

Searching Young People Policy

Essential Summary

Youth Justice NSW (YJNSW) has a duty of care to both young people under their supervision and employees under the NSW Work Health and Safety Act 2011.

YJNSW also has responsibility under the *Children (Detention Centres) Act, 1987* and the *Children (Detention Centres) Regulation 2015*, to maintain discipline and good order among young people, facilitate proper control and management of YJNSW centres and to protect the centre's safety and security.

Contraband and dangerous items that are illegally brought into a centre or court jeopardise the safety and security of the environment. In order to detect or prevent contraband from entering a centre or court, YJNSW employees may need to search young people, under well-defined circumstances and conditions.

The policy identifies the types of searches as defined in section 11A of the *Children (Detention Centres) Regulation 2015* including:

- full body x-ray scanning
- hand-held metal detector
- clothed body search (pat-down)
- partially clothed body search

This policy outlines:

- the possible impacts of searching on young people
- assessing the need to conduct a search
- the type of search to be performed
- approval processes to conduct searches
- recording of searches

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1 Scope

This policy applies to all YJNSW employees who are involved with risk assessing the need to search, conduct and/or approve searches on young people.

2 Purpose

The purpose of this policy is to:

- provide employees with information to:
 - recognise the impact of searching on a young person
 - assess the need to conduct a search
 - identify the type of search to be conducted
 - identify the approval level to conduct a search
 - conduct searches of young people in a safe and least intrusive manner, while maintaining the privacy, dignity and rights of young people.
- set out how officers of YJNSW are to carry out their work in order to assist the Secretary to discharge his or her functions under the *Children (Detention Centres) Act 1987* and *Children (Detention Centres) Regulations 2015* (NSW).
- set out how YJNSW meets the *Child Safe Standards*, as set out in the *Children's Guardian Act 2019* and the requirements of the *YJNSW Child Safe and Mandatory Reporting Policy*, to keep young people safe from abuse and neglect, within safe and secure YJNSW environments.

3 Definitions and Acronyms

Centre Manager means the person for the time being in charge of the centre¹

Contraband means any item that is brought into the secure area of a centre, vehicle dock or custody area of court without written approval from the Centre Manager or Manager, Court Logistics

Dangerous Item means specific items that are prohibited from or have restricted use in youth justice centres because they pose a potentially dangerous risk to safety and/or security within a centre.

Gender identity means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of a person. This includes

¹ As defined in the *Children (Detention Centres) Act 1987*

the way that people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Terms used to describe a person's gender identity include trans, transgender, and gender diverse.

Radiation Coordinator Office² is a locally appointed officer who undertakes the Radiation Safety Officer duties in a YJNSW facility.

Radiation Safety Officer (RSO)³ is an officer appointed by the Department of Communities and Justice who effectively fills the role of inspector/auditor across Youth Justice NSW facilities. The function of an RSO is to advise and assist employers or organisations to fulfil their obligations under the **Radiation Control Act 1990** and the Regulation to protect employees, members of the public and the environment from the harmful effects of radiation.

Risk-based searches means searches conducted after an assessment has been completed, to identify the need for a search and the type of search to be conducted.

Routine search means searches conducted as part of an approved YJNSW procedure, in response to specific occurrences as defined in this policy.

Scanning Officer means the licensed employee trained in body scanning and image analysis, conducting the body scanner search.

4 Impact of searching on young people

Many young people in YJNSW Centres have experienced abuse, neglect, and trauma in their lives.

The 2015 Young People in Custody Health Survey (YPiCHS) identified that almost half (47.8%) of participants had been exposed to at least one traumatic event in their life. Traumatic events are generally defined as those in which an individual is exposed to or witnesses actual or threatened death, serious injury or sexual violence, whether the threat is real or perceived.

These experiences can have an impact on physiological, emotional, cognitive and social development and as a result young people may have limited capacity to regulate their emotions, and may perceive certain situations as threats, triggering feelings of anger, shame and fear.




² Radiation Safety Plan

³ NSW Environment Protection Agency (EPA)



5 Searching standards

When searching young people employees must avoid engaging in behaviour, or using words that may place the mental or physical health and safety of the young person or employees at risk, rather employees must adhere to the following standards:

- interact in a way that:
 - maintains the privacy, dignity and rights of young people
 - acknowledges that searches can be intrusive, embarrassing and uncomfortable for all involved
 - does not harass or intimidate young people or uses searching as a form of punishment
- Where possible, take the time to ensure that they are familiar with the young person's history, so that they are aware of the trauma considerations / risks / responses involved in such a search.
- inform all young people, prior to the search of the reason for the search and the type of search being conducted.
- where reasonably possible offer young people from differing cultural and religious backgrounds an opportunity to request an employee of the same culture or background to conduct a search. This request can only be fulfilled if operationally feasible
- a young person must be given an opportunity to request the preferred gender identity of the searching officers where they identify as transgender or intersex young people.
- understand that a refusal to be searched may be a trauma related response and not defiance
- when deciding on the type of search to conduct, employees must base their decision on the least intrusive method of search to adequately mitigate the identified risk
- 
- X-ray body scan images must not be stored, copied or distributed in any manner

All of the above standards apply to all types of searches

6 Types of searches

Section 11A of the *Children(Detention Centres) Regulation 2015* allows the following four means of conducting a search on a young person:

- Wand search
- Fully Clothed Pat-down
- Scanning with an x-ray scanning device
- Partially clothed body search

Prior to any type of search being conducted a young person is given the opportunity to hand over any items of contraband that they may have on their person.

6.1 Wand Search

A wand search involves the use of an approved handheld metal detector on a fully clothed young person. Wand searches, being the least intrusive form of searching, are included in centre/ court logistics or other facility routines, usually relating to movements from one area to another. These searches are conducted for safety and security reasons; a constant checking for dangerous items.

The wand should not come into contact with a young person's body at anytime. A wand search is conducted before a pat-down or partially clothed body search.

6.2 Clothed Body Search (Pat-Down)

A clothed body search involves the careful patting down of a young person's clothed body after the removal of outer garments (such as a coat, jacket, etc.), and shoes and socks. Step 4 of the Searching Young People Procedure sets out the careful non-invasive process for a pat-down search of a the:

- upper body – head, hands neck, torso-to the belt line
- lower body- waist, hips, buttocks and sides of legs and under feet.

At no time is a young person genital area patted down.

Pat-down searches are conducted from behind and to the side of a young person.

For safety and security purposes a wand search MUST be conducted prior to this search.

6.3 Body Scanner Search

A body scanner search involves a low dose x-ray scan of a young person being taken to assess for items that may be hidden on their person, in their clothes or internally within their body. A young person remains fully clothed and stationary while a trained and licenced

YJNSW Scanning Officer conducts a 4 second scan. A second licenced scanning officer must be present to assist with the scanning and analysis process.

Body scanning is the preferred search type as opposed to partially clothed body searches for young people, as it is less intrusive and traumatic. A young person who does not want to undergo a body scanner search may be partially clothed body searched.

Body scanning can only be used routinely for all new admissions and for young people returning from day or overnight leave who were not supervised by a YJNSW employee.

[REDACTED] (See section 5.3.2 of this policy for radiation dosage information)

For safety of the young person a record of all scans is maintained electronically by the body scanner. A young person's history of scans is accessible across all YJNSW centres. This access is to ensure that a young person transferred to another centre or to CSNSW remains with the legal radiation dosage amount.

Each young person will have an identification image taken of their face for verification purposes. The scanner takes a new image before each subsequent scan, replacing the previous image, so that a young person's profile remains up to date. These images are stored in the records management system Intercept Manager.

Images of a young person's body scan are **not** stored by YJNSW; the Body Scanners has this function disabled.

[REDACTED]

Signage must be placed in x-ray body scanning areas for the privacy and protection of young people and employees, and to warn visitors and employees that scanning may be taking place.

When searching young people, Scanning Officers must interact with a young person as set out in section 4 above. While it may be less intrusive, the experience of undergoing a body scan may still have an impact on young people in the same way as other searches.

6.3.1 Acknowledgement

As a part of the admissions process, admitting employees must explain the *how* and *why* body scanner searches are to be carried out on the young person. Each young person must be provided with a copy of the *Full body X-Ray Scanning Fact Sheet (Young People)*. [REDACTED]

[REDACTED]

The signed *X-Ray Body Scanner Acknowledgment Form* must be saved in the young person's D file.

[REDACTED]

[REDACTED]

6.3.2 Radiation Management Plan

Digital imaging techniques have the potential to improve general security screening processes by reducing the need for partial clothed body searching and providing a more comprehensive means of detecting items ingested or hidden within body cavities. However, steps must be taken to ensure that any person's health and safety are not adversely affected by exposure to radiation.

Radiation exposure levels of the X-ray scanners are fixed prior to commissioning to allow three choices of radiation dosage, operators are unable to alter exposure levels manually outside these parameters.

[REDACTED]

[REDACTED]

Only YJNSW employees trained in the proper use of the scanning apparatus and that hold a current Radiation User Licence IA42 are authorised to operate radiation emitting equipment.

6.3.3 Radiation Safety Officer

One Radiation Safety Officer (RSO) is appointed within the Department of Communities and Justice for YJNSW to:

- monitor radiation safety
- report to the Licensee about radiation safety
- maintain awareness of the radiation safety legislation and keep up-to date with trends in radiation safety.

The name of the RSO must be displayed in a prominent location adjacent to

the X-ray equipment control panel. Further details of the RSO's duties are detailed in the DCJ Radiation Management Plan.

Each facility must appoint a Radiation Safety Coordinator (RSC) who is responsible for providing the RSO with the information required to fulfil their duties.

6.3.4 Training and Radiation User Licencing

All YJNSW Scanning Officers, operators of the whole-body security screening X-Ray scanners, must hold a Radiation User Licence IA42 issued by the EPA. Qualification for a User Licence is dependent on satisfactory completion of an approved User Licence Training Course covering safe use and administration of radiation, proper use of the scanning apparatus and interpretation of the radiographic images produced. The Radiation User Licences are valid for a period of 3 Years.

YJNSW arranges the User Licence Training through a qualified external provider. The radiation safety training program is provided to YJNSW scanning officers who are required to use the X-ray body scanners. This training program addresses the following:

- radiation hazards specific to YJNSW centres
- specific responsibilities of each category of employee
- safe work practices, including minimising radiation dose to users and subjects of scans
- regulatory obligations
- other details of the radiation safety and protection plan.

YJNSW Organisational Development and Training (OD&T) unit will maintain a record of all employee's participation, completion of training in the Radiation User Licence training program.

To enable this, the centre must provide OD&T with notification dates of any external radiation training courses (run by the external trainer) 2 weeks prior to the event, an attendance list and after the event confirm which attendees satisfactorily completed the course.

[REDACTED]

[REDACTED]

6.3.5 Analysis and discretion

A body scanner search is a non-invasive form of searching that allows the employee viewing the images to identify any objects that may be internal to the body. While the purpose is to identify contraband objects, the examining employee may also view objects such as feminine hygiene products or contraceptive devices. Image analysis training will assist employees in being able to identify these objects. It is the responsibility of the scanning Officers undertaking the image analysis to handle the scan with discretion and not subject the young person to unnecessary questioning.

[REDACTED]

As soon as the image has been analysed and data entry completed the Scanning Officer will push the *complete* button which will delete the image permanently.

6.3.6 Suspected positive contraband images

[REDACTED]

[REDACTED]

If the young person is complaint and hands over items of contraband the Scanning Officer should consider conducting another scan to ensure that all contraband items have been confiscated.

[REDACTED]

[REDACTED]. The young person's health is the most important concern at this time.

[REDACTED]

An immediate ambulance response must be organised if:

- a young person confirms ingesting/inserting drugs/items, or

- a young person denies ingesting/inserting drugs/item but the image suggests otherwise and the scanning officers are concerned for the wellbeing of the young person.

6.4 Partially Clothed Body Search

A partially clothed body search involves visual examination of the upper body after removal and searching of upper garments, followed by visual examination of the lower body after return of the upper garments and the removal and searching of lower garments.

For safety and security purposes a wand search **MUST** be conducted prior to a partially clothed body search.

During a partially clothed body search, employees are **not** permitted to:

- touch the body of the young person
- direct the young person to raise their legs (unless to check the soles of his or her feet), squat, part his or her buttocks, or handle his or her genitalia

The young person can be directed to remove and hand over any illicit object or substance attached to any part of his or her body.

When searching the lower half of a young person's body during a partially clothed body search, the employee conducting the search must view both sides of the young person's body,

Searching employees must ensure they are following the *Searching Standards* as set out in section 4.1 of this policy at all times.

7 Routine searches

Routine searches are required to be conducted as part of an operational procedure to maintain safety and security within a centre or court environment.

Wand searches can be conducted routinely. Situations where wand searches must be conducted routinely are:

- internal centre movements – before and after

- leaving the centre – all
- returning from an external movement – all
- family visits – before and after
- random room and young person searches
- at any time when where a young person may be in possession of dangerous item or contraband

Body scanner searches may be conducted routinely in the following instances:

- new admission to a centre
- returning from day or overnight leave – not supervised by YJ employee

Partially clothed body searches can only be conducted routinely in the following instances:

- new admission to a centre
- returning from day or overnight leave – not supervised by YJ employee

All other situations that require a body scanner or partially clothed body search must be risk-assessed. (Refer to section 7 below)

The use of body scanner or partially clothed body searching during an initial admission and following day or overnight leave where the young person has not been supervised by YJNSW employees, is justified to protect the safety, security and good order of the centre, by detecting dangerous or illicit items or substances (including drugs and potential weapons) and preventing their entry into the centre.

8 Risk-based searches

The aim of risk-based searching is, while maintaining the safety and security of a youth justice centre, to reduce the number of unnecessary searches especially partially clothed body searches.

Transporting or supervising employees must assess the need to conduct a search and discuss the most suitable type of search to be conducted, for each unique circumstance, with their supervisor.

The supervisor must then determine the necessity and/or type of search to be conducted. Each circumstance comes with varying levels of risk, and the type of search must be accommodated to mitigate that risk.

Factors to be taken into account for the risk assessment must include:

- whether the young person was always supervised by a YJNSW employee
- the location of the occurrence (e.g. appointment, visit, court, work experience)
- the young person's behaviour during and after the occurrence
- whether the young person came into contact with acquaintances during the occurrence
- the young person is behaving in a similar manner to a previous

occurrence where contraband was found.

- evidence of something an employee himself or herself detected (first-hand)
- an employee observes a young person taking possession of an unauthorised item or substance during a visit and refuses to surrender or denies the existence of such item or substance
- an employee overhears a conversation between young people in which one states that he or she has a dangerous item or contraband in his or her possession
- after a young person being in found in possession of a dangerous, illegal item or substance
- an employee observes physical or other behaviours or mannerisms that could be indicative of drug use e.g. unsteady gait; slurred speech; dilated pupils; 'on the nod' (Note: the JHFMHN nurse should be notified to assess the young person in the first instance before searching takes place)
- employees detect the smell of cannabis or cigarettes coming from a young person's room and a room search fails to uncover the substance
- reliable information received by an employee from the young person to be searched, another young person or employee, or another person (second-hand)



Pat-Down clothed body searches can be conducted after assessment of the need in the following situations:

- leaving the centre
- returning from an external movement –supervised by YJNSW employees
- family visits – after
- at any time when an assessment has identified that the young person is or may be in possession of an illicit object or substance

A partially clothed body search can be conducted following a clothed body search, after assessment of the need, if a clothed body search has failed to mitigate a specific identified and documented risk, in the following situations:

- returning from an external movement –supervised by YJNSW employee
- after family visits
- at any time when an assessment has identified that the young person is or may be in possession of an illicit object or substance

A Body Scanner search can be conducted to mitigate a specific identified and documented risk in the following situations:

- returning from an external movement –supervised by YJNSW employee
- after family visits
- at any time when an assessment has identified that the young person is or may be in possession of an illicit object or substance

Apart from the circumstances above, a partially clothed body or body scanner search must **not be used routinely** and must be based on a risk assessment that the young person is in the possession of or had an opportunity to obtain a dangerous or illicit item or substance (contraband) during a visit or movement from the centre.

9 Search Approvals

9.1 Approvals for routine searches

All routine searches, as identified in YJNSW Operations Policy and Procedures, do not require approvals. Approval is automatic when operational policy and procedure is endorsed by the Executive Director, YJNSW.

9.2 Approvals for risk-based and random searches

All risk-based searches and random partially clothed body searches must obtain the following approvals:

Type of Search	Approval Non-routine (At a minimum)
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

10 Rules for Searches

10.1 Before a Search

Before a search begins, the reasons for the search and the applicable type of search process are to be clearly explained to the young person by the employee conducting the search. Checking of the young person's understanding must occur prior to the search commencing.

Employees must also consider the impact the type of search will have on the young person and take steps to mitigate causing unintended trauma, fear or psychological harm. Employees must consider the following before searching a young person:

- Cultural identity
- Age
- First time in custody
- Psychological state at time of search
- Gender identity

There may be times when certain employees are selected to conduct searches to address the needs of the young person and the above considerations.

For transgender or intersex young people, a body scanner search, a partial clothed body search or pat down (as part of a clothed body search) is to be conducted by an employee of the young person's preferred gender identity. The only exception to this rule is in cases of emergency following the appropriate approvals.

YJNSW must ask all young people, who identify as transgender, gender diverse or intersex their preference regarding the gender identity of the employee conducting the body scanner, partial clothed body or pat down search and must comply with the preference.

If the young person prefers an employee of one gender identity to conduct the upper part of a partial clothed body search and another employee of another gender identity to complete the lower half, then the request must be followed.

An employee of the preferred gender identity is to conduct the search, however, where an employee is uncomfortable doing so then another employee, of the preferred gender identity can be assigned the task.

This principle also applies for young people that identify as gender fluid or non-binary. Employees must be supported by their supervisor when searching young people to ensure that all steps have been taken to cause the least amount of harm.

If the transgender, gender diverse or intersex young person expresses no preference, the search must be conducted by an employee of the gender identity of the young person.

If the young person who identifies as neither male nor female expresses no preference, the search must be conducted by an:

- employee who identifies as male if the young person is placed in a centre or area of a centre that is designated to accommodate male young people
- employee who identifies as female if the young person is placed in a centre or area of a centre that is designated to accommodate female young people

Following the initial search of a young person who identifies as gender diverse, a referral is to be made to the centre LGBTIQ support person to discuss the search process and to determine whether any additional steps can be taken to ensure the young person is supported.

Refer to the resource '*Inclusive Language Guide: Respecting people of intersex, trans and gender diverse experience*', linked to this policy, for an explanation of the meaning of Intersex, transgender and gender diverse. This guide also provides information on 'inclusive language' and why it should be used.

10.2 Contraband

Employees about to conduct a search must give all young people the opportunity to voluntarily surrender, in private, any dangerous or illicit object or substance in their possession.

[REDACTED]

[REDACTED]

[REDACTED]

Young people should still be encouraged to handover items on re-entering a centre but must be informed of the level of consequences based on the types of item/s if they do.

Any dangerous, illicit objects or substances that a young person surrenders, or is found, must be placed in the appropriate exhibit bag and entered in the *Centres Exhibit Book* with all details completed. Where possible the

substance should be weighed, with the weight recorded in the *Exhibit Book* and a picture of the item taken and sent to

[REDACTED]

[REDACTED]

10.3 Who can conduct a search?

Whenever a search is performed, two employees must be present, one performing the search, the other acting as observer of the searching employee. For partially clothed body searches the second officer is not present to observe the young person, but to observe the other employee to ensure the correct procedure is followed. For body scanner searches the second officer is there to observe the young person's actions.

Partially clothed body and body scanner searches should be conducted by two officers/licenced scanning officers, respectively, of the same gender identity as the young person. The second employee (observer) may be of a different gender identity if two same- gender identity employees are not available. (Refer to section 9.1 of this policy for information regarding who can conduct a search on transgender,gender diverse and intersex young people).

[REDACTED]

[REDACTED]

Employees involved in a search must be trained in searching procedures and in infection control guidelines. Employees involved in body scanner searchings must also have additional training in the use of the body scanner, and in image analysis.

10.4 Where to conduct a search

Partially clothed body searches must be performed in a private room, out of view of other employees or young persons.

The body scanners must be located in an area of the centre that affords the young person privacy and facilitates a space where the

scanned images of the young person can only be viewed by the scanning officers.

Signage must be placed around the body scanning areas to warn employees that they need to be aware that young people may currently be undertaking a body scanner search. This signage is to reduce unauthorised employees from viewing the scanned images. Centre management must take every available precaution to protect the privacy of the young people being searched.

The designated or nominated search room or area must afford the young person privacy, preserve their dignity and be free of excess furniture and non-fixed items. If this room is normally under camera surveillance, the employee conducting the search must ensure that the cameras are turned off during the search.

Where possible, a body scanner search should be used over a partially clothed body search as it is a less invasive method of conducting a search. The young person can be escorted to the area of the centre in which the body scanner operates, unless it is deemed unsafe to move the young person, in which case a partially clothed body search should be conducted.

10.5 Searching a young person with medical / surgical dressings or plaster casts

[REDACTED]

[REDACTED]

Medical, surgical dressing or a plaster cast do not have to be removed to facilitate a body scan search.

10.6 Refusal to be searched

There will be occasions when a young person refuses to be searched. In such cases, the young person must be treated sensitively because the reasons for refusal may be of a very personal nature. Not every refusal to be searched will be a 'rebellious' act or an attempt to avoid being caught with a dangerous or contraband item. (Refer to section 4 of this policy regarding the impact of searching on young people).

The reason for the search should be clearly explained or repeated by the employee, or by another person thought to share a better working relationship with the young person. Employees should actively seek out the assistance of another employee who may have a different approach or relationship with the young person and refer to CIMS case notes to locate any information that may be relevant in this situation. Seeking assistance of an employee of the same culture may be required.

[REDACTED]

[REDACTED] If the young person becomes distressed and / or aggressive a referral to the centre psychologist should be made.

(Refer to Section 9 of this policy for reference to when it may be necessary to use force to conduct a search)

10.7 Recording Searches

Information about each search conducted, including the appropriate reason and approval for a partially clothed body search, is to be recorded in the *Search Register*.

YJNSW employees must provide a documented reason that clearly explains the risk assessment and the need to conduct a non-routine partially clothed body search in the search register; documented reasons such as, 'return from court' or 'after visits', will no longer be accepted.

Examples of reasoning might be:

- young person was held in a cell at court with adult prisoners
- was for a time unsupervised by YJNSW transporting officers in a cell
- had a contact visit with family members who were behaving suspiciously or had an opportunity to obtain contraband.
- young person appeared to be under the influence of a substance
- young person had self-inflicted cuts to their arms

A Search Register, kept specifically for body scanning searches, must be kept at the scanning site for recording the following information about each full-body scan:

- CIMS number
- subject's name, gender, and date of birth;
- reason for body scanner search;
- date the full-body scan is performed; and
- the name of the Scanning Officer conducting the X-ray equipment and assessing the image.

The body scanners also maintain an electronic record of searches that generates reports on the scans. The only data captured in these reports, however, is the scan date and time, the operator ID of the scan, and the subject ID. Reports can be compiled by subject, operator, or scanner over 12 months.

The electronic register will not store any scanned images of the young person and monitors dosage levels.

If the total annual dose for a subject on file approaches the annual limits outlined in the specific conditions of the IA42 Licence, on the impending scan, then a full-body security screen will not be possible.

The Search Register and Scanner Electronic Reports are to be made available for perusal by an operations director or any other senior officer of the Division, the Official Visitor, Inspector of Custodial Services and or Ombudsman's representatives.

10.8 Child Protection or Medical Concerns.

If a searching employee identifies suspected child protection or medical issues (e.g. Injury, skin irritations, unexplained scaring) whilst conducting a search on a young person, the required notifications must be made to either the Justice Health and Forensic Mental Health Network nurse or the employees must, as mandatory reporters, Under Section 27 of the *Children and Young People (Care and Protection) Act 1998*, complete a Mandatory Report (*Mandatory Reporter Guide (MRG)*).

If an employee notes an anomaly within a young person during image analysis for a body scanner search, they must **not** inform the young person, instead the employee must escalate the issue to their manager who must refer the matter to Justice Health for further investigation.

11 Using force to search a young person

Use of force for the purpose of searching is authorised by legislation through *clause 65(1) (f) & (g) of the Children (Detention Centres) Regulation 2015* - "to search a young person in circumstances in which the young person refuses to submit to being searched" or "to seize any dangerous or harmful article or substance that is in the possession of the young person".



The major determinant of the need to use force is urgency. If the young person can be contained, and the level of risk kept to a minimum through segregation or other strategies, the use of force to conduct a partially clothed body search the young person must not occur.

Use of force must never occur for a body scanner search.

11.1 Decision to use force

Use of force by employee to conduct a partially clothed body search on a young person to retrieve a dangerous or illicit object or substance should only be considered:

- when there is an immediate and urgent risk to a young person's life
- when all alternatives have been attempted or considered

11.2 Approval to use force

The Centre Manager has the delegation to approve the use of force to conduct a partially clothed body search.

Every alternative option must be exhausted before approval for use of force is given to conduct a partially clothed body search.

Exception to the above requirement for approval is where the situation is considered an absolute emergency and seeking approval would increase the likelihood of harm to the young person or another person.

11.3 Reporting on the Use of Force to search

The use of force to conduct a partially clothed body search must be treated as an incident as per the *Incident Reporting Procedure*.

11.4 Support and counselling

After any incident where force was used to conduct a partially clothed body search on a young person, it is compulsory to refer the young person and all employees involved or present for counselling.

The young person should be referred to a Centre Psychologist, preferably his or her primary psychologist. All referrals should be noted on the Incident Advice and any need for follow-up recorded on an Incident Follow-Up Advice, *Incident Reporting Procedure*.

Employees must be given the details of and encouraged to refer to the relevant EAP provider.

12 References

12.1 Legislation

- *Children (Detention Centres) Regulation 2015*
 - *Clause 11 A Searching of detainees*
 - *Clause 65 Use of force*
- *Work Health and Safety Act 2011*
- *Children and Young People (Care and Protection) Act 1998*

12.2 Policies

- *DCJ Workplace Gender Transition Policy and Guide*
- *Incident Management Policy- Recording, Debrief and Review*
- *Use of Force, Protective Equipment and Instruments of Restraint*
- *Contraband*
- *Mandatory Report (Mandatory Reporter Guide (MRG)).*

12.3 Procedures

- *Incident Reporting*
- *Use of Force*
- *Use of Protective Equipment*
- *Misbehaviour*
- *Searching Young People*
- *Exhibit*
- *Contraband*

12.4 Forms

- *Search Register*
- *X-Ray Body Scanner Acknowledgment Form*

12.5 Resources

- *Full body X-Ray Scanning Fact Sheet (Young People)*
- *DCY Radiation Management Plan*
- *Workplace Gender Transition Plan (DCJ Workplace Gender Transition Policy and Guide)*

13 Document information

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14 Document history

Version	Date	Reason for Amendment
0.1	30 June 2018	New policy created to provide direction and instruction when searching young people. <i>Clause 11A Searching of detainees</i> added to <i>CDC Regulation 2015</i> .
0.2	December 2020	Policy updated in regard to contraband exhibit processes. Removal of references to 'Dump Bins'.
0.3	21 April 2021	Policy updated to consider the needs of gender diversity in both employees and young people.
0.4	June 2022	Policy updated to include the use of Body Scanner searches.