriate actions or comments.*

31. If the prisoner refuses to bend/squat he is disobeying a lawful order and, if appropriate, reasonable force can be used to make him bend/squat, or alternatively mirrors can be used to search the anal/genital area. *A record must be kept where these measures are used.*
32. If the above steps have been completed but staff have reason to remain unsure whether or not an item is hidden in or around the genitals, the searcher may improve the effectiveness of visual inspection by asking the prisoner to lift his penis and/or scrotum, and/or asking the prisoner to pull back his foreskin. Pulling back the foreskin does not meet the definition of an intimate search as it does not involve intrusion into an orifice.
33. *If no item is visible there are no further grounds to continue this procedure, and the full search must be completed in the normal manner, including an update of any local searching records.*
34. *If an item becomes visible during the squat or on further inspection of the anal/genital area, the officers conducting the search must ask the prisoner to remove the item. If the prisoner refuses, then he is disobeying a lawful order. The action taken must be proportionate to the threat posed by the item i.e.:*
  - Where the suspected item is not visible, e.g. there is suspicion that it is plugged inside the anus, it may not be removed without consent. Removal would constitute an intimate search which can not be lawfully conducted – see [paragraph 27](#).
  - Where an item is clearly and fully visible, e.g. taped to the skin, and removal can be undertaken without risk of injury, it may be removed without consent and by force if necessary.
  - Where an item is partly visible, e.g. protruding from the anus, and it is strongly believed that removal can be undertaken without risk of injury and without physical intrusion into a bodily orifice, it may be removed without consent if necessary. *However, careful consideration must be given before such action is taken given the potential for legal challenges.*
  - Where an item can be more easily removed, but still involves a significant degree of intrusion, (e.g. drugs package visible under the foreskin) officers may, as a last resort, use force to remove the item if consent is not given. There must be a serious risk to prison security if the prisoner retains possession. *However in all cases careful consideration must be given to the risk of injury to the prisoner by removing the item.*
  - Where the suspected item does not pose an immediate or serious danger to prison security, (e.g. a small quantity of drugs), or forced removal is not justified (see above), then prison disciplinary procedures may be brought.

#### Preservation of Evidence

35. *Items removed during a search of this nature must be handled in accordance with the procedures outlined for dealing with evidence, as set out in [National Security Framework 3.3. Dealing with Evidence](#).*

Health and Safety Issues

36. Staff who remove items from the anal or genital areas in line with the above guidance, or who handle items removed from those areas or from the mouth, should take appropriate hygiene and health precautions. *Staff must wear plastic gloves and ensure that these are safely disposed of afterwards and that any items retained in evidence are appropriately marked, transported, stored and dealt with – see [National Security Framework 3.3](#), Dealing with Evidence.*
37. *Similarly, where prisoners are asked to remove, or do remove, items from their anal or genital areas in response to a request or an order, or handle items removed from those areas or from the mouth, they must be required to take such precautions and be provided with gloves.*

Search Records

38. These types of searches should only be conducted in exceptional circumstances and, as such, there is a need for an audit trail. *Records of searching must be updated and must record the use of any additional procedure, (including where a male prisoner is asked to squat) why an additional procedure was used, any items found and any relevant material about the conduct of the search.*

**B4 Pictorial Instructions**

**Rub-Down Search - Male**

Face the subject.

Ask him if he has anything unauthorised.

Ask him to empty pockets and remove jewellery.

Search pockets and jewellery.

Search any other items carried by the subject, including bags.

Remove and search headgear.

Level A only: Search the head and hair.

Level A only: Look around and inside his ears, nose and mouth. You may ask him to raise his tongue so that you can look under it.

Search around collar and tie if worn, and tops of shoulders.

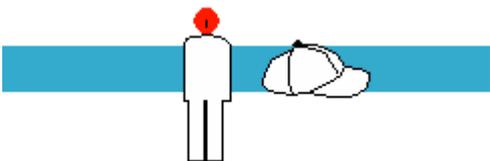
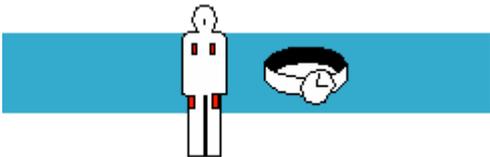
Ask him to raise arms level with shoulder with fingers apart and palms downwards.

Using flat open hand, search each arm.

Check hands.

Using flat open hand: Check front of body from neck to waist, sides from armpits to waist and the front of the waistband.

Check back from collar to waist, back of waistband and seat of trousers. (see [B1](#), paragraph 4 and 5 for further guidance).



Check back and sides of each leg from crotch to ankle.



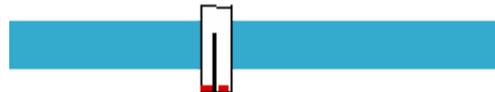
Check front of abdomen and sides of each leg.



Level A only: Ask him to remove footwear. Search thoroughly.



Level A only: Check soles of feet.



Observe area around him for objects dropped.



Ask him to step to one side and observe immediate area.

### **Rub Down Search - Female**

Face the subject.

Ask her if she has anything unauthorised.

Ask her to empty pockets and remove jewellery.

Search pockets and jewellery.

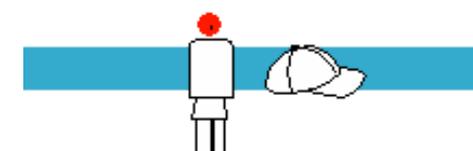
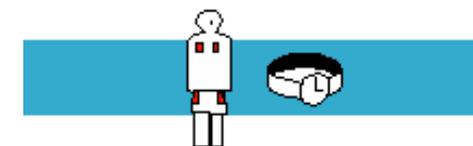
Search any other items carried by the subject, including bags.

Remove and search headgear.

Level A only: Search the head and hair.

Level A only: Look around and inside her ears, nose and mouth. You may ask her to raise her tongue so that you can look under it.

Search around collar and tie if worn, and tops of shoulders.



Ask her to raise arms level with shoulder with fingers apart and palms downwards.



Using flat open hand, search each arm.



Check hands.



Using flat open hand: Check underneath and from shoulders to top of bra.



Check sides and front of abdomen from beneath breasts to and including waistband.



Check back from collar to waist, back of waistband and seat of trousers. (see [B1](#), paragraph 4 and 5 for further guidance).



Check back and sides of each leg from crotch to ankle.



Check front of abdomen and sides of each leg.



Level A only: Ask her to remove footwear. Search thoroughly.



Level A only: Check soles of feet.



Observe area around her for objects dropped.



Ask her to step to one side and observe immediate area.

## ANNEX C - TECHNICAL AIDS

1. *All establishments must have procedures in place for the use of technical aids and dealing with positive indications. Indications must be investigated, particularly if a prisoner is leaving the prison to attend court – see [C6](#).*
2. *Staff must be fully aware of how to use metal detecting archways, x-ray machines and hand-held metal detectors properly before operating them. All X-ray operatives must be trained.*
3. A wide range of technical aids/equipment is available with claims made for the detection/imaging of different items such as drugs, explosives, firearms and mobile phone and their component parts. Manufacturers and suppliers can make extravagant claims for detection capability. There should be firm evidence for detection capability and equipment should meet NOMS minimum user requirement. Much of the equipment available is not proven to detect to the minimum standard required by NOMS. High levels of false positive results can waste staff time and causes undue suspicion to be placed upon individuals. Guidance on drug detection can be obtained from the Intelligence and Operations Unit -Tel. 0300 047 6153.
4. Guidance on purchasing metal detecting archways, x-ray machines and hand-held metal detectors can be obtained from Procurement Group – procurement enquiries, Tel: 0845 010 3502. It is recommended that establishments contact manufacturers for advice on disposing of x-ray equipment.

### **C1 X-Ray Machines**

5. There are a number of different types of x-ray machines available which can be used to search baggage, clothes, goods etc. Different machines have different operating procedures – see local instructions/operating manuals.
6. *Any person seeking entry to a prison must, as a condition of entry, agree to have their property searched using an x-ray machine where provided for this purpose. If a person refuses, they must be asked/be allowed to leave the prison.*
7. *Local arrangements must be in place to investigate and deal with suspicious items identified by the x-ray process. This may involve asking the person to open the bag or item themselves in order to explore the source of the suspicion or asking the owner for permission for gate staff to do so in the presence of the owner. If a person refuses they may be asked to leave the prison. A bag may be forcibly searched where there is reasonable suspicion that it contains drugs, weapons or explosives etc.*
8. For finds, see [National Security Framework 3.3](#), Dealing with Evidence.

### **C2 Metal Detecting Portals**

9. *The procedure set out below must be followed:*

- *Ask the person to empty pockets and to remove belts, watches and other metallic items before passing through the archway.*
- *Search the items from the pockets.*

- Ask the person to proceed through the archway.
- If the warning light or alarm sounds on the archway/portal, ask the person to give an explanation for it.
- A rub-down search of the person should be carried out afterwards.
- All alarms must be explored and the source of the alarm must be identified wherever possible. Where this is not possible, a risk-assessment must be undertaken to determine what action should be taken.

10. For finds, see [National Security Framework 3.3](#), Dealing with Evidence.

### **C3 Hand-held Metal Detectors**

11. Hand-held metal detectors are used to detect metallic items on the person or within areas or goods/property.

12. *The following procedure must be followed when conducting a hand-held metal scan of a person:*

- *Ask the person to stand with their arms spread out.*
- *Run the detector closely along the person from head to toe (see [C6](#), pictorial instructions)*
- *If the warning light or alarm sounds, ask the person to give an explanation for it.*

13. For finds, see [National Security Framework 3.3](#), Dealing with Evidence.

### **C4 Other Searching Equipment**

14. The following equipment may be also be used by trained staff:

- Drug detection kit.
- Fibro scopes (4-way and 2-way)
- MD4 area metal detector
- Explosives vapour detection machine

### **C5 Body Orifice Security Scanner (BOSS Chair)**

15. *The following procedure must be followed:*

- *The subject should be given the opportunity to hand over any concealed item.*
- *The subject of the search must always be given at least a rub down search before being scanned.*
- *The subject must be aware of the purpose of the chair and why they are being asked to sit in it.*

- *The subject must be reassured about any concerns regarding the machine's safety.*
- *The subject should be asked to sit in the chair.*
- *Operate the scanner.*

## **BOSS – Detailed Instructions**

### **Specification**

16. The BOSS is a non-intrusive scanning system within a moulded chair, designed to detect small metallic objects, such as mobile phones and their component parts or weapons, concealed within anal or vaginal cavities, the abdominal area and around the shins. The BOSS may be used to scan prisoners, social, official and professional visitors and staff under Prison Rules 41, 64 and 71 (YOI Rules 47, 69 and 75) respectively.
17. The BOSS utilises the same technology as metal detecting portals employed in airports. Sensors are housed in the chair frame and each sensor in the chair is wired to an audible alarm which will sound if any metal is detected. A button on the alarm panel will also light up on detection.
18. The equipment is not harmful to the subject (see [paragraph 52](#)) and its use is no more intrusive than that of a walk-through archway scanner or hand-held metal detector.

### **Overall Requirements**

19. *Establishments must ensure that the use of the BOSS is incorporated into Local Security Strategies, taking into account the guidance and procedures outlined in this Instruction. The frequency of searches using the BOSS and policies for its use are for local discretion and must form part of the Local Security Strategy (LSS), to be agreed by the Governor and Deputy Director of Custody.*
20. *Based on the guidance in this instruction, establishments must formulate the detail of their own local strategies for, (a) dealing with refusals by prisoners, visitors and staff to be scanned by the BOSS; and, (b) managing positive indications by the BOSS. These strategies should take into account local operational requirements and restrictions, (e.g. availability of resources and space in the segregation unit). This strategy should be compatible with the establishment's policy in respect of other searching aids.*
21. *Governors must ensure that information notices on the BOSS are produced and distributed to prisoners and staff and are made available to social, official and professional visitors. The notices must explain that either the prisoner, member of staff or visitor is liable to be subject to a search using the BOSS and that they are required to comply with the search. They must also outline the nature of the equipment, its purpose, health and safety issues and local policy in the event that a subject refuses to be scanned or where the BOSS gives a positive indication.*
22. *Establishments must keep a record of use of the BOSS, noting any indications, items found and/or any action taken. A Mercury Information Report must also be raised as appropriate.*
23. *Governors must ensure that all appropriate staff receive local training in use of the BOSS.*

24. *The chair must be maintained and calibrated correctly if punitive action is to be taken on the basis of positive indications from the BOSS. Records of maintenance and calibration must be retained in case of legal challenge.*

### **Searches Using the BOSS**

25. The BOSS can be used on staff, prisoners or visitors on any occasion where a search would normally be conducted.
26. The BOSS can be moved and used across a number of locations in an establishment. Local searching strategies should detail how the BOSS is to be used and at what frequency. It should also contain guidance on the searching of disabled people (see [paragraph 53](#)).
27. The BOSS may be used as a searching aid to complement a rub-down search when carrying out routine searches - for example, on entry to establishments, before and after visits and as part of targeted, intelligence-led searches. It may also be used following a full search in instances where suspicion remains that a metallic illicit item is concealed internally, and, in the case of male prisoners, a squat search has failed to reveal the item.
28. *The subject of the search must be made aware of the purpose of the BOSS, how it works, and offered reassurances about any health and safety issues. Information notices on the BOSS must be produced and distributed to prisoners and staff and made available to social, official and professional visitors and guidance provided to the subject prior to a search. Governors may also wish to amend Visitor Orders to advise visitors that they may be subject to a search using the BOSS on entry to establishments.*
29. *The subject of the search must be asked if they are in possession of an unauthorised item before the search is conducted and given the opportunity to relinquish any secreted item in privacy.*
30. *The subject of the search must always be given at least a rubdown search before being scanned as contraband may be secreted in areas of the body at which the BOSS is not directed. Handheld metal detectors may also be used to complement the search.*
31. *Two members of staff must be employed to conduct the search: one to explain the process and observe the subject of the search, and the other to monitor the alarm panel at the rear of the equipment.*
32. *In all cases where the BOSS gives a positive indication, the subject of a search must be allowed to provide an explanation as to why this has occurred and given the opportunity to remove the item in privacy. There may be an innocent explanation for a positive indication by the BOSS. For example, it is possible that an intimate body piercing may cause the scanner to indicate or they may be a medical explanation for the indication, i.e. the subject of the search may have been fitted with an internal metal plate. It is recommended that information notices should advise that in such cases medical certificates authenticating the condition should be produced.*

### **Action on Refusal to Comply with a Search and on Indication**

33. *Establishments must formulate the detail of their own individual local strategies on dealing with prisoner, visitor and staff refusals to be scanned by the BOSS and on managing positive indications by the BOSS, based on the guidance below and taking into account*

*local operational requirements and restrictions, (e.g. availability of resources and space in the segregation unit).* This strategy should be compatible with the establishment's policy in respect of other searching aids.

34. *In all cases where the BOSS gives a positive indication, the subject of a search must be allowed to provide an explanation as to why this has occurred and given the opportunity to remove the item in privacy.*

#### Prisoners

35. If a prisoner refuses to comply with a search using the BOSS he / she should be given a direct order to comply.
36. If a BOSS search of a prisoner gives a positive indication, the prisoner should be given a direct order to remove the suspected item.
37. If the prisoner refuses to comply with a search or refuses to remove a suspected item, they should normally be located in the segregation unit (or equivalent) and full-searched if assessed to be appropriate. Prisoner Officers may use reasonable force to affect the search, in accordance with Prison Rule 47(YOI Rule 43), which states that:
- “An officer in dealing with a prisoner shall not use force unnecessarily and, when the application of force to a prisoner is necessary, no more force than is necessary shall be used.”
38. Male prisoners may be instructed to squat as part of the search. If the squat search reveals a concealed item, it may be removed in accordance with the guidance in [Annex B \(B3\)](#).
39. If, after full search, staff have reason to believe that the prisoner has contraband concealed that cannot be recovered, the Head of Security or the Duty Governor may decide to authorise the prisoner's continued segregation under Good Order or Discipline if considered reasonable and proportionate. Normal segregation policy should apply as set out in [PSO 1700](#). *This provides, amongst other things, that the continued segregation of the prisoner must be initially reviewed within 72 hours and then at least every 14 days.*
40. In order to return to a normal residential area, the prisoner will normally be expected to either hand over the suspected concealed item or provide a negative indication on the BOSS and a negative full search.
41. Other measures can be undertaken in addition to or as an alternative to segregation. For example, if a prisoner is ordered to comply with a BOSS search or to remove any item indicated by the BOSS and refuses, he /she may be charged with disobeying a lawful order under Prison Rule 51 (22) or YOI Rule 55 (25). Closed visits may be imposed following a risk-assessment should the indication give rise to a risk that the prisoner may pass further items on visits (see PSI 15/2011 - Security and Management of Visits and PSI 40/2008) and action may be initiated under the IEP scheme (see PSI 11/2011 and PSI 30/2013 - Incentives and Earned Privileges).

#### Social, Official and Professional Visitors

42. All persons entering an establishment are liable to be searched as a condition of entry. As such, any visitor who refuses to comply with a search using the BOSS may be refused entry.

43. If the BOSS gives a positive indication during a search, the subject should be asked to remove the suspected item; a private area should be made available for this purpose. The visitor may be refused entry to the establishment. Criminal proceedings may be initiated under the Prison Act if an item prohibited under the Act is discovered on entry to an establishment (see [paragraph 49](#)).
44. Closed visits may be offered following a positive indication if the indication identifies a risk that the visitor may pass illicit items on visits. The legal provision for restricting visiting arrangements for security reasons is contained within PSI 16/2011 - Providing Visits and Services to Visitors, and Prison Rule 34. PSI 15/2011 - Management of Security at Visits, gives further advice on the use of closed visits and visit bans.

### Staff

45. A member of staff who refuses to submit to a search using the BOSS may be subject to disciplinary action on the basis that they are failing to obey a lawful instruction or written order. See PSI 06/2010 - Conduct and Discipline, for further information.
46. Governors may decide to commission a formal investigation on receipt of a positive BOSS chair indication involving a member of staff under the provisions of PSI 06/2010 (please see for further information).
47. Where intelligence already exists about a member of staff, the receipt of a positive indication should form part of this intelligence and any on-going investigation.

### **Action on the Production of an Item Indicated by the BOSS**

48. *On producing an item indicated by the BOSS, the subject of the search must be asked to sit on the BOSS again to ensure that all items have been produced.*
49. Section 40 of the Prison Act 1952 (as amended by the Offender Management Act 2007), makes it a criminal offence to convey into prisons, offensive weapons and mobile phones (among other items) without authorisation. In addition, the Crime and Security Act 2010 introduced a further criminal offence under the Prison Act to possess without authorisation devices capable of transmitting or receiving images, sounds or information by electronic communications, including mobile phones, component parts of such devices or articles adapted for use with such devices. Any prisoner, visitor or member of staff who relinquishes a prohibited article following a BOSS search on entry to an establishment or within an establishment may be referred to the Police who may decide to initiate criminal proceedings.
50. The establishment's dedicated Police Intelligence Officer (PIO) should be the first point of contact for pursuing criminal charges against any person found to have committed such offences. For further information, please refer to PSI 10/2012 - Conveyance and Possession of Unauthorised Articles and Other Related Offences and [Annex A \(A4\)](#) with regards to arrest procedures. Where criminal charges are not pursued, prisoners may be charged with the possession of an unauthorised article under Prison Rule 51 (12) or YOI Rule 55 (13) and adjudication proceedings may be initiated. Re-allocation or

re-categorisation may also be considered and action under the IEP scheme may be initiated if considered appropriate.

51. Policy and procedures on the handling of weapons and other contraband should be applied, as contained in [National Security Framework 3.3](#), Dealing with Evidence. *A Mercury Information Report must always be submitted in instances in which a suspected item indicated on a prisoner is produced.*

### **Health and Safety Issues**

52. The BOSS is non-harmful and carries no more health risks than other metal detection devices already employed in prisons, such as hand-held metal detectors. Advice received from the Radiation Protection Division of the Health Protection Agency indicate that the magnetic field generated by the scanner is significantly below the required guidelines recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). They can be used on pregnant women and individuals fitted with pacemakers.
53. *Staff must fully risk-assess whether to require a disabled person to be scanned by a BOSS chair, taking into account the level and nature of his/her disability and individual circumstances.* The transfer of individuals between chairs may require specialist assistance and aids, i.e. pat slides. For further guidance, please see PSI 32/2011 - Ensuring Equality and [Annex E](#).
54. The Health & Safety at Work Act (1974) places an obligation on employers to ensure that all portable electrical appliances used by employees are tested to ensure that they are safe to use. BOSS Chairs also require regular maintenance testing to ensure that they are functioning effectively. It is therefore recommended that establishments subject the scanners to a regular appliance testing programme.
55. All tasks in prisons are subject to health and safety risk assessments to ensure that appropriate and effective measures are in place for the general safety of employees. In accordance with this, the operational process and use of the BOSS should be regularly assessed and safe systems of work should be put in place to minimise any associated risk. *For example, local management must be satisfied that staff are able to manoeuvre the chair throughout the prison in a safe and controlled manner.*

### **Training and Maintenance**

56. Easy-to-use operator manuals are provided with the machines. The operational pilot of the BOSS indicated that minimal training is required and can be delivered by trained staff in approximately half an hour. It is important that all staff who use the BOSS chair are provided with guidance and are confident in its use.
57. If punitive action is to be taken based on a positive indication, the BOSS needs to be properly calibrated and maintained to ensure that it works effectively. *Establishments must put in place arrangements for this locally.*

## **C6 Responding to Metal Detector Indications on Discharges from Prison**

### **All Discharges**

58. *Prisons must have arrangements in place for dealing with a positive indication from a hand-held metal detector/BOSS Chair prior to discharge. These arrangements must be in accordance with this section and set out in local searching strategies.*
59. *All positive indications must be investigated.*
60. All prisons are required to undertake the following steps following a positive indication:
- Give the prisoner the opportunity to provide an explanation as to why the alarm has indicated (for example, it is possible that an intimate body piercing may cause the scanner to indicate or they may be a medical explanation for the indication – see Annex C5 of NSF Function 3.1) and to remove any unauthorised item in privacy;
  - If the item is not produced or satisfactory explanation given, conduct a rub-down search of the prisoner;
  - If this does not reveal the source of the alarm, conduct a full search of the prisoner (*women prisoners must be full searched in accordance with the full search procedures for women*).

*Should these steps fail to identify the source of the alarm, but the metal detector or BOSS Chair continues to indicate, then the prison must carry out an individual assessment of the potential threat presented and consider what procedures should be put in place. This assessment should take into account any specific intelligence held in the prisoner's security file and/or on Mercury. Where circumstances allow, risk-assessments should be in writing. A SIR/IR must be raised in all cases.*

61. *In determining an appropriate local response, prisons must assess whether it is necessary for the escort to proceed at this time (bearing in mind that prisoners must not be allowed to frustrate a planned transfer to another prison etc.) In the case of prisoner transfers, the receiving establishment should be informed to ensure that they have room in their segregation unit if this is considered to be a necessary measure. For court productions, the following instructions must be taken into account as part of the assessment.*

#### Discharges to Court

62. Where at all possible, action taken on receipt of a positive metal detector indication on discharge to court should not impede overall discharge to court targets for the escort contractor and/or prison. *Prisons must make a considered decision whether to continue with the court appearance for the individual prisoner, taking into account the risk of the prisoner escaping, the potential for violence etc.*
63. *The prison must notify the duty escort contract manager of the issue and must consult the court List Officer as soon as possible as to whether the court appearance could be re-arranged or the feasibility of arranging a video link as opposed to the prisoner appearing in person, explaining the reasons for the request. If neither option is possible and the prisoner must be produced in person, prisons must consider how the potential risk(s) can be managed.*
64. *If it is decided to proceed with the escort, staff must ensure that the Person Escort Record (PER) is annotated with clear risk management information and that the prison or contractor escort staff are fully briefed at the point of handover of the prisoner. Prisons must share risk assessments with the escort contractor and ensure that action to take is agreed.*

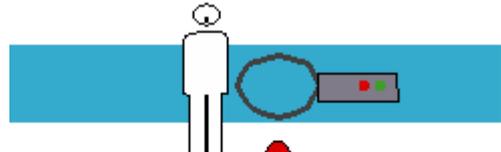
65. *The following are examples of risk-management measures that must be considered by the prison and/or escort contractor in such circumstances:*
- *The use of handcuffs on the prisoner during the journey on the cellular vehicle;*
  - *The use of sterile clothing;*
  - *The use of E-List procedures where the risk is assessed as sufficiently serious;*
  - *Locating the prisoner on the vehicle in a place which enables him/her to be readily and frequently observed;*
  - *The provision of additional Prison Custody Officers by the PECS Escort Contractor during the escort;*
  - *The use of a different vehicle (depending on the level of security required) – this may include contractor vehicles with special design features;*
  - *Separating the prisoner from co-defendants or from other prisoners who may be collaborating with the suspected prisoner on the journey to court;*
  - *The provision of an escort by the prison provider;*
  - *Treating the escort as a “late notification” and informing the escort contractor via the Person Transfer Request (PRT) process;*
  - *Informing the local police of the escort;*
  - *Single cell location at court;*
  - *The use of a CCTV cell (where circumstances allow, consider constant supervision where escort is considered to be high risk);*
  - *Custody Management Directions Form (CMDf) application to the court for additional security at court (i.e. using a secure dock, arranging additional dock staff etc). If the escort takes place, the CMDf must be held by the PECS Escort Contractors along with the PER;*
  - *Full searching the prisoner on leaving a court cell area prior to appearing in court.*
66. *Prisons must include local arrangements in their Local Security Strategies and ensure that relevant staff are fully aware of the action required to be taken before a prisoner escort to court is dispatched.*

**C7 Pictorial Instructions – Hand-Held Metal Detector**

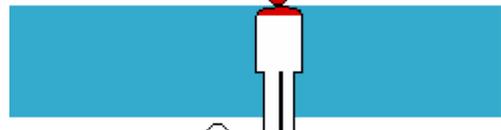
Switch machine on and test it by holding it close to a metal object.



Hold it close to the person being searched.



Face the person and start at the head. Pass machine over the head from one shoulder to other and from chin to nape of neck.



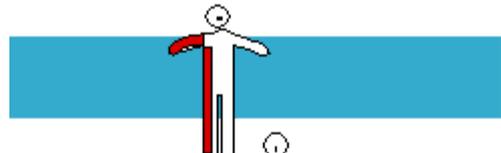
Ask person to raise arms horizontally sideways.



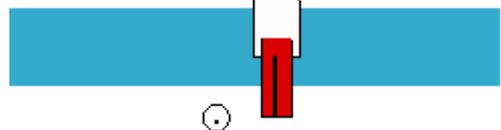
Pass machine over top of arm to hand and along underside to armpit. Continue down the side of the torso and then the leg to the ankle.



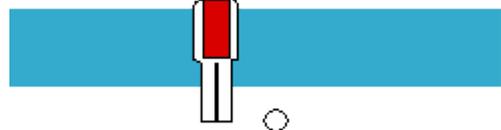
Repeat on the other side.



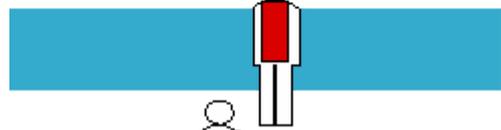
Check the front of the legs.



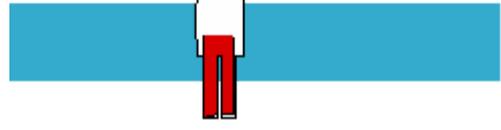
Make several passes up and down the front of the person from neck to crotch.



Repeat process for the back from neck to crotch.



Pass machine over backs of legs from crotch to ankle.



Check insides of each leg.



Check both shoes.



## **ANNEX D - RELIGIOUS AND CULTURAL ARRANGEMENTS FOR SEARCHING THE PERSON**

### **D1     Rub-Down Searches**

#### Prisoners

1. In many faiths, a male prisoner may find it unacceptable to be searched by a female member of staff. *Searches of male prisoners with a genuine religious or cultural objection to being searched by a female member of staff must be carried out by a male member of staff. All female prisoners must be searched only by female staff.*

#### Visitors

2. *Where male visitors have a religious or cultural objection to being searched by a woman, a male member of staff must carry out the search. All female visitors must be searched by a female member of staff.*

#### Sessional Chaplains

3. *Fee paid/sessional and volunteer chaplains must be treated as official and professional visitors and may be given a Level B rub-down search as a matter of routine. Refusal on their part to allow a proper search will normally mean that they are refused entry. However, the Managing Chaplain must be advised and the duty governor or a functional head (e.g. head of resettlement/security) must be consulted before they are turned away.*

### **D2     Full Searches of Muslims**

4. The Qur'an forbids the nakedness of Muslims in front of others. However, in accordance with the set procedure for a full search, no person subject to a full search will be completely naked at any time. As part of a full search, the individual will be asked to remove his/her upper clothes for an inspection of the upper body and asked to replace them before continuing with the search of the lower body. Full searches are allowed under Islamic law when such a search is necessary for the maintenance of security and safety of staff, visitors and prisoners alike.

### **D3     Full Searches of Sikh Prisoners**

5. Both male and female baptised Sikhs wear an item of underwear called a kachera or kaccha, which resemble boxer shorts. They are worn as a symbol of chastity and modesty. *When searching the lower body during a full search, a Sikh prisoner wearing a kachera/kaccha must be offered another sterile (i.e. already searched) pair which he can change into in front of the officers so that the prisoner's modesty is preserved whilst enabling the original pair to be searched. The genital area and lower body must be visually searched in accordance with set procedures and all other national full search procedures must apply – see [Annex B2](#).*

### **D4     Searching Religious or Cultural Headwear**

6. Prisoners should normally be allowed to wear religious/cultural headwear, including Sikh turbans, Jewish yarmulkes, Muslim caps, Muslim women's headscarves and Rastafarian hats etc. *Such headwear is subject to searching, but care must be taken to treat it with respect. All persons can have their religious headwear searched by a hand held metal*

detector. It should be noted that pins are sometimes used to secure headwear such as a turban or yarmulke. If an alarm is activated, the person being searched may be asked to remove any pins securing the headwear to determine if it is the pins which are the cause of the alarm. If the cause of the alarm still cannot be identified then the person may be asked to remove their headwear to ensure that nothing illicit has been concealed within it.

7. Religious/cultural headwear is required to be removed and searched as part of a full search or Level A (enhanced) rub-down search. Level B (standard) rub-down search may only involve the removal and searching of religious headwear on receipt of a positive hand-held metal detector indication that can not be accounted for or on intelligence or suspicion that contraband is concealed on the person.
8. The removal of religious headwear as part of the search should be conducted in private and by staff of the same sex as the person being searched. *Staff should not attempt to unwind or remove religious headwear; the person being searched must be given the opportunity to do so themselves.*
9. Some female visitors, particularly those of the Muslim faith, will wear veils or other face coverings for religious reasons. *They must not be made to uncover their faces or hair in public or in front of a man as this could cause serious offence and distress. When required for security or identification purposes, the removal of the veil or face covering must be conducted in private with only female staff present. Following its removal, the person must be given the opportunity to use a mirror and to have privacy and time to put it back on.*

#### **D5 Searches Using Dogs**

10. It is good practice to make available protective clothing for Muslim visitors and staff (to wear over their own clothing) when being searched by a passive dog to prevent the dog touching them directly. In addition, it is also good practice to provide such clothing for Muslim prisoners attending Friday Prayers if dogs are to be used for searching. *When requested, fresh/washed garments must be issued.* Robe-like garments that can be used for this purpose can be sourced from Laura Parker, OSCG Prison Industries (Tel: 03000 475245).
11. *If Muslim prisoners attending Friday Prayers are to be searched by dogs, facilities must be made available to allow them to wash and change clothes quickly (if they have been touched by the dog) so that they do not miss prayers.*
12. It should be borne in mind that Muslim Chaplains are unlikely to be able to change clothes if they consider them to be contaminated by contact with a dog; they may not therefore be able to carry out their religious duties.

## ANNEX E - SEARCHING PEOPLE WITH INJURIES OR DISABILITIES

1. *Prison Management must ensure that they adhere to the Disability Discrimination Act by making reasonable adjustments for people with injuries and disabilities and in allowing uninhibited access to necessary areas within the establishment.*
2. The normal routine searching procedure will need to be varied according to the particular injury/disability of the person.
3. *It must be considered, on a case-by-case basis, whether to transfer a visitor who is a wheelchair user to a sterile wheelchair for the purpose of the search. The risk assessment must take into account factors such as the level/nature of the disability of the individual, his/her size and weight etc.*
4. The transfer of individuals between chairs may require specialist assistance and aids, i.e. pat slides.
5. In order for an effective search to take place, non-sterile wheelchairs should be collapsed and removable parts, such as the arms, closely inspected.
6. A person wearing a pacemaker may be subject to a search using a metal detector portal or hand-held detector, in accordance with the below conditions:
  - **Metal Detector Portal Search** - If a person informs searching staff they that have a pacemaker inserted and/or presents a pacemaker identification card, he/she should be asked to walk quickly through the system and to beyond three feet of the device. It is unlikely that a pacemaker will be affected by going through the system but he/she should not stand close (within three feet) to the security screening system for too long. Most modern pacemakers are well-shielded against outside interference; such interference is therefore very unlikely, although it is still possible that the metal casing may trigger the security alarm on limited occasions.
  - **Hand-Held Metal Detector Search** – *Where a hand-held metal detector is used on a person wearing a pacemaker, it must not be placed directly over the area in which the device is inserted and should be passed quickly over the left chest area. A search using the hand over the area should be conducted instead.*
  - **BOSS** - A person wearing a pacemaker may be subject to a search using the BOSS – see [Annex C5](#), paragraph 52.
7. Before undertaking the search, ask the person if they are in any pain and consider taking advice from a Healthcare professional if there are doubts as to how to conduct the search on the individual given their injuries or disabilities.
8. When conducting a routine search, do so in a seemly manner with due regard to the person's disposition.
9. If a prisoner has an artificial limb, bandage, plaster cast, etc, and this impedes the search and/or there is suspicion or intelligence that it is being used to conceal an unauthorised item, the searching officer may seek advice from healthcare staff (where practical) on whether the item impeding the search can be removed. However, healthcare staff are not obliged to become involved in security matters and will not divulge medical in-confidence

material. The prisoner may be asked to remove the article impeding the search where this is feasible, out of sight of others.

10. Healthcare staff will not assist with searches of visitors or staff. *In the circumstances outlined above, searching staff must seek authorisation for such a search from the designated in-charge governor, who may only authorise a full search under the Firearms Act 1968 (S47), Misuse Of Drugs Act 1971 (S23) and Police And Criminal Evidence Act 1984 (S32) if the police will not attend or he/she considers the delay in waiting for the police will frustrate the purpose of the search.* Consideration may also be given to the use of passive drug dogs for such searches and the use of closed visits, where appropriate.
11. *Elderly subjects, or those with disabilities which may impede their ability to remain standing, must be allowed to sit down for as much as possible during the search.*
12. *If the person is seriously ill or recovering from major injury or recent surgery, searching procedures must be modified to ensure the least discomfort or intrusion consistent with reasonably finding anything that might be concealed. They must be offered the chance to sit down during the search, particularly when dressing/undressing in the case of a full-search should this be necessary. Any part of the search procedure that is clinically unacceptable following medical advice must not be carried out. The medical advice must be recorded and be readily available.*
13. **Level A or B Rub-Down Search of a Male Wheelchair User**

|  |
|--|
| Ask him if he is in any pain and consider taking advice if he is.  |
| Ask him if he has anything on him that he is not authorised to have.   |
| Ask him to empty his pockets and remove any jewellery including wrist watch.   |
| Search the contents of pockets, jewellery and any other items including bags he is carrying then place them to one side.   |
| Ask him to remove any headgear and pass it to you for searching.   |
| <u>Level A</u> only: Search his head either by running your fingers through his hair and round the back of his ears or ask him to shake out his hair and run his fingers through it. |
| <u>Level A</u> only: Look around and inside his ears, nose and mouth.  |
| Lift his collar, feel behind and around it and across the top of his shoulders (search any tie, removing if necessary).  |
| Ask him to raise his arms. <i>His fingers must be apart with palms facing downwards.</i> Search each arm by running your open hands along the upper and lower sides.                 |
| Check between his fingers and look at the palms and backs of his hands.  |
| Check the front half of his body nearest to you from neck to waist. Search the front of the waistband – see <a href="#">Annex B1</a> , paragraphs 4 and 5, for further guidance.     |
| Check the front half of the abdomen nearest to you and then as far around the nearest leg as possible.   |

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| <u>Level A</u> only: Ask him to remove footwear and search thoroughly. Check the sole of the foot. |
| Repeat the process for the other half of the body.   |
| Ask him to lean forward and search the back, waistband and buttocks.                               |
| Look at the area around him for anything he may have dropped before and during the search.         |
| Move the wheelchair to one side to ensure it is not over anything he may have dropped.             |
| Search the wheelchair and any attachments, unless a prison issue wheelchair is supplied.           |

14. **Level A or B Rub-Down Search of a Female Wheelchair User**

|  |
|--|
| Ask her if she is in any pain and consider taking advice if she is.  |
| Ask her if she has anything on her that she is not authorised to have.   |
| Ask her to empty his pockets and remove any jewellery including wrist watch.   |
| Search the contents of pockets, jewellery and any other items including bags she is carrying then place them to one side.  |
| Ask her to remove any overcoat/blanket covering her and search it.   |
| Ask her to remove any headgear and pass it to you for searching.   |
| <u>Level A</u> only: Search her head either by running your fingers through her hair and round the back of her ears or ask her to shake out her hair and run her fingers through it. |
| <u>Level A</u> only: Look around and inside her ears, nose and mouth.  |
| Lift her collar, feel behind and around it and across the top of her shoulders (search her scarf etc, removing if necessary).  |
| Ask her to raise her arms. <i>Her fingers must be apart with palms facing downwards</i> . Search each arm by running your open hands along the upper and lower sides.                |
| Check between her fingers and look at the palms and backs of her hands.  |
| Check the front half of her body nearest to you from neck to waist. Search the front of the waistband - see <a href="#">Annex B1</a> , paragraphs 4 and 5, for further guidance.     |
| Check the front half of the abdomen nearest to you and then as far around the nearest leg as possible.   |
| <u>Level A</u> only: Ask her to remove footwear and search thoroughly. Check the sole of the foot.   |
| Repeat the process for the other half of the body.   |
| Ask her to lean forward and search the back, waistband and buttocks.   |
| Look at the area around her for anything she may have dropped before and during the search.  |

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|  |
| Move the wheelchair to one side to ensure it is not over anything she may have dropped.  |
| Search the wheelchair and any attachments, unless a prison issue wheelchair is supplied. |

## ANNEX F - SEARCHING OF PEOPLE USING DOGS

1. Passive search dogs may only be used when dealing with people and for the following purposes:
  - i. Preventing drugs being smuggled into prison
  - ii. Detecting drugs that have been smuggled into the prison
  - iii. As a deterrent against drug smuggling
2. *Establishments must have arrangements in place for searches using dogs, which can be conducted on a routine and/or intelligence-led basis. Local arrangements and local security measures (i.e. action on indication) must be risk-assessed and must form part of local security strategies, to be agreed by the Governor and Deputy Director of Custody. See also Passive and Active Drug Dog Guidelines, which have been issued to dog handlers across the prison estate, and [Annex D5](#), which includes instruction and guidance on religious and cultural issues when using dogs to search the person.*
3. *As part of risk-assessments, establishments must consider the benefits of routine and predictable deployment of dogs against an intelligence-led approach, where timing and places of search would be based on intelligence assessment and dynamic management.*
4. *When search dogs have been detailed either by area or locally, establishments must ensure that a sufficient number of appropriate staff are available to assist the search programme. A single dog handler and dog must not undertake a search programme alone.*
5. *Where prisons engage in a joint operation with the police, it must be conducted within the safeguards and the lawful practice set out in this Annex.*

### **F1 Measures to Follow After an Indication on a Visitor by a Passive Drug Dog**

6. *Each establishment must have procedures in place following a dog indication so that if any action is deemed necessary then it can be defended as being lawful.*

#### What is a Lawful Response?

7. A positive indication from a passive drug dog equates to no more than the potential presence of drugs. If drugs are present, the indication will not provide an explanation as to why drugs are present i.e. innocent contamination or personal use. The indication does not provide proof of the presence of drugs beyond a reasonable doubt.
8. *Prison management must take into consideration all the circumstances of specific incidences. However, the following must be observed:*
  - *A visitor can only be full searched where there is reasonable cause (evidential and legal justification) to do so – see paragraph 2.61. A passive dog indication on its own is not reasonable cause and must never lead directly to a full search;*
  - *A passive dog indication on its own must never lead directly to the imposition of a ban under PSI 15/2011 - Management of Security at Visits;*

- *Records must be kept of visitors who have been indicated on by a dog, and a Mercury Information Report submitted in all cases. Any record that is filed must comply with Data Protection legislation.*
  - *Consistent positive indications over the course of a number of visits is likely to raise sufficient reasonable cause to conduct a full search;*
  - *A passive dog indication on its own can lead to a closed or non-contact visit, which would be a preventative measure to stop drugs being smuggled into visits – see PSI 15/2011 - Management of Security at Visits.*
  - *At any point a visitor may decide to terminate the visit and must be allowed to leave, except where the [Firearms Act 1968](#) (S47), [Misuse Of Drugs Act 1971](#) (S23) or [Police And Evidence Criminal Act 1984](#) (S32) allows a search without consent or the visitor has been arrested – see [Annex A](#).*
9. *There will be times when a dog indicates on an official visitor/Independent Monitoring Board (IMB) members or a member of staff/contracted staff etc. It is vital that prison management makes their response to the indication based on the individual circumstances. Any decision to ban an official visitor or discipline a member of staff must be justifiable.*

## **F2 Possible Masking of Drugs**

10. *All incidents where there is reasonable cause to suspect that scents have been used to deter dogs must be investigated further.*
11. *Extreme reactions of the drug dog can indicate potential suspicious activity. For example, there are sprays on the market, such as a product called “Bitchmate”, which release a scent which is designed to keep a dog away from a bitch. If sprayed on a person, the presence of the scent would most likely cause the search dog to react by backing away from the individual. Staff must examine all circumstances of an individual case to determine a proportionate response to such extreme reactions.*

## **ANNEX G - SEARCHING PRISONERS IN WORK AND ACTIVITY AREAS**

1. *Staff must search prisoners leaving en masse at the end of a session in accordance with the instructions set out in the prison's Local Searching Strategy.*
2. *The searching strategy must also include provision for occasional full rub down searches of all prisoners coming out of any workshop, either at random, or based on intelligence.*
3. *For prisons which are not in the High Security Estate, prison management must risk assess their workshops to determine the potential security threat they pose. The searching strategy will set out the use of metal scanners (if any), and the levels of rub down searching for each workshop depending upon the level of risk, and the category of prison.*
4. *Where prisoners are allowed to carry personal possessions (e.g. PE kit) to and from activities these must also be thoroughly searched when the prisoner is searched.*
5. *The standard of search to be applied to a prisoner leaving the session early for any reason must be agreed between the Governor and Deputy Director of Custody and included in the searching strategy.*
6. *Items (including hobbies items) under construction by prisoners must be subjected to careful physical examination and x-rayed where necessary if the item is believed to present a security risk.*

## ANNEX H - SEARCHING OF TRANSEXUAL PRISONERS

1. Searching is arguably one of the most emotive, controversial and difficult aspects of dealing with and managing transsexual people in a prison environment. As such, it is important that a strong overall emphasis is placed on securing the cooperation of these prisoners for the purposes of searching, whilst ensuring that there are effective security measures in place which are adhered to as closely as is possible under the circumstances. *Procedures must be sensitive both to the needs of prisoners and staff and they must remain proportionate and lawful.*

### H1 Legal Obligations

2. In accordance with the Gender Recognition Act (GRA) 2004, transsexual people who have been assessed by medical and gender dysphoria specialists may now apply for a certificate, called a Gender Recognition Certificate (GRC), which legally recognises their acquired gender. This affords them all the rights and responsibilities of this gender. Once a full GRC is awarded, these individuals will automatically obtain a new birth certificate, provided that their birth was registered by the UK and then their gender will become, for all purposes, the acquired gender. A GRC can be obtained before surgery has commenced.
3. The primary legal obligation is that prisoners in receipt of a GRC have the legal right to be treated as their acquired gender in every respect. Unless alternative procedures have been agreed (see below), such prisoners should be full searched in accordance with the procedures set down in [Annex B \(B2\)](#) that are applicable to the acquired gender, irrespective of their bodily characteristics (including genitalia). *In practice, this means that male to female transsexual prisoners in receipt of a GRC must be full searched by female officers and female to male transsexual prisoners with a GRC must be full searched by male officers.* To do otherwise would incur a significant risk of litigation. Searches should always be preceded by a sensitive discussion with the person concerned in order to determine his or her preference. A voluntary compact allowing the prisoner a different approach to that outlined above may be more appropriate. Options for this are outlined at [H3](#).

### H2 Concerns

4. It is recognised that a full search of a transsexual prisoner may cause some practical difficulties. Some staff may not feel comfortable with searching individuals who are still undergoing surgery and have genitalia of the opposite sex. However, if these circumstances are unavoidable then local management is expected to provide adequate support and training to assist staff in undertaking this task. It may be more effective to deploy additional security measures to put staff at ease. For example, in the circumstance outlined above, additional officers could be allocated to the search if there is any cause for concern over the safety of staff. Staff may only be exempt from searching transsexual prisoners in exceptional circumstances, for example, where there are genuine religious or cultural reasons for an objection. *The requirement at [Annex A2](#) also applies that, where a female member of staff objects to rub-down searching a male, managers must make reasonable adjustments to ensure that they do not have to carry out the search.*

### H3 Compact

5. *Transsexual prisoners at all stages of the gender confirmation process must be encouraged to enter into a voluntary written agreement in respect of their searching arrangements on arrival to an establishment.*
6. *It is appropriate that such a discussion would take place alongside a wider conversation concerning the prisoner's particular needs. The compact should be drawn up by local management and must clearly set out the arrangements for searching the prisoner, including specifying the gender of searching staff. It must be recognised that the signing of the compact must be voluntary in order for it to have any legal significance, and prisoners must not be coerced into signing in any circumstances.*
7. *A consultative approach should be adopted when determining individual searching arrangements. Where appropriate, advice must be sought from medical professionals and those involved in the prisoner's care. The wishes of the prisoner must also be taken into account. The Governor must decide if the compact is suitable, taking into account such factors as legal considerations, possession of a GRC, sex characteristics of the prisoner, views of the prisoner and staff and the likelihood of the prisoner cooperating with a voluntary compact. It should be recognised that as a voluntary agreement the prisoner may withdraw from it any point in time. The details of the compact may need to change as circumstances change. Any decision to suspend a compact must be justified and proportionate and agreed by local management.*
8. *The following paragraphs outline instructions and guidelines that must be followed and taken into account when drawing up a compact. It should be noted that, regardless of whether a prisoner is in receipt of a Gender Recognition Certificate (GRC), (see section above entitled Legal Obligations), transsexual people may have undergone hormonal and/or surgical procedures or treatment which may have resulted in physical changes to their genitalia or general appearance, contrary to that of their birth gender. These, together with the possession or not of a GRC, are important factors in determining the gender of the searching officer in each instance.*

#### **H4 Full Searches**

##### **Prisoners Who Hold a Gender Recognition Certificate (GRC)**

9. *Transsexual prisoners who hold a GRC and who are fully post-operative, should be searched by a member of staff of the gender of the prisoner's acquired gender; that is, male to female transsexual prisoners should be searched by female officers and female to male transsexual prisoners should be searched by male officers. The prison can insist that there is no discretion in these circumstances, as the prisoner will be both physically and legally of the acquired gender. Male to female transsexual prisoners who hold a GRC will be searched according to the women's full search procedures outlined in [Annex B](#) unless otherwise agreed as part of a compact.*
10. *At the other end of the spectrum there will be instances in which prisoners will hold a GRC whilst not having commenced gender confirmation or any significant level of non-surgical treatment. In other words, the prisoner whilst legally of their acquired gender will still have the same sex characteristics as at birth. In such cases, it is practical to seek the agreement of the individual concerned to their being searched by staff of their birth sex rather than their legal gender. That is, prisoners transitioning from male to female may be asked to agree to be full searched by male officers and prisoners transitioning from female to male may be asked to agree to be full searched by female officers. Such an arrangement would require the full, voluntary agreement by the prisoner, who may at any time withdraw this agreement, including before a search takes place, and will have the right to be searched by*

a member of the sex of his or her acquired gender if they prefer (see [H1](#), legal obligations) Any such agreement should be set out in the voluntary compact.

11. In practice, surgical and non-surgical treatment can take some time to complete and many transsexual prisoners will be at some point between these two extremes. Careful consideration should be given to the searching arrangements of transsexual prisoners who hold a GRC and who are at all other stages of the treatment process. In determining arrangements to be set down in the compact it will be necessary to consult with healthcare professionals, those involved in the prisoner's care and the prisoner concerned (see section entitled Compact). *However, prisoners who hold a GRC may insist on being searched by an officer of their acquired gender and if they do so then this must be adhered to.*

#### Prisoners Who Do Not Hold a Gender Recognition Certificate (GRC)

12. Prisoners who do not hold a Gender Recognition Certificate and have not received any treatment (surgical or non surgical) for gender dysphoria, would normally be expected to be full searched by staff of the same sex. That is, prisoners transitioning from male to female, but are at this stage fully physically male, would be full searched by male officers and prisoners transitioning from female to male, but are at this stage fully physically female, would be full searched by female officers. However, this should be carried out with proper regard to the sensitivity and vulnerability of the prisoner concerned and every reasonable effort made to secure their co-operation and to minimise embarrassment. The prisoner, in these circumstances, has no right to insist on being searched by staff who are (in these circumstances) of the opposite sex.
13. At the other extreme there may be prisoners without a GRC who have completed surgery and treatment and whilst legally of one gender are in all or most other respects physically identical to the opposite sex. Not having a GRC does not prevent these prisoners from being searched by staff of the (legally) opposite sex (i.e. staff with the same genitalia) provided that this is deemed to be the most appropriate way forward and a voluntary compact is in place to allow this to happen. In these instances, a male to female transsexual prisoner with female genitalia can be asked to agree to be full searched by female officers and female to male transsexual prisoners with male genitalia can be asked to agree to be full searched by male staff.
14. In some of these cases, the wishes of the prisoner may be the same as those of the prison and agreement should not be difficult to reach. If agreement cannot be reached, and the prisoner does not hold a GRC, then the prison has the right to require whatever searching arrangements are considered to be the most appropriate (in accordance with the procedures set out in [Annex B](#)) in order to provide an effective searching strategy, which minimises embarrassment to staff and prisoners bearing in mind the sensitivities and vulnerabilities of the prisoner concerned. *However, proper consideration must be given to the wishes of the prisoner and these should be respected unless there are good grounds to provide for different arrangements.* In any challenge, a court would be likely to look at all the factors in the individual case and ask if the Prison Service has acted reasonably in this difficult set of circumstances bearing in mind the multitude of factors the prison has to balance in coming to a decision ([H3](#) with regard to the factors to consider for a compact).
15. *Careful consideration must be given to arrangements for searching transsexual prisoners who do not hold a GRC and are at other intermediate stages of the treatment process.* In determining arrangements to be set down in the compact it will be necessary to consult with healthcare professionals, those involved in the prisoner's care and the prisoner concerned (see [H3](#)).

## H5 Rub Down Searches

16. Rub-down searches do not involve removal of clothes and the rub-down process does not involve contact with genital or breast areas and as such do not carry the same sensitivities as full searches. They are however, carried out with greater frequency than full searches and rules in this area need to be clear and easy to operate. In this type of search the main issue is not so much about physical appearance and genitalia (although that may impact any decision on rub-down searches) but more about the potential vulnerability of the prisoner and whether he or she would have the same vulnerabilities as a woman might if she were to be rub-down searched by a man.
17. NOMS policy does not permit male staff to conduct rub-down searches of female prisoners but female staff can perform rub-down searches on male or female prisoners. *Legally, therefore, male staff must not carry out rub-down searches on male to female transsexual prisoners who possess a gender recognition certificate to say they are female.* Neither should male staff carry out rub-down searches on female to male transsexual prisoners who do not possess a gender recognition certificate to say they are male.
18. Other than the above, male staff may carry out rub down searches on all other transsexual prisoners other than in circumstances in which it is deemed by the prison to be more appropriate and seemly for a prisoner to be searched by a female officer following a full assessment and compact (see [H3](#) for details of the compact), and taking into account the potential vulnerability of the prisoner. For example, in some circumstances, it may be considered to be more appropriate for female officers to rub down search a female to male transsexual who is in possession of a GRC or a male to female transsexual prisoner who does not hold a GRC but has the appearance of a woman. In such cases, prisoners should be encouraged to enter into a written agreement (see [H3](#)) in respect of these arrangements.

## H6 Squat Searches

19. *Where it is suspected that an item has been hidden in or around the anus, a male prisoner must be asked to bend/squat as part of a full search, to enable the officer to visually examine the area more closely. Female prisoners must not be asked to squat. The basic principle here is that anyone who is legally a female (from birth or acquired via a GRC) must not be asked to bend or squat neither should anyone who has a vagina (regardless of legal gender).*

### Pre-operative Prisoners Who Do Not Hold a Gender Recognition Certificate (GRC)

20. Only male to female transsexual prisoners without a GRC and who have not commenced gender confirmation surgery may be asked to bend or squat.

### Post-operative Prisoners Who Hold a Gender Recognition Certificate (GRC)

21. *These prisoners must be treated for all purposes as their acquired gender and the policy for squatting (as set out in [Annex B \(B2\)](#)) will apply in that only female to male transsexual prisoners who are fully post operative (i.e. have no vagina and have had male genitalia constructed) may be asked to squat as part of a full search.*

Pre-operative Male To Female Prisoners Who Hold a Gender Recognition Certificate and Male to Female Prisoners Who Have Completed Gender Confirmation Treatment Who Do Not Hold a Gender Recognition Certificate

22. *These prisoners must not be asked to bend or squat as part of a full search.*

## H7 Summary of Searching Procedures for Transsexual Prisoners

|                             | FULL SEARCH   | RUB-DOWN SEARCH   | SQUAT SEARCH  |
|-----------------------------|---|---|---|
| <b>WITH GRC</b>             |   |   |   |
| <b>FULLY PRE-OPERATIVE</b>  | <ul style="list-style-type: none"> <li>Practical to seek agreement of prisoner to be searched by birth gender (Para.10)</li> <li>However, <b>must</b> be searched by officer of acquired gender if insist on this. (Para 3)</li> </ul>  | <ul style="list-style-type: none"> <li>Male staff must not rub-down search male to female transsexual prisoners who hold a GRC (Para 17).</li> <li>Male staff may rub-down search female to male transsexual prisoners with a GRC unless the prison considers the prisoner presents particular vulnerabilities (para.16)</li> </ul> | <ul style="list-style-type: none"> <li>National policy on squat searching applies (Para. 19)</li> <li>Pre-operative male to female transsexual prisoners must not be asked to squat nor must pre-operative female to male prisoners (Paras.19, 21)</li> </ul> |
| <b>TRANSITIONAL STAGES</b>  | <ul style="list-style-type: none"> <li>Full assessment needs to be completed following consultation with all concerned (Para 8.11 )</li> <li>However, <b>must</b> be searched by officer of acquired gender if insist on this. (Para 8.3)</li> </ul>  |   | <ul style="list-style-type: none"> <li>National policy on squat searching applies (para.8.19)</li> <li>Only female to male transsexual prisoners who are fully post operative with a GRC may be asked to squat (Para. 20)</li> </ul>                          |
| <b>FULLY POST-OPERATIVE</b> | <ul style="list-style-type: none"> <li>Should be searched by staff of prisoner's acquired gender (Para 9)</li> </ul>  |   | <ul style="list-style-type: none"> <li>National policy on squat searching applies (para.19)</li> <li>Only female to male transsexual prisoners who are fully post operative with a GRC may be asked to squat (Para. 20)</li> </ul>                            |
| <b>WITHOUT GRC</b>          |   |   |   |
| <b>FULLY PRE-OPERATIVE</b>  | <ul style="list-style-type: none"> <li>These prisoners would normally be expected to be searched by staff of the same birth gender (Para. 12)</li> </ul>  | <ul style="list-style-type: none"> <li>Male staff must not rub-down search female to male transsexual prisoners who do not hold a GRC (Para. 17).</li> </ul>  | <ul style="list-style-type: none"> <li>National policy on squat searching applies (Para. 19)</li> <li>Only male to female fully pre-operative transsexual prisoners without a GRC may be asked to squat (Para. 20)</li> </ul>                                 |
| <b>TRANSITIONAL STAGES</b>  | <ul style="list-style-type: none"> <li>Full assessment needs to be completed following consultation with all concerned (Para. 15)</li> <li>Prisoner can be searched by staff of the (legally) opposite gender if prison feels appropriate and a voluntary compact is in place with the prisoner.</li> </ul> | <ul style="list-style-type: none"> <li>Male staff may rub-down search male to female transsexual prisoners without a GRC except where it is considered more appropriate for female officers to carry out the search. (Para 18).</li> </ul>  | <ul style="list-style-type: none"> <li>National policy on squat searching applies (Para. 19)</li> <li>Pre-operative male to female transsexual prisoners must not be asked to squat nor must pre-operative female to male prisoners (Para.21)</li> </ul>      |
| <b>FULLY POST-OPERATIVE</b> | <ul style="list-style-type: none"> <li>Full assessment needs to be completed following consultation with all concerned (Para.13)</li> <li>Prisoner can be searched by staff of the (legally) opposite gender if prison feels appropriate and a voluntary compact is in place with the prisoner.</li> </ul>  |   | <ul style="list-style-type: none"> <li>National policy on squat searching applies (Para. 19)</li> <li>Only female to male transsexual prisoners who are fully post operative with a GRC may be asked to squat (Para. 20)</li> </ul>                           |

**ANNEX I - SEARCHING OF BABIES**

1. *Two trained members of staff must be present when a baby is to be searched. They are advised to wear disposable gloves as there is a high possibility of contact with bodily fluids.*
2. *Babies must only be searched in a room which has a minimum temperature of 21(C). They must not be searched in the sight of prisoners, other than the mother, unless it is part of a search of more than one pair of mothers and babies inside a MBU.*
3. The routine searching of babies and their clothing on entry to a prison on a visit or on entry to a Mother and Baby Unit is not mandatory. Establishments may conduct this type of routine searching if they consider it to be an effective way to minimise the trafficking of illicit items into prisons/Mother and Baby Units. *Local management must develop their own local policy on this area as part of their Local Searching Strategy, taking into account security and decency issues, the perceived impact on prisoners, where appropriate, and local needs.* Intelligence-led searching and searching on suspicion should be conducted where required.
4. *Searches of babies must be accompanied by a search of any pram, pushchair, baby carrier, car seat, changing bag or toy that is allowed to be brought into the prison.*

**11 Searching of Babies in Mother and Baby Units**

5. Babies are not prisoners but one of the conditions that each mother is required to accept when entering a mother and baby unit is that she will permit the searching of her baby as necessary in the interests of security and the baby’s good health.
6. *Consent must be sought from the mother for the searching of resident babies within mother and baby units.*
7. If a mother in a Mother and Baby Unit does not consent to the search of her baby, there is no power to search the baby except in circumstances where there is reasonable cause to suspect that a firearm (with or without ammunition) or a controlled drug has been hidden on the baby’s person under [Firearms Act 1968](#) (S47) and [Misuse Of Drugs Act 1971](#) (S23), respectively.
8. *The following procedure must be applied:*

**Procedure** – (also see [13](#), pictorial instructions)

|   |
|---|
| Ask the mother to set the baby down safely where he or she can be observed by searching staff.  |
| Search mother in accordance with the usual procedures.  |
| Ask mother to consent to a search of the baby.  |
| If consent is given, ask the mother if there is any unauthorised article concealed on the baby. Then conduct the search according to the relevant procedure, A or B, as detailed below.   |
| If consent is not given, seek line manager’s advice. Searches without consent may take place only in circumstances where there is reasonable cause to suspect that a firearm (with or without ammunition) or a controlled drug has been hidden on the baby’s person. Searches without consent |

may only be conducted by a prison officer or police officer. If search is to proceed, ask the mother if there is any unauthorised article concealed on the baby. The conduct the search according to the relevant procedure, A or B, detailed below.

**A – BASIC SEARCH** (2 staff needed)

| SEARCHER 1  | SEARCHER 2   |
|---|--|
| The officer in charge of the search. He/she is responsible for controlling the search. She will normally observe the subject from the front.  | Responsible for receiving clothing and other items from the subject and searching them.<br><i>He/she must return the clothing and other items back to the subject at the direction of Officer 1.</i><br>Observes the mother and baby throughout the search, normally from back or side. Remains vigilant to potential risks and remains alert throughout the search. |
| Ask mother to place the baby on a convenient and safe surface where you can observe both mother and baby. For older babies it may be easier to perform the search with the baby standing on the floor: ask the mother's advice. |  |
| Ask the mother to remove any blanket, shawl, coat or other bulky garment and pass it to Searcher 2.<br><br>Keep watch over mother and baby.   | Search garment.  |
| Provide a new nappy. Observe mother dressing baby. View area around mother and baby to ensure nothing has been discarded before or during search.   |  |
| <b>B: DETAILED SEARCH</b> (2 staff needed)  |  |
| Ask mother to place the baby on a convenient and safe surface where you can observe both mother and baby. For older babies it may be easier to perform the search with the baby standing on the floor: ask the mother's advice. |  |
| Ask the mother to remove any blanket, shawl, coat or other bulky outer garment and pass it on to Searcher 2.<br><br>Keep watch over mother and baby.  | Search clothing.   |
| If baby is wearing all-in-one vest/bodysuit: ask mother to remove it and hand to Searcher 2/ If baby is wearing vest and pants, ask mother to remove vest only and hand to searcher 2.  | Search clothing.   |

|   |   |
|---|---|
| View baby's upper body (ask mother to lift baby if lying or sitting down).  |   |
|   | Return clothing.  |
| Allow mother to replace vest or bodysuit, if bodysuit, ask carer to leave it undone.  |   |
| Ask mother to remove nappy (and pants if worn) and hand to Searcher 2.  | Look at nappy (no need to search in detail). Place nappy in bag for disposal. |
| View lower half of baby. Ask mother to raise bodysuit if worn. Ask mother to lift or raise baby if laying or sitting.                                   |   |
| Provide a new nappy and observe mother putting it on baby.  |   |
| Return all clothes and observe the mother dressing baby. View area around mother and baby to ensure nothing has been discarded before or during search. |   |

**12 Searching Babies Visiting Prisons**

9. The procedures below apply to babies and toddlers. This includes most children up to their third birthday, and some older children. As children mature at different rates, there can be no definitive age limit. *Staff must use their discretion on a case-by-case basis whether to use these procedures or the ordinary rub down or full search procedures set out in [Annex B](#).*
10. The term 'carer' here means an individual other than the parent who has direct care and control of a child entering the prison as a visitor.
11. Babies will not usually be searched unless the mother or carer is searched. But babies need not be searched every time the adult is searched.
12. *Consent must be sought from the mother or carer to search babies visiting prisons.* Consent is a condition of entry to the prison. There is no power to search the baby without consent except in circumstances where there is reasonable cause to suspect that a firearm (with or without ammunition) or a controlled drug has been concealed on the baby's person under [Firearms Act 1968](#) (S47) and [Misuse Of Drugs Act 1971](#) (S23), respectively.

*The following procedure must be applied.*

**Procedure** – (also see [13](#), pictorial instructions)

|  |
|--|
| Ask the mother to set the baby down safely where he or she can be observed by searching staff.   |
| Search mother in accordance with the usual procedures for adults (rub-down search).  |
| Ask mother to consent to a search of the baby.   |
| If consent is given, ask the mother or carer if there is any unauthorised article concealed on the baby. Then conduct the search according to the relevant procedure, A or B, as detailed below. |

If consent is not given, seek line manager's advice. Searches without consent may take place only in circumstances where there is reasonable cause to suspect that a firearm (with or without ammunition) or a controlled drug has been hidden on the baby's person. Searches without consent may only be conducted by a prison officer or police officer. If search is to proceed, ask the mother if there is any unauthorised article concealed on the baby. The conduct the search according to the relevant procedure, A or B, detailed below.

**A – BASIC SEARCH** (2 staff needed)

| SEARCHER 1   | SEARCHER 2  |
|--|---|
| The officer in charge of the search. He/she is responsible for controlling the search. She will normally observe the subject from the front.   | Responsible for receiving clothing and other items from the subject and searching them.<br><i>He/she must return the clothing and other items back to the subject at the direction of Officer 1.</i><br>Observes the mother or carer and baby throughout the search, normally from back or side. Remains vigilant to potential risks and remains alert throughout the search. |
| Ask mother or carer to remove the baby's nappy and hand it to Searcher 2. This will involve undoing or removing some of the baby's clothing and shawls, blankets or outer garments.<br><br>View the baby and keep watch over the mother. | Look at nappy (no need to search in detail) and place in bag for disposal.  |
| Search any other clothing/outer garments.  |   |
| Ask mother to remove baby's nappy and hand it to Searcher 1. This will involve undoing or removing some of the baby's clothing.<br><br>View the baby and keep watch over mother.   | Look at nappy (no need to search in detail) and place in bag for disposal.  |
| Provide a new nappy. Observe mother dressing baby. View area around mother and baby to ensure nothing has been discarded before or during search.  |   |
| <b>B: DETAILED SEARCH</b> (2 staff needed)   |   |
| Ask mother to place the baby on a convenient and safe surface where you can observe both mother and baby. For older babies it may be easier to perform the search with the baby standing on the floor: ask the mother's advice.          |   |

|  |   |
|--|---|
| Ask the mother to remove any blanket, shawl, coat or other bulky outer garment and pass it on to Searcher 2.<br><br>Keep watch over mother and baby.   | Search clothing.  |
| Ask the carer or mother to remove all of the baby's clothing except vest and pants and bodysuit and pass to Searcher 1.<br><br>Keep watch over mother or carer and baby.                                 | Search clothing.  |
| If baby is wearing all-in-one vest/bodysuit: ask mother or carer to remove it and hand to Searcher 2. If baby is wearing vest and pants, ask mother or carer to remove vest only and hand to Searcher 2. | Search clothing.  |
| View baby's upper body. Ask mother or carer to lift baby if lying or sitting down.   | Return clothing.  |
| Allow mother to replace vest or bodysuit, if bodysuit, ask carer to leave it undone.   |   |
| Ask mother to remove nappy (and pants if worn) and hand to Searcher 2.   | Search clothing and look at nappy (no need to search in detail). Place nappy in bag for disposal. |
| View lower half of baby. Ask mother to raise bodysuit if worn. Ask mother to lift or raise baby if laying or sitting.  |   |
| Provide a new nappy and observe mother putting it on baby.   |   |
| Return all clothes and observe the mother dressing baby. View area around mother and baby to ensure nothing has been discarded before or during search.  |   |

### 13 Pictorial Instructions

#### Searching Babies in Mother and Baby Units

*Two trained members of staff must conduct the search.*

**OFFICER 1**

**OFFICER 2**

**In charge of search.  
Observes carer and baby.**

**Searches the baby's clothing.**

Search the baby's carer first with the baby set down safely

where it can be observed by searching staff.

Ask the carer for consent to search the baby.

If consent is given, ask the carer if there are any unauthorised articles concealed on the baby.

Ask the carer to lay the baby down on a convenient and safe surface.

Ask the carer to remove any shawl, blanket, nappy or bulky outer garment.



Search the clothing.

Check nappy and then place used nappy in bag for disposal. Provide a new nappy.

Return clothing to the carer.

**If a more detailed search is required:**

Ask the carer to remove clothing from baby's upper body.

Ask the carer to raise baby so that you can see baby's upper body.



Search the clothing.

Return clothing to the carer.

Ask the carer to replace clothing from baby's upper body.

Ask the carer to remove clothing from baby's lower body.

Search the clothing.

Observe baby's body.

View the area around carer and baby.



Return clothing to the carer.

Allow carer time to re-dress the baby.

**Searching Babies Visiting Prisons**

*Two female Officers must conduct the search.*

**OFFICER 1**

**In charge of search. Observes carer and baby.**

Search the baby's carer first with the baby set down safely where it can be observed by searching staff.

Ask the carer for consent to search the baby.

If consent is given, ask the carer if there are any unauthorised articles concealed on the baby.

Ask the carer to lay the baby down on a convenient and safe surface.

Ask the carer to remove any shawl, blanket, nappy or bulky outer garment.



**If a more detailed search is required:**

Ask the carer to remove clothing from baby's upper body.



Ask the carer to raise baby so that you can see baby's upper body.

Ask the carer to replace clothing from baby's upper body.

Ask the carer to remove clothing

**OFFICER 2**

**Searches the baby's clothing.**

Search the clothing.

Check nappy and then place used nappy in bag for disposal. Provide a new nappy.

Return clothing to the carer.

Search the clothing.

Return clothing to the carer.

Search the clothing.

from baby's lower body.

Observe baby's body.

View the area around  
carer and baby.

Allow carer time to  
re-dress the baby.



Return clothing to the carer.

**ANNEX J - FULL SEARCH NOTICE**

**Full Search Notice for the Information of Members of Staff**

**Please read this carefully:**

The Governor has directed that, for the reasons explained to you, you will be full searched under Firearms Act 1968 (S47) and/or Misuse Of Drugs Act 1971 (S23) and/or the Police and Criminal Evidence Act 1984 (S32). (Staff, please indicate reason(s) below)

\_\_\_\_\_

The police have been informed but cannot come to deal with the matter. The search will therefore be carried out by prison staff.

The procedure for a full search is described in the supporting document.

You may request the presence of a Trade Union representative or a friend of the same sex.

**Please sign below if you agree with the following statement:**

I have read the notice and I understand it and I have had explained to me the reason(s) why I will be searched.

\_\_\_\_\_ Signature \_\_\_\_\_ Print Name

Signature of Officers

1) \_\_\_\_\_  
\_\_\_\_\_ Print Name

2) \_\_\_\_\_  
\_\_\_\_\_ Print Name

**Post search:**

Please sign below if the search was conducted in line with set procedure, as set out in the briefing note you were provided with and as explained to you:

\_\_\_\_\_ Signature \_\_\_\_\_ Print Name

**Subject Details for Monitoring Purposes (to be completed by staff conducting the search)**

|           |  |
|-----------|--|
| Gender    |  |
| Ethnicity |  |

|  |  |
|--|--|
|  |  |
|--|--|

**Procedure for Full Search**

1. Two officers will be present. No person of the opposite sex will be present.
2. You will not be required to be fully undressed at any stage.
3. You will be asked to remove clothes from one half of your body, and pass them to an officer so that they may be examined. Your body will then be observed briefly so that the officers can see whether anything is concealed. The clothes will then be returned to you without delay and you will be given time to put them on.
4. The procedure will then be repeated for the other half of the body.
5. The soles of your feet may be checked.
6. When your lower body is undressed, if you are a man, you may be required to position yourself in such a way as to enable staff to observe whether anything is hidden in the genital and anal areas. Your body will not be touched during this process.
7. If you have long hair, it may be necessary for an officer to search it. It may also be necessary for an officer to check your ears, nose and mouth.

**Full Search Notice for the Information of Visitors or Other Persons Entering an Establishment**

**Please read this carefully:**

The Governor has directed that, for the reasons explained to you, you will be full searched under the Firearms Act 1968 (S47) and/or Misuse Of Drugs Act 1971 (S23) and/or the Police and Criminal Evidence Act 1984 (S32). (Staff, please indicate reason(s) below)

The police have been informed but cannot come to deal with the matter. The search will therefore be carried out by prison staff.

The procedure for the search is explained in the supporting document.

**Please sign below if you agree with the following statement:**

I have read the notice (or it has been read to me) and I understand it and I have had explained to me the reason(s) why I will be searched.

\_\_\_\_\_ Signature \_\_\_\_\_ Print Name

Signature of Officers

1) \_\_\_\_\_  
\_\_\_\_\_ Print Name

2) \_\_\_\_\_  
\_\_\_\_\_ Print Name

**Post search:**

Please sign below if the search was conducted in line with set procedure, as set out in the briefing note you were provided with and as explained to you:

\_\_\_\_\_ Signature \_\_\_\_\_ Print Name

**Subject Details for Monitoring Purposes (to be completed by staff conducting the search)**

|                 |  |
|-----------------|--|
| Gender          |  |
| Ethnicity       |  |
| Any disability? |  |

**Procedure for a Full Search**

1. Two officers will be present. No person of the opposite sex will be present.
2. You will not be required to be fully undressed at any stage.
3. You will be asked to remove clothes from one half of your body, and pass them to an officer so that they may be examined. Your body will then be observed briefly so that the officers can see whether anything is concealed. The clothes will then be returned to you without delay and you will be given time to put them on.
4. The procedure will then be repeated for the other half of the body.
5. The soles of your feet may be checked.
6. (For males only) When your lower body is undressed, you may be required to position yourself in such a way as to enable staff to observe whether anything is hidden in the genital and anal areas. Your body will not be touched during this process.
7. If you have long hair, it may be necessary for an officer to search it. It may also be necessary for an officer to check your ears, nose and mouth.

**ANNEX K - LOCAL SEARCHING STRATEGY**

1. *Searching strategies must not be aspirational, but based upon a realistic appreciation of what is necessary and what is possible. In this context, it is likely that realistic local searching policies, properly and professionally undertaken, will have a better success rate, and a greater deterrent effect upon prisoners and others, than policies which set unrealistic and unattainable targets.*
2. *The Local Searching Strategy must be made available to staff, visitors and prisoners who must be made aware as to how it applies to them. It is particularly important that visitors have as much information as possible about searching techniques and procedures, which must be sent with Visiting Orders and displayed prominently in visits rooms.*
3. *Searching strategies must highlight policies on religious and cultural issues.*
4. *Drawing on risk assessments, where available, searching strategies must define the following:*

- i. **Context**

*The different areas of the prison or situations in which searching is required (e.g. prisoners, visitors, staff, contractors, vehicles, equipment, goods, stores, mail, property, workshops, sports fields, cell searches, escorts, at night etc). All parts of the prison, including the perimeter, storm drains, underground services and communal areas must be included in the strategy.*

- ii. **Object**

*What is being sought in each situation? (e.g. weapons, drugs, prisoners, keys, etc).*

- iii. **Technique/Type of Search**

*Resource and regime implications of types of searches, the search technique or techniques to be used to maximise the chance of finding the object and the technical aids, if any, needed to conduct the search.*

*The following searches may be carried out as part of a prison's searching strategy:*

- [Level A rub-down search](#)
- [Level B rub-down search](#)
- [Full search](#)
- [Searching of other body areas](#)
- [Searches using technical aids](#)

- iv. **Staffing**

*The staff or group of staff (including dog teams) needed to carry out the search in each context (e.g. wing staff, gate staff, dedicated search team, etc). This will need to take into account legal authority to conduct particular searches, the structure of any teams and the arrangements for managing searches.*

v. **Frequency Targets**

*How often, in each context, routine or random searches will be conducted. Management must ensure that the strategy is implemented fairly and without bias against any group.*

*Managers may consider conducting less routine and more intelligence led searches. If this approach is adopted, it must be reflected in local security strategies accordingly.*

vi. **Non-Routine Searches**

*Procedures for non-routine (i.e. intelligence-led) searches, including planning procedures for large-scale searches, such as lock down searches.*

vii. **Action on a Find**

*Procedures for preservation and continuity of evidence and avoidance of contamination and action to take with the prisoner or other person involved (including powers of arrest where appropriate).*

viii. **Training Needs**

*The training needed for each technique, the staff or groups of staff to be trained in each technique and the targets for training any staff who need any ongoing training and testing.*

ix. **Procedures for Audit**

*A clear strategy must be in place for self audits of searching and this must be communicated to staff.*

