



Home Office

# **Detention Services Order 09/2012**

## **Searching Policy**

August 2018



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# Document Details

**Process:** Searching detainees, staff, visitors, vehicles and mail in immigration removal centres, pre-departure accommodation, residential and non-residential short-term holding facilities, and under escort

**Implementation Date:** December 2014 (reissued August 2018)

**Review Date:** August 2020

**Version:** 3.0

## Contains Mandatory Instructions

**For Action:** Home Office staff and suppliers operating in immigration removal centres, residential and non-residential short-term holding facilities, and the escort supplier

**For Information:** Pre-departure teams

**Author and Unit:** Jose Domingos, Operational Support and Guidance Team

**Owner:** Alan Gibson, Head of Detention Operations

**Contact Point:** Jose Domingos, Operational Support and Guidance Team

**Processes Affected:** Searching

**Assumptions:** All staff will have the necessary knowledge to follow these procedures

**Notes:** This DSO replaces DSO 09/2012 version 2.0, which is cancelled.

# Instruction

## Introduction

1. This order informs Home Office staff and suppliers of the policy regarding searching detainees, staff, visitors, vehicles and mail in immigration removal centres (IRC), pre-departure accommodation (PDA), residential and non-residential short-term holding facilities (STHF), and under escort.
2. Centre suppliers and the escort supplier must inform detainees, staff and visitors that they are liable to search by displaying the information prominently in appropriate locations around the centre. Details of the local searching procedures must also be available on the centres' website or, as a minimum, within the information provided on [www.gov.uk](http://www.gov.uk), as well as clearly displayed in visitors reception and visits area.
3. Centre suppliers and the escort supplier must have local searching procedures that must be agreed with the Compliance Team Delivery Manager responsible for the detention or escorting contract. These procedures must include how they will conduct the searching of children, individuals with disabilities (both detainees and visitors), including wheelchair users and those with prosthetic limbs and an audit and assurance process for recording ad hoc searches, searches of children, full searches or searches of staff.
4. Please note that a separate DSO covers the searching of transgender detainees. Aspects of this DSO apply to transgender detainees but nothing in it should be regarded as superseding the requirements of the separate DSO on the care and management of transgender detainees (DSO 11/2012, or its successor).
5. The PDA operating standards set out the policy on searching that applies at PDA. Aspects of this DSO apply to PDA but nothing in it should be regarded as superseding the requirements of the PDA operating standards.

## The role of Pre-Departure Teams

6. Two different Home Office teams operate in IRCs:
  - Detention and Escorting Services Compliance team (Compliance team)
  - Immigration Enforcement Pre-departure team (PDT)

PDTs are managed by an on-site Home Office PDT manager. Members of the team interact with detainees face-to-face on behalf of immigration caseworkers.

All mandatory actions in this instruction are the responsibility of the local Compliance Team.

## Definitions

7. The term “centre” is used throughout this DSO to refer to IRCs, STHFs and the PDA.
8. A ‘full search’ is a search of an individual that requires the removal and inspection of all clothing and footwear. The search must be conducted by two officers of the same sex as the individual and the individual must not be completely naked at any stage or in the view of others not involved in conducting the search.
9. A ‘level A rub down search’ is a search of an individual conducted by a single officer running their open hands over the individual’s clothing. In addition, the individual removes their footwear for inspection. The officer inspects the individual’s hair by hand and visually inspects the ears, nose and mouth. A ‘level B rub down search’ is a search of an individual conducted by a single officer running their open hands over the individual’s clothing. Footwear will not be removed and no inspection of the hair, ears, nose and mouth takes place.

## Policy and authority

10. The authority to search a detained person in an IRC or STHF and during escort is contained in paragraphs 2 and 3 of Schedule 11 to the Immigration and Asylum Act 1999 (“the 1999 Act”) and paragraph 2 of Schedule 13 to the Immigration and Asylum Act 1999.
11. Rules 50 and 55 of the Detention Centre Rules 2001 and Rules 10, 42 and 46 of the Short-term Holding Facility Rules 2018 contain additional provisions in relation to searching staff, visitors and vehicles.
12. A Detainee Custody Officer (DCO) or a prison officer certified to carry out this role may search any detained person and use reasonable force to do so where necessary, in accordance with paragraphs 2 and 3 of Schedule 11 or paragraph 2 of Schedule 13 to the 1999 Act and the Detention Centre Rules.
13. Under paragraphs 2 and 3 of Schedule 11 to the 1999 Act a DCO also has power to search any person who is in, or is seeking to enter, any place where any detained person is, or is to be, held and any article in the possession of such a person. The 1999 Act expressly states that this does not authorise requiring such a person to remove any of his or her clothing, other than an outer coat, jacket or gloves. Accordingly, a full search cannot be carried out on visitors or staff.
14. The purpose of searching is to reduce the risk of:
  - possession of any unauthorised article;
  - harm to the public, detainees or staff;

- damage to property;
  - escape or assisting an escape from custody.
15. Under section 51 of the Immigration Act 2016, Home Office officials acting on behalf of the Secretary of State may direct a DCO to search a detainee for nationality documents if there are reasonable grounds to believe a relevant nationality document will be found in the detainee's possession, and to seize and retain any such documents found during the search. This includes the search of the detainee themselves and anything on their person, the detainee's residential room and any stored property. **It must not be used on children under the age of 10.** Any documents found must be passed to the onsite PDT team as soon as practicable.
  16. Under section 52 of the Immigration Act 2016, DCOs have the power to seize any nationality document discovered during a routine search which may establish a person's identity, nationality or citizenship or indicate the place from which a person has travelled to the United Kingdom or to which a person is proposing to go.

## Procedures

### Admission, removal and transfer

17. This section applies to searching of adults only. The searching of children is dealt with in a separate section of this instruction.
18. The following procedures are to be followed when searching detainees or any other person entering the centre or during escort. In all circumstances, the purpose and process of the search must be explained fully to the person in a language they understand, before the search commences. The search must be conducted in a sensitive way at all times. For all searches, male detainees must always be asked, in a language they understand, if they have any objections to being searched by a female officer if a male officer is unavailable. In the case of female detainees, centres should aim to ensure that both staff members conducting the search, and where possible any others present, are female. Under Rule 10 of the Short-term Holding Facility Rules 2018 a full search must not be carried out in the presence of a person of the opposite sex.
19. For reasons of security and safety, a DCO must search all detained persons on admission to the centre.
20. Hand-held metal detectors (HHMD) or metal detector archways must be used to assist all searches conducted on induction to the centre and before discharge from the centre on removal or transfer.
21. At all centres, apart from the PDA, all detainees are to be given a level A rub down search on admission (before they leave the reception area), on removal and on

transfer. It is not appropriate for a detainee to be searched twice by different suppliers for the same purpose on the same occasion, therefore prior to removal or transfer, the search should be conducted by those receiving the individual into their care.

22. Where possible detainees must, on arrival, be searched in private rather than at a reception desk. If this cannot be accommodated, detainees being searched should be shielded from the sight of others, using a privacy screen or similar.
23. At the PDA residents should not be subject to excessive searching. On arrival, the family will pass through a security portal. Adults should be given a level B rub down search on admission by centre staff, and by escort staff on removal and on transfer. In all cases this search must be undertaken before adult family members leave the reception area, and out of sight of children.

### Searching of property

24. On admission to a centre, all detainee property must be searched. The only exception is if it has already been searched by an accredited supplier of the Home Office, it has been sealed and the seal number is recorded on the Person Escort Record (PER). However, the centre supplier may still choose to re-search any property if they feel it is necessary. In this case a new seal number will be recorded in the local property record and the PER updated on discharge, in accordance with DSO 06/2012 Management of Property.
25. Property that is to remain in detainees' possession must be thoroughly searched and x-rayed and electrical items must be "PAT" (Portable Appliance Test) tested before being returned to detainees. Unless paragraph 25 applies, all property that is to be stored will be searched or x-rayed by reception staff and sealed prior to storage. At the PDA property will be x-rayed and only hand searched if prohibited items are identified by the X-ray.
26. On removal/transfer, any property that has been stored and has not been sealed or the seal has been opened, will be searched before being handed to the escorting supplier for transportation to the final destination.

### Searching detainees and room searches

27. All areas of the centre and all detainees are liable to ad hoc searching in accordance with the searching procedures of each centre supplier. The DCO must have an objective justification for the ad hoc search and these reasons must be recorded and retained for audit purposes.
28. Detainees should be searched on entry to and departure from the visits area in accordance with the searching procedures of each centre supplier.
29. Some local procedures may also demand for rub down searches for specific circumstances or activities, such as detainees leaving workshops or kitchens or to

gain access to certain areas of the centre. These procedures are subject to local risk assessments and must be visibly publicised in the areas affected.

30. Unless otherwise specified in this guidance, the standard level of search of a detainee is a level B rub down search. The use of level A rub down searches must be individually risk assessed and be based on intelligence previously gathered. A duty manager must authorise the search and the reasons must be recorded for audit purposes.
31. A search of a detainee(s)' room will be carried out by a minimum of two DCOs and the detainee(s) should be invited to be present during the search. In the case of female detainees, centres should aim to ensure that both staff members conducting the search, and where possible any others present, are female. If the detainee(s) wish to be present for the room search, they must first undergo a level A rub down search.

## Full searches

32. Detainees must not be routinely subject to a full search. If there is evidence or intelligence to suggest that a detainee may be attempting to hide an illicit item about his or her person, then a full search may be authorised by the centre manager (or nominated manager in charge) or the escort supplier's duty manager. The local HOIE Immigration Manager or, a senior manager from the Detainee Escorting and Population Management Unit (DEPMU) if the detainee is under escort or held at a STHF, must be notified in advance of the search taking place where possible or as soon as possible afterwards. It is not appropriate for a detainee to be searched twice by different suppliers for the same purpose on the same occasion.
33. In the event that a full search has been authorised, then proper procedures must be followed to ensure that detainees are not:
  - in view of other detainees;
  - in the sight or presence of any person not of the same sex;
  - completely unclothed at any time.
34. Only those members of staff conducting the search may be present. All authorisations for full searches must be recorded, giving details of the reason for the search and if anything was found. These records must be available to HOIE on request.

## Searching for nationality documents

35. If any document is discovered during a routine search which may, establish a person's identity, nationality or citizenship or indicate the place from which a person has travelled to the United Kingdom or to which a person is proposing to go. The DCO

must seek verbal consent from the onsite Compliance team to retain the document (section 52 of the Immigration Act 2016).

36. If there are reasonable grounds to believe that nationality documents will be found in the detainee's possession, then a Home Office official (Home Office caseworker, Immigration Officer or onsite Compliance Team Manager/Deputy Manager) can direct a DCO to search a detainee for nationality documents (section 51 of the Immigration Act 2016). This includes the detainee themselves and anything on their person, the detainee's residential room and any stored property. The detainee must be given the opportunity to attend any search of their room or property, and the centre supplier must record this and any refusal to attend. Section 51 also allows for a full search to be carried out, as per the procedures set out above (paragraphs 28-30), if there are reasonable grounds to believe that the detainee has documents on their person. Any direction to search a detainee, their room and/or their property must be given in writing by the Home Office official, and the centre supplier should action this within 48 hours of the direction being received.
37. In both cases, the seized document must be provided to the onsite Compliance team as soon as possible, who will then update the notes field on the Casework Information Database (CID) with details of the seized document. The onsite Compliance team should send the document by secure means to the Home Office caseworker and follow this up with an email confirming postage. The caseworker will then decide if the document is relevant and whether it should be retained, returned to the person who previously possessed it or to the location where it was found, or otherwise disposed of, and update the notes field and/or the documents submitted screen on CID.
38. These powers do not extend to financial documents such as bank debit cards, credit cards, cheque books and building society passbooks. These documents cannot be confiscated, photocopied or detainees be prevented from having them in possession.
39. If a DCO comes across financial documents that are not under the detainee's name and suspects the detainee may be using a false identity for immigration or criminal purposes, this must be detailed in an SIR (see DSO 11/2014 Security information reports) and a notification must be sent to the Detention and Escorting Security Team and the Detention Services Intelligence Team.

### **Searching detainees: Religious/cultural considerations**

40. For routine searching arrangements, a member of the faith team must be involved with the drawing up of a searching plan for chapels or multi-faith rooms.
41. Male detainees of some faiths may find it unacceptable to be searched by a female member of staff. In instances where male detainees with a religious or cultural objection to being searched by a female member of staff, the search must be undertaken by a male member of staff. All female detainees must be searched only by female staff.

42. The Qur'an forbids the nakedness of Muslims in front of others. However, full searches are allowed under Islamic law when such a search is necessary for the security and safety of individuals or the centre.
43. Detainees should normally be allowed to wear religious/cultural headwear (for example, Sikh turbans, Jewish yarmulkes, Muslim caps/headscarves, Rastafarian hats). Such headwear is subject to searching, but care must be taken to treat it with respect. Detainees should be asked to remove, and where necessary unwind, headwear themselves in the first instance. Staff should only intervene if the detainee fails to cooperate with the request. In addition to physical searching of headwear, all persons can have their religious headwear searched by a HHMD.
44. Sikh detainees are not allowed to carry a Kirpan (small knife). They are only allowed to have a representation of a Kirpan inlaid in metal on a Khanga (comb).
45. The holy books and religious artefacts of any faith, while being subject to search, must be treated with respect. They should not be handled by dirty hands. Gloves must be worn if an officer needs to pick up any religious artefacts. Objects should not be put on the floor or with shoes or underclothes. The detainee should be allowed to point out holy books and religious artefacts before the search. It is preferable for the detainee to show the book or object themselves when subject to a search.
46. Images of the Buddha are a key part of Buddhist religious practice and statues of the Buddha are allowed to be held in possession by Buddhist detainees. Buddha images must be handled carefully and with respect. They must not be picked up by the head and the enlightenment flame (the point on the head) must not be cut or filed.
47. If search dogs are used in a room search they should not be allowed to touch holy books and artefacts. Detainees may be issued with, and allowed to cover holy books and artefacts in, a clear plastic pouch to prevent dogs touching them directly. The detainee should be allowed to bring out religious artefacts from their room so that the supporting staff can search them by hand before the room is searched. Suspicion that the dogs have conveyed saliva to the book or object would make it defiled in many faiths. Bedding should be changed where the detainee feels that it has been defiled.
48. In some faiths, most notably the Muslim faith, if dog hair or saliva comes in to contact with an individual's clothing or religious artefact, it renders these items defiled. If a search dog touches such a detainee they will wish to make ritual ablutions and change clothes. This must be allowed.

### **Procedures: Rule 40 and Rule 42**

49. Detainees who are being separated from the normal regime should be subject to a level A rub down search. Metal detecting wands/portals may be used, but detainees should not be routinely subject to a full search. If there is evidence or intelligence to suggest that an illicit item has been secreted, or following an individual risk

assessment, then the centre manager (or nominated manager in charge) or escort supplier's duty manager may authorise a full search and the requirements at paragraphs 33-35 must be met.

## Searching of detained children at PDA

50. Children will be searched on arrival or return to the PDA. Searches may also be conducted during their stay if deemed necessary to maintain safety and security.
51. Searching of children should be undertaken using a metal detecting wand or with the child being asked to walk through a metal detector archway first. Only where a risk assessment indicates that it is necessary or if the wand/archway alarm is set off may a child be given a level B rub down search. In the first instance, the child or parent should be asked to remove the item setting off the alarm. If they refuse, the officer should endeavour to verbally persuade them to cooperate. If they continue to refuse, the child should be given a level B rub down search by two officers of the same sex as the child. Where practicable, a parent/carer should be present during the search.
52. Babies should only be searched in exceptional circumstances and by officers of the gender preferred by the parent. Any such search will require managers authority and the reason for the search must be recorded for audit purposes. A parent/carer should be present during the search unless inappropriate to do so.
53. Staff must ensure, as far as practicable, that children understand the reason for the search, which must be explained in a language and in age appropriate terms that they understand. Where practicable, a parent/carer should be asked to assist in giving the explanation. Children should be reassured before and throughout the search.
54. Further details are in the PDA Operating Standards.

## Visitors

55. All social and official visitors, as defined by DSO 04-2012 Visits and Visitors, are liable to a level B rub down search. The 1999 Act prohibits requiring a visitor to remove any clothing other than an outer coat, jacket or gloves. Metal detecting wands/portals may be used and possessions may be searched as a condition of entry to the centre. **On no account should any visitor be subjected to a full search.** Notices must be clearly posted at the entrance to any centre informing visitors that they are liable to be searched on entry and providing information on the centre's policy on the searching of religious headwear and restrictions on the carrying of Kirpans.
56. Child visitors should be searched in the same way as the search used for children resident at the PDA (see paragraphs 51-55). The centre has the right to refuse entry if the accompanying adult will not permit the search or will not cooperate to establish the source of any alarm.

57. All visitors have a right to be searched by a member of staff of the same gender should they so wish.
58. In accordance with DSO 04-2012 Visits and Visitors, if there is evidence or intelligence to suggest that a visitor is attempting to bring an illicit item into the centre, then admission may be refused and/or the police advised. Where access is refused, a record of the reasons must be kept, an SIR completed and both the HO Manager and Detention and Escorting Security Team must be informed.
59. Visitors should only be asked to remove religious headwear if there is an alarm that cannot be accounted for or if there is suspicion of concealed items. This must be done in private and by officers of the same sex as the visitor. An officer should not attempt to unwind or remove headwear. The visitor must be given the opportunity to remove or unwind it themselves. Following the removal of headwear, the person must be given the opportunity to use a mirror, and to have privacy and time to put it back on.
60. Some female visitors, particularly those of the Muslim faith, may wear veils or other face coverings for religious reasons. They must not be made to uncover their faces or hair in public or in front of a man as this could cause serious offence and distress. When required for security or identification purposes, the removal of the veil or face covering must be done in private with only female staff present.
61. Sikh visitors are not allowed to wear their Kirpan inside the centre (unless they are a minister of religion or legal adviser, see below). Restrictions on visitors wearing Kirpans should be publicised in an appropriate notice and in the visitors' centre.
62. Care must be taken that search dogs do not touch a visitor whose religious beliefs would make this offensive to them.

### **Visiting religious ministers and legal advisors**

63. Ministers and legal advisors are subject to search but must be treated as official visitors. Refusal on their part to allow a proper search should normally mean that they are refused entry. The manager of religious affairs (or equivalent) should be advised of any refusal of visiting ministers and the centre manager or duty manager must be consulted before any such visitors are refused. Where access is refused, a record of the reasons must be kept, an SIR completed and both the HOIE Immigration Manager and Detention and Escorting Security Team must be informed.
64. A Sikh minister may wear a Kirpan (a small religious knife) within the centre. This policy applies to both a Sikh minister appointed to the centre and any other visiting Sikh minister. The Kirpan must be small (not more than approximately six inches or 15cm long including the handle). Large Kirpans are not acceptable. The Kirpan must be secured to the body under clothing. Gate/security staff should confirm that the Kirpan is being carried when the Sikh minister enters and leaves the centre. If a Sikh minister is required to remove his Kirpan as part of the search he must be allowed to

do so in private and it should not be handled by anyone apart from the Sikh minister. He should be allowed privacy to put the Kirpan back on.

65. A Sikh legal adviser may be allowed to wear a Kirpan when visiting a detainee in a designated visits area, subject to risk assessment. Restrictions to the type of Kirpan and to the search procedures are as set out in paragraph 63 above. Gate/security staff should confirm that the Kirpan is being carried when the legal adviser enters and leaves the centre.
66. Rule 2 of the Detention Centre Rules 2001 (SI 238/2001) defines 'legal advisers' in relation to a detained person as his/her "counsel, representative or solicitor, and includes a clerk acting on behalf of his/her solicitor". 'Legal adviser' is defined in the Short-term Holding Facility Rules 2018 as "a detained person's counsel, representative or solicitor, and includes a clerk acting on behalf of that solicitor;"

## Centre staff

67. All centre staff, including PDT and Compliance staff, are liable to a random search in accordance with the searching procedures of each centre, as agreed by the Compliance Team Delivery Manager. This may include a level A or level B rub down search. Female staff must only be searched by other female staff. **On no account may a member of staff be subjected to a full search.** If there is evidence or intelligence to suggest that a member of staff is attempting to bring an illicit item into the centre then the police may be requested to attend. A record must be kept of all searches of staff together with the outcome.
68. Sikh members of staff are not allowed to wear their Kirpan inside the centre.
69. Independent Monitoring Board (IMB) members should be treated in the same way as centre staff.

## Vehicles

70. All vehicles must be searched on entry to and exit from the centre in line with the local searching policy.

## Mail

71. All parcels sent in for detainees/residents will be checked using an X-ray machine (where available) prior to being issued to the detainee. If the X-ray indicates that the parcel may contain a prohibited item, the DCO should open the parcel in the presence of the detainee and explain to the detainee the reason(s) why this is necessary.
72. Where an X-ray machine is not available but there is nevertheless reasonable cause to believe a parcel may contain a prohibited item, a DCO will open the parcel in the presence of the detainee, explaining the reason(s) why.

73. Letters for detainees will be scanned using a HHMD and/or an X-ray machine prior to being handed unopened to the detainee. If the HHMD or the X-ray indicates that the letter may contain a prohibited item, a DCO should open the letter in the presence of the detainee and explain to the detainee the reason(s) why this is necessary.
74. Where there is sufficient intelligence to suggest that a detainee may be receiving prohibited items through the post, a DCO will open the parcel or letter in the presence of the detainee and explain to the detainee the reason(s) why this is necessary

## Revision History

Review date	Reviewed by	Review outcome	Next review
Dec 2014	Detention Policy	Outdated terms replaced; provision concerning legal advisers and Kirpans added.	Dec 2016
July 2018	Jose Domingos	General update to reflect the new searching powers of IA2016	July 2020