

Application for Assessed Disclosure – data relating to the strip searching of minors by Tasmania Prison Service or its agents in 2019.

Background

Personal Searches

- The Tasmania Prison Service uses the term ‘personal search’ rather than ‘strip search’.
- A personal search is a visual search of a person, which involves the removal of all items of clothing, with the clothing searched piece by piece for contraband.
- Personal searches are necessary for the security and good order of any prison, it not only stops potentially harmful items, such as drugs and weapons, entering the prison system, it also reduces the risk suicide and self-harm.
- Personal searches may be conducted on prisoners and detainees entering or leaving a prison; prior to and on completion of contact visits; and at any other time deemed necessary by a Superintendent to ensure that the safety, good order and security of the prison are maintained.
- TPS staff understand that entering prison, especially for the first time, can be a traumatic event and make every effort to conduct personal searches in a professional and humane manner in order to minimise any potential distress.
- Personal searches are necessary for the safety and security of the prison and are not conducted to agitate, punish or cause indignity to any prisoner or detainee.
- Personal searches are conducted in areas that are secure and discrete, and all correctional officers must successfully complete the relevant training.
- Personal searches are conducted using the half – half method so that the person is not required to be completely unclothed.

Juvenile Detainees

- Young people detained in custody by Tasmania Police may be admitted to a Watch-house and supervised by the TPS pending interview, bail, or an appearance in court.
- The TPS recognises that juveniles in custody are intrinsically vulnerable and fundamentally different from adults in terms of their emotional, cognitive and physical needs. The TPS makes every effort to minimise the potential negative impact of a search on a young person.
- Juveniles spend as little time as possible at a reception prison and are transferred to the Ashley Youth Detention Centre as soon as practicable.

Definitions

Pat-down Search – involves a Correctional Officer searching a person by touching that person through their clothing by a series of hand pats. This method of searching may require the removal of external bulky clothing such as coats and jumpers.

Full Personal Search (half/half technique) – a visual search of a person which involves the removal of all items of clothing and the bending at the waist and parting of the buttocks cheeks.

Modified Personal Search – A Full Personal Search, without the bending at the waist and parting of the buttocks cheeks.

Unauthorised article or thing / contraband – means an article or thing the Director of Corrective Services (or delegate) has not authorised to be brought into a prison. Unauthorised articles and things may include items prisoners are not authorised to possess and are sometimes referred to as ‘contraband’ or ‘unauthorised items’.

Juvenile/Child – refers to a person under the age of 18 years.

Search Data and Change to Process

- On 27 May 2019, the Tasmania Prison Service introduced a defined risk based assessment process that moved away from the automatic personal searching of juveniles. Prior to 27 May 2019 juveniles entering the Watch-houses were routinely searched.
- After 27 May 2019, juveniles were searched in accordance with a risk assessment:
 - Low Risk = Pat-down / non-intrusive search
 - Moderate Risk = Modified Personal Search
 - High Risk = Full Personal Search
- The risk assessment informs correctional officers as to whether a juvenile presents a low, moderate or high risk of harming himself / herself or others, and the appropriate level of search required to mitigate that risk, commencing from non-intrusive searching methods such as a metal detector.
- The data below has been split 1 January – 26 May 2019 (routine search period) and 27 May – 31 December 2019 (defined search in accordance with risk assessment).

Response to Questions

Number of minors subject to a strip search by Tasmania Prison Service or its agents in Tasmania in 2019.

In 2019 between 1 January 2019 and 26 May 2019, there were 102 juvenile admissions into the Watch-houses in Tasmania. It is assumed that all the admissions were searched.

Between 27 May 2019 and 31 December 2019, there were 176 juvenile admissions into the Watch-houses in Tasmania. With the introduction of the risk assessment, a record of the type of search was maintained. The breakdown on the type of search conducted during this period is as follows:

Type of Search	Count
Full Personal Search	56
Modified Personal Search	15
Pat Down Search	105
Grand Total	176

Number of Aboriginal minors subject to a strip search by Tasmania Prison Service or its agents in Tasmania in 2019.

As above, data on the number of searches conducted between 1 January 2019 and 26 May 2019 is based on the number of admissions into the Watch-houses in Tasmania. 28 juveniles identified as Aboriginal or Torres Strait Islander (ATSI).

Between 27 May 2019 and 31 December 2019, 37 juveniles identified as ATSI. The breakdown on the type of search conducted on them during this period is as follows:

Type of Search	Count
Full Personal Search	13
Modified Personal Search	5
Pat Down Search	19
Grand Total	37

The number of minors by age subject to a strip search by Tasmania Prison Service or its agents in Tasmania in 2019.

As above, data on the number of searches conducted between 1 January 2019 and 26 May 2019 is based on the number of admissions into the Watch-houses in Tasmania. Assuming all the juveniles were searched, the breakdown by age is as follows:

Age	Count
13	3
14	26
15	22
16	27

17	23
Unknown	1
Grand Total	102

Between 27 May 2019 and 31 December 2019, the number of minors searched by age and type of search are as follows:

Search Type	Age						Grand Total
	12	13	14	15	16	17	
FPS	1	4	10	8	15	12	50
FPSNC			3	2		1	6
MPS			2	2	9	2	15
PDS	1	1	19	20	30	34	105
Grand Total	2	5	34	32	54	49	176

The number of minors by region (ie North, North-West, South) subject to a strip search by Tasmania Prison Service or its agents in Tasmania in 2019.

A breakdown can be provided on prisoner admissions at the Launceston Reception Prison (LRP) and Hobart Reception Prison (HRP).

As above, data on the number of searches conducted between 1 January 2019 and 26 May 2019 is based on the number of admissions into the Watch-houses in Tasmania.

Prison	Count
HRP	65
LRP	37
Grand Total	102

Between 27 May 2019 and 31 December 2019, the breakdown of admissions by location is as follows:

Prison	Count
HRP	140
LRP	36
Grand Total	176

The number of times contraband was discovered as a result of the strip search of a minor by Tasmania Prison Service or its agents in Tasmania in 2019, and figures for the type of contraband discovered.

The Tasmania Prison Service does not maintain a register of contraband discovered, as a result of the personal searches of a minor. We are therefore unable to provide these figures. When contraband is discovered it is given to Tasmania Police.