



**Policy name:** Searching Policy Framework

**Reference:** N/A

**Re-issue Date:** 15 July 2024

**Implementation Date:** 3 January 2023

**Replaces the following documents (e.g., PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:**

- PSI 07/2016 Searching of the Person, PSI 09/2016 Cell Area and Vehicle Searching and PSI 19/2011 Searching of Prisoners' Stored Property
- Service Specification Cell, Area Searching, Gate Services 5-7, Conduct Visits<sup>17</sup>, Security Management 11-13.

**Introduces amendments to the following documents:** Release on Temporary Licence Policy Framework, Use of X-Ray Body Scanners (Adult Male Prisons).

The powers to search property in the Prison Rules and YOI Rules do not apply to places outside of prison, specifically work and education. In respect of searching prisoner property that may be held in an education/work area external to the establishment, this policy introduces amendments to the ROTL policy framework.

**Action required by:**

x	HMPPS HQ	x	Governors
x	Public Sector Prisons	x	Heads of Group
x	Contracted Prisons		The Probation Service
x	Under 18 Young Offender Institutions		Other providers of Probation and Community Services
	HMPPS Rehabilitation Contract Services Team		

**Mandatory Actions:** All groups referenced above must adhere to the requirements section of this policy framework, which contains all mandatory actions.

**For Information:** By the implementation date Governors<sup>1</sup> of public sector prisons and contracted prisons must ensure that their local procedures do not contain the following: references to PSI 07/2016 Searching of the Person and PSI 09/2016 Cell Area and Vehicle Searching

Governors must ensure that any new local policies they develop as a result of this policy framework are compliant with relevant legislation, including the Public Sector Equality Duty (s 149 Equality Act, 2010).

Section 6 of the policy framework contains guidance to implement the mandatory requirements set out in section 4 of this policy framework. Whilst it will not be mandatory to follow what is set out in

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<sup>1</sup> In this document the term Governor also applies to Directors of Contracted Prisons.

this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

Annexes A-T follow on from section 4 of this policy framework and set out mandatory requirements.

Annexes 1-22 contain guidance to implement the mandatory requirements set out in section 4 of this policy framework and annexes A-T.

The use of the acronym 'LSS' throughout this policy refers to the Local Security Strategy. The LSS outlines procedures and processes for all aspects of security within a prison. It should align to the NSF in terms of its layout and legislative content however it is specific to the identified risks within the establishment in addition to maintaining overall physical and procedural security.

The use of the acronym 'LSP' throughout this policy refers to the Local Searching Policy. These are policies specific to arrangements and procedures for that establishment e.g. searching, visits, ROTL.

Use of the word 'cell' throughout this policy refers to single and multi-occupancy cellular accommodation, dormitories and wards on residential units, health care centres and segregation units, and mother and baby rooms, i.e., all sleeping accommodation and occupants.

The word 'area' as used in this policy is defined as part of the building or grounds of an establishment that has a distinct boundary and activity that takes place within it. For example, the gymnasium including all stores and recesses.

The use of the word 'unauthorised' in this policy in relation to items means items which the person is not authorised by the Governor to have in possession and could lead to disciplinary action.

The use of the word 'illicit' in this policy in relation to items means items for which it is a criminal offence to have in possession and could lead to prosecution.

The use of the word 'find' in this policy relates to the discovery of an illicit or unauthorised item during a search procedure.

The use of the word IC (in charge) Governor in this policy relates to the highest ranking Governor present in the establishment.

**How will this policy framework be audited or monitored:** In public sector prisons, Prison Group Directors (PGDs) will monitor compliance with requirements set out within the policy framework in their prisons using the auditing and monitoring tools described in this framework.

In contracted prisons monitoring of compliance will be through the standard contract management processes.

Health and Safety (H&S) assurance and monitoring for public sector prisons is undertaken through H&S monitoring and assurance within the H&S function, using the H&S audit and reporting tool compliance checklist. The H&S processes may be different for contracted prisons and therefore, contracted prisons must have their own H&S arrangements which ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees.

Quality assurance for public sector prisons and contracted prisons is provided by HMPPS Operational and Systems Assurance Group (OSAG) through the security audit.

Mandatory elements of instructions should be subject to management checks (and may be subject to self or peer audit by operational line management), as judged to be appropriate by the managers with responsibility for delivery.

**Resource Impact:** There will be some resource implications for establishments in the completion of a local risk assessment to inform searching procedures locally and in updating Local Security Strategies (LSS) to ensure that they are in line with the requirements set out in this framework. Once establishments have updated their LSS, resource implication is not expected to be any different to current requirements.

There will be an additional resource relating to the requirement to review search records within security departments. The review is required quarterly, and the impact should be negligible.

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**Deputy/Group Director sign-off:** Andy Rogers

**Approved by OPS for publication:** Sarah Coccia and Ian Barrow, Co-Chairs, Operational Policy Sub-Board, August 2022

**Revisions:**

<b>Date</b>	<b>Changes</b>
27 April 2023	Changes to wording around searching of the person. The clarifications are contained in the Policy Framework and Annexes 4, 4a and D.
6 July 2023	Additional information document embedded into Annex Q which offers further information on checking smoke detectors.
28 Sept 2023	Changes made to Annex D,E, F, H and I
20 November 2023	Changes made to Guidance Annex 21
19 February 2024	Page 1 amended to show PSI 19/2011 has been cancelled as a result of this Policy Framework
15 July 2024	Amendment to Annex 7

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## 1. **PURPOSE**

- 1.1 The searching policy framework supports prisons by providing the searching requirements and guidance needed to maintain high levels of security and maintain a secure and stable environment for staff and prisoners. It applies to all public and contracted out prisons, and all parts of all categories of prisons and young offender institutions.
- 1.2 Searching is a key procedure in preventing escape/abscond and conveyance of illicit items. The searching policy framework:
- Links to the Conveyance policy framework, Escape/Abscond policy framework and the Communications policy framework and provides searching requirements to support them.
  - Empowers prison staff to identify and manage their own security risks,
  - Provides greater focus on effective risk management over prescribed behaviours and actions.
  - Is applicable to different prison types, categories, and prisoner cohorts.
  - Provides guidance that explain tasks in a clear and concise manner.
- 1.3 The searching policy framework sets out the mandatory requirements that all establishments are expected to adhere to and provides guidance on searching procedures to assist establishments. This framework is applicable to all prison establishments. For high security prisons, this framework should be read in conjunction with the searching instructions and guidelines in the Category A instructions (PSI 33/2014 & PSI 08/2013) in the National Security Framework (NSF).
- 1.4 Adherence to this policy framework will ensure that searching regimes are compliant with the relevant pieces of legislation. Unlawful searches may result in legal action. It is therefore imperative that all prisons comply with the requirements set out in this document.
- 1.5 Whilst it is important to ensure that all security procedures are conducted appropriately and take into consideration the safety of prisoners, staff and members of the public, we must always remember to do this alongside a rehabilitative culture. A rehabilitative culture incorporates all aspects of our culture being safe, decent, hopeful, and optimistic about stopping offending. This policy framework has been written in a way that supports the integration of security and rehabilitative cultures where searching procedures are proportionate and balanced against maintaining effective security. See guidance for further information on rehabilitative culture and procedural justice.
- 1.6 Searching levels include full search (removal of clothing and visual observations), rub down searches (removal of outer clothing only, contact search over clothing and visual observations) and the use of technical aids to assist searching procedures (metal detectors and scanners). In all incidents of searching, staff should model the principles of procedural justice by:
- Explaining what is happening and why, and giving people the chance to talk confidentially.
  - Being clear that searching is about keeping people safe.
  - Empathising and being understanding about how it feels to be searched.
  - Making a point of taking good care of people's possessions and leaving rooms tidy.

## **2. EVIDENCE**

- 2.1 HMPPS is responsible for protecting prisoners, those working in or visiting prisons, as well as the public, by taking steps to prevent the importation and supply of drugs and other illicit items into prisons.
- 2.2 There is widespread understanding that some prisoners attempt to intentionally undermine HMPPS's security searching methodologies by hiding unauthorised and illicit items on their bodies and in their clothing. National media outlets often report that dangerous and illegal drugs and other items are conveyed into prisons using this method of concealment. Evidence shows that illicit items are routinely conveyed into establishments. Searching of the person, cells, vehicles, external areas and internal buildings/common areas alongside the use of technical aids has been identified as effective in both preventing and identifying these routes of conveyance. In the 12 months to March 2021, searching conducted in the prison estate resulted in 20,295 drug finds, 8,793 mobile phone finds, 3,991 SIM card finds and 7,178 weapon finds<sup>2</sup>. This shows how vital it is that searching is carried out safely and effectively, to reduce the number of illicit items conveyed into the estate and create a safer and more secure environment for rehabilitation.
- 2.3 HMPPS is responsible for protecting the public from escapes and absconds and the use of effective searching methods both disrupts and deters attempts to escape custody by identifying contraband that may assist any such attempts.
- 2.4 A lack of searching can lead to an increase in the conveyance of illicit items into the prison estate. This can create a trade of illicit items, where vulnerable people are coerced into committing additional criminality in prison due to debt, or the failure to pay often leads to physical violence. This violence has a toxic and corrosive impact on institutional culture and negatively impacts on prisoners' perception of safety<sup>3</sup>. It is therefore imperative that the flow of illicit items into prisons is reduced through effective searching of people, cells, areas and vehicles.

## **3. OUTCOMES**

- 3.1 The Searching Policy Framework, guidance and annexes set expectations for the lawful and effective procedures in place for the searching of prisoners, visitors and staff, cells vehicles and prison areas. This can be measured against the following:
- Crime is detected and deterred.
  - The number of illicit and unauthorised articles present in establishments is reduced.
  - Searching contributes to a safe, secure and decent environment by being proportionate to the risk assessed.
  - Threats to the security, order and control of the establishment are detected and deterred.
  - Harm to self and others is reduced.
  - Security management systems, practice and governance meets equalities responsibilities, duty of care and human rights obligations and priorities.
  - Searching decisions are made using a risk assessment process to identify and manage local risks.
  - Full searching decisions are justified and defensible and routinely reviewed.

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<sup>2</sup> [HMPPS Annual Digest 2020/21 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/94444/hmppps-annual-digest-2020-21.pdf)

<sup>3</sup> [PCCs-present-plan-to-government-to-tackle-organised-crime-in-prisons.pdf \(warwickshire-pcc.gov.uk\)](https://www.warwickshire-pcc.gov.uk/media/1234567/pccs-present-plan-to-government-to-tackle-organised-crime-in-prisons.pdf)



## 4. **REQUIREMENTS**

### 4.1 **RISK ASSESSMENT**

4.1.1 The Local Security Strategy (LSS) will need to include a process that identifies and outlines the searching requirements for the establishment via an assessment of risk. This assessment must be undertaken/reviewed annually as a minimum and in addition, whenever risks are perceived to have changed significantly. Levels of all searches must be agreed by the Governor and Prison Group Director (PGD), to form part of Local Searching Policies (LSP). See **guidance** for further information on the risk assessment process.

### 4.2 **LOCAL SEARCHING POLICY**

4.2.1 Every establishment must have a process whereby the contents of the LSS in relation to searching are made available to staff, visitors and prisoners. This is usually undertaken as part of an establishment's Local Searching Policy (LSP), which is documented and agreed between the Governor and PGD. Establishments must ensure that their LSP is effective and addresses current threats.

4.2.2 LSPs must be based upon a realistic appreciation of what is necessary and what is possible and documented within the LSS. See **guidance** for instructions on completing the LSP.

4.2.3 The LSP must be made available to staff, visitors, and prisoners in respect of how it applies to them. Guidance on searching procedures must be displayed prominently including within visitors' centres and all searching areas within visits. Establishments must consider effective communication of the LSP for all individuals who are non-English speaking, vision impaired and those with learning difficulties/disabilities and individuals who are neuro diverse. See **guidance** for further information.

4.2.4 All searching of the person procedures contained within this policy framework must be adhered to within the LSP.

### 4.3 **RECORD KEEPING**

4.3.1 Arrangements must be in place for keeping records/a log of finds resulting from any area, vehicle, building, cell, and person search. All cell searches must be recorded, and establishments must also consider record keeping for other searches to include vehicles, buildings and areas. On completion of a search which results in a find, staff must ensure that search records are updated. See **guidance** for template searching checklist.

4.3.2 As a minimum, records must be kept of all intelligence led searches. Records must be kept in these circumstances irrespective of whether or not an item is found during the search. This will include pre-planned (based on intelligence) and reactive (based on immediate suspicion from observations or behaviour). See section **4.9** for intelligence led searching.

4.3.3 Records must detail as a minimum (see **guidance** for template)

- why,
- when,
- where the full search was conducted,
- who conducted the search,
- any other relevant information (for example search involving a squat or any instance where staff have deviated from policy and the justifiable reasons for doing so).

4.3.4 Records must also be kept in cases where an additional procedure took place as part of a search (to include any visual search of an intimate area, searches involving a squat or use of force). These records must indicate why the additional procedure was used, any items

found and any relevant information about the conduct of the search. See section 4.11 for further details on search involving a squat procedures and section 4.12 for intimate searches.

- 4.3.5 Full searches under restraint must also be recorded on the use of force report form. These types of searches should only be conducted in exceptional circumstances in accordance with [use of force in prisons: PSO 1600](#) and section 4.13. Records of searching must also be updated.
- 4.3.6 Records of intelligence-led searching must be kept locally by the establishment irrespective of the person who undertakes the search and completes the paperwork. If the individual(s) undertaking the search are from a national or regional search team, the requirement to retain the details of the search remains with the establishment.
- 4.3.7 Staff are not expected to sign for searches immediately and operational procedures may prevent this, for example, moving onto another duty, however there must be a local process in place to ensure all intelligence led full searches are captured and recorded. This must be outlined in the LSS.
- 4.3.8 There must be a system in place for managers to review searching records and address any potential bias identified. The review must focus on the reasons, justification, and outcomes of full searches and any additional procedures. The review must be documented and discussed at the security committee meeting. As a minimum this review should be quarterly. See **guidance** for further information.
- 4.3.9 Records of searching and reviews must be retained for audit purposes in line with [records information management policy: PSI 04/2018](#).
- 4.3.10 An Intelligence Report (IR) must be submitted when an illicit or unauthorised item is found as part of any search or when any damage is found to the fabric of a cell or building. Any find must be recorded on the Incident Reporting System (IRS). Establishments must also consider the use of adjudication procedures. See [prison adjudications policy: PSI 05/2018](#).
- 4.3.11 In some instances, a local risk assessment will be completed to determine the level of search. Where the LSS and/or risk assessment directs 100% routine full searching (for example 100% full search after visits, intelligence led cell searching, or on location to segregation) the justification must be set out as part of the risk assessment and documented on the LSS. The risk assessments must be recorded and retained.

## 4.4 SEARCHING POWERS AND AUTHORITY

### Prisoners

- 4.4.1 [Prison Rule 41 of The Prison Rules 1999](#) and YOI Rule 46 [YOI Rule 46 of The Young Offender Institution Rules 2000](#) are the main statutory provision governing when and how prisoners are to be searched. It provides that,
- Every prisoner shall be searched when taken into custody by an officer, on reception into a prison and subsequently as the Governor thinks necessary or as the Secretary of State may direct.
  - A prisoner shall be searched in as seemly a manner as is consistent with discovering anything concealed.
  - No prisoner shall be stripped and searched in the sight of another prisoner, or in the sight of a person of the opposite sex.

## Visitors, Staff and Contractors

4.4.2 [Prison Rule 71 of The Prison Rules 1999](#) and [YOI Rule 75 of The Young Offender Institution Rules 2000](#) are the main statutory provision governing when and how any person entering or leaving a prison may be searched. It provides that,

- Any person or vehicle entering or leaving a prison/YOI may be stopped, examined and searched.
- Any such search of a person shall be carried out in as seemly a manner as is consistent with discovering anything concealed about the person or their belongings.
- The Governor may direct the removal from a prison/YOI of any person who does not leave on being required to do so.

## Staff Search

4.4.3 [Prison Rule 64 of The Prison Rules 1999](#) and [YOI Rule 69 of The Young Offender Institution Rules 2000](#) provides that,

- An officer shall submit himself to be searched in the prison if the Governor so directs.
- Any such search shall be conducted in as seemly a manner as is consistent with discovering anything concealed.

## Powers of Prison Officers

4.4.4 [Section 8 of the Prison Act 1952](#) provides that,

- Every prison officer while acting as such shall have all the powers, authority, protection, and privileges of a constable.

4.4.5 Powers relating to officers searching prisoners on escort:

- [Section 89 of the Criminal Justice Act 1991](#) defines a 'prisoner custody officer' (PCO) as someone certified as approved by the Secretary of State for the purpose of performing (and accordingly authorised to perform) escort functions or custodial duties or both.
- As to searching powers, [Section 82\(1\)](#) grants PCOs the power 'to search in accordance with rules made by the Secretary of State any prisoner for whose delivery or custody he is responsible' whilst acting in pursuance of prisoner escort arrangements.
- [The Prisoner Escorts Rules 1993](#) permit searching by the PCO 'when it appears necessary to do so in the interests of security, good order or discipline', 'in as seemly a manner as is consistent with discovering anything concealed', but a prisoner shall not 'be searched when he is exposed to public observation unless it appears to an officer that that is necessary', or 'be stripped and searched in the sight of any person other than the officers who are present during the search'.
- As to restricting access to unauthorised items, [Section 83\(2\)](#) sets out that for the purposes of disciplinary offences, the prisoner shall be deemed to have been in the custody of the governor/director of the prison at all times during the period for which the prisoner custody officer was responsible for them. [Section 83\(3\)](#) sets out that in the case of any breach by the prisoner at any time during that period of the disciplinary offences, a disciplinary charge may be laid against him by the PCO.

4.4.6 [Section 86 of the Criminal Justice Act 1991](#) extends search powers to PCOs at private prisons;

- In accordance with section 86 of the Criminal Justice Act 1991, prisoner custody officers in private prisons may search, in accordance with prison rules, any prisoner and any person who is in, or seeking entry to, the contracted-out prison;
- and
- In accordance with [section 82 of the Criminal Justice Act 1991](#) escort PCOs may search, in accordance with rules made by the Secretary of State, any prisoner whose custody they are responsible for and any person in, or seeking entry to, any place where the prisoner is to be held) and any article in that person's possession.

4.4.7 [Section 8A of the Prison Act 1952](#) specifies the specific powers of search by authorised persons. The effect of section 8A is that a person working at a prison (as well as those who are direct employees of HMPPS) can be authorised to conduct a rub down search of a prisoner.

4.4.8 An authorised person is a person who;

- is working at a prison (including employees or contractors);
- or
- has been authorised by the Governor or Director to conduct searches.

4.4.9 Governors should authorise the following categories of staff:

- Prison officers and operational managers
- Prisoner custody officers
- Instructional officers
- Stores staff
- Catering staff
- Agricultural and horticultural craftsmen
- Operational Support Grades (OSG)

4.4.10 The Governor of a prison must take appropriate steps to notify prisoners of the categories of staff who are authorised to exercise the Section 8A search powers.

4.4.11 [Section 8A of the Prison Act 1952](#) provides,

- 1) An authorised person at a prison shall have the power to search any prisoner for the purpose of ascertaining whether he has any unauthorised property on his person.
- 2) An authorised person searching a prisoner by virtue of this section;
  - a. shall not be entitled to require a prisoner to remove any of his clothing other than an outer coat, jacket, headgear, gloves and footwear;
  - b. may use reasonable force where necessary; and
  - c. may seize and detain any unauthorised property found on the prisoner in the course of the search.
- 3) In this section "unauthorised property", in relation to a prisoner, means property which the prisoner is not authorised by prison rules or by the Governor to have in his possession or, as the case may be, in his possession in a particular part of the prison.

## 4.5 POWERS OF ARREST

### Power of a Constable

4.5.1 Prison Act 1952 section 8 provides that every prison officer while acting as such shall have all the powers, authority, protection, and privileges of a constable. Lack of knowledge and training can lead to incorrect procedures being applied by prison staff. Prison officers exercising powers of arrest should receive the same training as police officers. In all but exceptional circumstances, the best course of action is to contact the police to attend any situation where an arrest is being considered or required.

4.5.2 Arrest powers must only be exercised in accordance with the [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice](#), and staff must be familiar with these when applying them. PACE codes C, G and H are relevant.

4.5.3 Arrangements must be made for an arrested person to be taken to a police station as soon as possible.

#### **PACE Code G (Revised code of practice for the statutory power of arrest by police officers)**

4.5.4 [PACE Code G](#) deals with the statutory power of police to arrest a person who is involved, or suspected of being involved, in a criminal offence. The power of arrest must be used fairly, responsibly, with respect for people suspected of committing offences and without unlawful discrimination.

4.5.5 The exercise of the power of arrest represents an obvious and significant interference with the Right to Liberty and Security under Article 5 ECHR. The use of the power must be fully justified and officers exercising the power should consider if the necessary objectives can be met by other, less intrusive means. Absence of justification for exercising the power of arrest may lead to challenges should the case proceed to court.

#### **Elements of Arrest under section 24 PACE**

4.5.6 Section 24 of the Police and Criminal Evidence Act 1984 (as substituted by section 110 of the Serious Organised Crime and Police Act 2005) provides the statutory power for a constable to arrest without warrant for all offences. If the provisions of the Act and this Code are not observed, both the arrest and the conduct of any subsequent investigation may be open to question.

4.5.7 A constable may arrest without warrant in relation to any offence:

- Anyone who is about to commit an offence or is in the act of committing an offence.
- Anyone whom the officer has reasonable grounds for suspecting is about to commit an offence or to be committing an offence.
- Anyone whom the officer has reasonable grounds to suspect of being guilty of an offence which he or she has reasonable grounds for suspecting has been committed.
- Anyone who is guilty of an offence which has been committed or anyone whom the officer has reasonable grounds for suspecting to be guilty of that offence.

4.5.8 There must be some reasonable, objective grounds for the suspicion, based on known facts and information which are relevant to the likelihood the offence has been committed and the person liable to arrest committed it.

4.5.9 The constable must **also** have reasonable grounds for believing that it is necessary to arrest the person for one of the below reasons:

- a) to enable the name or address of the person in question to be ascertained.
- b) to prevent the person in question causing physical injury to himself or any other person, or damaging property.
- c) to protect a child or other vulnerable person from the person in question.
- d) to allow the prompt and effective investigation of the offence or of the conduct of the person in question.
- e) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.

4.5.10 The arrested person must be informed that they have been arrested, even if this fact is obvious, and of the relevant circumstances of the arrest, the constable should outline the

facts, information and other circumstances which provide the grounds for believing that their arrest is necessary and which the officer considers satisfy one or more of the above reasons.

### **Arrest Caution**

4.5.11 A person who is arrested must be cautioned unless it is impracticable to do so by reason of their condition or behaviour at the time. The caution, which must be given on arrest, should be in the following terms:

“You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence.”

4.5.12 Any response must be written down, it must be explained to the person that no questioning by prison staff will occur, and they must remain until the police arrive. See the Code of Practice for the detention, treatment and questioning of persons by Police Officers, [PACE Code C](#) and [PACE Code H](#), revised code of practice in connection with detention, treatment and questioning by police officers under the Terrorism Act 2000.

### **Use of Force**

4.5.13 Section 117 Police and Criminal Evidence Act (PACE) permits the use of reasonable force in exercising any power under PACE unless it specifically requires the consent of a person who is not a Police Officer.

## **MINIMUM REQUIREMENTS FOR SEARCHING OF PRISONERS AND INTELLIGENCE LED SEARCHING**

### **4.6 REQUIREMENTS FOR SEARCHING OF ALL PRISONERS IN THE WOMEN’S ESTATE**

4.6.1 Procedures for the searching of prisoners in the women’s estate must be set out in the LSS and carried out in accordance with **4.6.5** and searching procedures:

- [Annex D](#) Full search (Level 1 and Level 2) women’s estate
- [Annex E](#) Level A search female
- **Annex F** Level B search female

4.6.2 Prisoners in the women’s estate must not be full searched as a matter of routine but only on intelligence or reasonable suspicion that an item is being concealed on the person which may be revealed by the search, see **4.10.2**.

4.6.3 Prisoners with female reproductive organs must not be scanned using an x-ray body scanner in accordance with the [use of x-ray body scanners \(adult male prisons\) policy framework](#).

4.6.4 Prisoners in the women’s estate must only be searched by female staff. See [Annex A](#) for transgender considerations. In addition, no prisoner will be full searched in the sight of another prisoner, or in the sight of other staff not undertaking the search.

4.6.5 Searching requirements for prisoners in the **Women’s Estate** to include women in YOIs are included in the table below. The minimum search detailed is the level of search that should be applied in that situation. Establishments can decide to undertake a more detailed search based on intelligence and/or observations. In practice this means that if an establishment directed a full search based on intelligence and reasonable suspicion that the prisoner was concealing an item, there is no requirement to undertake the rub down search with

handheld metal detector first if the item would not be revealed by a rub down search with handheld metal detector. It must be noted that establishments cannot direct a Level 2 full search only. Level 2 is not a search in itself but is an extension of a full search (Level 1) to be applied when required via intelligence or reasonable suspicion.

4.6.6 Reasons for the search must be explained to the prisoner before it begins.

WOMEN'S ESTATE (TO INCLUDE YOUNG PEOPLE)	SEARCH REQUIREMENT
<p><b>INITIAL RECEPTION</b> - on initial reception to prison.</p> <p>(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)</p>	<p>E list prisoners - prisoners must be individually risk-assessed; the minimum requirement is a level A rub down search and handheld metal detector scan.</p> <p>All other prisoners - level A rub down search and handheld metal detector scan is the minimum requirement.</p>
<p><b>RECEPTION TRANSFER</b> - transfer in from another prison.</p> <p>(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)</p>	<p>E list prisoners - prisoners must be individually risk-assessed; the minimum requirement is level B rub down search and handheld metal detector scan.</p> <p>All other prisoners - level B rub down search and handheld metal detector scan is the minimum requirement.</p>
<p><b>RECEPTION RETURN</b> - on return from ROTL or outside working party – Closed Prisons</p>	<p>Level A rub down search and handheld metal detector scan is the minimum requirement.</p>
<p><b>RECEPTION RETURN</b> - on reception on return from ROTL or outside working party – Open Prisons</p>	<p>Risk assessment must be conducted to determine local searching response.</p>
<p><b>RECEPTION RETURN</b> - returns with non-prison escorts (e.g., police, UKVI (UK Visas and Immigration) PEMS, other law enforcement agencies but does not include inter-prison transfers</p>	<p>E list prisoners - prisoners must be individually risk-assessed; the minimum requirement is level A rub down search and handheld metal detector scan.</p> <p>All other prisoners - level A rub down search and handheld metal</p>

WOMEN'S ESTATE (TO INCLUDE YOUNG PEOPLE)	SEARCH REQUIREMENT
	detector scan is the minimum requirement.
<b>RECEPTION RETURN</b> - returns from prison escorts (e.g., hospital escorts).	Risk assessment must be conducted to determine local searching response.
<b>RECEPTION DISCHARGE</b> - on discharge on transferring to another prison.  (In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)	E list prisoners - prisoners must be individually risk-assessed; the minimum requirement is level A rub down search and handheld metal detector scan.  All other prisoners - level A rub down search and handheld metal detector scan is the minimum requirement.
<b>RECEPTION DISCHARGE</b> - on final discharge and discharge for ROTL.	Risk assessment must be conducted to determine local searching response.
<b>CELL SEARCH</b>	E list prisoners - prisoners must be individually risk-assessed; the minimum requirement is level A rub down search and handheld metal detector scan.  All other prisoners - level A rub down search and handheld metal detector scan is the minimum requirement.
<b>FOLLOWING VISITS</b> - closed prisons.	E list prisoners - prisoners must be individually risk-assessed; the minimum requirement is level A rub down search and handheld metal detector scan.  All other prisoners - level A rub down search and handheld metal detector scan is the minimum requirement.



WOMEN'S ESTATE (TO INCLUDE YOUNG PEOPLE)	SEARCH REQUIREMENT
FOLLOWING VISITS - open prisons.	Risk assessment must be conducted to determine local searching response.
<b>FOLLOWING WORK, ACTIVITIES &amp; TRAINING</b> (Locally agreed arrangements must be in place for the searching of prisoners leaving workshops and activity areas)	Risk assessment must be conducted to determine local searching response.
<b>ALL CIRCUMSTANCES RESTRICTED STATUS PRISONERS</b>	Risk assessment must be conducted to determine local searching response.
<b>MOTHER &amp; BABY UNITS</b>	Mothers and babies may be given a basic or detailed search on entry to mother and baby units, in accordance with the LSS (see Annex J for further information on basic and detailed searches).

#### 4.7 REQUIREMENTS FOR SEARCHING OF PRISONERS IN THE MEN'S ESTATE

4.7.1 Procedures for the searching of prisoners in the men's estate must be set out in the LSS and carried out in accordance with sections **4.7.6, 4.7.7 and 4.7.8** and the searching procedures at:

- **Annex C** Search involving a squat, (suspicion or intelligence only, see **4.9.1**)
- **Annex G** Full search men's estate
- **Annex H** Level A search male
- **Annex I** Level B search male

4.7.2 Prisoners in the men's estate may be rub down searched by male or female staff but must only be full searched by male prison officers. See **guidance** for transgender considerations. In addition, no prisoner will be full searched in the sight of another prisoner, a member of the opposite sex or in the sight of other staff not undertaking the search.

4.7.3 Where a female member of staff objects to rub down searching a male prisoner, managers must make reasonable adjustments to ensure that they do not have to carry out the search. It is usual for female members of staff to rub down search males unless the man has a genuine religious or cultural objection to this.

4.7.4 Reasons for the search must be explained to the prisoner before it begins.

#### **Refusals by Prisoners in the Men's Estate to a Level A/B search by Female Staff**

4.7.5 Exemptions for prisoners in the men's estate will only be permitted when the prisoner has genuine grounds for objecting to being searched by a female member of staff, (see **guidance**).

- 4.7.6 When are objections are raised about being searched by members of the opposite sex on religious or philosophical beliefs, these must be referred to the managing chaplain and relevant faith chaplain or, where necessary, to chaplaincy HQ where advice can be obtained from the national faith adviser for that religion.
- 4.7.7 Searching requirements for **Men's Closed Estate** (outside High Security Estate) are detailed in the table below. The minimum search detailed is the level of search that should be applied in that situation. Establishments can decide to undertake a more detailed search based on intelligence and/or observations. In practice this means that if an establishment directed a full search based on intelligence and reasonable suspicion that the prisoner was concealing an item, there is no requirement to undertake a rub down search with handheld metal detector first if the item would not be revealed by a rub down search with handheld metal detector.

MEN'S ESTATE (CLOSED ESTABLISHMENTS)	SEARCH REQUIREMENT
<p><b>INITIAL RECEPTION</b> - new to establishment and not from another prison.</p> <p>(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)</p>	<p>Full search is the minimum requirement.</p>
<p><b>RECEPTION TRANSFER</b> - transfer in from other prison.</p>	<p><a href="#">Level B search &amp; handheld metal detector scan is the minimum requirement.</a></p>
<p><b>RECEPTION RETURN</b> - return from ROTL or outside working party – Closed Prisons.</p>	<p><a href="#">Full search &amp; handheld metal detector is the minimum requirement.</a></p>
<p><b>RECEPTION RETURN</b> - return from ROTL or outside working party – Open Prisons.</p>	<p>No minimum requirement – local risk assessment will determine level of search.</p>
<p><b>RECEPTION RETURN</b> - returns with non-prison escorts (e.g., police, UKVI (UK Visas and Immigration), PEMS, other law enforcement agencies but does not include inter-prison transfers).</p>	<p><a href="#">Full search is the minimum requirement.</a></p>
<p><b>RECEPTION RETURN</b> - returns with prison escorts (e.g., hospital escorts).</p>	<p>E List prisoners - full search mandated.</p>

MEN'S ESTATE (CLOSED ESTABLISHMENTS)	SEARCH REQUIREMENT
	All other prisoners, local risk assessment will determine level of search.
<b>RECEPTION TRANSFER</b> - all transfers out including to another prison.	Full search by the sending prison is the minimum requirement.
<b>RECEPTION DISCHARGE</b> - on final discharge and discharge for ROTL.	Local risk assessment will determine level of search
<b>CELL SEARCH</b>	<p>E List prisoners - full search mandated.</p> <p>All other prisoners, local risk assessment must be completed to determine whether Level A rub down search with handheld metal detector scan or full search is required.</p>
<p><b>FOLLOWING VISITS</b></p> <p>Prisoners must also be full-searched following visits if there is reasonable suspicion that they are concealing illicit/unauthorised items.</p>	<p>E List prisoners - full search is the minimum requirement.</p> <p>All other prisoners - Level A rub down search and metal detector scan is the minimum requirement after visits.</p> <p>In addition, percentage of prisoners selected at random must be full searched. Local risk assessment will determine this percentage. (The percentage must be able to be justified locally and reviewed, with records kept of the justification and reviews).</p>
<p><b>FOLLOWING WORK, ACTIVITIES AND TRAINING</b></p> <p>Locally agreed arrangements must be in place for the searching of prisoners leaving workshops and activity areas.</p>	<p>E List prisoners - full search is the minimum requirement.</p> <p>All other prisoners - local risk assessment will determine level of search.</p>

MEN'S ESTATE (CLOSED ESTABLISHMENTS)	SEARCH REQUIREMENT
<b>RESTRICTED STATUS PRISONERS – ALL CIRCUMSTANCES</b>	Local risk assessment must be conducted to determine the level of searching required for restricted status prisoners in the men's estate.

4.7.8 Searching requirements for the prisoners in **Men's High Security Estate**

MEN'S ESTATE (HIGH SECURITY)	SEARCH REQUIREMENT
<p><b>RECEPTION</b> - all receptions to prison regardless of reason or escort type.</p> <p>(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)</p>	<p><a href="#">Full search is the minimum requirement in all circumstances.</a></p>
<p><b>DISCHARGE</b> - all discharges from prison regardless of reason.</p> <p>(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)</p>	<p>Full search is the minimum requirement in all circumstances.</p>
<p><b>CELL SEARCH</b></p>	<p>Full search is the minimum requirement in all circumstances.</p>
<p><b>FOLLOWING VISITS</b></p> <p>(Prisoners must be full-searched following visits if there is sufficient reason to believe that they are concealing illicit items.)</p>	<p>E List prisoners - full search is the minimum requirement.</p> <p>High-Risk Category A prisoners in the men's estate must be full searched both prior to and after visit and provided with sterile clothing for the visit duration.</p> <p>Standard Category A prisoners - level A rub down search prior to visit and full search following visit is the minimum requirement.</p> <p>Category B prisoners in High Security, core local prisons and dispersal prisons - level A rub down search minimum requirement prior to visit and after visit and risk-</p>

MEN'S ESTATE (HIGH SECURITY)	SEARCH REQUIREMENT
	assess the need for full searching following visits.
<p><b>FOLLOWING WORK, ACTIVITIES AND TRAINING</b></p> <p>(Locally agreed arrangements must be in place for the searching of prisoners leaving workshops and activity areas.)</p>	<p>E List prisoners - full search is the minimum requirement.</p> <p>All other prisoners - local risk assessment will determine level of search.</p>

#### 4.7.9 Searching requirements of Prisoners in **Men's Open Estate** <sup>4</sup>

MEN'S ESTATE (OPEN PRISON)	SEARCH REQUIREMENT
<p><b>RECEPTION TRANSFER</b> - transfer in from other prison.</p> <p>(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)</p>	Local risk assessment will determine the level of search.
<p><b>RECEPTION RETURN</b> - return from ROTL or outside working party</p> <p>(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)</p>	Local risk assessment will determine the level of search.
<p><b>RECEPTION RETURN</b> - returns with non-prison escorts (e.g., police, UKVI (UK Visas and Immigration), PEMS, other law enforcement agencies but does not include inter-prison transfers.</p>	Local risk assessment will determine the level of search.

<sup>4</sup> **Note** - For prisoners in the men's open estate the risk assessment may decide that no searching is required or searching is intelligence led searching only. This applies throughout the table for all risk assessed searching requirements.

MEN'S ESTATE (OPEN PRISON)	SEARCH REQUIREMENT
<p><b>RECEPTION RETURN</b> - returns with prison escorts (e.g., hospital escorts) - only applicable for prisoners who have recategorised and are awaiting transfer to closed.</p>	<p>Local risk assessment will determine the level of search.</p>
<p><b>RECEPTION TRANSFER</b></p> <p>All transfers to closed prison.</p> <p>Transfers to another open prison.</p>	<p>Full search by the sending prison is the minimum requirement.</p> <p>Local risk assessment will determine level of search on leaving.</p>
<p><b>RECEPTION DISCHARGE</b> - final discharge and discharge for ROTL.</p>	<p>Local risk assessment will determine level of search.</p>
<p><b>ROOM SEARCH</b></p>	<p>Local risk assessment will determine the level of search.</p>
<p><b>FOLLOWING VISITS</b></p> <p>(Prisoners must be full-searched following visits if there is sufficient reason to believe that they are concealing illicit items.)</p>	<p>Local risk assessment will determine whether routine or intelligence led searching should take place. If routine searching is determined, the level of search, (to include any full searches and percentage), is required.</p>
<p><b>FOLLOWING WORK, ACTIVITIES AND TRAINING</b></p>	<p>Intelligence led.</p>
<p><b>RECEPTION TRANSFER</b> - transfer in from other prison.</p> <p>(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)</p>	<p>Local risk assessment will determine the level of search.</p>
<p><b>RECEPTION RETURN</b> - return from ROTL or outside working party.</p>	<p>Local risk assessment will determine the level of search.</p>

MEN'S ESTATE (OPEN PRISON)	SEARCH REQUIREMENT
(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)	

#### 4.8 REQUIREMENT FOR SEARCHING OF CHILDREN AND YOUNG PEOPLE IN THE MEN'S ESTATE

4.8.1 Procedures for the searching of young people in the men's estate must be set out in the LSS and carried out in accordance with section **4.8.2** and,

- **Annex C** Searches involving a squat, (exceptional circumstance only, see **4.11.10**)
- **Annex G** Full search male
- **Annex H** Level A search male
- **Annex I** Level B search male

4.8.2 Searching requirements of prisoners in the **Men's Young People's Estate (YOI)** are detailed in the table below. The minimum search detailed is the level of search that should be applied in that situation. Establishments can decide to undertake a more detailed search based on intelligence and/or observations. In practice this means that if an establishment directed a full search based on intelligence and reasonable suspicion that the prisoner was concealing an item, there is no requirement to undertake a rub down search with handheld metal detector first if the item would not be revealed by a rub down search with handheld metal detector.

4.8.3 Reasons for the search must be explained to the prisoner before it begins.

MEN'S ESTATE (YOUNG PEOPLE - YOI)	SEARCH REQUIREMENT
<p><b>INITIAL RECEPTION</b> - initial reception to prison (new to establishment and not from another prison).</p> <p>(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)</p>	<p>E list &amp; restricted status - level of search must be individually risk-assessed and completed line with RS guidance.</p> <p>All other prisoners - BOSS Chair, level A rub down + handheld metal detector search is the minimum requirement.</p>
<p><b>RECEPTION TRANSFER</b> - transfer in from other prison.</p> <p>(In reception, prisoners who have been searched must be kept apart from other prisoners who have not been searched.)</p>	<p>E list &amp; restricted status - level of search must be individually risk-assessed and completed line with RS guidance.</p> <p>All other prisoners - level B rub down search and handheld metal</p>

MEN'S ESTATE (YOUNG PEOPLE - YOI)	SEARCH REQUIREMENT
	detector scan is the minimum requirement.
<b>RECEPTION RETURN</b> - on return from ROTL or outside working party.	BOSS Chair, Level A rub down + handheld metal detector search is the minimum requirement.
<b>RECEPTION RETURN</b> - returns with non-prison escorts (e.g., police, UKVI (UK Visas and Immigration), other law enforcement agencies but does not include inter-prison transfers in.)	<p>E list &amp; restricted status - level of search must be individually risk-assessed and completed line with RS guidance.</p> <p>All other prisoners - BOSS Chair, Level A rub down + handheld metal detector search is the minimum requirement.</p>
<b>RECEPTION RETURN</b> - returns with prison escorts (e.g., hospital escorts).	<p>E list &amp; restricted status – E list &amp; restricted status - level of search must be individually risk-assessed and completed line with RS guidance.</p> <p>All other prisoners - risk assessment must be conducted to determine local searching response.</p>
<b>RECEPTION TRANSFER</b> - all transfers out including to another prison (but not final/ROTL discharges).	<p>E list &amp; restricted status - level of search must be individually risk-assessed and completed line with RS guidance.</p> <p>All other prisoners - BOSS chair, level A rub down + handheld metal detector search by the sending prison is the minimum requirement.</p>
<b>RECEPTION DISCHARGE</b> - final discharge and discharge for ROTL.	Risk assessment must be conducted to determine local searching response.



MEN'S ESTATE (YOUNG PEOPLE - YOI)	SEARCH REQUIREMENT
<p><b>CELL SEARCH</b></p>	<p>E list &amp; restricted status - level of search must be individually risk-assessed and completed line with RS guidance.</p> <p>Level A rub down search and handheld metal detector scan is the minimum requirement. When a cell search is intelligence led, the justification for a full search must be recorded.</p>
<p><b>FOLLOWING VISITS</b></p> <p>(Children may be full-searched following visits if there is sufficient reason to believe that they are concealing illicit items that pose an immediate risk to safety or security.)</p>	<p>E list &amp; restricted status - level of search must be individually risk-assessed and completed line with RS guidance.</p> <p>All other prisoners - level A rub down search and handheld metal detector scan is the minimum requirement.</p>
<p><b>FOLLOWING WORK, ACTIVITIES &amp; TRAINING</b></p> <p>(Locally agreed arrangements must be in place for the searching of prisoners leaving workshops and activity areas.)</p>	<p>A risk assessment must be conducted locally to determine the level of searching required to include E-list and restricted status prisoners.</p>
<p><b>E LIST &amp; RESTRICTED STATUS GENERALLY -</b> All other areas/circumstances in which a search may be conducted (e.g., to/from exercise, on entry to segregation, other internal movements).</p>	<p>A risk assessment must be conducted locally to determine the level of searching required.</p>

4.8.4 Establishments can carry out more detailed levels of searches (subject to policy requirements) than those detailed in the tables above (sections **4.7 and 4.8**) when there is suspicion or intelligence, see intelligence led searching at section **4.9**. Governors must also consider authorising more detailed levels of searching routinely than those outlined in sections **4.7 and 4.8** if security concerns justify this. Resources for additional searching are expected to be met locally by Governors unless negotiated as part of the specification process with regional management.

#### **4.9 INTELLIGENCE LED SEARCHING**

4.9.1 Staff must have intelligence or reasonable grounds for suspecting that a person is concealing an item before conducting an intelligence led search. Whether there are reasonable grounds must be determined based on the particular circumstances in each case and is in two parts:

- i. Firstly, the officer must have formed a genuine suspicion in their own mind that they will find an unauthorised article  
**and**
- ii. Secondly, the suspicion that the object will be found must be reasonable. This means that there must be an objective basis for that suspicion based on facts, information and/or intelligence which are relevant to the likelihood that the object in question will be found so that a reasonable person would be entitled to reach the same conclusion based on the same facts and information and/or intelligence.

- 4.9.2 Staff must therefore be able to explain the basis for their suspicion by reference to the intelligence system (pre-planned search), or immediate information on observations and behaviour about the person concerned (reactive search). Searching should be carried out in a timely fashion based on risk.
- 4.9.3 Where staff reactively carry out searches on receipt of immediate information, a dynamic risk assessment (see **guidance** for information) must take place to determine the most appropriate search in the circumstances. An intelligence report detailing the reasons and information that led to the suspicion and level of search must be submitted retrospectively. Where practical, verbal authority should be gained for any full search undertaken in these circumstances via an operational manager at Band 5 or above.
- 4.9.4 The authority for a pre-planned full search should be gained via an operational manager at Band 5 or above.
- 4.9.5 The justification for any pre-planned full search and/or search involving a squat as part of intelligence led searching must be documented on the searching records following an assessment of the intelligence.
- 4.9.6 Where a full search and/or including a search involving a squat is completed based on suspicious activity and/or behaviour i.e., reactively, the search must be documented on the searching record and an IR submitted setting out the justification for the search and the authorisation for the search (where applicable).
- 4.9.7 As set out in **4.9.1**, staff must have intelligence or reasonable grounds for suspecting that a person is concealing an item before conducting an intelligence led search. There may be occasions where it is necessary to search a group of prisoners following intelligence of weapons or other risks to safety and security. In these situations, each individual search must be justified according to the level of search applied. It would not be in line with policy to carry out blanket full searches (and/or searches involving a squat) of large numbers of prisoners without intelligence justifying the need to search each individual prisoner.
- 4.9.8 All prisons must carry out intelligence-led searching of cells, areas and people, as appropriate. Most intelligence led searching will be pre-planned and based on an assessment of intelligence.
- 4.9.9 All intelligence led searches must be in accordance with the procedures outlined in the searching procedure annexes.

## **SEARCHING OF THE PERSON**

### **4.10 FULL SEARCHING**

- 4.10.1 When conducting full searches, staff must not deviate from the standard procedures set out in the searching procedure annexes as the search may otherwise be considered unlawful. The individual must never be fully naked during the search. Full searches must be

conducted by two officers of the same sex as the person being searched and the reasons for the search must be explained before it begins.

### **Prisoners in the Women's Estate**

4.10.2 Prisoners in the women's estate must not be full searched as a matter of routine, and they must not be searched in the sight of another prisoner or in the sight of a person of the opposite sex. Section **4.6.5** set out the requirements for searching in the women's estate. Full searches are broken down into Level 1 or Level 1 + Level 2 search.

- Level 1 involves the removal of all the clothing except for the underwear and is the primary full search process to be used.
- Level 1+ 2 involves the removal of the clothing including the underwear.
- Level 2 **is only completed** if, after a level 1 search intelligence, observations and/or reasonable suspicion remains that an item is concealed, (see **4.9** for further guidance on 'reasonable suspicion').

4.10.3 Level 2 of the search is an extension of a full search in the women's estate and can only be applied if the Level 1 search has been completed. The addition of the level 2 search must be explained in advance and a record kept including the justification. See **guidance** for search checklist template for the women's estate.

4.10.4 Clean sanitary wear must be provided where applicable. Level 2 of the full search procedure includes the requirement to remove externally applied sanitary towels. Staff must not remove, or ask the subject to remove, internally fitted tampons or other internal sanitary wear. Staff must be aware if the woman is pregnant, has recently given birth, or is breastfeeding, she may require additional sanitary wear, including breast pads.

4.10.5 Gowns (or similar) must be made available for the search for female prisoners.

### **Prisoners in the Men's Estate**

4.10.6 Procedures for the full searching of prisoners in the men's estate must be set out in the LSS and carried out in accordance with sections **4.7.6 – 4.7.8**. Prisoners in the men's estate must not be full searched in the sight of another prisoner or in the sight of a person of the opposite sex.

### **Children and Young People under 21 in YOI's and STCs.**

4.10.7 Procedures for the searching of children & young people must be set out in the LSS and carried out in accordance with section **4.6.5** for individuals in the women's estate and **4.8.2** for individuals in the men's estate. Children and young people (under 21) must not be full searched as a matter of routine. No young person may be full searched in the sight of another young person or in the sight of a person of the opposite sex.

### **Full Search of Physically Disabled Prisoners and those seriously ill or recovering from major injury or recent surgery (including those who have given birth, experienced termination, or miscarriage)**

4.10.8 Disabled prisoners who cannot stand unaided must not be full searched as a matter of routine. Full searches of a disabled prisoner who cannot stand unaided should only take place where there is intelligence or a reasonable suspicion that the prisoner is concealing items that would pose a threat to the security and/or stability of the establishment or the public and/or link to a criminal offence. Full searching procedures must be modified to ensure the least discomfort or intrusion. They must be offered the chance to sit down during the search, particularly when dressing/undressing

4.10.9 Any medical advice for searching should be recorded and readily available prior to the search of a disabled prisoner (to include individuals who are neuro diverse (see **guidance** for further information). Any part of the search procedure that is clinically unacceptable following medical advice must not be carried out.

4.10.10 If medical advice is not available, alternative measures must be considered. This could include:

- Rub down search with handheld metal detector.
- Review of prisoner location (single occupancy) depending on intelligence of item concealed.
- Secreted items protocol (where applicable).
- Use of dogs to aid searching.

### **Full Search Staff and Visitors**

4.10.11 Full searches of both staff and visitors can be carried out under Prison Rule 64 (YOI Rule 69) or Prison Rule 71 (YOI Rule 75) provided that the condition(s) set out in one of the statutory powers listed at **4.10.13 – 4.10.15** is fulfilled.

4.10.12 Prison Act 1952 section 8 provides that every prison officer while acting as such shall have all the powers, authority, protection, and privileges of a constable.

4.10.13 If a constable has reasonable cause to suspect that a person:

- has a firearm (with or without ammunition) in a public place; or
- is committing or about to commit, elsewhere than in a public place:
  - the offence of carrying a firearm or imitation firearm with intent to commit an indictable offence; or
  - the offence of entering a building as a trespasser without reasonable excuse whilst having a firearm or imitation firearm with him,

the constable may search that person and may detain him for the purpose of doing so in accordance with [section 47 of the Firearms Act 1968](#)

4.10.14 Under [section 23 of the Misuse of Drugs Act 1971](#), a constable or other person authorised in that behalf who has reasonable grounds to suspect that any person is in possession of a controlled drug (class A, B or C) in contravention of the Act may:

- a. Search that person and detain them for the purpose of searching.
- b. Search any vehicle or vessel in which the constable suspects that the drug may be found.
- c. Seize and detain, for the purposes of proceedings under the Act, anything found in the course of the search which appears to the constable to be evidence of an offence under the Act.

4.10.15 Under [section 32 of the Police and Criminal Evidence Act 1984](#) a constable may:

1. Search an arrested person (see section **4.5** for arrest procedures), in any case where the person to be searched has been arrested at a place other than a police station, if the constable has reasonable grounds for believing that the arrested person may present a danger to himself or others.
2. Search the arrested person, if there is reasonable grounds for believing that the person to be searched may have concealed,
  - (i) something which might be used to assist escape from lawful custody; or
  - (ii) something which might be evidence relating to an offence.

- 4.10.16 The power to search under s32 PACE is only to the extent that is reasonably required for the purpose of discovering any such evidence and the search a person in this circumstance only permits the requiring of a person to remove an outer coat, jacket, or gloves in public in addition to a search of a person's mouth.
- 4.10.17 Any items found during the search under s32 PACE may be seized and retained if;
1. There are reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to any other person;
  2. The item may be used to assist him to escape from lawful custody; or
  3. It is evidence of an offence or has been obtained in consequence of the commission of an offence.
- 4.10.18 Where the use of these powers include using force, they must only be used where the requirements of the relevant legislation and applicable codes of practice are complied with and the prison officer has been trained in the use of these powers. It is preferable that such searches are conducted by the police in all but exceptional circumstance.

### **Process for Full Searching of Visitors**

- 4.10.19 Staff may only full search visitors if;
- i. The IC (in-charge) Governor has authorised the search; and
  - ii. The police cannot attend, or the IC Governor<sup>5</sup> considers any delay in waiting for the police will hinder the purpose of the search.
  - iii. the conditions of one of the statutory powers (**4.10.12 – 4.10.14**) is fulfilled.
- 4.10.20 A full search of a visitor should never be conducted routinely. It is always preferable for full searches of visitors to be conducted by the police. The reasons for a full search must be fully explained to the visitor.
- 4.10.21 The police must always be contacted to attend for any full search of official visitors. Full searches of official visitors must only be undertaken by prison staff in exceptional circumstances where the police are unable to attend, or the Governor IC considers any delay in waiting for the police will hinder the purpose of the search. The decision to full search an official visitor must always be made by the IC Governor.
- 4.10.22 Where a full search is undertaken by prison staff, the following must be considered:
- Location of the search - this must be undertaken in a private room away from other staff and visitors.
  - Staff undertaking the search must be the same sex as the visitor. The sex of the visitor must be verbally confirmed prior to the search. For transgender visitors, please see [Annex A](#).
  - Consideration for the use of a passive drug dogs instead of a full search and/or the use of closed visits, where appropriate.
- 4.10.23 If an illicit item is found during the full search, staff must contact the police to attend and follow the procedures outlined in [Evidence Policy Framework](#) to secure the item.
- 4.10.24 The full search procedure at [Annex B](#) must be followed for visitors when undertaking a full search. Visitors must also be presented with the full search notice and briefing attached at

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<sup>5</sup> IC Governor means the Governor in charge of the establishment on that day. This is normally the Governing Governor or Deputy Governor.

[Annex B \(i\)](#) in addition to the process being explained to them verbally. This must include translations when the visitor is non-English speaking.

4.10.25 Gowns (or similar) must be made available for the search for female visitors.

#### **Process for Full Searching of Staff**

4.10.26 Staff (to include non-directly employed staff) can only be full searched if:

- i. The IC Governor has authorised the search; and
- ii. The police cannot attend, or the IC Governor considers any delay in waiting for the police will hinder the purpose of the search.
- iii. the conditions of one of the statutory powers (**4.10.11 – 4.10.14**) is fulfilled.

4.10.27 Staff **must not** be routinely full searched, dog indications alone are not usually an objective basis on which to undertake a full search, (see **4.9.1**). It is preferable for all full searches of prison staff to be conducted by the police wherever this is possible.

4.10.28 Staff undertaking the full search must be the same sex as the person being searched. For searching of transgender staff, please see **guidance** and [Annex A](#).

4.10.29 Staff who are subject to a full search may request that a friend or trade union official of the same sex is present during the search. Where a member of staff requests that a full search is only undertaken by police, this must be accommodated wherever possible.

4.10.30 The search procedure at [Annex B](#) must be followed when undertaking a full search of a female member of staff.

4.10.31 The member of staff must be presented with the full search notice and briefing attached at [Annex B \(ii\)](#) in addition to the process being explained to them verbally. This must include translations if the member of staff has limited English.

4.10.32 Gowns (or similar) must be made available for the search for female staff.

#### **4.11 SEARCHES INVOLVING A SQUAT**

4.11.1 Staff must analyse the quality and quantity of intelligence before conducting any pre-planned searches involving a squat. The analysis of the intelligence must include an assessment of risk, threat and likelihood that an item will be discovered if the prisoner squats to ensure that the decision to conduct a search involving a squat is defensible and recorded.

##### **Prisoners in Adult Men's Estate**

4.11.2 A search involving a squat must only be carried out as part of an intelligence led full search, see section **4.9** for definition of an intelligence led search.

4.11.3 If there are grounds to suspect that an adult male prisoner has an item hidden in the anal area or hidden in the genital area then a closer visual inspection can be undertaken as part of the full search. All searches involving a squat must be in accordance with the search procedure at [Annex C](#).

4.11.4 Use of force should never be used if a prisoner refuses to squat, see section **4.13.6**.

4.11.5 Instances of internally secreted items, where there is a threat to safety or security must be referred to healthcare. Staff must never remove the item themselves or order the prisoner to remove it.

4.11.6 Staff must record all searches involving a squat, see section 4.3.

#### **Physically Disabled Prisoners (Men's Estate)**

4.11.7 Physically disabled prisoners in the men's estate with mobility issues must not be asked to bend or squat as part of a full search. For other disabilities see the guidance section.

#### **Transgender prisoners (Men's Estate)**

4.11.8 For squat procedures relating to transgender prisoners in the male estate, please see [Annex A](#).

#### **Prisoners in the Women's Estate**

4.11.9 Prisoners in the women's estate must never be asked to squat as part of a full search.

#### **Young People (Men's Estate)**

4.11.10 The asking of a young male person (or child) to squat during a full search is in the extreme and only based on intelligence that they have an item hidden in the anal or genital area. Establishments must adopt local procedures that will be reflected through their LSS and ensure:

- The decision to ask a young person to squat is taken by an operational manager of Band 7 or above.
- A record is kept of who made that decision.
- The reason why the request to squat was made - what was the intelligence/suspicion.
- Whether the outcome was negative or positive.
- Submission of an intelligence report.

### **4.12 INTIMATE SEARCHES**

4.12.1 An intimate search is defined as intrusion into a bodily orifice. HMPPS **does not permit intimate searching** to include either direct removal by a member of staff, or by ordering a prisoner to remove an item themselves. (See **guidance** for further information) A bodily orifice is defined as an opening in the body, in humans, the body orifices are:

1. Nostrils
2. Eyes
3. Ear canals
4. Anus
5. Urethra
6. Vagina
7. Mouth

4.12.2 As part of a Level A search, prison officers can undertake **visual observations** of the mouth and ears. Visual observations of other intimate areas can include asking the prisoner to lift the penis and/or scrotum, and/or asking the prisoner to pull back the foreskin as part of a full search (pulling back the foreskin does not meet the definition of an intimate search as it does not involve intrusion into an orifice). Staff do not have the legal authority to intrude into any other bodily orifices.

4.12.3 Prison staff cannot remove partly visible or protruding items from any individual's bodily orifice during a full search. In addition, prison staff cannot order prisoners to remove protruding or secreted items themselves. Staff must only request (not order) removal if it is deemed by the prisoner that it is safe to do so. For any removal of a protruding or secreted

item, the prisoner may have clinical needs which require a healthcare professional to conduct an intimate examination on medical grounds. These must only be carried out with the prisoner's consent. Medical practitioners will not carry out intimate examinations for anything but clinical need.

4.12.4 Staff can apply sanctions for breach of prison rules based on an X-ray body scanner detection image or from visual observations during a full/search involving a squat. Prisoners can be placed on report for conveyance/secretion of the item by applying R51(23) / YOI R55 (26) disobeys any rule or regulation or R51(12a)/YOI R 55 (13a) - see guidance for further information.

4.12.5 In order for R51(23) / YOI R55 (26) disobeys any rule or regulation to be applied, establishments will need to amend their local rules to include prohibiting the secretion of any item within the body. This must be undertaken before establishments can begin to discipline prisoners under R51(23) / YOI R55 (26). The following process must take place:

- Posters must be placed in reception in an area that all prisoners will view on entering. A poster should also be on display in the X-ray body scanner room/area. (Posters provided by X-ray body scanner Governance & Support Team - [PR51 \(23\) / YOI R55 \(26\) poster](#))
- Prisoners must be informed of the local rule regarding secretion during the initial reception interview and informed that this rule applies whilst he is in custody. This must be documented on NOMIS.
- Before a body scan takes place, the poster must be brought to the prisoner's attention, and they must be verbally informed of the following "It is against our local rules to have any item secreted internally".

4.12.6 If a member of staff concludes either by visual observations or via a body scan that the prisoner is internally concealing an item(s), this information must be relayed to healthcare as soon as possible in case the internally concealed item may cause a risk to the prisoner. Information must include what the item could be (for example, drugs / mobile phone / weapon), enabling healthcare to manage the health risks to the prisoner.

#### **4.13 SEARCHING AND USE OF FORCE**

4.13.1 The need to use force to conduct a search must be considered very carefully. In these in these situations, the use of force must only be used when other methods not involving the use of force have been repeatedly tried and failed, or are judged unlikely to succeed, and action needs to be taken as there are no other reasonable options to resolve the situation. Where a prisoner refuses to consent to an instruction to remove their clothing but there is no immediate threat of harm to safety or to security then use of force is not appropriate. In these circumstances, a lawful order should be given, and alternative options considered, including the option to segregate and/or place the person on report. Use of force must comply with [use of force in prisons: PSO 1600](#).

4.13.2 Force may be used to ensure prisoners comply with searches where there is an immediate threat to safety or security. Those authorised to carry out a search of a prisoner may use force to do so, in accordance with Prison Rule 47/YOI Rule 43, which state that:

- i. An officer in dealing with a prisoner shall not use force unnecessarily and, when the application of force to a prisoner is necessary, no more force than is necessary shall be used.
- ii. No officer shall act deliberately in a manner calculated to provoke a prisoner.



- iii. By virtue of PR 82 (I), in contracted out prisons, references in the above rules to a Governor and officer here are references to the director and certified prisoner custody officers performing custodial duties.

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

- i. it is reasonable in the circumstances
- ii. it is necessary
- iii. no more force than is necessary is used
- iv. it is proportionate to the seriousness of the circumstances.

4.13.4 Where a prisoner has been lawfully and legitimately restrained and is subject to full relocation it will sometimes be necessary to remove their clothing for the purposes of searching it. This search does not require examination of intimate areas or squatting and can lawfully and legitimately be carried out under restraint if the prisoner is not willing to consent to and assist in the removal of their own clothing. Removal of clothing should be via approved methods set out in [use of force in prisons: PSO 1600](#). The cutting of clothing must only be applied in exceptional circumstances.

4.13.5 Where a person refuses an order to squat when authorised as part of a full search, this should not be carried out using force. **There is no approved use of force technique for the purpose of making a person squat if they do not comply.**

4.13.6 Full searches for all prisoners following relocation under restraint are in exceptional circumstances only and should only be carried out where it is known or reasonably believed that the prisoner is carrying an unauthorised or illicit item that would threaten safety or security.

4.13.7 The authority required for a full search under restraint is that of the Duty Governor. If the Duty Governor cannot be contacted, then the member of staff in charge of the relocation can make the decision. The justification and authority for the search must be documented. See [use of force in prisons: PSO 1600](#) for further information.

#### **4.14 SEARCHING OF TRANSGENDER PRISONERS**

4.14.1 Procedures for the searching of transgender prisoners are set out in [Annex A](#). Local procedures must be set out in the LSS in accordance with this annex and policy framework.

4.14.2 Information on the voluntary agreement process is contained in the **guidance**. The voluntary agreement should be drawn up by local management and must clearly set out the arrangements for searching the prisoner, including specifying the sex of searching staff. [The care and management of individuals who are transgender](#) sets out policy requirements regarding handling of information relating to a transgender prisoner's legal gender and must be consulted as part of this process.

4.14.3 It must be recognised that the signing of the agreement must be truly voluntary, and prisoners must not be coerced into signing under any circumstances. A voluntary agreement must not be used to require the prisoner to consent to a full search by someone who is legally of the opposite sex, in breach of Rule 41(3) Prison Rules 1999.

4.14.4 If a prisoner withdraws from a voluntary agreement, searching requirements must be discussed as part of a multi-disciplinary board to include representation from both healthcare and equality departments. Any decisions taken around searching procedures must be fully documented and retained. This must include the justification for the searching procedures that are agreed.

4.14.5 Prisoners in receipt of a Gender Recognition Certificate (GRC) have the right to be treated as their acquired gender in every respect. A GRC is the document issued that shows that a person has satisfied the criteria for legal recognition in the acquired gender to include:

- They are at least 18 years old.
- They have lived fully for the last two years in their acquired gender and that they intend to live permanently in their acquired gender for the rest of their life.
- They have, or have had, gender dysphoria.

#### **4.15 PRISONER SEARCHING FOLLOWING WORK/ACTIVITIES**

4.15.1 Locally agreed arrangements must be in place following a risk assessment in regard to the procedures for searching of prisoners leaving activity areas (to include workshops and other work areas). These must be documented in the LSS and carried out in accordance with **4.6.5 - 4.8.2**.

4.15.2 For prisons outside of the High Security Estate (HSE), prison establishments must risk assess their workshops to determine the potential security threat they pose. The requirements for searching following prisoner activity must be based on this assessment of risk and detailed in the LSS. This will include any use of metal detectors (handheld or archways), level of person search for each workshop and the presence of a manager where required.

4.15.3 The standard of search to be applied to a prisoner leaving an activity session early for any reason must be agreed between the Governor and the PGD and documented in the LSS.

4.15.4 The LSS must also include provision for occasional level A rub down searches of all prisoners coming out of any workshop, either at random, or based on intelligence.

4.15.5 Where prisoners are allowed to carry personal possessions (for example, gym kit) to and from activities these must also be thoroughly searched when the prisoner is searched. Items (including hobbies items) under construction by prisoners must be subjected to careful physical examination and x-rayed where necessary if the item is believed to present a security risk.

4.15.6 Where a female workshop instructor objects to rub down searching a male prisoner, managers must make reasonable adjustments to ensure that they do not have to carry out the search. It is usual for female members of staff to rub down search males unless the man has a genuine religious or cultural objection to this. Instructors should attend training to build confidence in this area.

#### **4.16 SEARCHING CONSIDERATIONS FOR PRISONERS ON ROTL TO WORK AND EDUCATION**

4.16.1 Prisoners undertaking work/education as part of ROTL conditions are expected to agree to permitting an HMPPS member of staff to undertake a search to include any personal property held in within their work/education location. This may include a work locker or personal car.

4.16.2 If the prisoner refuses a search whilst at their place of work/education, the staff member cannot go on to undertake the search unless there are powers to do so under PACE (see below) or other legislation. A compact does not provide powers for staff to search without the agreement from the prisoner or to apply disciplinary action.

- 4.16.3 If it is believed that the prisoner is committing an offence, the police should be called to undertake the search. If the police are unable to attend, it may be appropriate for prison officers to exercise search powers described in section **4.5**.
- 4.16.4 Staff must be fully informed that PACE powers would not apply in all situations for example, it's not a criminal offence to have, cigarettes, alcohol or a mobile phone outside of prison, but the possession of this property is not in line with prison rules and/or licence conditions. The prisoner may face disciplinary action as a result; however, staff should not exercise search powers as it is not an offence to possess these items outside prison.

#### **4.17 SEARCHING OF VISITORS (To include non-directly employed staff, contractors, volunteers, social & official visitors to the establishment)**

- 4.17.1 All persons may be searched on entry to or within prisons, including visitors.
- 4.17.2 Any trained member of staff may be authorised to conduct rub down searches of a visitor provided this forms part of their contracted duties. Civilian staff may carry out a search of a visitor on entering and leaving the prison under Prison Rule 71 and YOI Rule 75.
- 4.17.3 Female visitors must only be searched by staff of the same sex. See [Annex A](#) for transgender considerations.
- 4.17.4 Male visitors may be rub down searched by any trained member of staff but must only be full searched by a staff member of the same sex. See [Annex A](#) for transgender considerations.
- 4.17.5 Refusal by a male visitor to be routinely searched by a woman will not be grounds to refuse entry. Prisons should make available a male member of staff to undertake the search.
- 4.17.6 There must be clear communication to visitors as to why certain items are prohibited, and actions taken to enlist visitors' cooperation. This process will demonstrate the trustworthy motives principle of procedural justice, see **guidance** for further information on procedural justice and security.
- 4.17.7 As a condition of entry to the prison, all visitors & contractors must consent to be searched and, where applicable, to deposit property. Information about searching techniques and procedures must be summarised and communicated to visitors prior to a visit taking place.
- 4.17.8 Arrangements for searching social visitors before and after visits must be set out in the LSS. Searching contractors, official visitors, and any volunteer workers (visits café, assistance with faith services for example) will be subject to local requirements and/or intelligence and the process documented in the LSS. See also [Management of security at visits Policy Framework: Closed estate](#) and [Management of security at visits Policy Framework: Open estate](#).
- 4.17.9 Visitors must never be full searched routinely, see sections **4.10.10 – 4.10.17** for full searching. Establishments will decide on the levels of search required for visitors and set this out in the LSS taking into consideration the following:
- Social visitors may be subject to level A rub down searches.
  - Official visitors may be subject to level B rub down searches.
  - Contractors & volunteer workers may be subject to level B rub down searches but may also be level A searched based on intelligence or local arrangements.

#### **Visitors under 18**

- 4.17.10 Visitors under the age of 18 must only be searched with the consent of the accompanying adult who undertakes the day-to-day care of the child.

- 4.17.11 Trained members of female staff may search children of either sex with parental consent.
- 4.17.12 Trained members of male staff must only search children of the same sex with parental consent.
- 4.17.13 Individuals who are 16 or 17 can visit without an accompanying adult, in these situations consent can be provided themselves for any level A or Level B search. Full searching is not permitted for 16- and 17-years olds without the consent of the adult who undertakes the day-to-day care of the child.

#### **4.18 SEARCHING OF BABIES VISITING PRISONS**

- 4.18.1 Searching procedures detailed in this policy framework apply to babies and toddlers, see search procedure at **Annex J**. See **guidance** for definition on babies and toddlers.
- 4.18.2 Consent must be sought from the parent or carer to search babies and toddlers visiting prisons. Consent is a condition of entry to the prison. The term 'carer' means an individual other than the parent who undertakes the day-to-day care of the child entering the prison as a visitor.
- 4.18.3 The routine searching of babies and their clothing on entry to a prison on a visit is not mandatory. Establishments may conduct routine rub down searching of babies if they consider it to be an effective way to minimise the conveyance of illicit items. This decision must form part of a risk assessment around conveyance and be documented on the LSS. See [conveyance policy framework](#) (awaiting publication).
- 4.18.4 Pre planned and reactive intelligence led searching must be considered and conducted where required. See sections **4.9** for intelligence led searching.
- 4.18.5 Two members of staff must be present when a baby is to be searched. They are advised to wear disposable gloves as there is a high possibility of contact with bodily fluids.
- 4.18.6 Babies must only be searched in a room which has a minimum temperature of 21(C). They must not be searched in the sight of other visitors, other than the parent/carer.
- 4.18.7 Searches of babies must be accompanied by a search of any pram, pushchair, baby carrier, car seat, changing bag or toy that is allowed to be brought into the prison.

#### **4.19 SEARCHING OF BABIES WITHIN MOTHER AND BABY UNITS (MBU)**

- 4.19.1 Consent must be sought from the mother for the searching of babies and toddler's resident within MBU's. Searching of babies and toddlers within the MBU must be in accordance with the search procedure at **Annex K**.
- 4.19.2 Babies/toddlers must not be searched in the sight of prisoners, other than the mother.
- 4.19.3 The routine searching of babies/toddlers and their clothing on initial entry and return (where applicable) from ROTL to the MBU is not mandatory. Establishments may conduct this type of routine searching if deemed necessary following the risk assessment described in the following paragraph and they consider it to be an effective way to minimise the trafficking of illicit items into MBU's.
- 4.19.4 The Governor must ensure that managers risk assess this area in respect of searching arrangements and include in the LSS. The assessment will take into account security and decency issues, the perceived impact on prisoners and local needs. Intelligence-led searching and searching on suspicion should be conducted where required. See

[pregnancy, MBUs and maternal separation in women's prisons policy framework](#) for further information.

4.19.5 If a mother in the MBU does not consent to the search of her baby, there is no power to search the baby except in circumstances outlined in sections **4.10.11 – 4.10.18**.

#### **4.20 SEARCHING OF STAFF AND PROPERTY**

4.20.1 All persons may be searched on entry to or within prisons, including staff.

4.20.2 The power to search prison officers is contained in Prison Rule 64 and YOI Rule 63, (see section **4.4**),

- Any trained member of staff who has been authorised by the Governor can conduct rub down searches of a member of staff with consent.
- Any searching of staff areas (to include lockers and personal possessions) is at the discretion of the Governor, Deputy Governor or Head of Security. The minimum grade for authorising the searching of staff areas must be Band 7 and the person in charge of the search must be a designated competent manager at Band 5 or above.

4.20.3 Arrangements for searching staff must be set out in the LSS.

4.20.4 Staff must only be searched by staff of the same sex. See [Annex A](#) for transgender considerations.

4.20.5 Male staff may be rub down searched by any authorised trained member of staff but must only be full searched by male prison officers. See [Annex A](#) for transgender considerations.

4.20.6 Refusal by a male member of staff to be routinely searched by a female will not be grounds to refuse entry. Prisons should make available a male member of staff to undertake the search.

4.20.7 The random percentage of staff to be rub down searched must be set out in the LSS (including details of how the process will be random) for each establishment. Staff may be subject to a Level B rub down search on entry to establishment as a matter of routine. For those establishments with Enhanced Gate Security (EGS), see **EGS Annex** within [managing prison gates: PSI 14/2011](#) for additional requirements for staff searching. (Will be replaced by Conveyance Policy Framework once published).

4.20.8 Staff must never be full searched routinely, see sections **4.10.26 – 4.10.32**.

#### **4.21 SEARCHING OF INDIVIDUALS WITH DISABILITIES**

4.21.1 Procedures for the searching of people with disabilities must be set out in the LSS.

4.21.2 Procedures and/or compacts (see **guidance** for further information) around searching will need to be fully understood and provided in a variety of formats. Staff must be fully informed about how to undertake a trauma informed approach to searching for individuals who are neuro diverse. See **guidance** for information on different disabilities and trauma informed approach to searching.

4.21.3 Healthcare staff will not divulge medical in-confidence material but can provide direction on how a search can be conducted safely. Any part of the search procedure that is clinically unacceptable following medical advice on a prisoner with a physical disability or neuro diverse condition must not be carried out. This must be recorded on NOMIS.

4.21.4 If a person is seriously ill or recovering from major injury or recent surgery, searching procedures must be modified to ensure the least physical discomfort or intrusion is caused and that the search is proportionate with the level of risk. They must be offered the chance to sit down during the search, particularly when dressing/undressing in the case of a full search should this be necessary.

4.21.5 Staff may not feel confident searching individuals who are disabled, however in these situations operational managers are expected to provide adequate support to assist staff in undertaking this task.

### **Legal Obligations**

4.21.6 The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on that person's ability to do normal daily activities. Prison management must ensure that they adhere to the Equality Act 2010 by making reasonable adjustments for people with disabilities when carrying out searching procedures. See **guidance** for further information

4.21.7 Searching procedures for individuals with a physical disability are set out at **Annex L** (Level A) and **Annex M** (Level B) and must be consulted when undertaking a Level, A or Level B search for a prisoner with a physical disability that affects their mobility.

### **Individual Searching Plan (Compact) – Prisoners Disability**

4.21.8 For some prisoners who are physically disabled (for example, wheelchair users) and/or neuro diverse (where there is a significant impact on their understanding and behaviour), a full search may cause significant difficulty or pain. This will not be the case for all disabled individuals but for a small percentage there may be a requirement to consider the use of a compact. Prisoners should be identified by healthcare and reception staff where it is clear from observations and/or the actions and behaviour of the individuals that searching causes severe discomfort and normal procedures will need to be adjusted. These prisoners should be encouraged to enter into a written voluntary agreement in respect of their searching arrangements. Healthcare should be consulted on any searching arrangements and there must also be a consideration for cell searching for those individuals identified as having Obsessive-Compulsive Disorder (OCD).

4.21.9 The voluntary agreement must clearly set out the arrangements for searching the prisoner, including any additional aids, processes or healthcare support as part of the search. It must be recognised that the signing of the compact is voluntary, and prisoners must not be coerced into signing in any circumstances.

4.21.10 It should be recognised that as a voluntary agreement the prisoner may withdraw from it at any point in time. The details of the compact may need to change as circumstances change and this should be in consultation with prison staff and healthcare. Any decision to suspend a compact must be justified and proportionate and agreed by local management.

4.21.11 If a prisoner withdraws from a voluntary agreement, searching requirements must be discussed as part of a multi-disciplinary board to include representation from both healthcare and equality departments. Any decisions taken around searching procedures must be fully documented and retained within the prisoner's core file. This must include the justification for the searching procedures that are agreed.

## **SEARCHING OF CELLS, AREAS AND VEHICLES**

### **4.22 AREA SEARCHING**

- 4.22.1 All prisons must carry out intelligence-led area searching to include communal areas, workshops, stores etc. Searching will be based on an assessment of risk (see guidance) and establishments should assess what areas of the prison are vulnerable or likely to be used to conceal items. Where possible, workshop staff should be advised at the time of any searching taking place in their area and have the opportunity to be present to identify any personal belongings.
- 4.22.2 High security prisons are required to have a programme of routine area searching in place in addition to intelligence-led searching, at a frequency agreed by the PGD for high security and to be completed in accordance with this framework and set out in the LSS.
- 4.22.3 Prisons outside the HSE must conduct a local risk assessment (see **guidance** for further information) to determine whether a programme of routine area searching is required. The risk assessment must be completed annually as a minimum, or if the risk changes (such as an in-year change to population type, prison function, threat levels etc.)
- 4.22.4 The processes and risk assessment for intelligence-led or routine area searching must be documented in the LSS. Area searches should be completed in accordance with the instructions set out in **Annex N**.
- 4.22.5 The LSS must include a risk assessment (see **guidance** for further information) for the searching requirements in respect of any large-scale gathering of prisoners (for example, before religious services/celebrations) taking into account category of prisoners, establishment layout and current risks. If the risk assessment indicates that searching is appropriate in these circumstances, the LSS must set out the procedures for area searching.
- 4.22.6 All areas inside the perimeter of a prison that have been newly constructed or refurbished must undergo a search on completion of the work and before the building is handed back for occupation. Prisons should contact [ORRU.Enquiries@justice.gov.uk](mailto:ORRU.Enquiries@justice.gov.uk).
- 4.22.7 The Intelligence and Operations Unit (IOU) at Headquarters must be notified of all non-routine arms/explosives searches in advance ([ORRU.Enquiries@justice.gov.uk](mailto:ORRU.Enquiries@justice.gov.uk)).

#### **4.23 PERIMETER SECURITY**

- 4.23.1 The perimeter security for each establishment must be described in the LSS, together with arrangements to ensure that levels of perimeter security are maintained and remain effective. A range of measures can be employed to check the perimeter including, but not limited to, external physical checks by a member of staff. Searching measures must be included in the LSS following completion of a risk assessment (see **guidance**) taking into consideration both the risk of escape and the risk of conveyance.
- 4.23.2 Internal and external perimeter checks must be documented in a central area (i.e., communications room, gate or security and carried out in accordance with the search procedures contained in **Annex O** (internal) and **Annex P** (external).

#### **4.24 ACCOMMODATION FABRIC (and Decency) CHECKS**

- 4.24.1 Establishments outside of HSE are required to carry out a risk assessment to determine any requirement for AFC/AFDC's completion and the frequency. The risk assessment must consider intelligence, physical security and local procedures in addition to prisoner cohort (see **guidance**). Risk assessments and any programme of fabric checks must be agreed in writing with the establishment's PGD. Written agreements and considerations must be retained for audit purposes.

- 4.24.2 Closed establishments must aspire to the completion of daily AFCs. Daily AFCs are beneficial for dynamic security, prisoner/staff relationships and intelligence building in addition to the physical security element. The completion of a decency check as part of the AFC should be considered locally.
- 4.24.3 AFCs of all prisoner living areas, including cells, rooms and dormitories, must be set out in the LSS and carried out in accordance with the searching procedure at **Annex Q**.
- 4.24.4 The Governor must ensure that staff safety issues in relation to conducting AFCs are considered. Consideration must be given to the number of staff allocated to check a cell and staff must also ensure that colleagues know where each other are working.
- 4.24.5 Staff entering a cell to undertake a fabric check must respect the prisoners' individual decency and take appropriate action, for example allowing a prisoner to dress.
- 4.24.6 Any unauthorised items found during an AFC/AFDC must be recorded on an intelligence report and where appropriate handled as evidence. See [Evidence Policy Framework](#).
- 4.24.7 Establishments must agree an assurance process (see guidance) in relation to the accurate completion of AFCs. This must also be documented in the LSS.
- 4.24.8 Cell bells must be checked daily, and the process documented in the LSS. Alternative arrangements for checking cell bells daily (where applicable) will need to be agreed and documented in the LSS given the risk assessed approach to AFCs. For example, checking cell bells at unlock.
- 4.24.9 If you are not sure that a prisoners' possessions are authorised, a check must be made using the prisoner property record.

## **4.25 CELL SEARCHING**

4.25.1 Officers have the authorisation:

- to conduct a search in cell without the prisoner being informed on an intelligence led basis or;
- where information/observations suggest there are unauthorised articles present.

Exceptions should only be made where:

- there is a risk that the prisoner will disrupt the search or;
- an operational emergency or other intelligence that makes it necessary for the prisoner not to be informed.

The search must not extend to any searching of legal correspondence/documents without the prisoner being present to identify these in all but exceptional circumstances.

4.25.2 For prisoners in the women's estate, a level A rub down search must be applied as a matter of routine as part of a cell search, together with a handheld metal detector scan. Full searches must only be conducted where there is intelligence or reasonable suspicion (see **4.9.1**) that the prisoner has an item concealed that cannot be found during a rub down search. The search must be completed in accordance with searching procedure at [Annex D](#) and documented (see guidance).



4.25.3 Any cell to which a potential Category A/restricted status prisoner is to be allocated must first be searched. After the potential Category A/restricted status prisoner has been relocated, the previous cell occupied must also be searched.

4.25.4 During a cell search, staff must adhere to the religious and cultural requirements set out in **4.33**.

4.25.5 The following must be adhered to when searching a cell:

- Cell searches must include consideration of any effect on a person with a disability (see guidance) and procedural justice in relation to how searching is conducted. Further information on this can be found in the **guidance** section.
- Searches of prisoners as part of a cell search must be undertaken in accordance with this policy framework.
- Staff must consider health and safety issues in the area being searched and consult the relevant local safe systems of work. Staff must also always consider the potential use innocent items may have in the assembly or construction of firearms, weapons and escape equipment etc.
- Prisoners must be asked to identify legal documentation at the start of a cell search. Staff must not read legal papers; legal papers must only be examined/checked without being read to ensure they are in fact legal documentation and that they do not contain any unauthorised articles. The prisoner must be present when the legal documents are searched in all but exceptional circumstances.
- Any illicit articles found during the search leading to an adjudication or police investigation must follow the processes outlined in the [evidence policy framework](#) and reported on an intelligence report (see section **4.36.3**).
- Establishments must consider adjudication processes for any prisoners found in possession of unauthorised items, see [Prison adjudications policy: PSI 05/2018](#).
- If a search is being conducted on an MBU, staff must ascertain if there are any items that the mother needs to care for her baby whilst the search is taking place. These will be searched and given to the mother.

### **Routine Cell Searching**

4.25.6 For prisons in the HSE a programme of routine cell searches (to include a full search and optional property check) in addition to intelligence led searching is agreed, documented in the LSS and is proportionate to the risk.

4.25.7 Prisons in the HSE are required to develop a local strategy on conducting property record checks which may or may not be undertaken at the same time as cell searches. The local process on property record checks must be documented in the LSS and agreed with the high security regional manager.

4.25.8 Prisons outside of the HSE must conduct a risk assessment to determine the need for routine cell searching in addition to intelligence led searching. The risk assessment (see guidance) and any resulting programme of searching must be recorded in the LSS. There must be an agreement between the establishments PGD and the prison on the level and frequency of any routine cell searching conducted in the prison. Risk assessments must be reviewed annually as a minimum, or at any stage of the year when risks change (and local arrangements are reviewed).

4.25.9 The risk assessment for all establishments must determine the agreed routine search level for the prisoner when completing a cell search. This must meet minimum requirements set out in **4.6.5 – 4.8.2**, however more detailed searches can take place provided this is evidenced in the risk assessment completion.

- 4.25.10 All prisons with E list prisoners must have arrangements in place to search their cells based on an assessment of risk. This must include a person search (see **4.6.5 – 4.8.2**) and property check.
- 4.25.11 Cell searching must be completed in accordance with the instructions set out in the searching procedure at **Annex R**. In respect of the accompanying search of the prisoner, establishments must set a minimum requirement in accordance with **4.6.5 – 4.8.2** of this Policy Framework and detail this in the LSS.

### **Intelligence Led Cell Searching**

- 4.25.12 If the cell search is intelligence led and pre-planned, the level of the prisoner search must be recorded in the search records and should also be noted on the intelligence system as part of the intelligence analysis and recommended actions.
- 4.25.13 Where the cell search is in response to information and/or immediate observations, the level of prisoner search undertaken as part of the cell search must be detailed in the IR submission alongside the supporting information that led to the cell search taking place.
- 4.25.14 There must be supporting intelligence to justify a full search as part of intelligence led cell searching. There must not be a routine application of full searching for all intelligence led searches.

### **Removal of Property During Cell Searching**

- 4.25.15 Under Prison Rule 43(5)/YOI Rule 48(4), the Governor may confiscate any unauthorised article found in the possession of a prisoner after his reception into prison or concealed or deposited anywhere within a prison.
- 4.25.16 Under Prison Rule 43 staff can lawfully confiscate an item that is unauthorised as part of a cell search.
- 4.25.17 In addition, Prison Officers (who have powers of a constable) may seize any other item where they have reasonable grounds for believing that:
- a) It is evidence in relation to an offence; and
  - b) It is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.
- 4.25.18 Any removal of property during a cell search remains the responsibility of the establishment in respect of recording, handling, and retention irrespective of whether local staff or for example, regional support staff completed the search.

### **Photocopying Property**

- 4.25.19 If staff conducting a cell search find documentary material which they reasonably suspect is evidence in relation to a crime or disciplinary offence, they may photocopy the information and must handle it in accordance with [Evidence Policy Framework](#) and the [Intelligence collection, management and dissemination in prisons and probation policy framework](#).

### **Informing the Prisoner**

- 4.25.20 On completion of a cell search staff must inform the prisoner(s) of any articles that have been removed, even if they are to be returned at a later date, but they do not need to inform them that it has been photocopied.

## Data Protection

- 4.25.21 The information photocopied must be limited to what is necessary for the purpose(s) of investigating or preventing crime. Therefore, the photocopies should not be kept any longer than is required for any investigation into potential criminal activity which the information is linked to.
- 4.25.22 For storage and retention of data, please see [records information management policy: PSI 04/2018](#) and [intelligence collection, management and dissemination in prisons and probation](#).

### 4.26 CELL CLEARANCE

- 4.26.1 All property with the cell must be searched on clearance. The property card must be present for a cell clearance. See the cell clearance procedure at **Annex S**.
- 4.26.2 Any discrepancies between the cell clearance certificate and the property records must be recorded. See also [managing prisoner property: PSI 12/2011](#).

### 4.27 SEARCHING OF VISITS AREAS

- 4.27.1 The LSS must set out arrangements for searching visits room and accompanying areas (outside seating, play areas, café's etc) before allowing any prisoners to enter, based on a local risk assessment (see **guidance** for further information).
- 4.27.2 The LSS must set out arrangements for searching visit rooms following visits, based on a local risk assessment (see **guidance** for further information).
- 4.27.3 All toilets must be searched before and after visits. A local risk assessment should also consider the searching of toilets during visits session between each use. This decision will depend on the risk level related to conveyance via visits. Where prisoners and visitors share toilet facilities, and use the toilet during the visit, both the prisoner and visitor must be re-searched before the visit continues.

### 4.28 SEARCHING OF RESIDENTIAL AREAS

- 4.28.1 The LSS must set out arrangements for any routine area searching of residential accommodation, based on a local risk assessment (see **guidance** for further information).
- 4.28.2 Area searching of residential accommodation can also be conducted on an intelligence led basis according to risk. Where undertaken, this must be documented and form part of the LSS.
- 4.28.3 Management checks must be carried out to ensure that searches of residential units take place as often as is required by the LSS, (see guidance for further information on assurance processes).

### 4.29 SEARCHING OF STORES

- 4.29.1 Prison management must ensure that staff working in stores are competent in the searching of stores and the use of handheld metal detectors. Prison management must additionally ensure that staff are competent in the use of x-ray equipment (where used).
- 4.29.2 The stores and their contents must be searched at unpredictable times. Local searching strategies must state the frequency of searches to be conducted in the stores department.

4.29.3 Staff working in stores must:

- make thorough daily checks of all tools, items of equipment or materials.
- complete a stores log/register of the items held in the store.
- be fully aware of all items held in stores and their exact location.
- take appropriate measures to prevent the compromise of security or good order of the prison and theft by prisoners.

4.29.4 Staff working in the stores area must undertake a physical security check of all doors, windows and, where appropriate, machinery, at a frequency set out in the LSS. These checks must be carried out at the same time as fire checks.

4.29.5 The Duty Governor must check and sign the stores log at regular intervals, the frequency of these checks must be set out in the LSS and based on factors such as risk, establishment type and layout, and category of prisoners.

### **High Security Establishments**

4.29.6 Receipt, Inspection and Dispatch Units (RIDs) within Category A establishments must inspect, search and x-ray all goods (goods that cannot be x-rayed must be physically examined). Arrangements must be made to search at the gate any goods that go direct to outside works etc and are eventually brought into the prison to be used, without going through the RID procedure. See [PSI 2014-43 - HMPPS Intranet](#) (HMPPS only)

4.29.7 During out of hours / periods when the RID unit is closed suitable arrangements including the use of x-ray, must be implemented to ensure that incoming items are appropriately searched. Opening hours and alternative searching arrangements must be included in the LSS and agreed by the PDG for the HSE. See [PSI 2014-43 - HMPPS Intranet](#) (HMPPS only)

4.29.8 Local contingency plans must set out action to be taken if any items are missing, damaged or broken. An intelligence report must be submitted in addition to reporting the damage via the Incident Reporting System (IRS).

### **4.30 VEHICLE SEARCHING**

4.30.1 Prison Rule 71 and YOI Rule 75 provides that:

“Any person or vehicle entering or leaving a prison (YOI) may be stopped, examined and searched. Any such search of a person shall be carried out in as seemly a manner as is consistent with discovering anything concealed”.

4.30.2 Vehicle searching does not extend to the items being transported in the vehicle. There must be a visual observation of the contents, but these will not be physically searched unless this is directed by security or a member of staff has reasonable suspicions/receives information that they contain unauthorised articles. Staff should be aware of the potential risk of conveyance via items being transported in the vehicle.

4.30.3 The LSS must set out the procedures in place that direct which vehicles are to be searched on entry and exit and any level of searching to be conducted on the driver and any passengers taking into account local intelligence and local procedures to determine the levels of searching required.

4.30.4 The LSS must include procedures for searching vehicles that arrive outside of routine working hours and/or any unscheduled arrival of vehicles.

- 4.30.5 [PSI 2014-43 \(HMPPS intranet only\)](#) section 12 sets out the process for vehicles within the HSE in respect of establishments that operate RID units.
- 4.30.6 The search procedure at **Annex T** must be applied when searching vehicles.
- 4.30.7 Establishments must establish safe and effective methods for searching the engine/engine compartments of lorries with tilt cabs and risk-assess the need for such searches to take place. This process must be included in the LSS.
- 4.30.8 Establishments must ensure that, where vehicles are searched:
- staff searching vehicles are competent in vehicle searching procedures.
  - staff know their responsibilities in this area.
  - staff are provided with the necessary equipment to support them in this task, for example, mirrors and torches.
  - equipment listed above must be well maintained at all times and replaced as required.
  - a system of management checks is in place to ensure compliance in all these areas.
- 4.30.9 Prior to the search, the driver and any passengers must be reminded of the unauthorised items list, with any items being surrendered to staff and held at the gate until the driver and any passengers leave the gate.
- 4.30.10 Once the vehicle has entered the gate and been signed in, staff must ensure the engine is turned off and move the driver and any passengers away from the vehicle and conduct a minimum of a Level B search.
- 4.30.11 At this point, the delivery vehicle will be searched. Staff searching vehicles must be trained in vehicle searching procedures. The following should be used routinely during this search.
- Stepladders
  - Mirrors (including telescopic, trolley and ceiling mounted mirrors in the area)
  - Torches
- 4.30.12 When the vehicle has completed the delivery and is ready to leave, the vehicle must be searched to make sure nothing is being conveyed out of the prison, or to prevent the risk of escape.
- 4.30.13 DHL, kitchen and workshop delivery vehicles deliver to areas that prisoners have access and where they may also be involved in the unloading of contents. Staff must therefore be aware of the heightened risk of conveyance with these delivery vehicles. Although the search of a vehicle does not require a search of the contents, it may be good practice to incorporate this within a percentage of the searches.
- 4.30.14 Cross-contamination of searched and non-searched vehicles must be avoided.

**Hygiene protection for the searching of vehicles carrying foodstuffs must be in place with nitrile gloves stored at the Gate.**

## **OTHER CONSIDERATIONS**

### **4.31 TECHNICAL AIDS AND SEARCHING**

- 4.31.1 Staff must be fully aware of how to use technical aids before operating them. All x-ray operatives must be trained. Further information on technical aids and their use can be found in the guidance.

4.31.2 An x-ray body scan must not be used as an alternative to a full or rub down search and does not replace the requirements set out in this policy framework. Governors must ensure the use of x-ray body scanners in the adult male estate must be in line with the legislation and requirements set out in [Justification of Practices Involving Ionising Radiation Regulations 2004 \(as amended\)](#) and must not be used in replace of a full search. The procedures detailed in the [Use-of-X-Ray-Body-Scanners-Adult-Male-Prisons-policy-framework](#) must be adhered to ensuring that processes and arrangements for their use are reflected in the LSS.

4.31.3 The Governor has ultimate responsibility for ensuring that searching equipment is maintained in accordance with the manufacturer's recommended maintenance schedule and technical specification and that all service and maintenance records are available for audit purposes. See EGS annex of [Managing prison gates: PSI 14/2011](#). (Will be replaced with Conveyance Policy Framework)

### **Metal Detector Indications**

4.31.4 Prisons are required to undertake the following steps following a positive indication from any metal scanning equipment:

- Give the prisoner the opportunity to provide an explanation as to why the alarm has indicated (for example, it is possible that a body piercing may cause the scanner to indicate or there may be a medical explanation. The prisoner should be permitted to remove any unauthorised item in privacy.
- If the item is not produced or satisfactory explanation given, conduct a rub down search of the prisoner.
- If this does not reveal the source of the alarm, conduct a full search of the prisoner (for prisoners in the women's estate full search is in 2 Levels. Level 1 must be applied before proceeding to Level 2)

4.31.5 Processes for the management of a positive metal indication on discharge must be set out in the LSS to include discharge for court in these circumstances. All staff working in reception must be informed of the actions to take in this situation, see **guidance** for further information.

4.31.6 All establishments must have procedures in place for the use of technical aids and dealing with positive indications. Indications must be investigated, and appropriate actions taken. This may include adjudication procedures and police referral. See [handling crimes in prison: agreement](#) and [prison adjudications policy: PSI 05/2018](#).

4.31.7 Establishments with Enhanced Gate Security (EGS) will have use of x-ray baggage scanners and metal detecting portals. Please see guidance for information on these technical aids. EGS procedures are detailed as an annex to [Managing prison gates: PSI 14/2011](#). EGS searching processes must be in line with the searching procedure annexes. (Will be replaced by Conveyance Policy Framework).

4.31.8 The Body Orifice Scanning System (BOSS) is a non-intrusive scanning system within a moulded chair, designed to detect small metallic objects, such as mobile phones and their component parts or weapons, concealed within the anus or vagina, the abdominal area and around the shins. The BOSS may be used to scan prisoners, social, official and professional visitors and staff under Prison Rules 41, 64 and 71 (YOI Rules 46, 69 and 75) respectively.

4.31.9 If sanctions are to be applied based on a positive indication, the BOSS needs to be properly calibrated and maintained to ensure that it works effectively. Establishments must put in place arrangements for this locally.

- 4.31.10 Establishments that do not have x-ray body scanners must use the BOSS chair and ensure that the use of this including any processes for searching are incorporated into the LSS.
- 4.31.11 The frequency of searches using the BOSS and policies for refusals by prisoners, visitors and staff in addition to managing positive indications are for local discretion and must form part of the LSS, to be agreed by the Governor and the PGD.
- 4.31.12 Governors must ensure that information notices on the BOSS are produced and distributed to prisoners and staff and are made available to social, official and professional visitors. The notices must explain that either the prisoner, member of staff or visitor is liable to be subject to a search using the BOSS and that they are required to comply with the search. 5
- 4.31.13 Establishments must keep a record any indications, items found and/or any action taken with the use of the BOSS chair.

## **4.32 USE OF DOGS FOR SEARCHING**

- 4.32.1 A risk assessment (see **guidance**) must be undertaken to identify the routine arrangements for searches that require the use of dogs. Searches can be conducted on a routine and/or intelligence-led basis. Local arrangements and local security measures (i.e., action on indication) must form part of the LSS in accordance with [Prison dogs Policy Framework](#).

## **4.33 CONSIDERATIONS FOR RELIGIOUS AND PHILOSOPHICAL BELIEFS**

- 4.33.1 Religious and philosophical belief arrangements and procedures for searching people must be set out in the LSS and in line with this policy framework
- 4.33.2 Consideration must be given to the time of day that searches take place wherever possible. Factors should include faith of the individual, prayer times and/or attendance at religious services.
- 4.33.3 When using dogs to assist in searching, establishments must the cultural or religious considerations set out in section **4.33** and/or the adverse reaction that may occur from some neuro diverse individuals (see guidance).

### **Searching of the Person considerations**

- 4.33.4 Visitors - Where male visitors have a religious or cultural objection to being searched by a woman, a male member of staff must carry out the search. All female visitors must be searched by a female member of staff.
- 4.33.5 Sikhs - If a member of staff is required to remove their kirpan as part of a search procedure, they must be allowed to do so in private. The kirpan **should not be handled** by anyone apart from the Sikh staff member and they should be allowed privacy to put the kirpan back on afterwards. Sikh ministers are permitted to wear the kirpan, and to convey this item into a prison. The wearing of the kirpan by any member of staff must be balanced against health & safety and security considerations.

### **Exemptions Based on Religion or Philosophical Beliefs**

- 4.33.6 If a prisoner in the men's estate applies for an exemption to being rub down searched by a female member of staff based on religion or philosophical belief, then this must be made formally (preferably in writing). The request must be considered as quickly as possible. The prisoner should not be rub down searched by female staff in the intervening period.
- 4.33.7 The request must be considered by a member of staff delegated by the Governor as competent to carry out the task. The delegated member of staff must make reasonable

efforts to determine the accuracy of the request by speaking with the prisoner and consulting relevant information around their religion and philosophical beliefs.

4.33.8 Reasons for granting or rejecting the request must be recorded. The prisoner must be notified formally of the decision which should be recorded in writing and include those exemptions may be made in urgent situations. See **4.33.12** for further information.

4.33.9 There must be procedures in place to routinely monitor decisions as part of HMPPS' obligation to monitoring equality issues and ensure consistency in decision making.

### **Documenting the Exemption**

4.33.10 Prisoners who are granted an exemption must have this recorded so checks can be made within the prison as required. The exemption must be recorded on NOMIS.

4.33.11 Prisoners granted an exemption in one establishment must have that exemption honoured by future establishments unless the underlying reason for granting has changed.

### **Procedures following Approval of an Exemption**

4.33.12 Prisoners granted an exemption must only be rub down searched by a male officer except in urgent situations in which a rub down search needs to be conducted immediately and a male officer is not available.

4.33.13 Female officers may use handheld metal detection wands to search a prisoner in the Men's Estate who has been granted an exemption from rub down searching by female officers. In such instances there must be no direct contact between the hands of the female member of staff and the body of the prisoner during the search.

4.33.14 It should be made clear to staff that no other system of work (for example, use of force) is impacted by this exemption.

4.33.15 Prisoners must be advised that their exemption will be kept under review and, should evidence emerge that they have deliberately misled staff in order to gain the exemption, then the exemption can be withdrawn. Where an exemption is withdrawn, the prisoner must be advised in writing of that decision and the reasons for it.

4.33.16 Where prisoners are granted an exemption, procedures must ensure that this is communicated to staff. Where staff are unsure if a prisoner has an exemption or not then the prisoner should be only be searched by a male member of staff and checks made later.

4.33.17 Appeals against a refusal to grant an exemption from being rub down searched by a female member of staff should be made in the normal manner using the Prisoner Complaint Policy Framework.

### **Philosophical Belief Searching Exemptions**

4.33.18 Some prisoners in the men's estate may have genuine objections to being searched by a female member of staff due to philosophical beliefs (Equality Act 2010). This means an objection that arises from a sincerely and deeply held belief. If a prisoner asserts reliance on this exemption, he will need to be able to:

(a) explain what the sincerely held belief is.

(b) set out the reasons why he holds that belief.

(c) explain why that belief means that he objects to a rub down search being performed on him by a female member of staff.



4.33.19 A preference to be searched by a male officer will not be enough to constitute a sincerely and deeply held belief. Probation reports and/or consultation with the prisoner's offender manager, personal officer or wing staff may be of use. Any assessment should take into account all relevant factors. One example may be where the person in question was raised in circumstances where any physical contact with members of the opposite sex outside the immediate family was atypical or where the particular cultural group to which he belongs expressly forbids physical contact with members of the opposite sex.

### **Religious Headwear**

4.33.20 Religious headwear (see **guidance** for further information) can be subject to searching, but care must be taken to treat it with respect. The removal of the religious headwear during a routine or random level A search is not required. Staff must use a handheld metal detector during a level A search noting that pins may activate the alarm. If on being asked to remove any pins, the cause of the alarm still cannot be identified then the person may be asked to remove their headwear to ensure that nothing illicit has been concealed within it. This may need to take place in private, see **4.33.22**.

4.33.21 Where a level A search is based on suspicion or intelligence, staff may ask for removal of the headwear.

4.33.22 The request for the removal of some religious headwear (see **guidance** for further information) and all face coverings as part of a search must be conducted in private for decency and dignity reasons and by staff of the same sex as the person being searched. Staff must not attempt to unwind or remove religious headwear; the person being searched must be given the opportunity to do so themselves. If there are any circumstances that require staff to handle religious headwear for searching purposes, a fresh pair of gloves must be worn.

4.33.23 Some female individuals, particularly those of the Muslim faith, will wear veils or other face coverings for religious reasons. They must not be made to uncover their faces or hair in public or in front of a man as this could cause serious offence and distress. The removal of the veil or face covering must be conducted in private with only female staff present. Following its removal, the person must be given the opportunity to use a mirror and to have privacy and time to put it back on.

### **Full Searches Considerations**

4.33.24 **Muslim prisoners** - The Qur'an forbids the nakedness of Muslims in front of others. In accordance with the set procedure for a full search, no person subject to a full search will be completely naked at any time. Full searches are allowed under Islamic law when such a search of staff, visitors and prisoners alike is necessary for the maintenance of security and safety.

4.33.25 **Sikh prisoners** - Baptized Sikhs may wear an item of underwear called a kachera or kaccha, which resemble boxer shorts. When searching the lower body during a full search, a Sikh prisoner wearing a kachera/kaccha must be offered another sterile pair which they can change into in front of the officers so that the prisoner's modesty is preserved whilst enabling the original pair to be searched.

### **Use of Dogs to search people of Muslim Faith**

4.33.26 Friday Prayers - If Muslim prisoners attending Friday Prayers are to be searched by dogs, facilities must be made available to allow them to wash and change clothes quickly (if they have been touched by the dog) so that they do not miss prayers. See **guidance** for further information.

## Cell Searches Property Considerations

- 4.33.27 During a cell search, care must be taken when handling religious artefacts. Search dogs must not come into contact with religious artefacts or holy books. Prisoners must be asked to point these out before the search so that staff can search them by hand before the dog enters the cell. See **guidance** for further information.

## Searching Chapels/Multi-Faith Rooms

- 4.33.28 Details of procedures to be undertaken when searching chapels, multi faith rooms etc must be included in the LSS. A member of the chaplaincy team must be involved in the drawing up of a searching plan for chapels or multi-faith rooms.

## 4.34 SEARCHING OF PROPERTY

### Reception

- 4.34.1 [PSI-12-2011-prisoners-property](#) states 'All property accompanying prisoners entering a prison, whether they are entirely new to custody or transferred from another establishment or other agency must be searched in accordance with the National Security Framework'.
- 4.34.2 The process for searching prisoner property on reception must be set out in the LSS, see **guidance** for further information on how to search property. Prisoners should be present when their personal property is searched during reception procedures in all but exceptional circumstances.
- 4.34.3 All items of property for prisoners new to custody must be recorded or updated on the appropriate property record card and all property must be searched before it is issued or placed in stored property.
- 4.34.4 On transfer-in from another prison, a prisoner's in-possession property must be searched. The searching of legal documents must be undertaken with the prisoner present in all but exceptional circumstances.
- 4.34.5 For prisoners on transfer-in from another prison, as a minimum, stored property seals must be checked against the Person Escort Record (PER). Property bags must always be searched and resealed where it is noticed or it is suspected that they have been opened, damaged or tampered with or where intelligence supports the need for a search. See [PSI-12-2011-prisoners-property](#) for instruction and guidance on the storage and issue of property, which must be reflected in local arrangements.
- 4.34.6 As per [PSI-12-2011-prisoners-property](#) whenever a bag is opened or a seal becomes damaged, a new seal must be attached and its number recorded, ideally in the prisoner's presence. The prisoner must be asked to confirm in writing that a new seal has been applied. If a prisoner refuses to sign the property card this fact, and the reason, if known, must be recorded."
- 4.34.7 Prisoners must have their property checked against the property card on all discharges from prison. Governors have discretion to undertake a search of this property either routinely or on a risk-assessed basis where they feel that this is justified on security grounds. Arrangements and procedures for searching on discharge must be set out in local searching strategies and must be based on a consideration of local security risks.

- 4.34.8 There is no central mandate for prisons outside of the HSE to conduct routine searches of prisoners' stored property on transfer from another prison. Establishments must carry out a risk assessment (see **guidance**) to determine if routine searches of stored property are needed and, if so, the frequency of searches required in these circumstances.
- 4.34.9 The frequency of any agreed routine stored property searches could range from no routine searches at all to searches on every transfer or anything in-between. Risk assessments and any programme of checks adopted as a result of this, must be agreed by the PGD and documented in the LSS.
- 4.34.10 Governors must ensure that local policies are monitored and re-examined routinely or when risks change. Prisons are reminded that searches may be carried out at any time based on reasonable suspicion/observations and/or intelligence in addition to any set programme of searching.
- 4.34.11 Property and mail are very common conveyance routes for illicit/unauthorised items. Appropriate time must be allocated to staff to ensure a thorough search of prisoner property in reception. Best practice is for paperwork to be placed in a separate bag to other in possession property (clothing etc.) on transfer. This will allow for more effective searching processes and prevent delays in prisoners accessing property on arrival.

### **Property Parcels**

- 4.34.12 Staff must be alert to parcels arriving at the establishment as this has been identified as a route in for illicit items. On receipt of In Possession (IP) or stored property purporting to be from a previous establishment, the following actions must take place:
- Check the delivery courier one that is normally used by HMPPS.
  - Check with the sending establishment.
  - Check NOMIS for prisoners' previous location.
  - Confirm property tag seals appear to be genuine HMPPS issue.
  - Use the X-Ray Baggage Scanner (where available) to detect objects and high volume of substances.
  - Search the property with the prisoner present (prior to issue or placing in stored property) ensuring nitrile gloves are used to protect staff and preserve evidence.
  - Retain all packaging until confirmed that the property is not suspicious. In cases where property/parcels contain illicit items, the items and all packaging should be retained as Evidence (see [Evidence Policy Framework](#)).
  - Property records must be updated as per [PSI-12-2011-prisoners-property](#).

### **Mail Rooms/Correspondence**

- 4.34.13 All unopened mail is subject to searching. This can be visual observations, dogs, x-ray baggage scanner, & trace detection itemiser machines, see [Use of Narcotics Trace Detection Equipment on Correspondence Policy Framework](#) for further information. For specific procedures relating to Rule 39 and confidential access mail, please see [Prisoner communications policy: PSI 49/2011](#).
- 4.34.14 Establishments must have effective measures in place to search all social mail entering the prison including staff mail.
- 4.34.15 Staff must ensure nitrile gloves are worn when searching correspondence. In cases where mail contain illicit items, envelope and contents should be retained as evidence (see [Evidence Policy Framework](#)).

#### **4.35 SAFETY CONSIDERATIONS**

- 4.35.1 Searching is an effective method of maintaining security and stability both in reducing the risk of conveyance but also in preventing the risk of escape. Searching of cells, areas and persons may result in items being recovered and removed which can escalate debt issues leading to threats of violence and in some cases self-harm due to the stress and anxiety those individuals are facing. Establishments should ensure that staff are alert for any signs that a prisoner's risk of harm to themselves has increased. An individual who has had illicit items removed may also become violent to staff or other prisoners. More details of how to manage these situations are in [Managing prisoner safety in custody: PSI 64/2011](#).
- 4.35.2 A prisoner who has been found in possession of illicit items following search procedures may subsequently find themselves in debt. There are a number of measures that can be taken to mitigate the risk of prisoner debt created by the confiscation of property. This is of particular importance for those prisoners who are vulnerable, new or recently returned to custody and/or during early days in custody. See **guidance** for further information.
- 4.35.3 Searching of individuals who are vulnerable can be traumatising and increase the risk of violence and/or self-harm. Some vulnerable individuals may react violently to being searched whilst others may self-harm as a result of being searched. This risk is likely to increase with the level and intrusion of the search. Establishments should ensure that staff are fully informed of the trauma informed approach to searching set out in the **guidance**.

#### **4.36 RECORDING FINDS, EVIDENCE AND INDICATIONS**

- 4.36.1 The procedures detailed in the [evidence policy framework](#), must be followed when dealing with finds which may be used as evidence. For items that are considered a criminal act, see also [Crime in Prison Referral Agreement](#).
- 4.36.2 If anything is found during a search of an individual or within an area of the prison to which prisoners have access, officers may decide to ask an individual for an explanation. The explanation provided must be included in any intelligence report and where appropriate further action such as adjudication procedures are considered. No further questioning may be undertaken by prison staff. Any further questioning is the responsibility of the adjudicator and/or the police. Establishments must consider effective use of the adjudication process when items are found in possession of prisoners. See [Prison adjudications policy: PSI 05/2018](#).
- 4.36.3 Items found must be recorded on the Incident Reporting System (IRS) and on an Intelligence Report (IR).
- 4.36.4 Any finds must be recorded on the IRS under the relevant heading. All reports should include details of the illicit item/substance (if known). See [Incident Management Policy Framework](#) for further information.
- 4.36.5 All positive indications to include the narcotics trace detection itemiser, passive drug dogs, metal detecting equipment and X-ray body scanner must be reported on an intelligence report. This includes positive indications where the source of the indication cannot be identified. Please also see [Authorised Communications Control and Interception Policy Framework](#) (awaiting publication) and [Use of Narcotics Trace Detection Equipment on Correspondence Policy Framework](#).

#### **4.37 INTELLIGENCE REPORTING**

- 4.37.1 It is essential that this information is accurately recorded. HMPPS uses this information to build a wider intelligence picture, which enables key themes and trends to be easily identified. An intelligence report should be completed by the observing or searching member of staff and must contain the following information:

1. Location item found - where were you when this happened? Where was the item secreted on the person or their belongings? Where do you think the person was intending on taking the item?
2. The level of search undertaken, and any additional search based on intelligence or observations i.e., search involving a squat
3. Grounds for suspicion - why did you do what you did? How was the person behaving prior and afterwards? How were you alerted?
4. Full description of the Item conveyed (if applicable) - How was it concealed? What packaging did it have? Any distinguishing features?
5. Evidence bag number (if applicable)
6. Person description (if applicable)
7. IRS Number (if applicable)
8. Actions taken
9. Any other information that is considered relevant

#### **4.38 COVERT TESTING**

- 4.38.1 Establishments outside of the HSE must conduct a local risk assessment to determine whether any programme of covert testing of searching procedures is necessary or would be beneficial. Covert testing provides assurance that all searching measures are being carried out in line with the legal requirements in this policy framework. See **guidance** for further information on assurance processes.
- 4.38.2 High security prisons must have a risk-assessed programme in place for the covert testing of searching.
- 4.38.3 It is important that covert testing is conducted using the proper procedures and in line with the [covert testing policy framework](#) (awaiting publication).

### **5. CONSTRAINTS**

- 5.1 There are dependencies between this policy framework and the following policy documents:
- Conveyance policy framework - this policy framework set out the requirements for searching to prevent and tackle conveyance of illicit and unauthorised items into prison establishments.
  - Escape/Abscond policy framework - this policy framework sets out the measures to prevent and deter escape.
  - Evidence policy framework – this policy framework sets out the requirements for all evidence.
  - Use of X-ray body scanner in adult male prisons policy framework.

#### **Data Protection**

- 5.2 Any information relating to an identified or identifiable living individual recorded as a consequence of this framework will be processed in accordance with the Data Protection Act 2018, UK General Data Protection Regulation and PSI 04/2018 Records Information Management Policy. A full data protection impact assessment has been completed in support of this policy framework.

#### **Freedom of Information Act**

- 5.3 This document has been assessed as OFFICIAL and therefore suitable for public release. A small percentage of supporting tools have been marked as OFFICIAL SENSITIVE and will not be available for public release.

## Diversity & Inclusion

- 5.4 When communicating to staff, prisoners or visitors, establishments are expected to ensure that briefing documents and information is available in a variety of formats including easy read, braille, voice, and other languages.
- 5.5 Searching allows for an element of discretion and staff should be mindful of biases. These are the underlying attitudes and stereotypes that people may consciously or unconsciously attribute to another person or group of people that affect how they understand and engage with them. For further information and guidance about what works to debias decision making, please see [First Look Summary \(gsi.gov.uk\)](https://www.gsi.gov.uk/first-look-summary)
- 5.6 A full equality impact assessment has been completed in support of this policy framework.

## Review

- 5.7 The searching policy framework and supporting assessments will be reviewed post piloting and prior to national rollout. It is expected that the searching policy framework and supporting documents will be subject to ongoing review after that time, responding to emerging changes. This will ensure updated processes and identified effective practice are incorporated into the document guidance.

## Assurance

- 5.8 A good assurance process in an establishment will provide confidence that searching procedures are compliant with legislation. Establishments should ensure that there is an ongoing assurance process which is effectively managed and where risks are identified and mitigated.

## Intimate Searches

- 5.9 An intimate search is defined as intrusion into a bodily orifice. HMPPS **does not permit intimate searching** to include either direct removal by a member of staff, or by ordering a prisoner to remove an item themselves. (See **guidance** for further information) A bodily orifice is defined as an opening in the body, in humans, the body orifices are:
- a. Nostrils
  - b. Eyes
  - c. Ear canals
  - d. Anus
  - e. Urethra
  - f. Vagina
  - g. Mouth
- 5.10 As part of a Level A search, prison officers can undertake **visual observations** of the mouth and ears. Visual observations of other intimate areas can include asking the prisoner to lift the penis and/or scrotum, and/or asking the prisoner to pull back the foreskin as part of a full search (pulling back the foreskin does not meet the definition of an intimate search as it does not involve intrusion into an orifice). Staff do not have the legal authority to intrude into any other bodily orifices.
- 5.11 Prison staff cannot remove partly visible or protruding items from any individual's bodily orifice during a full search. In addition, prison staff cannot order prisoners to remove protruding or secreted items themselves. Staff must only request (not order) removal if it is deemed by the prisoner that it is safe to do so. Staff can apply sanctions for breach of prison rules based on a X-ray body scanner detection image or from visual observations

during a full/search involving a squat (see guidance for further information). For any removal of a protruding or secreted item, the prisoner may have clinical needs which require a healthcare professional to conduct an intimate examination on medical grounds. These must only be carried out with the prisoner's consent. Medical practitioners will not carry out intimate examinations for anything but clinical need.

## **6. GUIDANCE**

This section includes information to guide prisons in implementing the mandatory requirements as set out in Section 4 of this policy framework. The guidance includes effective practice, operating guidance and templates which prison staff should follow to ensure the correct process is adhered to and the mandatory requirements are achieved. Whilst it will not be mandatory to follow what is set out in this guidance, failure to do so could be challenged and so clear reasons to depart from the guidance should be documented locally. Supporting documents referenced within this policy guidance are published separately and will be subject to ongoing review.

### **6.1 RISK ASSESSMENTS**

6.1.1 Risk assessments are completed to determine the levels and frequency of searching to include:

- All searching of the person requirements (prisoners, visitors and staff)
- Cell searches
- Vehicle searches
- Area searches
- Building/accommodation searches
- Accommodation Fabric Checks (AFC)

6.1.2 Establishments should consider known deficiencies in security, good order or discipline and the security aims of the prison. The risk assessment should also include the quality of intelligence received within the establishment and factors which may indicate or pose a potential risk or threat to the security and/or safety of the establishment. Examples of these areas are outlined in [Annex 1](#), together with possible considerations and a template risk assessment. For each area establishments will need to consider:

- the reasons why the area/process may pose a risk to the security of the prison.
- the degree of harm it poses.
- the likelihood the threat will occur.
- measures currently in place to mitigate a potential risk in this area.
- whether rub down searching, technical aids and/or full searching could help mitigate the risk.
- whether increased volumes/levels of searching could help mitigate risk.
- whether additional measures, other than increased searching, could be implemented to address the problem.

6.1.3 Effective practice is to undertake a searching risk assessment as part of the State of Security framework. In line with an evidence-based approach, establishments are encouraged to complete their own state of security assessments. The concept of State of Security stems from the principle that Governors and Senior Managers know when they have a 'good day' in their prison but may not always be able to break down the essential elements. State of Security aims to look beyond performance measures to establish how we achieve our security objectives against the baseline of a 'good' prison state. To help understand the state of a prison's security, consideration must be given to the components that make it up. This includes allowing prison staff, as experts, to meaningfully self-reflect on their prison's culture, rather than being over reliant on or governed by audit processes.

- 6.1.4 As part of the risk assessment process, consideration must be given to the potential associated risks to security, order and control in adopting various approaches. In all cases the most effective strategy for the prison to adopt needs to be considered. This may be a routine programme of searches and daily AFCs or, at the other extreme, there may be no routine searching and weekly AFC completion to enable searching resources to be deployed to intelligence led searching. Searching resources will be informed by the Local Tactical Assessment (LTA) to support areas which are known routes of conveyance for example, reception (property), gate (EGS) and visits.
- 6.1.5 A detailed consideration of all these areas, and development of an overall local security picture, will help prison management determine what level and frequency of searching is required for prisoners, AFCs, cell searches and areas to assist in mitigating any particular security concerns. Monthly LTAs should be considered as part of this process. Areas listed for consideration in [Annex 1](#) are not exhaustive.
- 6.1.6 There are different options for searching taking into account category of prisoners, layout and type of establishment and existing risk. For prisons in the HSE, the national minimum requirement is already at the highest level comprising of routine and intelligence led cell and area searching with daily AFC/AFDCs being undertaken. All cell searching includes a full search and may include a property card check. Prisons in the HSE are not required to conduct property record checks as part of a cell search as a matter of routine but are required to develop a local strategy on conducting property record checks which may or may not be undertaken at the same time as cell searches.
- 6.1.7 For establishments outside of high security, the national minimum requirement consists of intelligence led cell searching and intelligence led area searching. AFCs must be risk assessed to determine required completion. The risk assessment should consider the potential associated risks to security, safety, dynamic security and order and control when determining the level of AFCs required.
- 6.1.8 It is not mandatory to carry out a routine programme of area searching or cell searching. Instead, establishments are required to agree with their PGD any identified need for a programme of routine area searching and/or routine cell searching in addition to intelligence led searching. This will be set out in the LSS and evidenced by the completion of the risk assessment. Consideration should be given to the potential associated risks to security, order and control and to prisoner safety in adopting various approaches to carrying out searching.
- If a routine programme of area and/or cell searching is agreed, then the frequency of this also needs to be decided, set out in the LSS and presented to the PGD for agreement.
  - If a programme of routine cell searching is implemented, this must include:
    - Level of cell search (use of property card or not)
    - Level of person search required
  - If a programme of routine searching is not implemented then resources must be directed towards targeted, intelligence led searching.
  - AFC/AFDC's completion at establishments outside of HSE will undergo this risk assessment process to identify any requirement for completion, and if so, what frequency is required. This will be agreed by the Governor and PGD.

## **6.2 LOCAL SEARCHING POLICY (LSP)**

- 6.2.1 Different searching of the person arrangements will exist across the prison estate dependent on the type of prison, circumstances of the search & relevant intelligence. In most cases the risk assessment process described in this guidance section will provide evidence for decisions on the types of searching arrangements for reception, visits,



activities etc. Drawing on the risk assessment (see [Annex 1](#)), local searching policies should define the following:

1. Context - different areas of the prison or situations in which searching is required (for example, prisoners, visitors, staff, contractors, vehicles, equipment, goods, stores, mail, property, workshops, sports fields, cell searches, escorts, at night etc). All parts of the prison, including the perimeter, storm drains, underground services and communal areas must be included in the strategy.
2. Object-what is being sought in each situation? For example, Weapons, Drugs, Mobile Phone Related items.
3. Technique/type of search - resource and regime implications of types of searches, the search technique(s) to be used to maximise the chance of finding the object and the technical aids needed to conduct the search. The following searches of the person may be carried out as part of a prison's searching strategy:
  - Level A rub down search
  - Level B rub down search
  - Full search
  - Squat Search involving a squat (men's estate only) and intimate searches

Additionally, searches may use technical aids and dogs.

4. Staffing - the staff or group of staff needed to carry out the search in each context (for example, wing staff, gate staff, dedicated search team, etc). This will need to take into account legal authority to conduct particular searches, the structure of any teams and the arrangements for managing searches.
5. Frequency targets - how often, in each context, routine or random searches will be conducted. Management must ensure that the strategy is implemented fairly and without bias against any group. Managers may consider conducting less routine and more intelligence led searches. If this approach is adopted, it must be reflected in the LSS accordingly.
6. Non-routine searches - procedures for non-routine (for example, intelligence-led) searches, including planning procedures for large-scale searches, such as lock down searches.
7. Action on a find - procedures for preservation and continuity of evidence and avoidance of contamination and action to take with the prisoner or other person involved (including powers of arrest where appropriate).
8. Training need - the training needed for each technique including powers of arrest, the staff or groups of staff to be trained and the targets for training any staff who need any ongoing training and testing considering the training required for Enhanced Gate Services (EGS).
9. Procedures for audit – a clear strategy must be in place for assurance of searching and this must be communicated to staff. See [Annex 2](#) (Assurance Guidance).

### **6.3 RECORD KEEPING**

- 6.3.1 [Annex 3](#) provides a template log for use by establishments to record full searches. As a minimum all intelligence-led full searches will need to be recorded. This will include both pre-planned (usually led by the security department) and reactive searches (search completed due to immediate observations and/or behaviour of prisoners). The requirement for reactive searches is that these must be retrospectively submitted on an IR. This data will then be transferred to the search log.
- 6.3.2 Establishments should consider recording protected characteristics for full searching to enable effective monitoring. This data should then be submitted and discussed at the establishment's equalities meeting or similar. Nonvisible disabilities are not always recorded on NOMIS and communication around searching processes for some learning

difficulties and/or neuro diverse conditions is essential. Establishments may need to consider how this can be captured locally.

### **Process for review**

6.3.3 The process for the review of the full search data will be different at each establishment dependent on levels of searching and confidence in searching procedures and decisions. An example review sheet is included as a tab of [Annex 3](#), reviewing of the full searching records should take to include assurance of the following:

- Quality of the search.
- Documentation is completed correctly.
- IR has been submitted in cases of reactive intelligence led search.
- Justification for the search is appropriate to the search/es carried out.
- Risk assessment for pre-planned searches is completed and appropriate.

Further review of the data could include:

- An analysis of the effectiveness of the full search in relation to finds.
- An analysis of protected characteristics in relation to application of intelligence led searches.
- Quality review of risk assessments.
- Differences in the levels of decision making.

## **6.4 INTELLIGENCE LED SEARCHING**

### **Dynamic Risk Assessment**

6.4.1 Reactive intelligence led searching incorporates the use of a dynamic risk assessment. This is the continuous process of identifying hazards, assessing risk, and taking action to eliminate or reduce risk in the rapidly changing circumstances of an operational incident. An example of this would be an observation of a prisoner passing what is believed to be a bladed article to another prisoner. A dynamic risk assessment in an operational situation like this needs to be rapid and could include (in any order):

- Decision to intervene.
- Assessing the hazards and risks and allocating staff resources appropriately.
- Assessing time factors against the risk of the weapon being moved again. An immediate approach may be required or there may be time to request authority and/or guidance from a manager.
- Assessing the appropriate actions – this could start as a rub down search but move to a full search if intelligence indicated the item had been hidden on the body. A further squat search could be included (men's estate only) if further observations and/or intelligence during the full search led staff to believe the item had been secreted internally.
- Submission of an IR following the search documenting the dynamic risk assessment process and any finds. This can then be use for monitoring and review.

### **Dynamic Risk Assessment Promising Practice Approach**

6.4.2 Staff are often under pressure to make prompt decisions on reactive intelligence led searches within a short time frame and sometimes with information that may not always be reliable. Given these conditions, it is likely that bias may play a role in some targeted searching decisions.

6.4.3 It's important to slow down thinking and consider all relevant information when considering intelligence led searches that are reactive (based on immediate observations and/or /behaviours). Cross checking with others can reduce the impact of bias on our decision making and lead to a justified decision.

6.4.4 It is also important that we monitor and act on disproportionality in security practice. Establishments should monitor the use of security measures such as intelligence led searching to consider bias in decision making.

## **6.5 SAFETY CONSIDERATIONS AND A TRAUMA INFORMED APPROACH TO SEARCHING**

6.5.1 Research has found that a high proportion of prisoners have experienced trauma in their lives, and / or had a high number of Adverse Childhood Experiences (ACEs) before they reached the age of 18. Many could be impacted by the traumas and / or ACEs in their lives and searching can cause prisoners to become distressed, triggered, or re-traumatised. In addition to this, individuals who are neuro diverse such as people with autism have unusually sensitive "sensory" systems, meaning that their senses can all be easily overloaded. Depending on the nature of the trauma individuals may have difficulties with trust or with being physically touched by others.

6.5.2 In addition to this, the experience of being detained disempowers an individual. Staff can exercise power over the individual's liberty (and their property), and may subject the person to legitimate, but nevertheless intrusive practices such as full searches. There are known risks to all individuals in custody (for example through the use of force and searches) and these risks can increase significantly when an individual is also vulnerable. Measures such as use of restraint or removal of clothing may significantly increase distress. Examples of vulnerability include:

- Individuals with a mental illness.
- Individuals with drink and/ or drug problems.
- Individuals with a learning or communication disability. (They often do not understand, or only partially understand, what they are being told by staff and this can affect their behaviour).
- Individuals who are in a minority (transgender, disability, race, age).

6.5.3 Staff, prisoners and visitors may be susceptible to undertaking conveyance of illicit items which can be discovered during a search. Certain factors may make an individual more vulnerable and likely to be exposed to involvement in this process. There are many factors that may make people vulnerable and in addition to this, vulnerability can be fluid. This means that individuals who may not be susceptible one day could find themselves vulnerable due to actions or events that have occurred. Several factors may make individual vulnerable to holding illicit items or being involved in the conveyance of these, some of these are listed below (this list is not exhaustive):

- Individuals with disabilities particularly those who are neurodivergent.
- Individuals with mental health conditions.
- Individuals with substance misuse issues.
- First time offenders with no knowledge of prison environment.
- Individuals in debt.
- Individuals seen as vulnerable due to physical factors such as height, weight and appearance.
- Individuals seen as vulnerable due to limited social skills.

6.5.4 For prisoners who are vulnerable, the impact of sanctions (adjudications, incentives scheme and/or police referrals) that occur when illicit items are found in their possession and/or the threat of violence against themselves and/or family members can have significant consequences in relation to self-harm and suicide.

### Debt Considerations

6.5.5 If a prisoner starts to borrow, the debts can cascade as interest often means paying back double. One of the only options a prisoner has to pay their prison debts is to ask friends and relatives to pay the debt or to undertake actions (holding illicit items and conveyance of these) to pay off the debt. The consequence for non-payment often leads to coercion and violence.

6.5.6 Debt is something prisoners can quickly fall foul of due to the payback amounts, bubble and a half, meaning the return of the item loaned, plus 50 percent, or double bubble, which is the original loan plus the same again on top. Repayment is often scheduled to coincide with canteen delivery day. It's easy for a prison debt to double, double again and keep doubling.

6.5.7 Prisoners who have items removed as part of a search will often fall into debt as a consequence of this. Prisoners may be pressured to bring items through reception on transfer or recall to custody. The threat of violence in the early days of custody as a result of this and lead to self-harm or even suicide in extreme cases.

6.5.8 For prisoners who are vulnerable, the threat of violence for unpaid debts or to become involved in the illicit economy is very real. This can even extend to threats of violence to family members.

### Support

6.5.9 There are several policies, processes and key areas that can help support staff, prisoners and visitors. Some of these are listed below and should be considered as part of any follow up action after a search find.

	SUPPORT MEASURE
<b>STAFF</b>	Staff Care Team TRIM Staff Pastoral Support IMB Line Management Support Peer Support Occupation Health / Employee Assistance Programme <a href="#">Prison &amp; Probation Policy Frameworks - GOV.UK (www.gov.uk)</a> Staff Support Networks (PiPP, Dawn & RISE) <a href="#">WELCOME TO THE STAFF NETWORKS - HMPPS Intranet (gsi.gov.uk)</a> Counter Corruption Prevent Lead / Counter Corruption Policy Framework <a href="#">Prison &amp; Probation Policy Frameworks - GOV.UK (www.gov.uk)</a> PSI 06/2010 Conduct and Discipline <a href="#">Prison service instructions (PSIs) - GOV.UK (www.gov.uk)</a> PSI 02/2018 Post Incident Care <a href="#">Prison service instructions (PSIs) - GOV.UK (www.gov.uk)</a> <a href="#">Helping you at work - HMPPS Intranet (gsi.gov.uk)</a>
<b>PRISONERS</b>	Keyworkers Family support Substance Misuse Services

	<p>Pastoral Support  Individual Case Management  PSO 1700 Segregation <a href="#">PSO 1700 - HMPPS Intranet (gsi.gov.uk)</a>  ACCT (Assessment, Care in Custody &amp; Teamwork) / PSI 64/2011 Prisoners at risk of harm to self, to others and from others. <a href="#">Prison service instructions (PSIs) - GOV.UK (www.gov.uk)</a>  CSIP (Challenge, Support &amp; Intervention Plan) <a href="#">Challenge, Support, and Intervention Plan - HMPPS Intranet (gsi.gov.uk)</a>  PSI 07/2015 Early Days in Custody <a href="#">Prison service instructions (PSIs) - GOV.UK (www.gov.uk)</a>  Serious and Organised Crime Policy Framework <a href="#">Prison &amp; Probation Policy Frameworks - GOV.UK (www.gov.uk)</a>  Debt Materials and Learning for prisoners <a href="#">Safety - HMPPS Intranet (gsi.gov.uk)</a>  Listener Scheme &amp; Samaritans <a href="#">Safety - HMPPS Intranet (gsi.gov.uk)</a></p>
<b>VISITORS</b>	<p>E.g:  PACT (Prison Advice and Care Trust) operates in most prison establishments and includes a befriender system, family helpline and a host of links to other supportive organisations for families. <a href="#">Prison Advice and Care Trust</a>  Victim support is an independent charity dedicated to supporting victims of crime and traumatic incidents in England and Wales <a href="#">Home - Victim Support</a>  Support for families and friends of prisoners <a href="#">Support for families and friends of prisoners - GOV.UK (www.gov.uk)</a>  Prisoners Families Helpline <a href="#">Prisoners' Families Helpline (prisonersfamilies.org)</a></p>

### Trauma Informed Searching

- 6.5.10 Trauma informed searching means that the staff understand what trauma is and about some of the impacts of trauma for individuals. Individuals who are neuro diverse for example, those with autism, Asperger's, ADHD, acquired brain injury, and/or mental health conditions will also respond much better to a trauma informed approach.
- 6.5.11 In respect of searching there are key ways of ensuring our approach to searching is trauma informed thereby minimising or removing the chances that individuals could be triggered or re-traumatised by aspects of the way searching works.
- 6.5.12 In cases where prisoners are not known to staff sufficiently well for staff to understand what re-traumatising might be, or what their specific triggers might be, all staff should adopt universal precautions – assuming that the individual they are searching has a trauma history and behaving accordingly. This will reduce the likelihood that conducting a search would be re-traumatising or otherwise unnecessarily stressful for any individual.
- 6.5.13 Trauma informed searching includes:
- Explaining clearly what you are going to do before you do it, and make sure they understand what you have said.
  - Taking your time. For example, if you are carrying out a search, explain that you have to check the collar of their shirt, and that you will need to touch around their neck in order to do this. Tell them this before you do it and explain that this is a normal part of the procedure.
  - Don't shout. Even though somebody may be distressed and shouting – do not shout back - keep a low calm voice. This might help them to become less distressed. Some

people who have been physically abused are very triggered by shouting as it can remind them of their abuser.

- Keep a calm and reassuring manner and offer the prisoner the opportunity to ask questions about the next stage of the searching process prior to it beginning.

6.5.14 'Trauma-informed' and 'trauma responsive' approaches are those which enable the recipient to feel safe; make choices and collaborate in the process as far as possible.

### **Procedural Justice and Communications around Searching Procedures**

6.5.15 In addition to a trauma informed approach to searching, communication styles are also key to searching procedures being effective. More consideration may be needed when searching a cell in relation to items out of place (this will impact prisoners with dementia and who are blind or who have OCD). Staff will need to consider their communication style for some disabled and non-English speaking prisoners.

6.5.16 Searches are an important part of securing and keeping safe the prison environment but they can trigger negative emotions for residents. Searching risks people losing items that they value. It can cause fear for those who have been instructed to hold items for others, and mean important activities are inaccessible which can be stressful and frustrating.

6.5.17 If conducted in a procedurally just way, it is more likely that prisoners will accept and cooperate with search staff, and lessen the risk of possible hostility and resentment which can make searching potential flashpoints for violence.

6.5.18 Effective practice approach to searching includes:

- Effective communication
- Explanation for the search
- Using polite and collaborative language
- Acknowledge the impact of the search

6.5.19 The more modern, broader way of thinking about security encourages us to see security as not only tackling drugs, violence and criminality, but also creating an environment where stronger communities grow, and people can make the most of their talents. Traditional definitions of security are narrow, prison security is about the prevention and detection of threats such as escapes, mobile phones, drugs and other unauthorised or illicit items, and the management of the links with violence and ongoing criminality. This is a central aspect of prison security, but it is not all that security is or can be. People feel secure, not only when they are free from physical threat and violence, but also when they can exercise their rights, they expect to be treated fairly. The nature of the interactions during a search can help to calm or inflame a searching situation. In order to demonstrate the trustworthy motives principle of procedural justice, there should be clear communication as to why certain items are prohibited, and actions taken to enlist cooperation.

6.5.20 Due to the higher rates of sexual violence and domestic violence experienced by women in custody, it is important to be considerate when carrying out searches of female prisoners.

6.5.21 The following links are provided as further information on Rehabilitative Culture for establishments:

- [Rehabilitative Culture Handbook:](#)
- [Prison Service Journal – Rehabilitative Culture](#)
- [Procedural Justice review Guide - July 2021](#)
- [Resource Library for Rehabilitative Culture - HMPPS only](#)

## **6.6 VISITOR SEARCHING**

6.6.1 Babies and toddlers includes most children up to their third birthday, and some older children. As children mature at different rates, there can be no definitive age limit. Staff must use their discretion on a case-by-case basis whether to use these procedures or the ordinary rub down or full search procedures.

## **6.7 TRANSGENDER SEARCHING CONSIDERATIONS**

6.7.1 Searching is arguably one of the most emotive and difficult aspects of working with and managing transgender people in a prison environment. As such, it is important that a strong overall emphasis is placed on securing the cooperation of transgender individuals for the purposes of searching, whilst ensuring that there are effective security measures in place which must be adhered to. Procedures must be sensitive to the needs of visitors, prisoners and staff, and they must remain proportionate and lawful.

6.7.2 In accordance with the Gender Recognition Act (GRA) 2004, transgender people may apply for a certificate, called a Gender Recognition Certificate (GRC), upon the satisfaction of conditions which legally recognises the gender with which they identify.

6.7.3 Once a full GRC is awarded, their gender will become, for all purposes, the acquired gender. These individuals will automatically be entitled to apply for a new birth certificate, provided that their birth was registered in England and Wales or Scotland. A GRC can be obtained without surgery. Some individuals who are transgender and have obtained legal recognition of their gender via a GRC will not seek any medical interventions and it is their right not to do so.

### **Transgender Prisoners**

6.7.4 Prisoners should be full searched applicable to the acquired gender, irrespective of their bodily characteristics (including genitalia). In practice, this means that male to female transgender prisoners in receipt of a GRC should be full searched by female officers and female to male transgender prisoners with a GRC should be full searched by male officers. To do otherwise would incur a significant risk of litigation. However, searches should always be preceded by a sensitive discussion with the person concerned to determine their preference and, where all parties are in agreement, a voluntary agreement to detail arrangements must be considered.

6.7.5 Transgender prisoners at all stages of the gender confirmation process must be encouraged to enter into a voluntary written agreement in respect of their searching arrangements on arrival to an establishment. See [The care and management of individuals who are transgender](#) for more information on the management of transgender prisoners.

### **Voluntary Agreement**

6.7.6 It is important to note that this Policy Framework is a starting reference and that a voluntary agreement can apply as an exception in specific circumstances if everyone is in agreement. However, a voluntary agreement must be truly voluntary, and prisoners must not be coerced into signing under any circumstances.

6.7.7 It is appropriate that the discussion around a voluntary agreement for searching would take place alongside a wider conversation concerning the prisoner's particular needs, see [the care and management of individuals who are transgender policy framework](#).

6.7.8 A consultative approach should be adopted when determining individual searching arrangements. Where appropriate, advice must be sought from medical professionals and those involved in the prisoner's care. The wishes of the prisoner must also be taken into

account. The Governor must decide if the Voluntary Agreement (VA) is suitable, taking into account such factors as legal considerations, possession of a GRC, sex characteristics of the prisoner, views of the prisoner and staff and the likelihood of the prisoner cooperating with a VA. It should be recognised that the prisoner may withdraw from a VA at any point in time and the details of the agreement may need to be amended as circumstances change. Any decision to suspend an agreement must be justified and proportionate and agreed by local management.

### **Searching Considerations for Prisoners in the Women's Estate**

- 6.7.9 The [Women's Policy Framework](#) sets out the MoJ's expectations for the delivery of services for working with women in custody. It enables staff to be aware of the gender specific issues that affect women and respond appropriately to ensure that their different needs are consistently met.
- 6.7.10 The application of a full search for prisoners in the women's estate is different to that in the men's estate. [Annex 4](#) provides a checklist for full searches that are undertaken in the women's estate to ensure effective and consistent practices in line with policy and legislation. [Annex 4a](#) is also provided for full searches in the men's estate.
- 6.7.11 The following factors should also be considered when searching prisoners in the Women's Estate:
- Staff should communicate clearly what the reason for the search is and record this.
  - Staff need to ensure that the proper procedure for searching is followed, i.e., making sure that a Level 1 search was carried out before proceeding to Level 2.
  - Gowns (or similar) must be made available.
  - Local Search Strategies should be made available to prisoners which adequately cover the Policy Framework requirements.
  - Staff must be aware if the woman is pregnant or has recently given birth or had a termination as she may require additional sanitary wear, including breast pads.

### **Refusals by Prisoners in the Men's Estate to a Level A/B search by Female Staff**

- 6.7.12 Advice from HMPPS Chaplaincy Headquarters and Faith Advisors is that there are very few absolute exclusions on cross-gender searching for any religious group. Faith Advisors have indicated that members of several religions may have a genuine objection to being searched by members of the opposite sex. However not all adherents of any single religion will necessarily hold the same view: certain adherents may object relying on their religious beliefs while other adherents of the same faith may not.
- 6.7.13 Exemptions for prisoners in the men's estate will only be permitted when the prisoner has genuine grounds for objecting to being searched by a female member of staff. It is not sufficient that the prisoner would prefer to be searched by a male member of staff. In practice it is likely that prisoners will only be able to establish good reason for an exemption in cases where the practice has caused genuine distress.
- 6.7.14 When a referral to the faith adviser indicates that this is an important aspect of the religion, then an exemption on grounds of religion should be granted. Otherwise, an exemption on cultural or philosophical beliefs may be considered.

## **6.8 DISABILITY SEARCHING CONSIDERATIONS**

- 6.8.1 Normal routine searching procedures may need to be varied according to the disability of the person. An assessment should consider factors such as the level/nature of the physical disability of the individual, their size and weight etc. Healthcare advice should be considered prior to the search (wherever possible). Reasonable adjustments may include:



- Transfer of individuals between chairs with specialist assistance and aids, i.e., pat slides.
- Alternative searching measures for example,
  - Use of the cell sense pole or metal detector archway
  - Level A search with handheld metal detector
  - Use of dogs

6.8.2 Disability covers more than just impaired mobility and individuals who are blind, deaf and neuro diverse may be hypersensitive to touch, light and noise. This could be anyone who is on the autism spectrum and/or any range of learning disabilities. For further information on Neuro diversity, please see [Neurodiversity at a Glance: Conditions and Symptoms \(wixsite.com\)](https://www.wixsite.com/neurodiversity) and [Neurodiversity in the criminal justice system: a review of evidence \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/neurodiversity-in-the-criminal-justice-system-a-review-of-evidence/).

6.8.3 Elderly individuals and/or those with disabilities which may impede their ability to remain standing or understand the process (dementia for example) must be given time, have processes explained clearly and be allowed to sit down where needed during the search. Reasonable adjustments should be considered on an individual basis.

6.8.4 Sections **6.5.10 – 6.5.14** includes information on a trauma informed approach to searching. It's important to understand that some neurodivergent conditions (as a result of maybe sensory issues, or difficulty understanding or interacting) may create difficulties with searching. This can often present itself in challenging behaviour and potential outburst. The application of a trauma informed approach will enable searching procedures to be more effective in these circumstances.

6.8.5 For individuals who are entering custody, screening information may not always be available however it is important that staff check available documentation wherever possible to identify any learning difficulties. Trauma informed searching will ensure a positive approach to any person undergoing search procedures who have signs relating to ADHD/autism/Asperger's etc.

### **Medical Aids**

6.8.6 If a prisoner has an artificial limb, bandage, plaster cast, etc, and this impedes the search and/or there is a reasonable suspicion (via observations or other source) or intelligence that it is being used to conceal an illicit/unauthorised item, the searching officer may seek advice from healthcare staff (where practical) on whether the item impeding the search can be removed. The prisoner may be asked to remove the article impeding the search where this is feasible, out of sight of others. For use of prosthetics by transgender prisoners, please see [Annex C](#).

### **Physical Aids**

6.8.7 For an effective search to take place, searching should include any physical aids. Non-sterile wheelchairs should be collapsed, removable parts or any aids should be closely inspected.

### **X-ray body scanner and Prisoners with Disabilities**

6.8.8 A pragmatic and considerate approach should be applied to body scanning prisoners with disabilities as it may not always be possible to conduct a scan. See [X-ray body scanner Policy Framework](#).

### **Pacemakers and Implantable cardioverter defibrillators (ICDs) Searching Restrictions**

6.8.9 A person wearing a pacemaker may be subject to a search using a metal detector portal or handheld detector. Being too close to a magnetometer could result in a pacemaker switching to magnet mode where the pacemaker simply paces the heart at a flat pre-programmed rate rather than the patient's heart rhythm. For ICD devices, the consequences can be very serious delivering painful high voltage shock therapy at a time when it is not needed. HMPPS devices transmit a low electromagnetic field but searching must be in accordance with the below conditions:

- **Metal Detector Portal Search**

- If a person informs staff, they that have a pacemaker or ICD inserted and/or presents a cardiac device ID, they should be asked to walk quickly through the system. They should not stop or linger in the archway.

- **Handheld Metal Detector Search**

- British Heart Foundation guidelines state that people with pacemakers can be searched with this equipment, however the device should be held at a minimum distance of 15cm. Exposure to screening wands should be limited and staff should only pass the wands very quickly over the device whilst, maintaining the safety distance.
- People with an ICD fitted may be exempted from searches using a handheld metal detector. If a handheld metal detector is held over an ICD for too long, the consequences can be very serious.
- Establishments that require all staff to searched using a handheld metal detector or where there is intelligence or reasonable suspicion that necessitates its use, staff **must** be trained in the procedure for use. Staff must not hold handheld wands over heart devices or wave them back and forth over the area where the device is fitted (most heart devices are located next to the collar bone, but they can be positioned elsewhere on the torso). Devices must be kept at a minimum distance of 15cm.

- **BOSS**

- A person wearing a pacemaker or ICD may be subject to a search using the BOSS.

- **X-Ray Body Scanner**

- A person wearing a pacemaker may be subject to a search using the X-ray body scanner.

### **Searching Compact for Prisoners with Disabilities**

6.8.10 It is appropriate that a discussion around searching takes place alongside a wider conversation concerning the prisoner's particular needs due to their disability. A voluntary agreement should be drawn up by local management and advice should be sought from medical professionals and those involved in the prisoner's care where it is recognised that searching processes may be difficult for the individual to undertake and follow.

6.8.11 If a prisoner is seriously ill, disabled or recovering from major injury or recent surgery or may require modifications to ensure the least trauma/impact due to other disabilities, any medical advice for searching should be recorded and readily available prior to the search. This will preferably be as part of the searching compact for those prisoners identified as requiring modifications. This should include any removal of dressings as part of the search.

## **6.9 PREGNANCY SEARCHING CONSIDERATIONS**

6.9.1 Medical advice should be considered prior to searching a pregnant prisoner, a prisoner who has just given birth, experienced termination or miscarriage. Additional time may need to be

allocated and consideration should be given to allowing the prisoner to sit during the search. Staff should also be mindful of the additional stress that can impact during pregnancy.

## **6.10 INTIMATE SEARCHING**

- 6.10.1 The definition of an intimate search includes physical intrusion into a body orifice not only by the officer conducting the search, but also by the person being searched when ordered to do so by the officer.
- 6.10.2 Prison officers do not have powers to undertake intimate searches, and they cannot order prisoners to physically intrude into their own bodies (e.g. removing items from their own anus or vagina). If an item becomes visible during a squat, on further inspection of the anal/genital area or via a body scan image, the officers conducting the search can ask the prisoner to remove the item if it is considered safe by the prisoner to do so. Prisoners must not be ordered to remove the item.
- 6.10.3 Prisoners can be placed on report for conveyance/secretion of the item by applying R51(23) / YOI R55 (26) disobeys any rule or regulation applying to him. The evidence for this charge is the members of staff's visual observation of a protruding item or a body scan image of a secreted item. Establishments will need to amend their local rules to include prohibiting the secretion of any item within the body in order for this rule to be applied and this will need to be communicated to all prisoners on reception and during induction. Posters are provided to establishments to assist with this process.
- 6.10.4 R51(12a) / YOI R55 (13a) - has in his possession an unauthorised article can also be applied when a secreted item is handed over or located following a search of a cell in which the prisoner has been located.

### **Use of X-Ray Body Scanner Policy Framework**

- 6.10.5 The change in the authority of staff relating to intimate searching contained in this policy framework removes the following sections from the on the [Use of X-Ray Body Scanner Policy Framework](#);
- **5.97:** The prisoner must be informed that the image taken by the x-ray body scanner indicates that they are internally concealing contraband. If the item is accessible the prisoner must be asked to hand over the contraband [5.99 indicates this can be from their anal, genital or oral areas].
  - **5.101:** In the event that the prisoner refuses to hand over the item, staff must consider whether it is appropriate to give a direct order to hand over the contraband (the item needs to be accessible for the order to be reasonable). In doing so, staff must consider that the prisoner's failure to comply with a lawful order may constitute an offence against prison discipline.
- 6.10.6 Where a protruding or secreted item is either detected via the body scanner or visual observations during a search, staff can request the prisoner to remove the item if it is safe to do so. Prisoners can be placed on report for disobeying any rule or regulation applying to them R51(23) / YOI R55 (26) with either the member of staff's observations or the body scanner image used as evidence.
- 6.10.7 Healthcare should be informed of any secreted or protruding item and available to the prisoner following removal should they require it.

## 6.11 AREA, BUILDING AND ACCOMMODATION SEARCHING

- 6.11.1 Pro-active search dogs may be used for pre-occupation searches and to search prison areas for arms, explosives or drugs. Patrol dogs may be used to search for missing people, intruders and hidden items and for protecting the prison perimeter. See [Prison dogs Policy Framework](#).
- 6.11.2 Dogs can also be used in searches of the perimeter, see [Prison dogs Policy Framework](#).
- 6.11.3 [Annex 5](#) provides a Quick Reference Guide (QRG) for area, building and accommodation searches that are routinely used. In addition to this [Annex 6](#) provides QRG examples of undertaking a building/area search.

## 6.12 TECHNICAL AIDS

- 6.12.1 The following technical aids can be used to assist with searching. The annexes provide further information and guidance on their use.
- [Annex 7](#) - Archway Metal Detectors (Used to identify metal objects on the person, can be used for staff, visitors and prisoners – usually found in visits search area and activity areas (workshops).
  - [Annex 8](#) - X-Ray Baggage Scanners (Used for x-ray of property (IP, stored & parcels/mail, visitors' property, prams, pushchairs etc. Can be used for prisoners, staff and visitors' property and is usually located in visits search areas, gate areas and reception.)
  - [Annex 9](#) - Handheld Metal Detectors (Used to identify metal objects on the person, can be used for staff, visitors and prisoners – this item is easily portable and can be used in reception, visits and activity areas in addition to searching of prisoners in any area.)
  - [Annex 10](#) – X-ray body scanner (Used for scanning adult male prisoners only to identify internally concealed/secreted items – usually found in reception. Must not be used on staff, visitors, or prisoners with female reproductive organs. Must only be used on an intelligence led basis.)
  - [Annex 11](#) - BOSS Chair (Used to identify concealed mobile phones or other metal items, can be used on staff, prisoners, and visitors – usually found in reception or visits. This item can be moved).
  - [Annex 12](#) - Cell Sense Pole (Used to identify metal objects on the person, can be used for staff, visitors and prisoners – this item is easily portable and can be used in reception, visits and activity areas).
  - [Annex 13](#) - Mobile Phone Detection Equipment (Portable mobile phone signal detectors may be used in line with the LSS for locating mobile phones throughout the prison.)
  - [Annex 14](#) - Drug Detection Equipment (Drug Detection Kits are used to identify drug substances usually found during searches. They are small testing kits (where available) and normally held in the security department. The trace detection is used to test paper items (correspondence) to detect traces of illicit substances. They are normally held in the mail room. These machines can be portable and moved around.)
  - [Annex 15](#) - Security Searching Equipment (Fibro Scopes are usually held in security and used to explore areas that are contained without having to take it apart. Used for searching wooden bed bases or behind secured objects. MD4 Area Metal Detector is a specific search aid which can be used to identify tiny pieces of metal. These are held in the security department. Explosives Vapour Detection Machines is a specific search aid for explosive devices and is held in the security department).

### Positive Indications

- 6.12.2 The following process provides information on the advisable process to follow after a positive indication:

1. Give the prisoner the opportunity to provide an explanation as to why the alarm has indicated (for example, it is possible that an intimate body piercing may cause the scanner to indicate or there may be a medical explanation. The prisoner should be permitted to remove any item in privacy.
2. If the item is not produced or satisfactory explanation given, conduct a rub down search of the prisoner followed by a full search if no item is revealed.
3. Establishments with X-Ray Body Scanners can use this process to identify any secreted items where there is reasonable suspicion or intelligence to justify this, and the prisoner does not have a 'do not scan' notice on their NOMIS account. (Closed Men's Estate only).

6.12.3 If the steps detailed above fail to identify the source of the alarm, and the metal detector or technical aid continues to indicate then the prison should carry out an assessment of the potential threat presented and consider what procedures should be put in place. The assessment should consider any specific intelligence held on the intelligence system alongside any information available. Any resulting decisions should be reported via the intelligence system as part of the intelligence report submitted and documented on Nomis.

6.12.4 In determining an appropriate local response, prisons should assess whether it is necessary for the escort to proceed at this time i.e., transfer for pending court case or allocation to another prison. In the case of prisoner transfers, the receiving establishment should be informed to ensure that they have room in their segregation unit if it is considered to be a necessary measure.

### **Discharges to Court**

6.12.5 Where at all possible, action taken on receipt of a positive metal detector indication on discharge to court should not delay or prevent discharge to court. Prisons should make a defensible decision whether to continue with the court appearance for the individual prisoner. Factors to consider are risk of the prisoner escaping and the potential for violence or significant self-harm.

6.12.6 The prison should immediately notify the PECs transport providers of the issue and allow them to consult with their managers. The court list officer should also be contacted as soon as possible regarding any changes or delays to the court appearance. Alternatives such as a later hearing or a hearing via video link should be explored.

6.12.7 If the Court requests that the prisoner must be produced in person, prisons must consider how the potential risk(s) can be managed. The following are examples of risk-management measures that must be considered by the prison and/or escort contractor in such circumstances:

- The use of handcuffs on the prisoner during the journey on the cellular vehicle.
- The use of sterile clothing.
- The use of E-List procedures where the risk is assessed as sufficiently serious.
- Locating the prisoner on the vehicle in a place which enables them to be readily and frequently observed.
- The provision of additional Prison Custody Officers by the PECS Escort Contractor during the escort.
- The use of a different vehicle (depending on the level of security required) – this may include contractor vehicles with special design features.
- Separating the prisoner from co-defendants or from other prisoners who may be collaborating with the suspected prisoner during the escort.
- The provision of an escort by the prison provider.
- Treating the escort as a "late notification" and informing the escort contractor via the Person Transfer Request (PRT) process.

- Informing the local police of the escort.
- Single cell location at court.
- The use of a CCTV cell (where circumstances allow, consider constant supervision where an escort is considered to be high risk).
- Custody Management Directions Form (CMDf) application to the court for additional security at court (i.e., using a secure dock, arranging additional dock staff etc). If the escort takes place, the CMDf must be held by the PECS Escort Contractors along with the PER.
- Full searching the prisoner on leaving a court cell area prior to appearing in court.

6.12.8 Staff must ensure that the Person Escort Record (PER) is annotated with clear risk management information and that the prison or contractor escort staff are fully briefed at the point of handover of the prisoner. Prisons will need to share assessments with the escort contractor and ensure that action to take is agreed.

## **6.13 RELIGIOUS AND PHILOSOPHICAL BELIEFS**

6.13.1 Establishments should ensure that staff are informed and confident in searching individuals with differing faith and beliefs. Information from this policy framework should be provided for staff where required.

6.13.2 It is good practice to make available protective clothing (including gloves) for Muslim visitors and staff (to wear over their own clothing) when being searched by a passive dog to prevent the dog touching them directly. In addition, it is also good practice to provide such clothing for Muslim prisoners attending Friday Prayers if dogs are to be used for searching. When requested, fresh/washed garments must be issued.

- IMAM / Muslim Chaplain - It should be borne in mind that Muslim Chaplains are unlikely to be able to change clothes if they consider them to be contaminated by contact with a dog; they may not therefore be able to carry out their religious duties.
- Prisoners may be issued with, and allowed to cover, holy books and artefacts in a clear plastic pouch to prevent dogs touching them directly. Suspicion that the dogs have conveyed saliva to the book or object would make it defiled in many faiths. Bedding should be permitted to be changed on all occasions where a prisoner feels that it has been defiled.

6.13.3 There may be occasions when an Orthodox priest brings in Holy Communion. This will usually be in a metal pyx worn around the priest's neck, inside a cloth pouch. Dogs may sniff the cloth pouch but should not touch the pyx itself. The pyx should only be handled by the priest, and should not be opened, unless there are reasonable grounds to suspect that the priest is conveying illicit items. If the pyx must be opened, then this should happen in a private location. Holy Communion will consist of small cubes of bread, and a very small bottle of wine (usually no more than 20ml). A central authorisation is in place to permit communion wine into prison establishments.

6.13.4 Consideration should be given to alternative searches other than dogs where there are significant religious/cultural objections. Examples include the use of technical aids or a change in the level of search for example Level A can be used.

### **Sikhism**

6.13.5 Some Sikhs require the wearing of 5 articles at all times, in the year 1699, Guru Gobind Singh created the 'khalsa'. The khalsa represents a devout order of Sikhs created to uphold righteousness and challenge oppression and tyranny. The 'Five Ks' serve as five outward signs of faith, to make the khalsa identity distinct and strengthen the bond between members of the khalsa community. They are called the 'Five Ks' or the 'five kakkars' because each item begins with the letter 'K':

- Kes (or kesh): uncut hair.
- Kangha: a comb.
- Kachh or kachhahira: cotton garments.
- Kirpan: a dagger-type bladed article.
- Kara: a steel or iron bangle”

6.13.6 The Kirpan is a sword or dagger worn in a sheath under the clothes. The government clarified the legality of wearing the kirpan in the UK through the Offensive Weapons Act 2019 however prison rules do not permit weapons to be conveyed into establishments. This can indirectly discriminate on the grounds of religion or belief as this puts Sikh staff at a disadvantage in that it prevents them observing their religious requirements.

6.13.7 For the purposes of searching staff should be advised that Sikh ministers are permitted to wear the kirpan, and a central authorisation is in place to convey this item into a prison. Other staff may also apply to wear the kirpan via a local authorisation, noting that it will need to be small (not more than 6” or 15.5cms long, including the handle). And must be secured to the body, underneath clothing.

### Religious Headwear

6.13.8 Headwear and face coverings are usually worn in religions as a demonstration of respect to God, or to show believers' commitment to their faith and cultural identity. The practice of people wearing head covers and veils for religious purposes is an integral part of some religions and often worn to show humility and dignity.

6.13.9 For practicing Sikhs, the turban is a mandatory religious article of faith and held in sacred esteem. It is offensive if turbans are touched or handled without permission while being worn.

6.13.10 Many Muslim women will wear a headscarf for religious reasons. A much smaller number may choose to wear a veil or other face covering. To uncover hair or face in public, or in front of a man, could cause serious offence and distress.

6.13.11 Not all religious headwear needs to be removed in private but best practice for staff is to offer the opportunity for individuals to remove these in private should the need arise for searching.

### Property Searching

6.13.12 **Annex 15** provides information and guidance on how to undertake searching of property items.

## 7. POLICY FRAMEWORK ANNEXES

<b>Annex A</b>	Transgender and Non-Binary Searching Considerations
<b>Annex B</b>	Full Search – Staff and Visitors
<b>Annex C</b>	Search involving a squat
<b>Annex D</b>	Full Search – Prisoners in Women’s Estate
<b>Annex E</b>	Level A Rub Down - Prisoners in Women’s Estate
<b>Annex F</b>	Level B Rub Down - Prisoners in Women’s Estate
<b>Annex G</b>	Full Search – Prisoners in Men’s Estate
<b>Annex H</b>	Level A Rub Down - Prisoners in Men’s Estate
<b>Annex I</b>	Level B Rub Down - Prisoners in Men’s Estate
<b>Annex J</b>	Searching of Babies

<b>Annex K</b>	Searching in Mother and Baby Units
<b>Annex L</b>	Level A Rub Down - Individual with a Physical Disability or Injury
<b>Annex M</b>	Level B Rub Down - Individual with a Physical Disability or Injury
<b>Annex N</b>	Area Search
<b>Annex O</b>	Internal Perimeter Search
<b>Annex P</b>	External Perimeter Search
<b>Annex Q</b>	Accommodation Fabric (and Decency) Check
<b>Annex R</b>	Cell Search
<b>Annex S</b>	Cell Clearance
<b>Annex T</b>	Vehicle Search

## **8. GUIDANCE SUPPORTING DOCUMENTS**

<b>Annex 1</b>	Risk Assessment Guidance
<b>Annex 2</b>	Assurance Guidance
<b>Annex 3</b>	Template Searching Record
<b>Annex 4</b>	Search Checklist Prisoners in the Women's Estate
<b>Annex 4a</b>	Search Checklist Prisoners in the Men's Estate
<b>Annex 5</b>	Quick Reference Guide – Accommodation, Area and Cell Searches
<b>Annex 6</b>	Quick Reference Guide – Search of Buildings and External Areas
<b>Annex 7</b>	Archway Metal Detectors
<b>Annex 8</b>	X-ray Baggage Scanners
<b>Annex 9</b>	Handheld Metal Detectors
<b>Annex 10</b>	Quick Reference Guide Body Scanner
<b>Annex 11</b>	BOSS Chair
<b>Annex 12</b>	Cell Sense Pole
<b>Annex 13</b>	Mobile Phone Detectors
<b>Annex 14</b>	Drug Detection Equipment
<b>Annex 15</b>	Searching Equipment
<b>Annex 16</b>	Quick Reference Guide Property Searching
<b>Annex 17</b>	Security Practice Guidance – Searching of the Person (Frontline Staff)
<b>Annex 18</b>	Security Practice Guidance – Searching of the Person (Managers, Deps and Govs)
<b>Annex 19</b>	Security Practice Guidance – AFCs (Frontline Staff)
<b>Annex 20</b>	Security Practice Guidance – AFCs (Managers, Deps and Govs)
<b>Annex 21</b>	Security Practice Guidance – Cell Searching (Frontline Staff)
<b>Annex 22</b>	Security Practice Guidance – Cell Searching (Managers, Deps and Govs)