

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 06 November 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(PIID/019) – Inquiry - Prohibiting items in Immigration Detention- Search training for IDF staff -

Asked:

Please detail and provide a copy of the training program DIBP staff or contractors receive to conduct searches in immigration detention and transit facilities.

Answer:

ABF staff are not authorised or trained to conduct searches in immigration detention and transit facilities.

Under the existing contractual arrangements with Serco Australia Pty Ltd, service provider personnel undertake three types of searches in immigration detention facilities, those being:

- Pat Searches
- Strip searches; and
- Room, Vehicle and Area Searches.

Service Provider personnel who are required to exercise a search or seizure power must, prior to undertaking those duties successfully complete a training course provided by a Registered Training Organisation and delivered by a Level IV accredited trainer. This training is refreshed at least every two years (contractually). Serco personnel are not permitted to conduct searches until they have successfully completed the appropriate training. Serco cannot legally conduct a strip search without instruction and written approval from a Senior Executive Band 3 in the ABF to do so.

Attached are Serco Policy and Procedure Manuals:

Attachment A - 560 - Searching manual

Attachment C - 380 - Room, Area and Vehicle Searching

56. Pat Searching

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3.2	Additional Pat Searching steps	June 2017

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1. Regulatory

1.1 Related documents

- Detention Services Manual
- Policy & Procedure Manual
- Incident Management (SIS-WHS-SOP-PS13-0001)
- Incident Reporting PPM

1.2 Legislative & Standards Framework

- Migration Act 1958 (Cth)
- Migration Regulations 1994 (Cth)
- Detention Service Manual, DIPB
- Immigration Detention Facilities and Detainee Services Contract
- Privacy Act 1988 (Cth)
- Freedom Of Information Act 1982 (Cth)

1.3 Conflict of Information

Where a conflict or inconsistency exists between this document and any of the related documents and legislation set out above, the latter is to prevail. Further advice should be sought from Serco Legal Counsel.

2. Learning Outcomes

The purpose of this session is to provide the detail necessary to conduct security searches.

2.1 Learning Goals

By the end of this session you will be able to:

- Detect controlled or prohibited items;
- Detect items that may be used for the purpose of a security breach or criminal activity;
- Maintain the safety and security of the centre; and
- Respond to intelligence that may affect the safety and security of detainees, visitors and staff.

3. Introduction

Serco Immigration Services is required to conduct area and room searches in accordance with the Immigration Detention Services Contract, Detention Services Manual and Migration Act 1958.

This manual provides policy and procedural guidance to officers and authorised officers (including police) who are involved in the conduct of strip searches under s252A and is complemented by Direction No. 51 - Strip search of immigration detainees made by the Minister under s499 of the Act.

Staff executing searches must also read and understand the Searching and Fabric Check PPM.

For further information refer to the DSM Chapter 8.

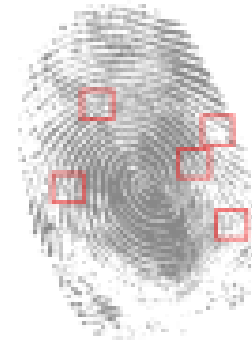
4. Basis for Searches

4.1 Six reasons for conducting searches

- To prevent prohibited items (weapons/drugs) entering the facility.
- To prevent escapes.
- To prevent the introduction and trafficking of contraband.
- To protect persons in Immigration facilities from themselves.
- To prevent theft and waste.
- To prevent health hazards.

4.2 What do we search?

- People
- Vehicles.
- Perimeter fences/boundaries.
- Buildings and grounds.
- Accommodation areas (rooms, laundry, kitchen).
- Discrete areas
- Common areas
- Property and mail



4.3 The Three B's of Searching

Be:

- Systematic
- Thorough
- Objective

4.3.1 Be Systematic

- Work to a pattern
- Search the same way each time
- Take your time and concentrate
- Don't be distracted

4.3.2 Be Thorough

- Check everything & be curious, pay particular attention to:
- Areas covered with pictures
- Rolled up items, e.g. newspapers
- Shoes, clothing, toiletries
- Under every recess and behind fixtures

- Electrical fixtures
- Outside windows for suspended articles
- Books, bindings, biros, pens
- All furniture recesses, crevices etc
- Toilets, urinals, shower recesses

4.3.3 Be Objective

- Respect property
- Never use searching as punishment
- Confiscate prohibited, unauthorised items only
- Understand the detainee feelings and attitude

5. Contraband

Contraband falls into three broad categories:

- Goods brought illegally into the facility;
- Goods legally in the facility, but in unauthorised possession of Detainees;
- Goods in excess of authorised quantity.

6. Definition of 'pat search'

To "pat search" for the purpose of searching a person, means the act of passing open hands over the body of a clothed person to detect concealed weapons, drugs, or other items. A pat-down search is using your hands to feel the various parts of the clothed body and therefore, using your hands to seek contraband on a person's clothed body. These searches are by far the most common searches used in Detention.

It is not permitted to search under the surface of a detainee's clothes during a pat search.

Searches of detainees (pat searches), their clothing and any property under their immediate control are conducted under s252 and s252A of the Act to find out whether the persons has a weapon or other thing that is capable of being used to inflict bodily injury or to help the person to escape from immigration detention.

7. MIGRATION ACT 1958 - SECTION 252

Searches of persons

(1) For the purposes set out in subsection (2), a person, and the person's clothing and any property under the immediate control of the person, may, without warrant, be searched if:

(a) The person is detained in Australia; or

(b) The person is a non-citizen who has not been immigration cleared and an authorised officer has reasonable grounds for suspecting there are reasonable grounds for cancelling the person's visa.

2) The purposes for which a person, and the person's clothing and any property under the immediate control of the person, may be searched under this section are as follows:

(a) To find out whether there is hidden on the person, in the clothing or in the property, a weapon or other thing capable of being used to inflict bodily injury or to help the person to escape from immigration detention;

(b) To find out whether there is hidden on the person, in the clothing or in the property, a document or other thing that is, or may be, evidence for grounds for cancelling the person's visa.

(3) An authorised officer may detain a person for the purpose of searching the person in accordance with this section.

(4) If, in the course of a search under this section, a weapon or other thing referred to in paragraph (2)(a), or a document or other thing referred to in paragraph (2)(b), is found, an authorised officer:

(a) May take possession of the weapon, document or other thing; and

(b) May retain the weapon, document or other thing for such time as he or she thinks necessary for the purposes of this Act.

(5) This section does not authorise an authorised officer, or another person conducting a search pursuant to subsection (6) to remove any of the person's clothing, or to require a person to remove any of his or her clothing.

(6) A search under this section of a person, and the person's clothing, shall be conducted by:

(a) An authorised officer of the same sex as the person; or

(b) In a case where an authorised officer of the same sex as the person is not available to conduct the search--any other person who is of the same sex and:

(i) Is requested by an authorised officer; and

(ii) Agrees; to conduct the search.

(7) An action or proceeding, whether civil or criminal, does not lie against a person who, at the request of an authorised officer, conducts a search under this section if the person acts in good faith and does not contravene subsection (8).

(8) An authorised officer or other person who conducts a search under this section shall not use more force, or subject a person to greater indignity, than is reasonably necessary in order to conduct the search.

(9) To avoid doubt, a search of a person may be conducted under this section irrespective of whether a screening procedure is conducted in relation to the person under [section 252AA](#) or a strip search of the person is conducted under [section 252A](#).

There are two distinct search powers that apply to detainees:

- Searches under s252 of the Act of detainees and screening procedures, including strip searches and
- Searches of property in immigration detention under common law duty of care.

7.1 Legislative authority

7.1.1 A search under s252 (1) (a) of the Act

Applies to detainees held in:

- An immigration detention centre (IDC)
- Immigration residential housing (IRH)
- Immigration transit accommodation (ITA) or
- Alternative places of detention (APODs)

These are collectively referred to as Immigration Detention Facilities (IDFs).

7.1.2 A search under s252A or AA of the Act

Applies to a search of a detainee that, may be conducted independent of a screening procedure or a strip search (under s252A).

7.2 Obligations under the Privacy Act

Any record of personal information that is created or obtained as a result of a search under s252 must be handled in accordance with the department's obligations under the Privacy Act 1988 (Privacy Act).

The Privacy Act allows the department to disclose information about a person if it is reasonably necessary for:

- The enforcement of the criminal law or a law imposing a pecuniary penalty or
- For the protection of public revenue.

It may be permissible to disclose to the appropriate government agency information that certain things were found during the search of a person. However, officers considering alerting police or other government agencies as to a person's possession of particular items must consider whether such disclosure is in accordance with Australian Privacy Principles (APPs) of the Privacy Act.

7.3 Failure to comply

Failure to comply with search procedures as defined in either Act may expose the authorised officers and/or the department to civil or criminal proceedings and sanctions

8. Illegal, Controlled and Excluded items

Certain categories of items that cannot be brought into IDFs include:

- Items which are illegal under Australian law
- Items that present a risk to the health of Detainees, visitors or staff
- Items that present a risk to privacy, safety or security
- Items that may be offensive to others.

The current list of excluded and controlled items is included below.

Unless otherwise notified by the DIPB Regional Commander, the Centre Manager will ensure that any Illegal, Excluded and Controlled Items that are detected will be recorded and retained, where appropriate.

Detected Excluded or Controlled Items should

- Be removed and stored securely
- Returned to the owner when the person leaves the facility

Illegal items detected or found should be removed, recorded and securely stored until collection by the relevant authority. Where appropriate, preservation of evidence principles should be followed. A Security Information Report (SIR)

Where appropriate, Incident Reporting procedures must be followed.

8.1 Excluded items

Excluded items include any items which are illegal within Australia; and

- All mobile phones for IMAs
- Alcohol
- Non-prescribed pharmaceutical medication
- Traditional medical remedies
- Prescribed pharmaceutical medication not supported by a medical certificate and not cleared by the IHSM for personal use by the Detainee
- Travel and identity documents, including passports
- Personal equipment such as cameras, mobile phones or other communication technology with Personal Internet Enabled Devices (PIED), internet, audio, photographic or videoing recording capabilities
- Pornographic books, magazines or related material, and
- Material that incites violence, racism or hatred.

8.2 Controlled items

Controlled items are goods that may present a risk to health and safety of people in immigration detention, visitors and staff, and include, but are not limited to:

- Perishable foods (such as cured, air-dried or fermented products, uncooked animal or fish products and eggs) brought in, or provided to Detainees for personal use by visitors: o these items are restricted to pre-packaged sealed containers with a use-by date for management of appropriate short-term storage and not resold or traded within IDFs
- Subject to HSM advice, brand name non-prescribed complementary health care supplements (e.g. vitamin and minerals)
- Sharp items, including syringes, knives, scissors or razor blades
- Outside contractor tools and equipment
- Glass items, including mirrors and picture frames
- Electrical items may be brought in, with prior approval for use by Detainees, subject to space and safety considerations and, a current electrician's certificate stating compliance with relevant safety regulations
- Aerosol and pressure propelled products

- Professional, craft, sporting equipment and other tools used for programs and activities run by approved visitors must be removed at the end of the activity visit. Items used in religious worship, such as sacramental wine, candles or religious instruments such as Sikh dagger/Kirpan, provided by an approved religious visitor must be consumed or removed (as appropriate) at the end of the visit.

Examples of controlled items that may present a risk to privacy, safety or security include, but are not limited to:

- Computers with modem
- Communication devices and PC peripherals - including, but not limited to USB storage devices, flash drives, disk drives, scanners, printers or MP players with audio recording capabilities
- Cash, cheques and bank cards
- Personal photographs, including photographic identification documents.

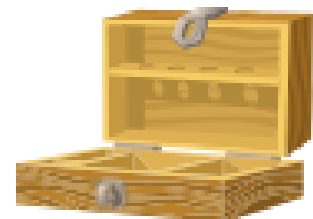
9. Pat Searches of detainees

Any search of detainees or their property in immigration detention must be conducted in accordance with s252 of the Migration Act 1958 (the Act) and with common law duty of care.

9.1 Before you start

The search team needs to ensure they have the appropriate equipment to conduct the search. Each Centre should ensure they hold a search toolkit registered on their equipment issue log.

- Search Toolkit
- Puncture Proof Gloves (Staff Issued PPE)
- Search Mirror
- Torch
- Video Camera
- Document Folder
- Search Matrix
- Search Log
- Controlled and Prohibited Items Chain of Custody Form
- Any additional tools of trade must be recorded and controlled



9.2 Pre-Requisites

In order to conduct any search, an Officer must be an 'authorised officers' under s5(1) of the Act

If a minor is to be searched, the Officer must obtain all necessary checks in accordance with the relevant State/Territory child protection legislation.

9.3 Use of reasonable force

'Reasonable force' maybe used in conducting a search as outlined in this material.

Officers are to refer to the Use of Force PPM. As a reminder, "Reasonable force" means no more than the minimum amount of force necessary to achieve legislative outcomes and/or ensure the safety of all detainees, staff and property.

Where a Detainee refuses to co-operate with a Search Procedure, Officers must gain approval prior to the use of force to conduct the search.

9.4 Screening of Detainees

The screening of detainees is not to be confused with the screening of visitors and staff entering an IDC. This is dealt with separately.

Screening procedures involve the use of equipment such as walk-through devices, hand-held scanners (also known as "wands") or x-ray equipment in an effort (broadly) to find whether the detainee has a hidden weapon or other item capable of being used to inflict injury or to assist escape from immigration detention. In this instruction any reference to screening procedures refers to the screening procedures contained in s252AA of the Act.

9.5 Searching / Screening of Minor Detainees

Detainees under the age of 18 (minor Detainees) should only be subject to a pat search in the most exceptional of circumstances where there is the firm belief that there is on their person a weapon or other thing capable of being used to inflict bodily injury or to help the minor escape from immigration detention. Approval by the DIBP Regional Manager must be sought before a search is conducted on a minor who is under 12 years old.

Any search of a minor should be conducted in the presence of a parent or guardian. If the Detainee is an Unaccompanied Minor, the search must be conducted in the presences of a DIBP officer or an approved SRSS provider.

Minors must not be subject to a screening procedure prior to school attendance. Screening procedures should occur on return from school, prior to and after T&E tasks. These screening procedures must be conducted in the presence of a DIBP officer or an approved SRSS Provider employee, or the minor's parents, where applicable.

9.6 What can be searched

An officer can search a person's outer clothing (their garments or apparel), which can include, but is not limited to, an overcoat, coat, jacket, gloves and shoes. A person's clothing does not include items of personal adornment (such as jewellery) and a search cannot include such items. DIBP accepts that Serco is obligated to search such items if there is a reasonable suspicion that they may contain items which satisfy the conditions of the Act. Given previous examples of this, it is accepted that such a suspicion exists.

An authorised officer can search a person's property that is under the person's immediate control, namely items in close or direct physical proximity to the person at the time they are to be searched. However, another authorised officer must be present:

- To oversee the search and
- To take possession of, and retain, any weapon or other thing found during the search that is capable of being used to inflict bodily injury or to help the person to escape from immigration detention.

A person undergoing a search whose clothing is damaged, destroyed or retained during the procedure is to be provided with adequate replacement clothing.

9.7 When can searches be conducted

A search can be conducted at any time without a warrant, provided that the search is conducted for the purposes specified in the Act, as discussed below.

Adult Detainees will be subject to a pat search and screening procedure, conducted in accordance with SIS training, and the Migration Act as detailed above, in the following situations:

- When their accommodation is searched.
- Before and after a visit, in facilities which have designated visits areas to which Detainees not receiving a visit do not have access. Where there is no such designated area, searches / screening procedures will be conducted at the discretion of the duty manager.
- Upon reception into a facility and prior to discharge, whether for a transport and escort task (including excursions), upon transfer, or reception to / discharge from detention NOTE see Searching / screening minor Detainees for further information
- When there is intelligence to suggest a search of the individual is required

It would be unreasonable to repeatedly search a person within a short timeframe.

A search may be conducted independently of, but is generally undertaken at the same time as, a screening procedure

9.8 Where a search may take place

To comply with the Act by not subjecting a person to greater indignity than is reasonably necessary when conducting a search, all reasonable efforts must be made to ensure that the search is conducted in private and away from the view of the public and other persons not involved in the search.

Rules for conducting a search of a person

The term “Pat” refers more to a “feeling” action where the hands are moved over the outmost layer of clothing. “Patting” the clothing will not detect flat or small items like keys and blades.)

The following rules apply to the conduct of a pat search. The officer conducting the search must:

- Be an authorised officer of the same sex as the person being searched
- If a transgender or intersex Detainee is to be searched, the Detainee may request that either a male or a female officer conduct the search. There must be a witness of the same sex as the Detainee being searched.
- Ensure that a witness is present (preferably another authorised officer)
- Identify themselves and the witness to the detainee
- Explain the reason/s and the legal authority for the search
- Explain to whom any information collected will be provided
- Use an interpreter if the person being searched is not proficient in English or requests that an interpreter be made available
- Before commencing the search, advise the person being searched that they must ensure the clothing they are wearing is appropriately secured to prevent it becoming dislodged or unsecured during the search
- Cease the pat search immediately if clothing becomes dislodged or unsecured, and recommence the search only once the detainee has secured their own clothing
- Allow the detainee a reasonable timeframe to comply with each search request and allow the detainee to uncover, empty or show the contents of their bags
- If the detainee to be searched is a minor, have a parent, guardian or an independent adult (“independent observer”) present who is capable of representing the best interests of the minor and who, as far as practicable, is acceptable to the minor

- Search property in a way that will not be offensive or damage goods. This means placing items down and not throwing, not making personal comments about property.
- Cease the search immediately once satisfied that the search will not yield anything that is hidden on the detainee, in their clothing or in their property that is capable of being used to inflict bodily injury or to help the detainee to escape from immigration detention and
- Video record a search of any property under the control of a detainee if the detainee cannot be present at the search, and notify the detainee of the search and that it was video recorded

The officer conducting the search:

- May search a detainee's clothing and
- If it is reasonably necessary, may ask the detainee being searched to turn out their pockets and allow them the opportunity to produce articles concealed in clothing:
- Such actions will depend on the particular circumstances, which may be, for example, that the initial pat search of the detainee indicates the possibility of a concealed weapon in their pocket

if the detainee being searched refuses to turn out their pockets, search powers under the Act allow an authorised officer to search the detainee's pockets themselves, provided they were not required to remove their clothing.

The officer conducting the search:

- Must not use more force or subject the detainee being searched to greater indignity than is reasonably necessary to conduct the search - see s252(8) of the Act
- Must not conduct a search for any reason other than to find out whether the detainee may have hidden on themselves or within their clothing:
- A weapon or item that is capable of being used to inflict bodily injury or to help the detainee to escape from immigration detention
- Documents or other items that are, or may be evidence for, or grounds for, cancelling the person's visa
- Must not remove any of the detainee's clothing or ask the detainee to remove any of their clothing and
- If the detainee being searched is asked by an authorised officer to turn out their pockets, must not place the detainee under any pressure to do so or induce the detainee to believe that it is necessary to do so

10. Religious and Cultural Considerations

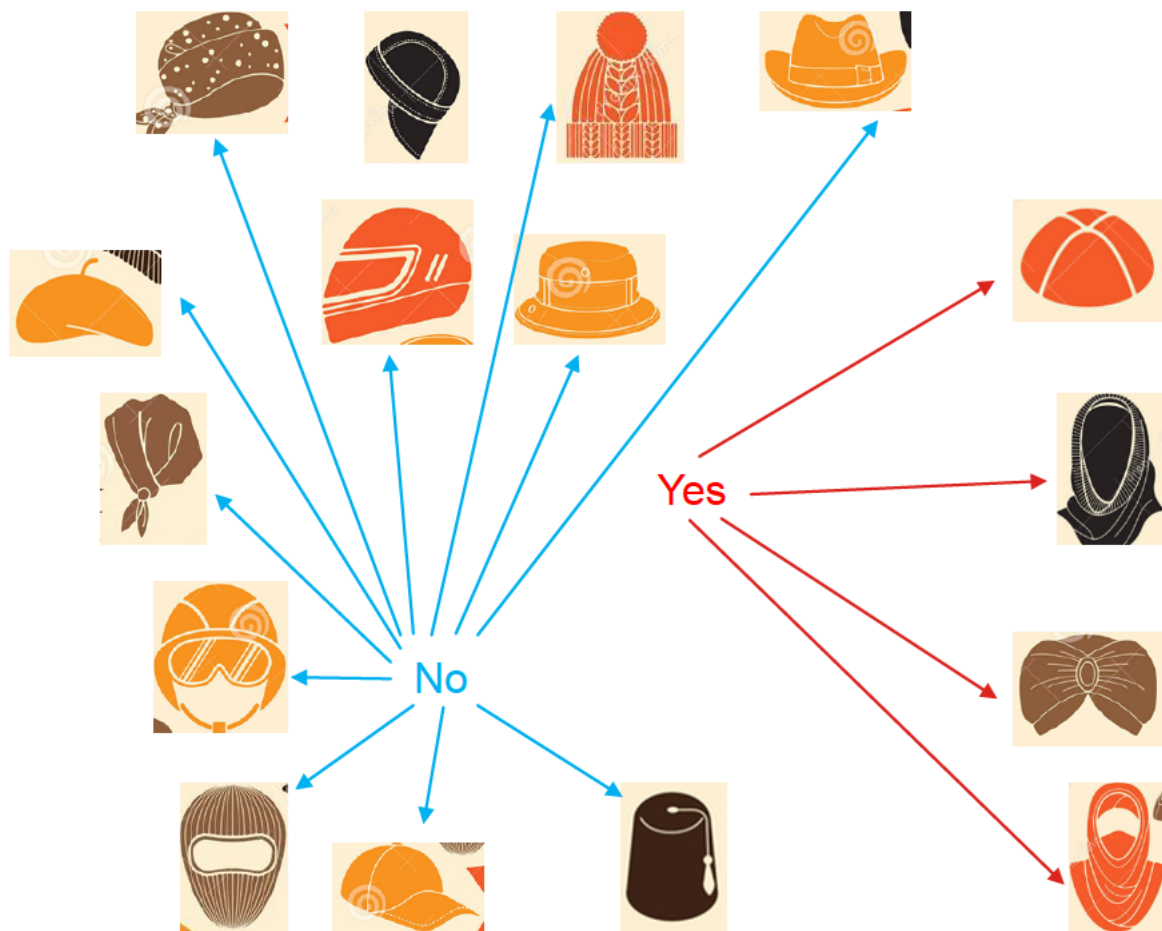
While headwear is capable of disguising or concealing a risk to the safety and well-being of persons in an immigration facility, care must be taken in relation to the cultural or religious significance of that headwear.

Religious or cultural headwear is considered as pertaining to a person who is a member of a religious group and the headwear is of a type customarily worn by members of that group.

In a detention environment, religious/cultural headwear can be expected to include items such as Sikh turbans, Jewish yarmulkes, Muslim caps, headscarves, Rastafarian hats).

Under no circumstances should an officer attempt to unwind or remove headwear. The person may be invited to remove or unwind it themselves, or where the invitation is refused, such headwear is subject to screening by a hand-held metal detector.

Cultural or Religious?



11. Process of Searching

11.1 Pre -Search

- Ensure Gloves are worn.
- Ensure area in which the search is being conducted is clear of other detainees and safe to conduct the search.
- Video camera Officer and camera ready. (As part of a Room search only. Other times attempt to conduct a pat search in area covered by CCTV)
- 2nd Search Officer is Cover Officer and is responsible for security only. One search officer, one cover Officer. Do not allow security officer to search shoes whilst search officer conducts the pat search.
- Searching Officers are same Gender as the Detainee.
- Search form is ready. (As part of a Room search only)
- Detainee is not a minor or incapable.
- Interpreter is available if required.

11.2 Search

- Video camera recording continuously from before commencement until after conclusion. . Camera Operator to identifies him / herself, date, time, place, who is conducting the search etc. (As part of a Room search only)
- Stand facing the detainee in the 1 ½ relative position.
- Officer to identify themselves and colleagues.
- Ask the Detainee:
 - To identify themselves and show ID card and state building and room number. (As part of a room search only)
 - How they arrived in Australia (IMA's not permitted to have mobile phones)
- Advise the Detainee that:
 - You are going to conduct a search in accordance with s 252 of the Migration Act.
- Ask the Detainee if they:
 - Understand what is going to happen - use open ended question (e.g. Can you tell me what we are about to do?)
 - Have anything on them that they wish to declare.
 - Have any loose clothing that is likely to be dislodged
 - Have anything sharp on them or anything that may injure the officer conducting the search.
- Ask the detainee to:
 - Put down/hand over any property held or controlled by them
 - Remove any overcoat or jacket
 - Remove their belt. (NB. If pants will fall off if belt is removed, do not remove belt.)
 - Remove Hat or any hair bands, if worn. Hair is to be free flowing.
 - Empty his/her pockets and turn them out
 - Remove shoes, hold them by the toes and bang the heels against each other to loosen any secreted items
 - Remove socks, turn socks inside out
 - Place all of these items on a bench or seat nearby.
- Have the detainee step away and search the contents of the detainee's pockets, hat, belt, and any items he/she is carrying including the shoe and socks. Screen these items with the Hand Held Metal Detector (HHMD) or x-ray machine, if available.
- Look at the area around the detainee for anything that he/she may have dropped.
- Ask the Detainee to:
 - Lean forward slightly and run their fingers through their hair.
 - Ask them to show you behind their ears.
 - Turn around and face away from you.
 - Standing to the rear of the detainee in the 2 ½ relative position of the detainee, ask the detainee to move their feet apart(wider than their shoulders), point toes outwards and raise their arms parallel with their shoulders with his/her palms facing downwards.
 - Use the HHMD (if available) to screen the Detainee in accordance with HHMD process.
 - Once concluded, place the HHMD away and commence the search.

- Pick a side of the detainee and search each side separately.
- Inform the detainee that they should not make any sudden movements and to remain facing away from the search officer while the search is conducted.
- Feel behind and around the collar and across the detainee's shoulders, front and back.
- Search each arm by passing your open hands together along the front and back then top and bottom of the extended arms.
- Using the open hand with fingers spread out comfortably; check the front of the detainee's body from neck to waist. (Note, female officers to use edge of hand to check front, side and under breasts of female detainees)
- Check the detainees front and back waistband by shaking the waist band and then rolling it over as you search. (Use the same process if the belt is still worn and search between the belt and trousers.)
- Check the detainee's back, from collar to waist, the rear of the waistband and the seat of his/her trousers.
- Externally search the pocket areas and then front, back and sides of the leg closest to you, from the crotch to the ankle.
- Use an "edge hand" (placing the fingers together) when checking the groin, buttocks and breasts.
- Move to the other side of the detainee and do the same for the other side of the body starting at the collar again. Overlap each side. Ensure the covering officer moves to a new covering position.
- Have the detainee place their hand against the wall or chair and raise each of their feet as you inspect the soles of the detainee's feet. Have the detainee wriggle their toes to ensure nothing is secreted between the toes.
- Look at the area around the detainee for anything that he/she may have dropped before or during the search
- Have the detainee put their shoes and socks back on and take possession of their belongings.
- The search is complete.

11.3 Being thorough

It's critical to cover 100 percent of the body's surface, not just the main areas.

One trick is to visualise yourself looking for the smallest item like a pill or handcuff key.

Run your hands down the length of the arms, around the head and neck and actually separate the shirt collar from the body and feel it. Do the same with the waist band. Run you finger inside the band and pull it away from the body. Shake to help dislodge items that may be loosely hidden inside the band.

On the back, run both hand in sequence from the top of the shoulders to the waist. Repeat the same on the chest and stomach. Check the back pockets, front pockets and then the groin and legs just like the arms, one hand on each side and slide down until you have felt the ankles.

The shoes should be removed before starting the search so have the person pick up their feet and look at the soles of their feet and in between the toes. The lower leg and feet will have many different concerns tactically speaking, as you need to make sure you are not placing yourself in an unsafe position.

Regardless of technique you choose here, being vigilant of the Detainees movements is important. Also, keeping the feet slightly wider than their shoulders keeps the Detainee more controlled.

Sometimes you have to get up close and personal to find even the smallest contraband items that a Detainee might have hidden on their person

11.4 Getting close

The pat-down is one of the least enjoyed duties in our profession, aside from strip-searches. For one thing, conducting a pat-down requires us to let the Detainee into our personal “reactionary gap.” We are always at a slight disadvantage when it comes to hands-on attacks by Detainees. We’re always reactionary, and giving up this precious space takes away from the time we have to react to furtive movements or aggressive actions.

The other reason we dislike pat-downs are because there are a multitude of Detainees who apparently don’t believe in personal hygiene.

Remember one thing: your diligence during the search could save a yours or a fellow staff member’s life.

Hidden weapons do not always cause a bulge in a waistband or in the pant legs. A small toothbrush with an attached razor blade could easily be concealed in an Detainees waistband. Likewise, a small bag of drugs could easily be concealed in the crotch area. You can’t be afraid to get up close and personal when conducting a pat-down.

It doesn’t take long for a Detainee to figure out the best places to hide contraband on their person.

11.5 Complacency

Some officers get so set in the way they conduct them that they become complacent and miss steps. Detainees know what will be skipped and will hide their contraband in those areas. It goes without saying but a systematic and routine pat-down search helps keep us organized and less likely to miss a step. Keep in mind that if a Detainee is hiding something on his or her person, they are likely to do something to distract us when we are close to the area they are using for concealment.

This is where the systematic routine comes in. If you always start and finish in the same manner, even a distraction won’t keep you from missing any areas of the body during your search and allow you to easily pick back up where you were before the distraction.

11.6 Referral to health care provider

If, during a search, a detainee is found to be in possession of:

- Illegal drugs or
- Non-prescribed medications, vitamins or supplements

The detainee should be referred immediately to the appropriate health services manager (HSM) for assessment.

The HSM should be also engaged immediately for a medical/health assessment of a detainee who was subject to the use of force during a search.



11.7 Use of force on refusal to be searched

If a detainee refuses to undergo a search and it appears that reasonable force may be necessary in order to conduct the search, the officer/s conducting the search must:

- Use an interpreter to ensure that there are no language-based misunderstandings;
- Advise the detainee that s252 allows reasonable force to be used to conduct a search;
- Advise the detainee that unless they cooperate, reasonable force may be used to search them;
- Allow the detainee a reasonable period in which to voluntarily submit to the search; and
- Proceed to use reasonable force only with the prior approval of and under the supervision of their Operations Manager.

- Apply reasonable force only as a last resort and ensure that it is justifiable and proportionate to the amount of resistance offered
- If appropriate, seek the assistance of another authorised officer prior to conducting the search
- Immediately engage the HSM for a medical/health assessment if the detainee is subject to the use of force during the search and
- Maintain accurate records when force is used. For more information on record keeping - see DSM - Chapter 1 - Legislative and principles overview - Recordkeeping.

12. Common hiding areas

The obvious places on the body itself are tucked up under the genitals, butt cheeks, and even areas that the can be inserted into: the anal cavity and vaginal cavity.

What parts of the body do we need to pay extra attention to during a pat-down?:

- Hair
- Behind the ears
- Armpits
- Waist band
- Socks
- Rolled pant cuffs
- Pockets (Don't forget the little pocket inside inside/above the main pockets in jeans)
- Groin
- Breast area

These places are popular because they are easy for the Detainee to use, they rely on you not wanting to touch these areas and hard to find in a standard pat search due to clothing.

Clothing also makes for great hiding places. The problem is pant pockets, shirt pockets and jacket pockets are common places for keeping pills and drugs.

A few pills or a single joint can easily be missed in a pat search as they blend in with the seams.

Jacket pockets can also be deep and hard to search, particularly jacket pockets that have holes in the bottom corners allowing items to float around deep in the jackets inner layers.

The waist band seem on Detainees track suit or shorts can also be easy manipulated to make a pouch like area to tuck in pills and small metal pieces. Another common place is to roll up their pant legs and hide smaller items in the roll.



13. Dealing with items found during a search under the Act

The only items that can be confiscated, if found during a search conducted under s252 of the Act, are:

- A weapon or other thing capable of being used to inflict bodily injury or
- An item capable of being used to help the detainee to escape from immigration detention.

Before such items can be confiscated, the officer conducting the search must form the opinion that the items meet this description.

Having formed this opinion, the officer may:

- Take possession of the weapon or other thing and
- Retain it for as long as they think necessary for the purposes of the Act.

Items found during a search conducted under the Act that are classified as:

- Illegal to possess
- Controlled or
- Excluded from immigration detention facilities and may be retained by the officer under common law duty of care.

Officers must refer to the list of illegal, control and excluded items list.

13.1 Possession and retention of lawful items

Officers conducting searches of property under common law must remain aware that authorised officers cannot permanently confiscate controlled or permitted items unless the item is a weapon or other thing capable of being used to inflict bodily injury or to help the detainee escape from immigration detention.

A lawful item found during a search that is a controlled item and not permitted in the IDF should be placed in storage and processed through the normal security procedures and property protocol.

Officers must maintain accurate records if an item is retained

13.2 Dealing with illegal items under common law duty of care

Items such as drugs, child pornography and alcohol fall under common law duty of care, by which the department must ensure the safety and well-being of detainees and others in the IDF.

An officer cannot specifically search for or seize these items under s252 and s252A of the Act. Under duty of care, however:

- Illegal or prohibited items discovered during a search that come within the scope of the duty of care may be retained but
- Before conducting a search, an authorised officer must know, or have established a reasonable suspicion, that a detainee has in their possession something that may jeopardise the safety and well-being of persons in the IDF.

If, during a search, a detainee is found to be in possession of illegal items, the officer must:

- Retain the illegal item and store it safely in the presence of another Serco officer
- Record and store on file an itemised description of the illegal item
- Notify the police and ask that they collect the illegal item from the facility
- Ensure that any action such as storing illegal drugs is taken at the instigation of the police and
- Raise an incident report.

When the police collect the illegal item, Serco must:

- Ask the police officer to sign a receipt for the illegal item, provide the police officer with a copy and retain a copy for file
- Ask the police officer to sign the item description record and file the record and
- Cooperate with police if charges are to be laid in relation to the items confiscated.

13.2.1 Return of controlled items retained during a search

Reasonable steps must be taken to return a controlled item that is permitted in the IDF but has been retained as a result of a search:

- When, if the item is not a weapon or other thing capable of being used to inflict bodily injury or to help the detainee escape from immigration detention, and on conclusion of any investigation, the item is no longer required or
- When the detainee from whom the item has been retained leaves immigration detention.

Items found during a search that are classified as being excluded from immigration detention are to be retained until the detainee from whom they were confiscated leaves immigration detention - see DSM - Chapter 8 - Safety and security - Items not permitted in immigration detention.

13.2.2 Possession and retention of certain things

Under s252C of the Act, an authorised officer may take possession of and retain an item found in the course of a strip search procedure under s252A of the Act, if the item:

- Might provide evidence of the commission of an offence against the Act or
- Is forfeited or forfeitable to the Commonwealth (which includes things that are the object of a s252A search).

Examples of items forfeited or forfeitable to the Commonwealth are described in s252A(1) and include a weapon or other thing, capable of being used to inflict bodily injury, or to help the detainee, or any other person, to escape from immigration detention.

If an item is found and taken into possession:

- A DSP officer must give the detainee a Property Receipt Form if the item is one which might provide evidence of the commission of an offence against the Act, however, no receipt is required if the item is forfeited or forfeitable to the Commonwealth and
- If it is a thing that is forfeited or forfeitable to the Commonwealth, s252C(3) requires that it must be given to a constable. The Crimes Act 1914 s3(1) defines a constable as a member or special member of the Australian Federal Police or a member of the police force or police service of a State or Territory.

13.2.3 Items not permitted in an IDF

A lawful item found during a strip search, which is not required as evidence but which is a controlled item and not permitted in the IDF, should be placed in storage and processed through the normal security procedures and property protocol.

See:

- DSM - Chapter 8 - Safety and security - Items not permitted in immigration detention and
- DSM - Chapter 3 - Entering and leaving detention - Personal property.

13.2.4 Dealing with an illegal item

If, during the course of a strip search under s252A of the Act, a detainee is found to be in possession of illegal items, for example, illegal drugs or child pornography, the officer must:

- Retain the illegal item and store safely in the presence of another DSP officer
- Record and store on file an itemised description of the illegal item
- Notify the police and ask that they collect the illegal item from the facility and
- Ensure that any action such as storing illegal drugs is taken at the instigation of the police.

When the police collect the illegal item the following procedure must be followed by the DSP:

- Ask the police officer to sign a receipt for the illegal item
- Provide a copy of the receipt to the police officer and retain a copy for file
- Request the police officer sign the item description record and
- File the record as required.

13.2.5 Items detected underneath clothing

If, during a search, items are detected underneath a detainee's clothing, the items can be taken possession of only if they are voluntarily handed over by the detainee to the authorised officer. If the detainee refuses to hand over an item, it may be necessary to seek authorisation to conduct a strip search to recover the item.

Ensure the Detainee is kept in a secure location and under observation so that they cannot dispose of the item or harm themselves or others.

All contraband found is to be placed into an evidence bag or a clear plastic bag and clearly marked with the items found. Dependent on the contraband found items can be placed into the detainee's property and a property receipt to be issued.

Remember to ask if it is their property to establish ownership.

Contraband taken to property and placed in detainee's property dependent on the contraband.

14. Recording of a Pat Search

If a pat search is conducted as part of a Room search, Officers must complete a Search form at the completion of the Search.

Otherwise, record on appropriate documentation

- Date, time, place
- Who the detainee was
- Contraband found and where it was found
- Ownership of the property (Contraband) found
- Conversations.



15. Searching minors

The "best interests of the child" principle is a primary consideration for minors (detainees under 18) and their treatment and the conditions of the detention environment must be humane and have as little adverse impact as possible.

A search of a minor is to be conducted only in the most exceptional of circumstances where there is the firm belief that there is on their person a weapon or other thing capable of being used to inflict bodily injury or to help the minor to escape from immigration detention. Approval by the DIBP regional manager must be sought before a search is conducted on a minor who is under 12.

Any search of a minor should be conducted in the presence of a parent or guardian. If it is not acceptable to the minor to have their parent or guardian present, another person must be present who is capable of representing the minor's best interests and who, as far as is practicable in the circumstances, is acceptable to the minor. That other person must be an adult.

A minor must be given a reasonable timeframe within which to comply with any search request.

16. Searches of illegal foreign fishers

While held in an IDF, illegal foreign fishers (IFF):

- Are held in fisheries detention by the Australian Fisheries Management Authority
- (AFMA) under the Fisheries Management Act 1991 (FMA) or the Torres Strait Fisheries Act 1984 (TSFA)
- Are accommodated in immigration detention facilities until a decision is made by AFMA to charge the IFFs with illegal fishing or to allow for their removal from Australia.

IFFs may also be detained under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBCA).

On release from, or on the expiry of, fisheries or conservation detention, and pending their removal, IFFs are - as unlawful non-citizens - transferred into immigration detention under s189(1) of the Migration Act.

For reasons of duty of care and security:

- IFFs held in immigration detention facilities and
- Their personal property or accommodation,

may be searched by authorised officers under the Migration Act and under common law while detained under the FMA, TSFA or EPBCA Acts:

The Migration Act also allows for the search of detainees when leaving and entering an immigration detention facility and upon embarking and departing escort or transfer vehicles and aircraft.

This also applies to IFFs on their transfer to an immigration detention facility from remote detention sites where initially detained.

IFFs may also be searched by authorised officers under the FMA, TSFA or EPBCA Acts while held in fisheries or conservation detention at IDFs. Search powers under each of these three Acts mirror those available to authorised officers under the Migration Act.

38. Room, Area & Vehicle Searching

Document Control

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1. Regulatory

1.1 Related documents

- Detention Services Manual
- Policy & Procedure Manual
- Incident Management (SIS-WHS-SOP-PS13-0001)
- Incident Reporting PPM

1.2 Legislative & Standards Framework

- Migration Act 1958 (Cth)
- Migration Regulations 1994 (Cth)
- Detention Service Manual, DIPB
- Immigration Detention Facilities and Detainee Services Contract
- Privacy Act 1988 (Cth)
- Freedom Of Information Act 1982 (Cth)

1.3 Conflict of Information

Where a conflict or inconsistency exists between this document and any of the related documents and legislation set out above, the latter is to prevail. Further advice should be sought from Serco Legal Counsel.

2. Learning Outcomes

This session is designed to provide you with the necessary skills and knowledge to conduct a valid search of people, places and vehicles.

2.1 Learning Goals

By the end of this session, you will be able to conduct a thorough and effective security search including:

- List and explain the three B's of searching
- Responsibilities of Officers Conducting Searches
- State the four reasons for conducting searches
- List what kind of searches of person may be done
- Identify and use correct search equipment in accordance with procedures and the circumstances of the search
- Use search techniques which will result in the detection of unauthorised items and secured these according to procedures
- List the six main reasons for searches

3. Introduction

Serco Immigration Services is required to conduct area and room searches in accordance with the Immigration Detention Services Contract, Detention Services Manual and Migration Act 1958.

Staff executing searches must also read and understand the Searching and Fabric Check PPM, which describes how to conduct security searches:

- Detect controlled or prohibited items;
- Detect items that may be used for the purpose of a security breach or criminal activity
- Maintain the safety and security of the centre;
- Respond to intelligence that may affect the safety and security of detainees, visitors and staff.

3.1 Six reasons for conducting searches

- To prevent prohibited items (weapons/drugs) entering the facility.
- To prevent escapes.
- To prevent the introduction and trafficking of contraband.
- To protect persons in Immigration facilities from themselves.
- To prevent theft and waste.
- To prevent health hazards.

3.2 What do we search?

- People
- Vehicles.
- Perimeter fences/boundaries.
- Buildings and grounds.
- Accommodation areas (rooms, laundry, kitchen).
- Discrete areas
- Common areas
- Property and mail



3.3 The Three B's of Searching

BE:

- Systematic
- Thorough
- Objective

3.3.1 Be Systematic:

- Work to a pattern
- Search the same way each time
- Take your time and concentrate
- Don't be distracted

3.3.2 Be Thorough:

- Check everything & be curious, pay particular attention to:
- Areas covered with pictures
- Rolled up items, e.g. newspapers
- Shoes, clothing, toiletries
- Under every recess.... behind fixtures
- Electrical fixtures
- Outside windows for suspended articles
- Books, bindings, biros, pens
- All furniture recesses, crevices etc
- Toilets, urinals, shower recesses

3.3.3 Be Objective:

- Respect property
- Never use searching as punishment
- Confiscate prohibited, unauthorised items only
- Understand the detainee feelings and attitude

3.4 Legislative authority

There are two distinct search powers that apply to detainees:

- Searches under s252 of the Act of detainees and screening procedures, including strip searches.
- Searches of property in immigration detention under common law duty of care.

3.4.1 A search under s252 (1) (a) of the Act

Applies to detainees held in:

- An immigration detention centre (IDC)
- Immigration residential housing (IRH)
- Immigration transit accommodation (ITA) or
- Alternative places of detention (APODs)

Collectively referred to as Immigration Detention Facilities (IDFs).

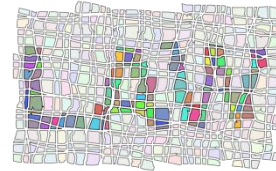


3.4.2 A search under (s252AA) or a strip search (under s252A).

Applies to the searching of a detainee conducted independent of a screening procedure (under s252AA) or a strip search (under s252A).

3.5 Failure to comply

Failure to comply with search procedures as defined in the Act may expose the authorised officers and/or the department to civil or criminal proceedings and sanctions



3.5.1 Obligations under the Privacy Act

Any record of personal information that is created or obtained as a result of a search under s252 must be handled in accordance with the department's obligations under the Privacy Act 1988 (Privacy Act).

It may be permissible to disclose to the appropriate government agency information that certain things were found during the search of a person. However, officers considering alerting police or other government agencies, as to a person's possession of particular items, must consider whether such disclosure is in accordance with Australian Privacy Principles (APPs) of the Privacy Act.

For further information, refer to the Th!nk Privacy and Privacy Principles Manual.

4. Before you start

The search team needs to ensure they have the appropriate equipment to conduct the search. Each Centre should ensure they hold a search toolkit registered on their equipment issue log.

Search Toolkit:

- Puncture Proof Gloves (Staff Issued PPE)
- Search Mirror
- Torch
- Video Camera
- Document Folder
- Search Matrix
- Search Log
- Controlled and Prohibited Items Chain of Custody Form



Any additional tools of trade are recorded and controlled.

5. Dealing with items found during a search under the Act

The only items that Officers can confiscate, if found during a search conducted under s252 of the Act are:

- A weapon or other thing capable of being used to inflict bodily injury, or
- An item capable of being used to help the detainee to escape from immigration detention.

Before such items can be confiscated, the Officer conducting the search must form the opinion that the items meet this description.

Having formed this opinion, the officer may:

- Take possession of the weapon or other thing and
- Retain it for as long as they think necessary for the purposes of the Act.

Items found during a search conducted under the Act, may be retained by the officer under common law duty of care, provided they are classified as:

- Illegal to possess
- Controlled or
- Excluded from immigration detention facilities

Officers must refer to the list of illegal, control and excluded items list

5.1 Possession and retention of lawful items

Officers conducting searches of property under common law must be aware that authorised officers cannot permanently confiscate controlled or permitted items unless the item is a weapon or other thing capable of being used to inflict bodily injury or to help the detainee escape from immigration detention.

A lawful item found during a search that is a controlled item and not permitted in the IDF should be placed in storage and processed through the normal security procedures and property protocol.

Officers must maintain accurate records if an item is taken into possession and retained during searches of property

5.2 Illegal items under common law duty of care

Items such as drugs, child pornography and alcohol fall under common law duty of care, by which the department must ensure the safety and well-being of detainees and others in the IDF.

An officer cannot specifically search for or seize these items under s252 and s252A of the Act. Under duty of care, however:

- Illegal or prohibited items discovered during a search that come within the scope of the duty of care may be retained, but
- Before conducting a search, an authorised officer must know, or have established a reasonable suspicion, that a detainee has in their possession something that may jeopardise the safety and well-being of persons in the IDF.

5.3 Disposal of items

If, during a search, a detainee is in possession of any illegal items, the officer must:

- Retain the illegal item and store it safely in the presence of another Serco officer.
- Record and store on file, an itemised description of the illegal item.
- Notify the police and ask that they collect the illegal item from the facility.
- Ensure that any action, such as storing illegal drugs, is taken at the instigation of the police.
- Raise an incident report.

When the police collect the illegal item, Serco must:

- Ask the police officer to sign a receipt for the illegal item, provide the police officer with a copy and retain a copy for file.
- Ask the police officer to sign the item description record and file the record.

- Cooperate with police if charges are laid in relation to the items confiscated.

6. Property Search

6.1 Common law duty of care

DIBP and Serco have a common law duty of care to maintain the safety and well-being of detainees and others in the IDF.

Under the contract, Serco is to conduct regular searches throughout the IDF to detect and control the presence of illegal, excluded and controlled items and conduct random security check of accommodation, with the detainee who occupies the room present, if possible

Searches of detention premises conducted under duty of care include, but are not limited to a search of all accommodation and common areas frequented by detainees and any other area under the control of Serco.

Serco can conduct such searches under the common law principles relating to owners and occupiers of land, which allow the occupier of premises to conduct searches of those premises. This power is incidental to the occupier's control over those premises.

A search of detention property may be targeted, random or routine:

- Targeted searches are conducted of a specific area of property and require that Serco (through it's Managers) has a reasonable suspicion that specific items may be found.
- Both targeted and random searches may occur in areas (such as sleeping quarters) that detainees may consider private.
- A routine search can be conducted of the premises without reasonable suspicion in order to maintain the safety and control of detention property. Routine searches to detect and control the presence of illegal, excluded or controlled items will usually be of public areas or areas (such as kitchens) where many detainees may have access.

6.2 Principles for conducting a property search

Searches of accommodation of detainees will be conducted to maintain control and safety of the premises and the persons within.

The following principles apply:

- Any search of detainee accommodation must be conducted in accordance with common law - searches can be conducted only in the context of ensuring Serco's control of the premises and the safety of those within it.
- A targeted search of detention property and accommodation of detainees can be undertaken if an officer reasonably suspects that items inherently capable of affecting the safety of the premises and those within it may be found.
- An officer may use reasonable force to conduct a search of detention property (for example, against a detainee who may be seeking to prevent the search from taking place).

6.3 Rules for conducting a search of detention premises

The officer conducting the search must:

- If the search is targeted or a random search of accommodation:
- Identify themselves, and those who will conduct the search, to any detainees in the area
- Explain the reason/s and the legal basis for the search
- Explain to whom any information collected will be provided and how it will be stored

- Allow detainees a reasonable timeframe within which to comply with each search request
- Search property in a way that will not be offensive or damage goods
- Be mindful of potential sensitivities of detainees, particular with regard to sex. For example, where possible, male officers should avoid searching females' sleeping quarters
- If searching sleeping quarters:
 - Allow the detainee, whose property is kept in the area to uncover, empty or show the contents of bags/containers in their immediate control
 - Video record a search of any property
 - If a detainee cannot be present to witness the search (they have been hospitalised or have escaped from immigration detention), notify them, if possible, that their property has been searched and the search has been video recorded.

The officer conducting the search must not:

- Use more force or subject any detainee to greater indignity than is reasonably necessary to conduct the search and
- Conduct a search for any reason other than those provided under common law.

Although there is a capacity to conduct searches of detention premises under common law on the basis that an occupier (the department or its contracted DSP) of premises has the right to search those premises, there is no immediate common law right to search a detainee's personal effects. Doing so without the detainee's consent or other lawful justification may constitute an unlawful act of trespass and give cause for legal action by the owner of the property.

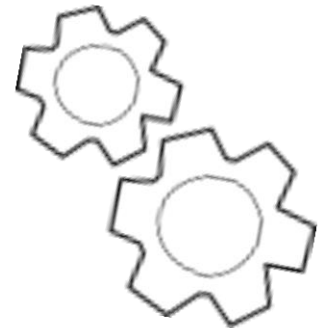
A search of personal effects can be conducted, however, if the elements of the duty of care are met, refer PMM section 4 Legislative framework and section 8 Searching minors.

7. Search Procedures

7.1 Area Fabric and Contents Checks

Method:

- May be conducted by a single Officer.
- The Detainee need not be present.
- Examine the fabric of the room including:
 - Doors, locks, windows and hinges.
 - Walls and floor – pay close attention to areas behind or beneath furniture.
 - Toilet and wash basin and their fittings.
 - Light fixtures.
- The capping of the skirting with its connection to the room wall, using the appropriate search tools.
- Any other area which lends itself to possible secreting of illicit articles.



The DSO will sign to certify that the check has been conducted as specified, and any finds will be brought to the attention of the DSM or Operations Manager with appropriate reports.

7.2 Room Search

Room Searches are conducted as part of the Centre Search Matrix.

Whether you are conducting a contractual or Intel search, the detainee must be present during the search.

Always remain respectful of the detainees belongings, accommodation property and government assets (especially cultural and religious artefacts). At any time the detainee requests the search to cease responds negatively or is acting suspiciously you must advise your DSM. All searches must be video and audio recorded with a continuous stream start to finish. Always search first with your eyes and follow with your hands to prevent injuries from needle sticks and contaminated or sharp items

Staff will be held accountable for the quality of each search method:

- The search may be conducted by One Officer with a second Officer filming throughout. If more officers are available, two may search whilst one films.
- If there is a Detainee in occupation, invite Detainee to their room (do not give the Detainee prior warning; do not hold them back from any activity in readiness for a search)
- Conduct a pat search of the Detainee
- Systematically search all areas of the room or bed space and its contents
- Do not ignore any area or item for any reason

The search will include:

- Examination of all furniture, paying close attention to the undersides or hidden areas – ensuring furniture has not been tampered with
- A thorough exam of the skirting around the bed space, paying particular attention to the capping of the skirting as it meets the wall. Staff will use the appropriate search tool for this task
- Examination and searching of all bedding
- Examination and searching of all clothing and footwear
- Examination and searching of all belongings - if there is any reason to suspect items which cannot be found, have the item x-rayed
- Sign to certify that the search has been conducted as specified
- Report of any damage caused to the Detainees property

These searches will be conducted in a low-key empathetic manner, showing due consideration for religious and personal artefacts.

Detainees know we are going to look in all the common and easy spots like their storage area, so they take time to devise new spots.

Look in containers, books (including religious books), mail, under rubbish bin liners, toilets, sinks, showers and any other seemingly crazy spot you can imagine.

7.2.1 Containers

What types of containers should you look in? Every container that detainees are allowed to have. Deodorant containers are good for hiding small items. Simply turn the knob at the bottom until the section of deodorant comes out and look inside.

Look inside petroleum jelly containers; take the lip off and get a good look. Even consider shining your flashlight in from the bottom.





Chip bags and biscuits boxes are also a good hiding spot. Look inside and shake things around to see if anything is present that doesn't belong.

Take extra time to look inside game board boxes. More than once things have been found stashed inside a checkers box or a box of puzzle pieces.

7.2.2 Books and Mail

Books are a good place to hide flat shanks and drugs in. Feel down the outer seam. Bend the spine slightly and run your fingers down it feeling for bumps and bulges or stillness that seems out of the ordinary. Mail is always a great way to conceal contraband and get it sent to the Detainee. Think about it: multiple pieces of paper, folded into a single envelope, multiplied by a year's worth of mail. That is a lot of opportunity to hide contraband.



Search the envelopes as well as the paper. You can look for contraband but cannot read the contents.

7.3 Area Search

The area search method will be:

- Conducted by one or more Officers.
- Areas to be searched will present different requirements, in general however, the following must be examined and searched:
 - Behind or below any item capable of being moved.
 - Any areas where Detainees or their visitors might go unobserved e.g. toilets.
 - In dustbins or waste baskets where Detainees or visitors may have had access.
 - The underside of chairs, tables etc.
 - In cupboards, on shelves, behind radiators etc.

7.3.1 Common areas

Some Detainees will hide things in common areas and not their room as the likelihood is that if it is found, the worse that can happen is they lose the item. If you have 20 Detainees that use the same area, it is nearly impossible to pinpoint whom it belonged to.

Look in around drains. Take a piece of plastic and wrap up pills or marijuana, then tie a string or dental floss to it and tie the other end to the shower grate. Also, the grates may be lifted allowing larger items to hang in the pipes, and then set the grate back in place looking like it was never removed. The same can be done with sinks and toilets with a little ingenuity by a Detainee who has nothing but time on their side.

DSOs will need to get dirty when conducting searches. You are looking for weapons that could be used to hurt you or fellow officers or drugs that make detainee management harder.

Search and be safe.

7.4 Vehicle Search

Serco Immigration Services is required to conduct security screening in accordance with the Immigration Detention Services Contract Section 2.2.4(2), Detention Services Manual and Migration Act 1958 for persons, vehicles and goods entering an Immigration Detention Centre.

This procedure describes how to conduct the correct vehicle search for authorised vehicles entering the Centre.

7.4.1 Getting Started

Always position yourself so that you have a good line of sight to approaching vehicles and that you are visible to the driver of the vehicles.

Ensure you are wearing correct Personal Protective Equipment (PPE), which is:

- High Visibility Vest
- Boots
- Sun/Weather Protection
- Puncture Proof Gloves

Never step into the path of an approaching vehicle to direct movement or to stop the vehicle.

Stop or direct the vehicle by using hand signals if the vehicle is approaching a manual access gate or once it has entered an electronic Sally port.

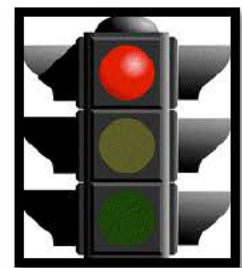
Advise the Control Room before permitting access.

IMPORTANT: Process one vehicle at a time. If working within an Airlock, always ensure only ONE gate is open at any time and that egress for entering and exiting vehicles is separated. If working within a roller door port, ensure that internal doors are secured and that you maintain security of the roller door until closed.

7.4.2 First Steps

Direct the driver to turn the engine off and apply the brake, then:

- Identify yourself to the driver and occupants.
- Interview the driver and occupants and ascertain their authority and purpose to enter (maintain eye contact during interview).
- If entry is permitted, inform the driver that the vehicle must be searched as a condition of entry.



Identify each occupant by physically taking possession of and looking at their:

- Serco Identification Card
- Government Identification Card
- State Driver's License

Reconcile (match) the face to the identification provided and ensure the ID is current. If at any stage, you believe the document does not match the person in the car, contact your supervisor immediately and instruct the occupants to stay in the car with the engine turned off.

7.4.3 Record and Report

Enter the vehicle and identification details onto the vehicle entry log.

IMPORTANT: All non-SERCO or non-DIBP vehicles requiring access must have a SERCO or DIBP sponsor to be on site. Their name is recorded on the vehicle entry log.

In some cases, vehicle occupants will have attended the main reception to receive visitor passes. Ensure these are being worn by the vehicle occupants.

In other cases, this will be the first access control point where the following questions must be determined:

- Where are you going?
- Whom are you going to meet?
- Who owns the vehicle?
- Would there be any contraband, tools of trade or prohibited items in this vehicle?

Notify your Duty Supervisor immediately if:

- You notice any suspicious behaviour.
- The driver or occupants fail to comply with entry and search procedures.
- If the driver appears, impaired from the use of alcohol and/or drugs.
- If any suspected prohibited items are in plain view during the interview.

7.4.4 Exterior Search

Check for general indicators of explosive devices or prohibited items while searching the exterior of the vehicle.

Check for the following:

- Anything unusual in factory-built compartments
- New or shiny bolts and/or screws
- Unusual scratches
- Signs of tampering (broken parts, bent sheet metal)
- Unusually clean or dirty components and areas
- Wire and tape stored in the vehicle
- New or broken welds
- Unusual fingerprints of grease and/or oil in clean areas
- Fresh bodywork (fresh fibre glassing, filler, fresh paint)
- Fresh wiring and electrical tape
- New caulking
- Missing or altered vehicle identification number
- False compartments that are not part of vehicle design
- Tyres, wheel rims and guards
- Any concealment opportunities

Check the exterior **FRONT**:

- Headlights that are not working
- A modified front grill or false compartment
- No access to the front bumper cavity

Check the exterior **SIDES**:

- Compartments, new welds, taped items or fresh paint
- Doors that feel heavy when swung

Check the exterior **REAR**:

- Rear lights that are not working
- No access to rear bumper cavity

7.4.5 Undercarriage Search

Conduct a complete search of the vehicle undercarriage. Use a TORCH and a SEARCH MIRROR to carefully inspect under the vehicle.

Check for indicators such as:

- New frame welds
- Items taped or attached to the frame
- An unusual looking muffler
- A fresh undercoating
- Signs of recent installation of components such as fuel tank etc

7.4.6 Bonnet & Boot Search

Search the engine compartment:

- Inspect the battery box or look for an extra battery
- Look for odd and/or clean wires
- Look for larger components
- Identify any unusual odours
- Look for foreign objects in the air filter cavity
- Look for freshly painted areas, new welds, shiny bolts, or sheet metal work on firewalls
- Check for a clean engine in a dirty car
- Check the bonnet to see if it feels heavy when opened and closed
- Look for a false wall or modified compartments
- Identify any clean or wiped areas



Search the boot, trailer, and lockbox or truck bed:

- Check for a new boot mat and/or carpet
- Check for caulk, glue, or any other strange smells
- Check the boot lid to see if it feels heavy when opened and closed
- Look for a raised floor
- Identify any strange odours from the spare tyre
- Listen for non-hollow or inconsistent sounds in the walls
- Look for an unusual space between the back seat and boot wall
- Look to see if the spare tire is not flush with the floor

7.4.7 Interior Search

Conduct a visual inspection of the vehicle interior:

- Request the occupants to open the internal compartments and step out of the vehicle
- Visually inspect the glove box and compartments for any false compartments or concealments
- Inspect underneath seats
- Check if the electrical components function or LED is on when the vehicle power is off
- Observe any new, damaged, or scratched screws
- Observe any plugged air vents
- Look for unusual lumps or bulges in the front and/or rear seats



- Look for a false or modified ceiling
- Look for an unusually thick floor
- Look for stress cracks in the windshield

7.4.8 Find Anything?

Take action when the search or inspection reveals suspected Improvised Explosive Devices (IED) or prohibited items in the vehicle.

Explosive Devices:

- Notify the Control Room
- Never attempt to handle or disarm suspected explosive devices.
- Suspend all radio and cellular phone traffic around the vehicle.
- Secure the driver and all occupants of the vehicle
- Immediately evacuate the surrounding area
- Secure the scene until it is handed over to police response

Prohibited items:

- Notify the Control Room
- Never handle the prohibited items unless directed to by your Manager
- Secure the scene until handing over to police response

Controlled Items:

- Record the Item on the Controlled Items Log and secure
- On exit, return Item to the Vehicle Occupants

7.4.9 Refusal of Entry

Section 252G of the Act states that a person may be refused entry if they do not comply with a request under s252G, such as a request for screening or to have their possessions inspected. The reasons for refusal should be explained to the person and an opportunity should be provided for them to respond. Assistance should be provided to the person if they wish to make a verbal or written complaint.

All entry refusals must be reported to DIBP in accordance with incident reporting procedures. Refusal of a “high profile visitor” is classified as a “critical incident” and must be reported verbally within one hour of the incident and a written report submitted within four hours. Refusal of other visitors is classified as a “minor incident” and must be reported in writing within 24 hours of the incident.

An Officers Report must be completed immediately by staff involved with the refusal process.

The officers must also ensure that the person in detention (whom they refused person intended to visit) is informed of the reasons for refusal. Opportunity should be provided for the person in detention to comment and this information should form part of the report.

7.4.10 Removing Visitor/Contractor

Use of Force:

- The power to require a person to leave the Centre is based on Serco’s common law right to take such action. Serco has the power to use such force as is reasonable necessary to eject a trespasser from the Centre.
- The power is also used in cases where a person has entered a Centre but has been asked to leave. Prior to using reasonable force, the person must first be given a reasonable amount of time and an opportunity leave.

If a person is refused entry under s252G(7) officers are to:

- Inform the person of the reasons and explain the process for make a complaint.
- The officer is then to ask them to leave the premises and if necessary, officers are to use an interpreter to assist if the person requires. Should the person resist, a Serco officer is to inform them that unless they leave the premises the assistance of the police will be requested. At this point officers should provide the visitor with sufficient time to leave of their own accord. If this does not occur, officers are to contact the police.

7.4.11 Exit Checks

When the vehicle is leaving the IDF, conduct the same identification and search procedures, pay particular attention to the areas on the vehicle that are likely to conceal items and/or persons.

You have done all you can to ensure the safety and security of your Centre.

8. Reporting.

All searches and screening of detainees are recorded by Serco in the CCMD portal.

Serco will raise an incident report when any excluded, controlled or illegal item is found during a pat search or property search within any part of the detention facility.

