

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 06 November 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(PIID/020) – Inquiry - Prohibiting items in Immigration Detention- Strip search training for IDF staff -

Asked:

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

Answer:

Australian Border Force (ABF) staff are not authorised or trained to conduct strip searches of detainees in immigration detention and transit facilities.

Training for 'strip searches' is only provided to specific Service Provider personnel who interact with detainees in these facilities. Serco staff are required to complete this training and are subsequently declared to be '*authorised officers*' under the *Migration Act 1958*. Only specific Serco personnel who are approved by the Department to conduct strip searches are permitted to do. 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 is the Serco Strip Search Training Manual.

57. Strip Searching

Document Control

Document:	57 Strip Searching
Type:	Manual
Reference No:	IFS-L&D-MAN-0570
Applies To:	FDS Contract
Owner:	Learning and Development Manager
Last Approved:	08/08/2015
Last Reviewed:	08/08/2015
Version:	3.0



Certificate Number: 14741

Amendment Record

Version	Description	Date Issued
V.1	Archived	01/2015
V.2	Current version	08/08/2015

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1. Regulatory

1.1 Related documents

- Detention Services Manual (DSM)
- Policy & Procedure Manual
- Incident Reporting PPM
- Strip Search PPM

1.2 Legislative & Standards Framework

- Migration Act 1958 (Cth)
- Ministerial Direction No. 51 – Strip search of immigration Detainees made under s499 of the Migration Act 1958 (Cth)
- Ministerial Direction No. 60 – Screening procedures in relation to immigration Detainees made under s499 of the Migration Act 1958 (Cth)
- Privacy Act 1988 (Cth)
- Detention Services Manual (DSM) Chapter 8 July 2014
- List of Illegal, Excluded and Controlled items

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 Immigration Services Legal Counsel.

2. Learning Outcomes and Assessment

This manual contains the procedure and guidelines for Strip Searching. It specifically describes the authorisations required prior to conducting a strip search and the strict boundaries we must work within during and following a Strip Search.

2.1 Assessment Criteria

At the completion of this lesson, the successful candidate will be able to:

- describe how a strip search differs from a Pat Search
- list the requirements that must be met before a Strip Search may be authorised
- explain where to obtain the paperwork and lists relevant to a strip search
- demonstrate how a strip search may be performed
- list the limitations on performing a strip search.

2.2 Assessment Method:

- Written – Multiple choice questionnaire
- Practical – assessor observation of student demonstration

3. Introduction

This document builds upon the usual search provisions. It applies to all:

- Immigration Detention Centres (IDCs)
- Immigration Residential Housing (IRH)
- Immigration Transit Accommodation (ITA)
- Alternative Places of Detention (APODs).

Collectively these facilities are referred to as Immigration Detention Facilities (IDFs).

Failure to comply with search procedures in this document may expose the individual Detainee Service Officers, Serco and/or the Department to civil or criminal proceedings and penalties.

3.1 Definition

To avoid doubt: All Serco Officers are Authorised Officers under Section 5 of the Migration Act. However, in order to conduct Strip Searches, Authorised Officers must have received additional and specific training to be authorised to conduct Strip Searches.

For the Purpose of this manual and conduct of a Strip Searches:

Authorised Officer shall mean an Officer whom has undertaken Strip Search training and is authorised by the Department at the time to conduct the Strip Search and

Officer shall mean any other Serco Officer, whether or not they have been trained to conduct strip searches.

4. Legal framework

4.1 Serco's obligation to conduct searches

Under the Immigration Detention Services Contract, Serco has obligations to:

- use its best endeavours to detect illegal, excluded and controlled items, and any other items that may pose a risk to the security of an IDF
- screen all persons, personal belonging, vehicles and goods entering an IDF in accordance with the DSM and the law
- where required, search Detainees in accordance with the DSM and the law, including pat searches and strip searches.

The "law" in this sense refers to the Migration Act 1958 (Cth) (Migration Act) and to general legal principles regarding negligence.

4.2 The Migration Act

Under the Migration Act, Officers (DSO, DSM, DSW, Ops Manager, Centre Manager) can conduct the following searches of Detainees:

- pat searches (s252)
- screening procedures (s252AA) and
- strip searches (s252A).

These searches are only permitted by officers in very limited circumstances, which are explained further in this document. These searches can only be conducted in order to find out whether there is hidden:

- on a Detainee;
- in their clothing; or
- in property under their immediate control or possession,
- a weapon or other thing capable of being used to inflict bodily injury or to assist an escape from Immigration Detention while at an IDF or during an authorised transport and escort operation.

If an Officer finds such an item during a search, he or she has the power to take possession of it and retain it.

5. Conducting a strip search

It is essential that the procedure for conducting a strip search be followed strictly. If any member of staff becomes aware that a strip search has been conducted in contravention of this document, this must be immediately reported to the Department Centre Manager, who must report the matter to the following people who will report the incident to the AFP for investigation:

- relevant senior case manager
- relevant deputy state/territory director
- Assistant Secretary, Compliance Status Resolution Branch
- First Assistant Secretary, responsible for detention operations

5.1 Overview of a strip search

5.1.1 Strip Search Requirements

A strip search can only be conducted if the necessary authorisations have been obtained from the Department or. In the case of children aged between 10 and 17 in addition to Department permission, further authorisation must also be obtained from a magistrate. The Department will obtain this permission. For children under 10, no strip search is permissible.

5.1.2 Inclusions

A strip search may include:

- requiring the Detainee to remove some or all of his or her clothing
- an examination (visually, physically, metal detection or x-ray) of that clothing

- an examination (by visual inspection only) of the Detainee's body but not of the Detainee's body cavities

The reference to clothing above includes outer garments (which are also permitted to be removed during a pat search) and all other garments, including undergarments.

The purpose for which a Detainee may be strip searched is only to find out whether there is hidden a weapon or other thing capable of being used to inflict bodily injury or to help the Detainee or another Detainee to escape from Immigration Detention:

- on the Detainee
- in their clothing
- or
- in anything in their possession.

There are a number of specific requirements that must be met before a strip search can be conducted.

5.1.3 Exclusions

You must not:

- request the Detainee to remove more items of clothing, or undertake more visual inspection than you believe on reasonable grounds to be necessary to determine whether there is hidden on the person in their clothing or in a thing in his or her possession a weapon or other thing capable of being used to:
 - inflict bodily injury
 - help the Detainee or another Detainee to escape from Immigration Detention.
- request the Detainee to adopt certain postures or positions during the strip search that compromise their privacy and dignity.
- conduct a search of the Detainee's body cavities (including the mouth)
- allow any photographs or videos to be taken of the Detainee whilst and/or when they are stripped of clothing.

6. Strip Search Process

The following flowchart sets out the strip search process. The more detailed steps of the Strip Search Process are explained, in order, on the following pages.

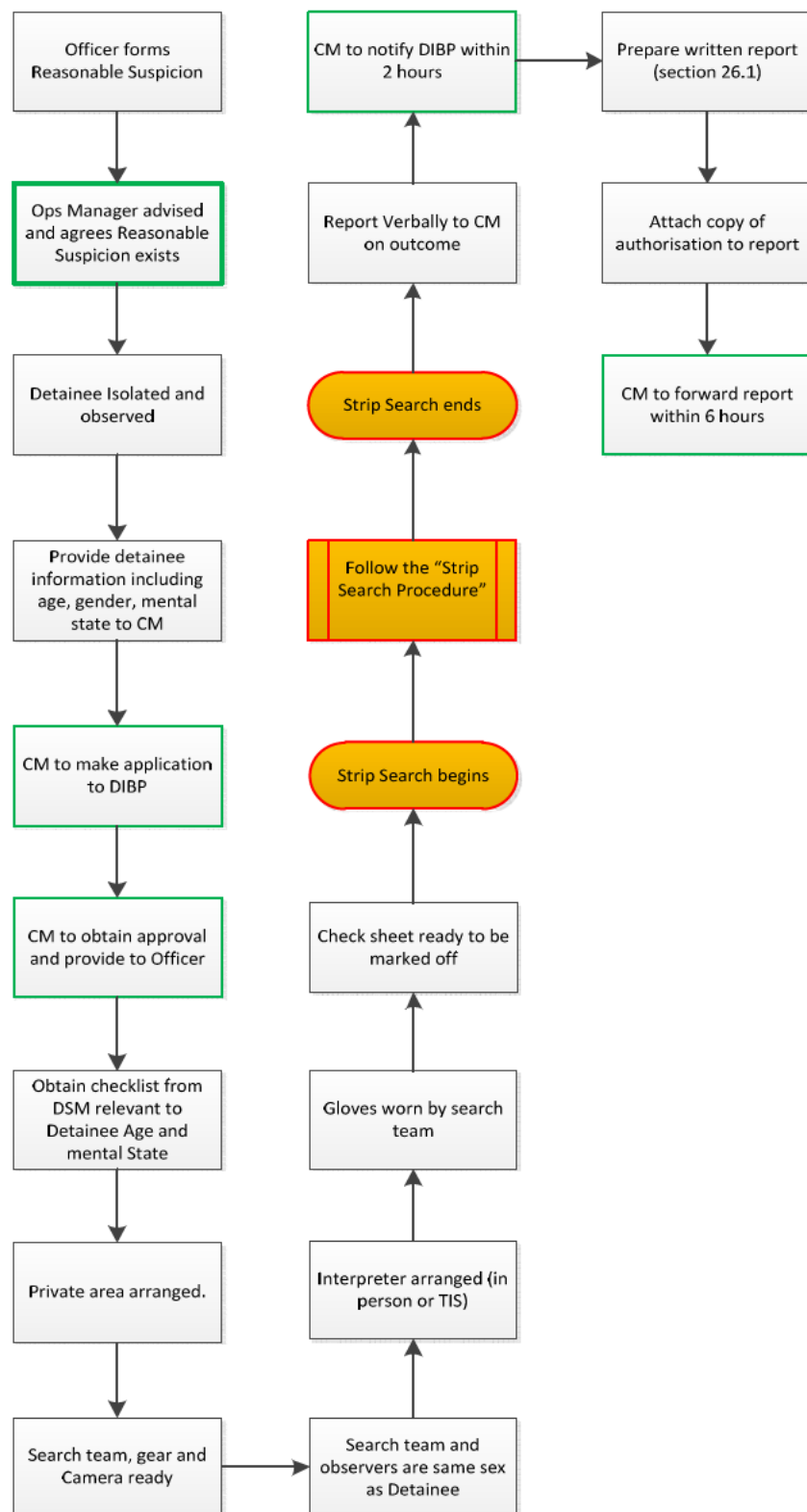


Figure 1 – Strip Search Process

7. Officer forms Reasonable Suspicion

7.1 Reasonable suspicion

Reasonable suspicion is a state of mind that must be formed by an Authorised Officer before a strip search can be applied for and conducted.

The Authorised Officer must suspect on reasonable grounds that:

- there is hidden on the Detainee, in his or her clothing or in a thing in his or her possession a weapon or other thing capable of being used to inflict bodily injury or to help the Detainee or another Detainee to escape from Immigration Detention
- it is reasonable to conduct a strip search of the Detainee to recover that weapon or thing.

The officer may form a suspicion on reasonable grounds on the basis of:

- a pat down search
- a screening procedure or
- any other information available to the officer, including but not limited to:
- information from a credible witness

Note: a credible witness is, for example, an eyewitness or someone otherwise able to give detailed information. An assertion (hearsay) by someone who was not an eyewitness would not, on its own, be sufficient.

- unusual behaviour from the Detainee
- answers given to questions asked by the Officer
- the visible outline of something weapon-like hidden in the person's clothes or that appears to be hidden on his or her body and that cannot be recovered using an ordinary pat down search or screening procedure
- a refusal by a Detainee on request to identify or hand over to an officer a weapon or thing reasonably suspected to be hidden on his or her person.

8. Operations Manager advised and agrees Reasonable Suspicion exists

8.1 Notifications and consultation

Once reasonable suspicion has been established, the Officer should make every effort to advise another Officer of their suspicions and of any course of action they believe may be necessary. They should also notify the Department's Centre Manager.

8.2 Advice from IHMS

Before authorisation is sought to conduct a strip search, Serco must also consult the Health Services Manager (HSM) at the IDF in which the Detainee is being detained. The HSM can then advise whether the Detainee in question has a condition that could potentially be exacerbated by the intrusive nature of a strip search (for example, a history of mental health issues, torture and trauma or sexual assault).

The advice of an HSM will not prevent a strip search from occurring, however if Serco decides to seek authorisation for a strip , Serco must make the authorising magistrate, Secretary or SES Band 3 officer aware of all health-related issues and the potential impacts that a strip search may have on the Detainee . The HSM should be available in a support capacity.

9. Detainee Isolated and Observed

If the reasonable suspicion exists due to the result of a Pat Search, Screening Procedure, unusual behaviours, or information from a credible source, and the Authorised Officer believes that the Detainee could dispose of the item inside the IDF or attempt to hurt themselves or another person, or attempt to escape from Immigration Detention, the Detainee should be isolated and observed.

If the Strip Search is a planned activity due to ongoing intelligence, the Detainee should not be made aware of the Search until approval has been gained and the search is ready to proceed.

10. Information supplied to Center Manager

An application to perform a Strip Search must be made by, or with the express and specific consent of, a Serco Centre Manager, Regional Manager, National Operations Manager, or Operations Director.

There are no general permissions for Authorised Officers to make applications for a Strip Search without express and specific consent on each occasion.

The Authorised Officer is to provide all information to the Serco Manager including:

- The grounds for a strip search
- The Detainees Name
- The Detainees age and date of Birth
- The Detainees mental ability to manage their own affairs (advise from IHMS HSM)

The Serco Manager / Director shall consider all the information available to them and form a view of Reasonable Suspicion before approving the application.

11. Centre Manager makes application for Strip Search to DIBP

11.1 Making the request.

The Serco Centre Manager is responsible for drafting the request using DSM Chapter 8 – Strip Search - Attachment D Request for/provision of authorisation to conduct a strip search of a detainee aged at least 18 years

11.2 Requesting authorisation to conduct a strip search

For Detainees over the age of 18, the strip search can only go ahead if the Secretary of the Department, or an SES Band 3 employee of the Department authorises the strip search because he or she is satisfied that there are reasonable grounds for the suspicions held by the officer described above.

For Detainees who are at least aged 10 but under 18, the strip search can only go ahead if a magistrate orders the strip search because he or she is satisfied that there are reasonable grounds for the suspicions held by the officer described above.

The power to authorise cannot be delegated to any other person.

12. Permission provided to Authorised Officer

The authorisation may be given by telephone, fax or other electronic means. Authorisation should be sought in written form, and only in exceptional cases will authorisation by other means be adequate.

In extreme circumstances where it is not possible to obtain written authorisation, it may be possible to obtain oral authorisation. In that case, a notation must be made by the Authorised Officer requesting the authorisation or order on the request form to indicate the reasons why oral authorisation has been sought, which includes the name of the person who provided the authorisation or order, their position, the date and time of the authorisation and the information they provided orally to the authorising officer.

13. Authorised Officer prepares forms and checklists.

Once permission for a Strip Search is granted, the Authorised Officer must obtain a Checklist from the DSM Chapter 8.

These forms are:

- Checklist - Strip search of detainees aged at least 10 but under 18 years (Attachment A)
- Checklist - Strip search of detainees aged at least 18 years who are capable of managing their own affairs (Attachment B)
- Checklist - Strip search of detainees aged at least 18 years who are incapable of managing their own affairs. (Attachment C)

14. Authorised Officer prepares Search Area

14.1 Respect for Detainees

All Detainees must be treated with respect and dignity during a search. It is essential that a Detainee must not be subjected to any greater indignity than is reasonably necessary. Officers must remain culturally aware and sensitive during a Strip Search.

All reasonable efforts must be made to ensure that the search is conducted in private and away from the view of the public, Detainees and other persons not involved in the search.

14.2 Maintaining the privacy of Detainees

An Officer who conducts a search in relation to a Detainee must respect the privacy of the Detainee as far as it is possible to do so.

In addition, the Department and Serco both have obligations under the Privacy Act 1988 (Privacy Act) when it comes to the collection of personal information of Detainees.

“Personal information” means any information or opinion (whether true or not, and whether recorded in a material form or not) about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Any record of personal information that is created or obtained as a result of a search conducted under this document must be handled in accordance with these obligations.

Under the Privacy Act, the Department and Serco are permitted to disclose personal information about a person to an enforcement body if it is reasonably necessary for (amongst other things) the prevention, detection, investigation, prosecution or punishment of:

- criminal offences
- breaches of a law imposing a penalty or sanction
- the conduct of surveillance activities, intelligence gathering activities or monitoring activities
- the protection of the public revenue.

Any personal information obtained by Serco during searches must be discussed with the Department of Immigration and Border Protection (DIBP) (Department), generally via, Australian Border Force (ABF) and the Department must determine whether it is appropriate to disclose that information under the APPs.

14.3 Sterile area

The Strip Search will be conducted in a room that has minimal to no furniture or other items that could interfere in conducting the Search or gathering evidence.

In addition to affording the Detainee privacy, the room should protect the Detainee from the weather and be of suitable temperature.

15. Authorised Officer prepares Search Team and Equipment

15.1 Equipment

The Authorised Officer 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. This includes:

- Appropriate Strip Search check sheet from the DSM Chapter 8
- Puncture proof gloves
- Paper smock (of a size to fit the Detainee) to protect their dignity.
- Video camera (Ensure Camera works and the memory and Batteries are sufficient for the duration of the search activity.)
- Evidence bags
- Controlled and Prohibited Items Chain of Custody Form

15.2 CCTV and video-recording

Video recording should occur when a strip search is occurring, however, no videos or photographs are to be taken of the Detainee during a strip search after the Detainee has been stripped of their clothing. The camera should turn away and focus on the Officers conducting the search.

Further information on this process is later in this manual.

15.3 Search Team

The Search Team **MUST** be led by the Authorised Officer conducting the Search. This cannot be delegated to an Officer.

The team should consist of three (3) Officers:

Authorised Officer	<p>The Authorised Officer. They perform the strip search.</p> <p>This Officer is the team leader and will give all the instructions to the Detainee and other Officers.</p>
Searching Officer	<p>The Officer who physically collects and searches the clothing of the Detainee or passes clothing to be taken for metal detection or x-ray search.</p> <p>The Searching is also a primary witness to the search and a second set of eyes to the Authorised Officer.</p>
Camera Officer	<p>The Officer who operates the video camera.</p>

Additional Officers may be required to perform other roles depending on the Detainee and the Search of clothing. For example, if the Detainee does not comply and force is required (pending approval outlined below) or if clothing is to be taken to another area to be searched or screened. These additional Officers should be outside the search area until needed to protect the dignity and privacy of the Detainee.

The Authorised Officer must brief the Search team before the search to ensure they know their roles and limitations, particularly around Camera and protecting dignity.

15.4 Alternative to Authorised Officer

If an authorised officer of the same sex as the Detainee being searched is not available to conduct the search, the search may be conducted by another person of the same sex as the Detainee, provided that person:

- is requested by an Authorised Officer to conduct the search
- agrees to conduct the search
- conducts the search in good faith
- does not use more force, or subject the Detainee to greater indignity, than is reasonably necessary in order to conduct the search.

15.5 Mental Health Councillor

Ensure a mental health councillor is available either in person or on the telephone for after the Search. Arranged in consultation with IHMS.

15.6 Witness

The Strip Search is conducted only in the presence or view of a person whose presence is necessary for the purposes of the strip search, unless they are one of the following persons:

- medical practitioner assisting the authorised officer conducting the strip search and the person undergoing the search does not object to their presence.
- a parent
- guardian
- person representing the Detainee's interests, other than an authorised officer
- person nominated by the Detainee undergoing the strip search to attend the strip search or
- an independent person in the case of vulnerable Detainees or those not fully capable of managing their own affairs ('incapable persons').

If authorisation has been obtained for a person with health-related issues, the HSM should, wherever possible, be on hand during the search, or alternatively, be physically present during the strip search if:

- the Detainee has nominated the HSM to attend the strip search or
- the HSM is representing the Detainee's interests and the Detainee has no objection to the HSM being present.

The Authorised Officer is to ask the Detainee if they would like a Witness of their choosing to be present before the Strip Search commences.

16. Search Team and witnesses are same gender

The Search Team, including the Authorised Officers must be of the same Gender as the Detainee to be strip-searched.

In the case of a Transgender or Intersex Detainee, the Detainee should be asked which gender of Officer they would prefer to conduct the Strip Search. In this case, the decision as to Gender of the Searching Officer is to be made in consultation with IHMS.

Any other witnesses must be of the same gender as the Detainee undergoing the strip search, unless they are:

- a medical practitioner assisting the authorised officer conducting the strip search, where a medical practitioner of the same sex is not available within a reasonable time or fit within one of the following categories of persons
- a parent
- guardian
- person representing the Detainee's interests, other than an authorised officer

- person nominated by the Detainee undergoing the strip search to attend the strip search
- or
- an independent person in the case of vulnerable Detainees or those not fully capable of managing their own affairs ('incapable persons').

17. Interpreter Arranged

The Authorised Officer is to arrange for an Interpreter (of the same gender as the Detainee) or Telephone Interpreter Service (TIS) and speakerphone if the Detainee has difficulties in understanding and communicating in English or requests that an interpreter be made available

18. Gloves Worn

Although the Detainee should not be touched during a Strip Search, it is a requirement in the DSM at Officers wear gloves during a Strip Search.

19. Check sheet and Acknowledgement Form

19.1 Check Sheet

The Authorised Officer is to review the selected Check sheet (DSM Chapter 8) and mark it off as safe to do so, before, during or after the Strip Search.

19.2 Acknowledgement Form

Before a strip search is conducted, the Detainee must be given an 'Information to be provided to a detainee about strip searches and the law' form. This form is found in the DSM – Chapter 8 Strip Searches – Attachment G

This form must be given to them in a language they understand.

They are to be asked to sign a form 'Acknowledgment form for a detainee who is to undergo a strip search' – Attachment H, acknowledging that they have been given:

- information explaining the effect of the relevant sections of the Act and
- adequate time to read the information.

If the Detainee is aged at least 10 but under 18 years or is incapable of managing their own affairs and does not sign, their parent, guardian or an independent person should be provided with the opportunity to sign the acknowledgment form on the person's behalf before the Search.

If the Detainee refuses to sign the acknowledgment form, the officer authorised to conduct the strip search must record in the space provided on the form:

- the fact of the refusal
- that the relevant information was provided to the person and
- the grounds for the refusal, if those grounds are given.

The Detainee should be advised that refusal to sign the acknowledgment form will not prevent the strip search from proceeding.

The acknowledgment form is to be maintained as part of the records of strip searches, with a copy to be placed in the Detainee's file.

20. Conducting the Search

20.1 Positioning of Officers, Witnesses and Detainee

Where a Detainee has nominated an independent person, parent/guardian / observer to witness the Strip Search, consideration must still be given to the dignity and privacy of the Detainee. The safety of the witness is also to be considered. The witness should be placed behind the Officers, outside the room, but where they can see and hear the actions of the officers and the Detainee.

The witness must be instructed that in the event that the Detainee becomes violent or if an Officer so directs them, the witness is to leave the area by the most direct route.

The following pictures represent suitable placement of the Officers, Detainee and Witness in performing a strip search. Note: the camera operator will move to protect the dignity of the Detainee, yet still record the actions of the Authorised and Searching Officers.

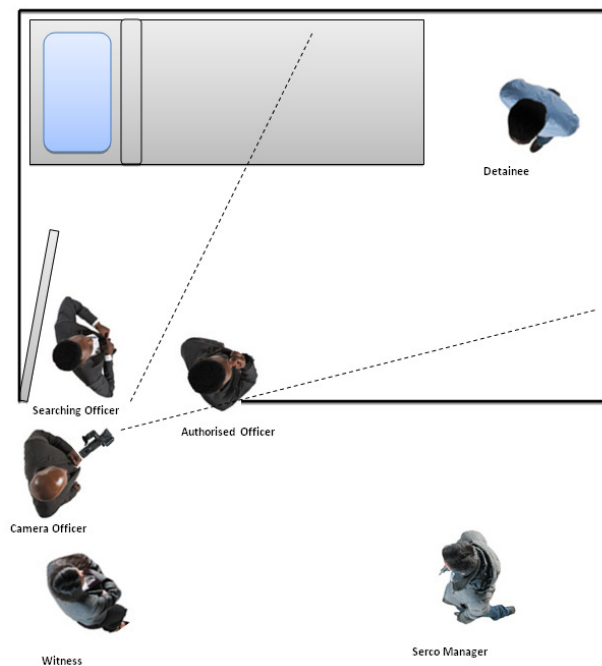


Figure 2 – Positioning at commencement of Strip Search

- Detainee is clothed.
- Authorised Officer is explaining process to Detainee.
- Detainee is completing form, asking any questions, etc.

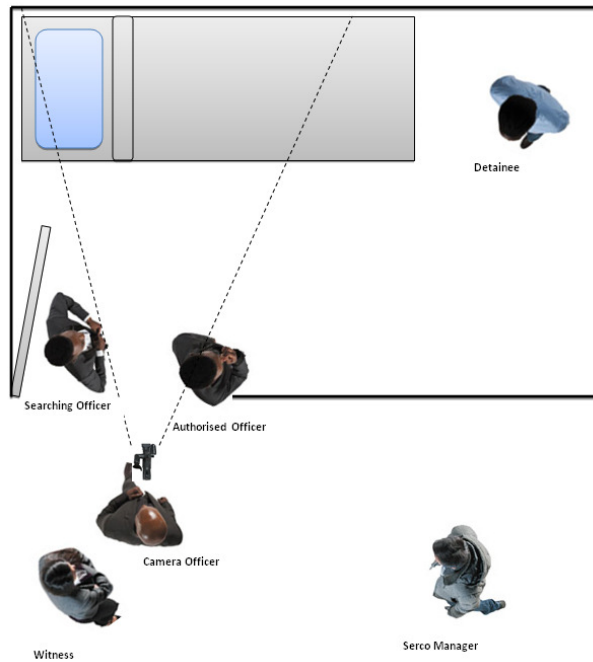


Figure 3 – Position when Detainee is undressing

- Detainee is now undressed or wearing paper smock.
- Camera has moved to maintain the privacy and dignity of the detainee, whilst recording the Officers words and actions

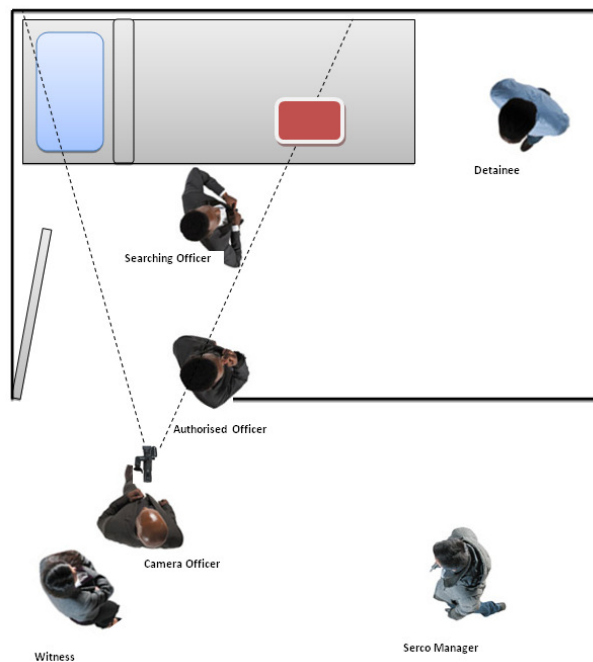


Figure 4 – Searching Officer moving to collect items

- Searching Officer has moved forward, in camera view to collect and then search the items the detainee has placed on the bed.

20.2 Strip Search Procedure

Table 1 Strip search Procedure

Strip Search Procedure	
1.	Camera on and introduce self and others. Remember you are narrating for the camera and witnesses as well as the Detainee.
2.	Identify Detainee by looking at ID and asking Name and Date of Birth
3.	Advise Detainee that you have been authorised to conduct a strip search which requires them to remove their clothing and it is for that purpose you are here.
4.	Advise the Detainee that their nominated witness is present (or if unable to look after their own affair, an independent person is present)
5.	Advise the Detainee that this is not a body cavity search.
6.	Advise the Detainee that they will be required to remove their clothing and given a paper smock if requested. (Show the smock)
7.	Advise the Detainee that if they do not comply with your instructions during the search, force may be used to conduct the search.
8.	Hand the Detainee the Information sheet with acknowledgement form and allow them time to read and sign it.
9.	Collect the acknowledgement form and pen back from the Detainee. If they refuse to sign, complete the required part of the form.
10.	Advise the Detainee that the search is going to commence now.
11.	Ask the Detainee if they have anything on them now that they wish to declare. Take any declared items and secure as if found. Note. The declaration and provision of these items may alleviate the need for the search.
12.	Advise the Detainee that you are going to ask them to remove certain items of clothing in a particular order.
13.	Ask the Detainee to remove any eye glasses. Check the eye glasses and hand back before continuing.
14.	Ask the Detainee to remove their shoes, socks, belt, and headdress and place them down on a bench.

Strip Search Procedure

15. Have the Detainee face you, lean forward and run their fingers through their hair.
16. Have the Detainee face away from you and show you the back of their neck and behind each ear.
17. Have the Detainee show you their hands, palm up and then palm down and wiggle their fingers.
18. Camera operator should now cease filming the Detainee and film the Authorised Officer and Searching Officer. The Authorised Officer must continue to narrate the search clearly for the camera.
19. Have the Detainee face you and remove their shirt, undershirt, singlet or bra and place it on the bench.
20. Ask the Detainee to raise their arms and turn around slowly.
21. Once you are satisfied there are no contraband items, offer the Detainee a paper smock to wear.
22. The Searching Officer(s) now move forward, collect the clothing on the bench and move back to search it in camera view.
23. Ask the Detainee to remove their lower clothing and place it on the bench.
24. Have the Detainee raise the paper smock and turn around.
25. Once the Detainee is facing away from you, ask them to relax their buttocks if they appear to be clenched.
26. Once you are satisfied there are no contraband items, advise the Detainee to lower the paper smock.
27. Ask the Detainee to place their hand against the wall and raise one foot at a time to inspect the soles of their feet. Ask them to wiggle their toes.
28. The Searching Officer(s) now move forward, collect the clothing on the bench and move back to search it.

Strip Search Procedure	
29.	All searching of clothing is to be done in the Detainees presence where possible. A hand held metal detector may be used to assist. Where there is some doubt about if an item is hidden in the clothing, an X-ray machine may be used to search the clothing if a machine is readily available. The reason should be articulated for the camera.
30.	Once the clothing is searched, hand the clothing back (or supply new clothing if clothing is seized or has been damaged during the search) and allow the Detainee to redress.
31.	Once the Detainee has re-dressed, the camera operator may now turn the camera back to include the Detainee.
32.	Ask the Detainee if they have any complaints about the way in which the Search was conducted
33.	Offer counselling and if requested, arrange counselling via IHMS.
34.	Provide a Detainee with a receipt for all items seized during the search.
35.	If any drugs are found during the search, secure them in an evidence bag and contact IHMS to examine the Detainee.
36.	Search Complete

21. Use of reasonable force

'Reasonable force' may be used in conducting a strip search as outlined in this document. Prior to using any force, Authorised Officers should refer the matter to the Serco Manager on site to liaise with the appropriate Department delegate and seek approval to use force.

Note: Like other operational tasks, approval to use force may be pre-applied for based upon the Detainees antecedence

Prior to the use of force, the Detainee must be advised that force may be used to conduct the Strip Search if they do not comply with the search instructions. The Detainee is to be given a reasonable time to comply.

Any force used must be paused at an appropriate juncture to allow further time for the Detainee to comply. For example, the first stage in using force to conduct a Strip Search would be to apply mechanical restraints. Once the restraints are applied, Officers should pause and reevaluate the amount of force required to continue.

If at any time the Detainee does not comply with your instructions, Stop and communicate. Only after a suitable period of communication may the Authorised Officer apply to use force.

21.1 Replacement of clothing

If a Detainee's clothing is damaged, destroyed or retained during the procedure, they must be provided with adequate replacement clothing before leaving the Private area.

The paper smock that maybe used during the Strip Search is not adequate replacement clothing.

Prior to commencing the Search, the Authorised Officer should ensure replacement clothing is readily available.

21.2 Dealing with items found during a screening procedure

21.2.1 Items found, declared or handed over

An authorised officer may take possession of and retain a thing (any item) found in the course of a screening procedure if the thing:

- is "forfeited or forfeitable" to the Commonwealth or
- might provide evidence of the commission of an offence against the Migration Act.

Any weapon that is found during a screening procedure that is capable of being used to inflict bodily injury or to help a Detainee escape from Immigration Detention at an IDF or during an authorised transport and escort operation is forfeited (ie surrendered) to the Commonwealth.

Should an item that is forfeited or forfeitable to the Commonwealth be found and taken into possession, the authorised officer must give that item to a member of the Australian Federal Police or a member of the police force or police service in the relevant state or territory the IDF is located in as soon as possible. The item should be handed over in an evidence bag so that it may be used as evidence in the future.

The authorised officer should seek legal advice to determine whether other items might provide evidence of an offence against the Migration Act.

Should drugs be found during the Strip Search, the Health Service Manager must be advised and the Detainee taken for medical evaluation.

21.2.2 Authorised Officer believes item inside Body Cavity

Where an Authorised Officer sees or believes on reasonable suspicion that a Detainee has an item in a body cavity, and the Detainee refuses to admit or surrender it, then the Detainee is to be kept in the Search area and DIBP informed.

Medical examination may be required by Medical staff.

22. Authorised Officer to verbally report outcome of Search to Centre Manager

The Authorised Officer must advise the Centre Manger (or Serco approving Manager) immediately after the Search has concluded.

23. Center Manager to advise DIBP of outcome within 2 hours.

A Strip Search is considered a MAJOR incident. The Centre Manager (or Serco approving Manager) must verbally report the outcome to Department Centre Manager at the IDF as soon as reasonably practicable (no later than two hours after the search).

24. Authorised Officer to prepare Written Report

The Authorised Officer is to prepare a written report directly after the Search has concluded. The record of each strip search must include information necessary to ensure that an accurate report of the search has been made. Such information includes:

- The name of the detainee who underwent the strip search
- Where and when the strip search was conducted
- Why the strip search was conducted
- The names of the officers who:
 - formed the suspicion on reasonable grounds
 - sought the authorisation for the strip search and
 - conducted the strip search
- If the detainee is at least 18 years of age, the name of the officer who authorised the strip search AND the record of authorisation by that officer
- The names of all other persons present during the strip search and the reason they were present.
- If the detainee is at least 10 but under 18 years of age, the name of the magistrate and a copy of the magistrate's order authorising the strip search
- Whether a partial or full strip search was conducted
- The completed relevant checklist to ensure a clear record of the procedures that were followed.
- Whether the detainee co-operated or not, and attaching the Acknowledgment form for a detainee who is to undergo a strip search
- If force was used, the circumstances surrounding the use of force
- Whether a weapon or other thing was obtained from the strip search and, if so, what was done with them and
- any other matters relevant to the conduct of the strip search.

A copy of this report must be sent to or stored:

- By the Authorised Officer.
- By the Center Manager (Central record of all Strip Searches conducted at the IDF)
- Sent to the National Operations Reporting email
- Sent to the National Operations Manager
- To the DIBP.
- On the file of the detainee.

24.1 Statistical Information

Any statistical information derived from the record of strip searches must only be disclosed in an aggregated, de-identified form unless otherwise required by law.

25. Report and copy of approval sent to DIBP within 6 hours.

A Strip Search is considered a MAJOR incident and a suitable entry on PORTAL is to be made along with the Centre Manager (or Serco approving Manager) sending a copy of the report to DIBP authorising officer within 6 hours of the Search concluding.

The Department must also report strip searches to the Secretary, Minister and parliament.

26. Special Consideration – Minors, Groups and those unable to manage their own affairs

26.1 Strip searches of Minor Detainees

Minors under the age of 10 **must not** be strip-searched.

As above, for Detainees who are at least 10 but under 18, the strip search can only go ahead if a magistrate orders the strip search because he or she is satisfied that there are reasonable grounds for the suspicions held by the Authorised Officer described above.

The form is located DSM Chapter 8 – Strip Search Attachment E - Request for/provision of an order by a magistrate to conduct a strip search of a detainee aged at least 10 but under 18 years

Authorised officers should ensure that the treatment and conditions of the searching process for minors are humane and have as little adverse impact on the individual as possible.

In addition to the authorisation procedures outlined above, the following Departmental officers must be advised immediately if a strip search of a minor is considered necessary:

- Senior Case Manager
- DIBP Centre Manager, as delegated guardian in the case of an unaccompanied minor
- Deputy State/Territory Director
- First Assistant Secretary, responsible for Detention Operations NatO.

The Minister must also be informed when an unaccompanied minor, for whom the Minister is the guardian under the Immigration (Guardianship of Children) Act, is to be strip searched.

26.2 Strip searches of Detainees incapable of managing their affairs

If the Detainee undergoing the strip search is at least 18, and is not capable of managing their affairs, the strip search should be conducted in the presence of another person (if any) nominated by the Detainee undergoing the strip search, if that other person is:

- readily available at the same place as the person undergoing the strip search and
- willing to attend the strip search within a reasonable time.

A strip search will not be prevented from being conducted if a Detainee who is incapable of managing their affairs:

- refuses or fails to nominate a person to attend the strip search within a reasonable time or
- is unable to nominate a person to attend the strip search who is readily available at the same place as the person and willing to attend the strip search within a reasonable time.

26.3 Strip searches of groups of Detainees

In exceptional circumstances, it is permissible to request authorisation to conduct a strip search under s252A on a group of Detainees.

The form is located DSM Chapter 8 – Strip Search Attachment F - Request for/provision of authorisation to conduct the strip search of multiple detainees aged at least 18 years

In such exceptional circumstances, the relevant form annexed to DSM Chapter 8 must be completed when making the request.

The Department's Centre Manager will liaise with the Department in relation to obtaining authorisation from the Secretary or an SES Band 3 Officer.

The Serco Centre Manager (as an authorised officer) is responsible for drafting the request. The form must list the details of each Detainee who are proposed to be strip searched. The names of both adults and minors must never be recorded in the same schedule. Requests to search adults and minors must be recorded entirely separately.

When conducting the searches, each Detainee should be searched in private, in accordance with the process set out above.