



Tasmania Prison Service

Director's Standing Order

2.25 – Management of Young People in Custody

Purpose

The purpose of this Director's Standing Order (DSO) is to outline the provisions for the management and searching of young people in custody.

Scope

This DSO applies to young people. It does not apply to adult prisoners, adult Watch-House detainees or adult remandees.

Definitions

Refer to TPS Key Terms and Definitions Glossary for commonly used terms.

Authorising Officer – for requesting approval for an unclothed search, or an override of the gender requirements, means the following positions Deputy Secretary, Director of Prisons and Assistant Director of Prisons (*refer to On-call Authorising Officer roster*)

Person in charge of the custodial facility – General Managers and Assistant Director, Intervention and Reintegration Services (MHWP)

Scanning device – means a hand-held electronic device that detects or displays the presence of an article on or in the body of a person, and an electronic device between or under the components of which a person stands, that detects an article on or in the body of the person

Search Officer – means a person who may conduct a search of a young person under section 25C of the Act

Search purpose – as provided for in section 25F of the Act a relevant search purpose is search of a young person for one or more of the following purposes:

- to ensure the safety of the young person or other persons
- to obtain evidence in relation to the commission of an offence or to prevent the loss or destruction of evidence in relation to the commission of an offence (*reasons for Tasmania Police only to search*)
- to ascertain whether the young person has possession of a concealed weapon or other article capable of being used as a weapon, to inflict injury, or to assist the young person or another person to escape from custody
- to ascertain whether the young person has possession of drugs or any other things which the young person is prohibited by law from taking into, or having possession of, in the custodial facility
- if the search is a clothed search – to remove into safe keeping any articles belonging to, or in the possession of, the young person

Support person – a representative of Child Safety Services (CSS)

The Act – for the purpose of this Standing Order, means the [Youth Justice Act 1997](#)

Unclothed search – in relation to a youth, means a search of the youth that requires the youth’s torso or genitals to be exposed to view or the youth’s torso or genitals, clothed only in underwear, to be exposed to view

Young people / person – means a person under the age of 18 years

Minimum Requirements

1. All young people received into TPS custody (detainees, remandees and sentenced prisoners) must be searched in accordance with the [Youth Justice Act 1997](#) and the procedures outlined in this DSO. In the event of an inconsistency between the [Youth Justice Act 1997](#) search provision and another Act, the [Youth Justice Act 1997](#) will apply.
2. If a young person is sentenced and received into custody, they will be managed under the [Corrections Act 1997](#), with the exception of searching, unless the Director determines that the [Youth Justice Act 1997](#) will apply to that person.
3. Prior to searching a young person, a Young Person Search Risk Assessment – Form 5V must be completed. The risk assessment ensures a risk-based consistent approach to searching young people; intended to minimise trauma, whilst ensuring adequate mechanisms are in place to keep staff safe and prevent a young person from hurting themselves or others.
4. A Search Officer must not conduct a search of a young person unless they believe on reasonable grounds that the search is necessary and the type of search and manner of search are proportionate to the circumstances.
5. A Search Officer conducting a search of a young person must ensure, as far as practicable, that:
 - the search is conducted in a manner that is consistent with retaining the young person’s dignity and self-respect and minimises any trauma, distress or harm that may be caused to the young person by the conduct of the search
 - the search is the least intrusive type of search that is necessary and reasonable to achieve a relevant search purpose (*refer Appendix D – Determination of least intrusive manner and type of search*)
 - the search is conducted in the least intrusive manner necessary (*refer Appendix D – Determination of least intrusive manner and type of search*)
 - the search is completed as quickly as is reasonably possible
 - the search is conducted in circumstances that accord reasonable privacy to the young person being searched
 - the Search Officer does not remove or require the young person to remove more clothing that is necessary and reasonable
 - if clothing is seized the young person is provided with adequate replacement clothing to wear
6. A search that does not involve the removal of clothing or any touching, is as far as is reasonable and practical, to be conducted by a person of the same gender, or required gender of the young person.
7. If the young person is transsexual, transgender or intersex, the Search Officer, where possible, will be the gender that the young person requests. If a person of the

requested gender is not immediately available, a person who the young person subsequently requests, male or female, will conduct the search.

8. Searches that involve the removal of clothes or touching of a young person must be conducted by the required gender unless the Authorising Officer authorises an exception, due to the urgency of the search and/or risk of harm to the young person.
9. If a search is required in a Watch-House and a Correctional Officer of the required gender is not available, Tasmania Police must be contacted and asked to provide a police officer of the required gender to conduct the search.
10. If an unclothed search is required, at no time are both the upper and lower parts of a young person's body to be uncovered at the same time, in accordance with DSO 1.10 - Searching. Alternative clothing to be provided for the young person, as required.
11. When presenting a young person to a Watch-House facility, Tasmania Police must ensure Section A of the Watch-House Admission – Form 5AW is complete. The receiving correctional officer, in the presence of a police officer, must assess the young person's immediate risks and needs and complete Section B of the Watch-House Admission – Form 5AW. The admission form must include whether Tasmania Police have notified Child Safety Services (CSS). If no notification has been made the receiving correctional officer must notify CSS.
12. If the Correctional Superintendent believes it is in the best interests of the young person, based on their age, level of maturity, intellectual capacity or known history, to have a CSS support person present during a search, a CSS support person should be requested. For an unclothed search, this must be a person of the young person's required gender.
13. If CSS give a commitment to provide a support person and the support person does not arrive the Correctional Supervisor or most senior officer on duty in the Watch-House must contact CSS as soon as possible. If there are reasonable grounds to believe that the young person may present a serious and immediate risk to himself or herself, or another person, a search may proceed without the support person being present.
14. The Search Officer must consider any information that is provided to them by the young person, including the type of search that the young person would prefer, together with risk factors identified using the Young Person Search Risk Assessment – Form 5V.
15. Before a young person is searched, the Search Officer must:
 - advise the young person of the circumstances and reasons in which a search may be conducted and inform the young person of the procedures to be followed
 - request the young person's cooperation and advise that if they do not cooperate that reasonable force may be used to conduct the search. A Search Officer may use force to conduct a search, but must not use force unless force is the only means by which the search can reasonably be conducted and must be the least amount of force that is reasonable and necessary to enable the search to be conducted
 - inform the young person that they may surrender any article that is on their person and be afforded reasonable privacy to do so

- advise the young person of their entitlement to make a complaint about the manner and circumstances in which a search is conducted
 - provide this advice in language that the young person is likely to understand, unless not practicable to do so in the circumstances
 - advise the young person of the level of search to be conducted
16. A Search Officer must not conduct an unclothed search of a young person unless the Authorising Officer approves the search. If approval is given, the Search Officer must conduct the search in accordance with the conditions, if any, specified in the authorisation and noted on the Young Person Search Risk Assessment – Form 5V.
17. An Authorising Officer must not authorise an unclothed search of a young person unless they believe on reasonable grounds that:
- the search is necessary for a relevant search purpose
 - the type and manner of search are proportionate to the circumstances
 - the search is to be conducted in the least intrusive manner to achieve the search purpose
 - the surrender of an article before a search of a young person is conducted is taken into account when determining whether the search may be conducted
18. A Search Officer may seize an article found during a search:
- that may be evidence relating to the commission of an offence
 - prejudice the safety or good order of the prison, or
 - to remove the article into safe keeping
 - Items to be given to Tasmania Police and listed in the search register
19. All searches involving use of force must be reported in accordance with DSO 1.02 – Use of Force.
20. Watch-House detainees must be monitored regularly, particularly those suspected of being under the influence of drugs or alcohol, in accordance with DSO 1.35 – Watch-House Detainees.
21. After hours cell checks must be conducted at least once every thirty minutes or more frequently if the young person appears unwell or is known to be at risk of suicide or self-harm, refer DSO 2.01 – Suicide and Self-harm Prevention.
22. If the event of an emergency involving a watch-house young person, TPS staff must respond in accordance with the relevant emergency operating procedures. This includes the administering of First Aid and requesting the attendance of an ambulance, if required. TPS staff are also required to notify Tasmania Police who will facilitate the provision of medical treatment. Tasmania Police are also responsible for ensuring that medical treatment is administered prior to transfer of custody to the TPS.
23. All searches of young people are performed by staff trained in search procedures and infection control.
24. Every prison facility must maintain appropriate search records.
25. The following procedures and appendices are to be adhered to in relation to:
- Appendix A – Conduct of searches, gender requirements and use of force

- Appendix B – Young person search risk assessment process
- Appendix C – Young person search risk assessment flowchart
- Appendix D – Determination of least intrusive manner and type of search
- Appendix E – Body scanners summary – key risks and benefits
- Appendix F – Searches of young people in custody information sheet and poster
- Appendix G – Record keeping

Responsibilities

While all TPS staff are subject to this DSO, the following positions have specific functions:

Authorising Officer

Consider requests for Search Officers to perform an unclothed search of a young person.

Consider requests to override the gender requirements.

General Managers

Ensure that young person in custody can access leaflets, posters, or other documents that:

- set out the obligations of the person in charge of the custodial facility under the Act
- the search process
- how to make a complaint

May be required to undertake a review of an unclothed search, where gender requirements cannot be met by Facility Superintendent, to ensure compliance with this DSO.

Facility Superintendent

Ensure search registers for their areas / facilities are completed and checked on a weekly basis.

Review all unclothed searches to ensure compliance with this DSO, subject to gender requirements in relation to reviewing CCTV footage.

Correctional Supervisors

Notify the Custody Officer or Duty Officer if any young person is held in the Watch-House for a prolonged period (*e.g. longer than 12 hours*).

Review and endorse Search Register daily.

Correctional Officers / Searching Officers

Conduct searches in a manner that ensures that the dignity and privacy of the young person is respected.

When conducting searches, use appropriate personal protective equipment and apply standard precautions.

Maintain appropriate search records.

Complete appropriate documentation in relation to any accident/incident in accordance with Department of Justice workplace health and safety practices and DSO 1.05 - Incident Reporting.

Policy Unit

Ensure information on the searching of young people is available for viewing on the external website. This includes information about when searches are conducted, the ability to make a complaint and the 'relevant instructions' of the facility relating to searches.

Audit and Compliance Officer

May undertake desktop reviews to ensure compliance with this DSO. Video footage of an unclothed search of a young person must only be downloaded/reviewed by a person of the same or preferred gender of the young person.

References

[Youth Justice Act 1997 – Part 6, Division 3](#)

[Youth Justice Amendment \(Searches in Custody\) Act 2022](#)

[Corrections Act 1997](#)

Watch-House Admission – Form 5AW

Young person Search Risk Assessment – Form 5V

Tasmania Prison Service and Children and Youth Services (Ashley Youth Detention Centre)
- MOU - 2014

Document History and Control

Endorsement Date	24/11/2022	
Implementation Date	01/12/2022	
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Next Review Date	12 months from date of issue	
Access to this DSO	Routine Disclosure	
History	November 2022	<i>New policy</i>



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Appendix A – Conduct of searches, gender requirements and Use of Force

Search framework

The Act establishes decision-making criteria for the type of and manner in which searches are conducted. Searches of young people must only be conducted when a Search Officer or the relevant authorising authority believes on reasonable grounds that the search is necessary for a relevant search purpose. In addition, the type and manner of search must be proportionate to the circumstances.

The Act introduces a least intrusive framework including that the search is conducted in a manner that is consistent with retaining the young person's dignity and self-respect; and minimises any trauma, distress or harm that may be caused to the young person by the conduct of the search.

Search requirements:

- the search is to be completed as quickly as possible
- to afford reasonable privacy
- to reduce the amount of any clothing that is required to be removed
- alternative clothing is provided for the young person if necessary
- any use of force is subject to the requirements of being the least intrusive

For determining matters relevant to the young person's dignity and minimising trauma, the Search Officer must consider any relevant information that is provided by the young person and obtained during the risk assessment, such as age, intellectual maturity, gender, religion, disabilities and history.

It is recognised that an unclothed search will sometimes remain necessary for legitimate reasons, including the safety of the young person and other persons. For unclothed searches, the Act requires specific approval from a relevant Authorising Officer to conduct this kind of search. There are also limitations to the purposes for which an unclothed search can be conducted. [REDACTED]

An unclothed search must only occur where the relevant Authorising Officer has authorised the search. The relevant Authorising Officer must believe on reasonable grounds that:

- the search is necessary and for a relevant search purpose
- the type of search and the manner of search are proportionate to the circumstances
- an unclothed search of the young person despite being the most intrusive type of search, is necessary and reasonable to achieve a relevant search purpose
- the search is to be conducted in the least intrusive manner that is necessary and reasonable to achieve a relevant search purpose.

The Authorising Officer can also provide conditions that the Search Officer must comply with when conducting the search.

The surrender by a young person of an article, before a search is conducted, must be taken into account in determining whether the search may be conducted.

A search can only be conducted when one of the purposes of the search is associated with:

- the safety of the young person or others
- to obtain evidence (*reason for Tasmania Police only to search*)
- to ascertain whether the young person has possession of a concealed weapon or other article capable of being used as a weapon to inflict injury or assist in an escape
- to ascertain whether the young person has possession of drugs or any other thing prohibited by law
- where the search is a clothed search, the removal of articles belonging to the young person

Use of force

The Act makes clear that the Search Officer must not use force unless it is the only means by which the search can be reasonably conducted, and must be the least amount of force necessary to minimise distress and trauma, as far as practicable.

The framework effectively makes the use of significant force, such as forcible restraint of a young person, a last resort.

To ensure accountability, all searches involving the use of force must be reported to the person in charge of the custodial facility, immediately after the search is conducted. All incidents involving use of force will be reviewed.

Gender requirements

The Act takes a best-practice approach to the 'required gender' of the Search Officer. The 'required gender' means male Search Officers search male young people and female Search Officers search female young people.

Special provisions apply to young people who are transsexual, transgender or intersex. If the preferred gender is not immediately available, the young person may request a male or female Search Officer conduct the search.

A search that does not involve the removal of clothing or any touching is, as far as is reasonable and practical, to be conducted by a person of their own or required gender.

Searches that involve the removal of clothing, or touching of a young person, must be conducted by the required gender unless the Authorising Officer authorises an exception, because of the urgency of the search and/or due to risk of harm to the young person. For unclothed searches, this also applies to the Observing Officer(s).

Authority to search and authorisation

A Search Officer may conduct a search of a young person, under section 25C of the Act.

A Correctional Officer, who is ordered by the Director to conduct a search or within a class of officers that is specified in Standing Orders under [section 6\(3\) Corrections Act 1997](#) is authorised to conduct a search.

For unclothed searches, the Director of Corrective Services has the authority to authorise this type of search.



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Appendix B – Young Person Search Risk Assessment Guide

To be used in conjunction with the Young Person Search Risk Assessment – Form 5V

Searches of young person that involve the removal of clothing have the potential to cause distress and trauma. A young person in custody is likely to be particularly vulnerable during a personal search; therefore, every effort must be made to minimise the potential negative impact of such searches.

The Young Person Search Risk Assessment – Form 5V ensures a risk-based, consistent approach to the searching of young people, with a focus on trauma-informed practice to keep children and young people safe in our facilities.

The searching decision is based on:

- the likelihood of the young person concealing items that could cause harm or pose a real threat to safety or security
- the likely consequences of the young person accessing or using those concealed items
- the effectiveness of lower level searches in detecting any contraband
- the capacity to monitor and intervene if items are not surrendered or found during a search



Definition of search types

The degree of intrusiveness is taken to increase in the following order; however, Search Officers must also take into account the search preference of the young person to ensure a trauma-informed approach. The young person may, for example, prefer to remove some clothing (level 3 search) rather than have a pat-down (level 2 search).

Level 1 search	↓	No touching. A search by way of a scanning device that involves no touching of a young person or their clothing.
Level 2 search	↓	A pat-down search that involves minimal touching of a young person or clothing being worn by a young person. This search does not require the removal of any clothing.
Level 3 search	↓	A search that requires the removal of some outer clothing being worn by a young person, but is not an unclothed search or pat-down search.
Level 4 search	↓	A pat-down search that is more than minimal touching of a young person that also requires the removal of some outer clothing being worn by a young person (for example, a hoodie, coat or footwear), but is not an unclothed search.
Level 5 search	↓	Unclothed search. A search of a young person that requires a young person's torso and underwear to be exposed to view or the removal of the

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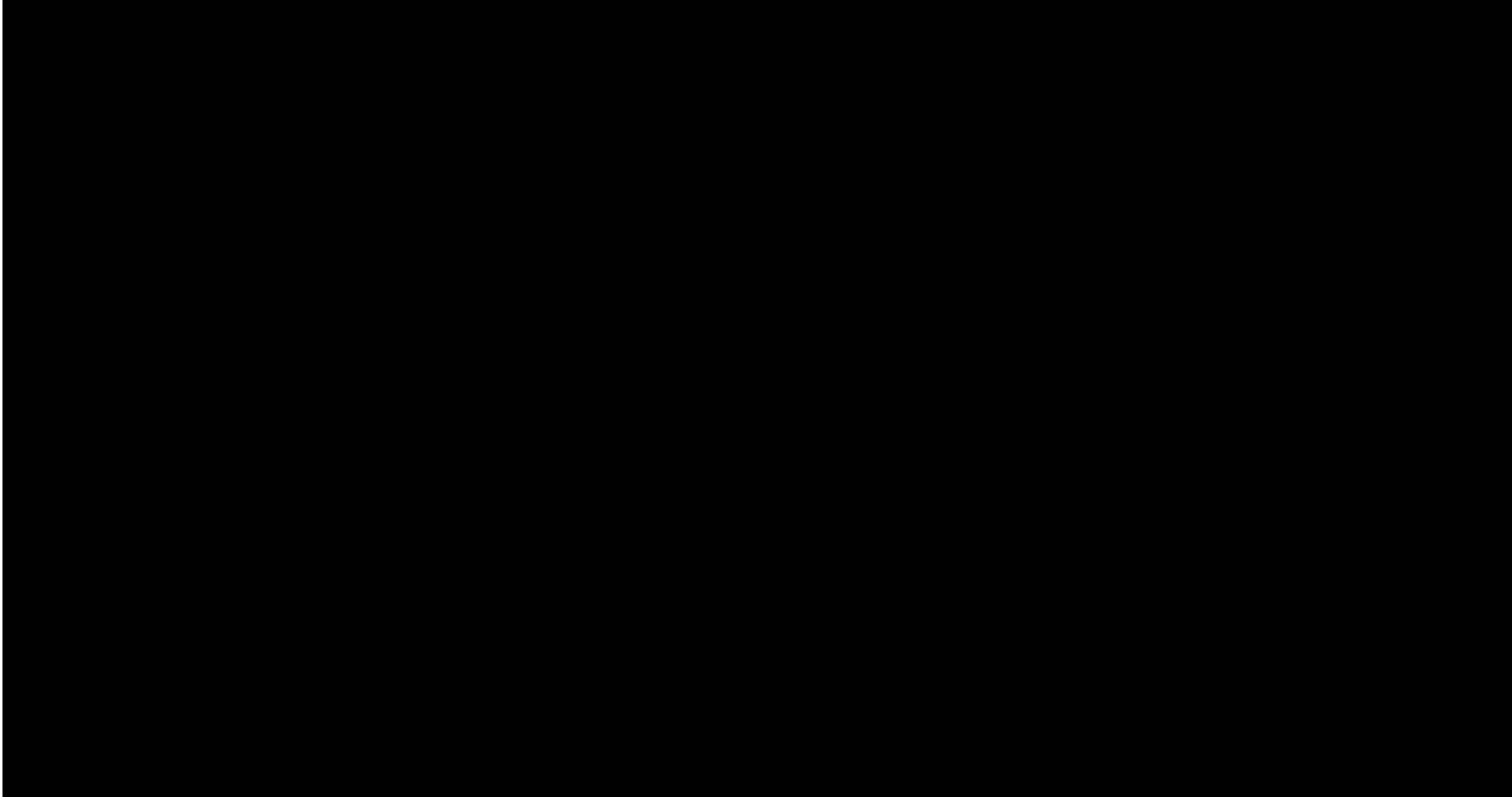
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Appendix C – Young person search risk assessment flowchart





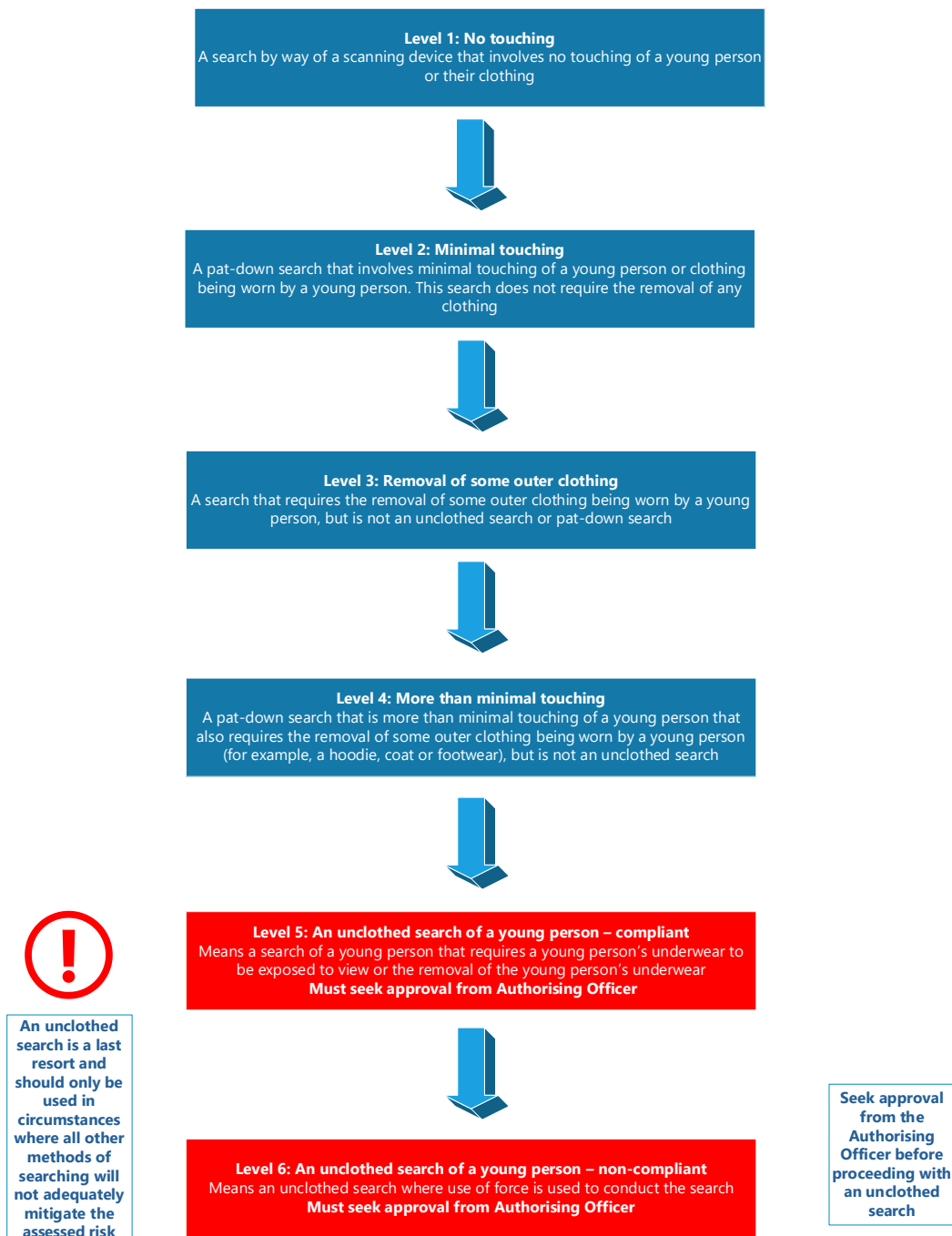
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Appendix D – Determination of least intrusive type and manner of search

In determining the least intrusive type and manner of search, the Search Officer must have regard to the health and safety of the young person, information provided during the risk assessment process and the search preference of the young person.



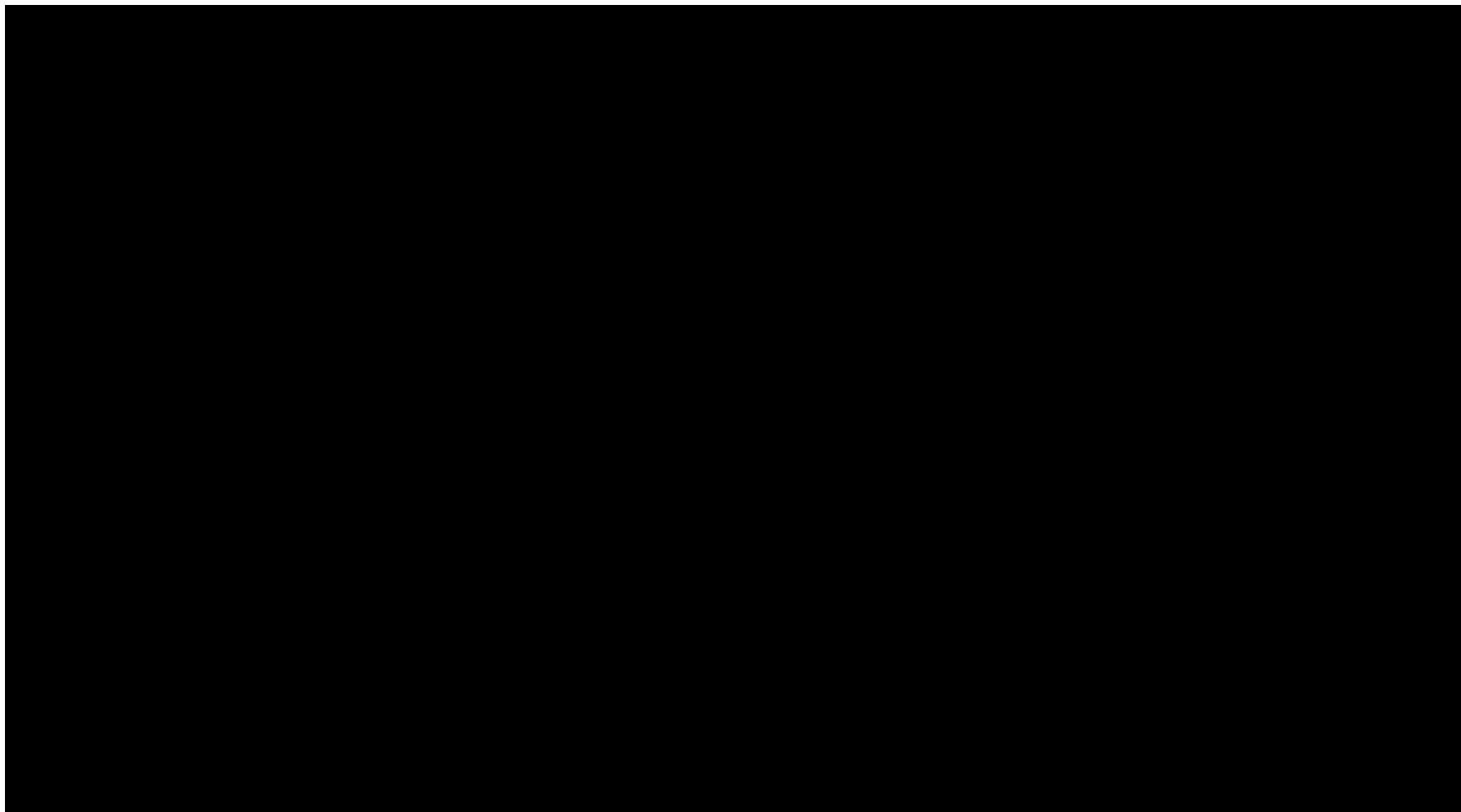


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Appendix E – Body scanners summary – key risks and benefits






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Appendix F – Searches of young people in custody information sheet and poster

Information Sheet (to be given to young person before a search is conducted)



Searches of young people in custody

Different types of searches




No touching

This may involve the use of a scanning device, but no touching you or your clothes.

When can you be searched?

If it is necessary and reasonable, a Correctional Officer can search you for one or more of these reasons:

- for the safety of you or other people
- to look for evidence or prevent evidence being lost (*reason for Tasmania Police only to search*)
- to check for weapons or items that may help you or someone else escape custody
- to check for drugs or things that are not permitted in this facility
- to take your possessions into safekeeping while you are in custody (clothed search)




A pat down search

Light touching of you or your clothes, but does not require the removal of clothes.

What happens before a search?

Before a search is undertaken

- we will ask you some questions to keep you and others safe
- we will tell you if you will be searched and what type of search we are doing
- you will be asked if you have any items to surrender before the search begins




Removal of some clothes

Removal of outer clothes (such as jackets, jumpers, shoes). Does not show your torso or underwear and does not involve touching you.

If a Correctional Officer is going to do an undodded search, they must tell you and get special authorisation.

Your privacy will be respected, and a person of the same gender or your preferred gender will search you, wherever possible.

Correctional Officers may use reasonable force to conduct a search, if it is necessary to do so.



More than minimal touching

The removal of some outer clothes and more extensive touching of you or your clothes. Does not show your torso or underwear.

Questions

If you have any questions about the search process, or if you need this information explained to you, please speak to a correctional officer.


Complaints

You have the right to make a complaint in relation to any search undertaken while you are in custody, if you believe it was not conducted lawfully.

Complaints can be made verbally to staff or you can ask for a confidential complaint form. You can mail complaints to:

Performance and Compliance Unit
Tasmania Prison Service
PO Box 24
Lindisfarne TAS 7015

or email
Prison.PerformanceAndComplianceUnit@justice.tas.gov.au



Unclothed search

A search where your torso or underwear may be exposed to view, or the removal of your underwear.


More information

More information about searches of young people in custody and the complaints process is available by visiting www.justice.tas.gov.au/prisonservice

Poster (for display in Watch-Houses and available for viewing on prison service website)



searches of young people in custody



No touching

This may involve the use of a scanning device, but no touching of you or your clothes.



A pat down search

Light touching of you or your clothes, but does not require the removal of clothes.




Removal of some clothes

Removal of outer clothes (such as jackets, jumpers, shoes). Does not show your torso or underwear and does not involve touching you.



More than minimal touching

The removal of some outer clothes and more extensive touching of you or your clothes. Does not show your torso or underwear.



Unclothed search

A search where your torso or underwear may be exposed to view, or the removal of your underwear.

When can you be searched?

If it is necessary and reasonable, a Correctional Officer can search you for one or more of these reasons:

- for the safety of you or other people
- to look for evidence or prevent evidence being lost (*reason for Tasmania Police only to search*)
- to check for weapons or items that may help you or someone else escape custody
- to check for drugs or things that are not permitted in this facility
- to take your possessions into safekeeping while you are in custody (clothed search)

What happens before a search?

Before a search is undertaken

- we will ask you some questions to keep you and others safe
- we will tell you if you will be searched and what type of search we are doing
- you will be asked if you have any items to surrender before the search begins

If a Correctional Officer is going to do an unclothed search, they must tell you and get special authorisation.

Your privacy will be respected, and a person of the same gender or your preferred gender will search you, wherever possible.

Correctional Officers may use reasonable force to conduct a search, if it is necessary to do so.

Complaints

You have the right to make a complaint in relation to any search undertaken while you are in custody, if you believe it was not conducted lawfully. Complaints can be made verbally to staff or you can ask for a confidential complaint form.

Email the complaint to Prison.PerformanceAndComplianceUnit@justice.tas.gov.au

Alternatively, post to:

Performance and Compliance Unit
Tasmania Prison Service
PO Box 24
Lindisfarne TAS 7015

More information

For more information visit www.justice.tas.gov.au/prisonservice



Tasmania Prison Service

Director's Standing Order

2.25 – Management of Young People in Custody

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- 1. [Redacted]

- 2. [Redacted]

- 3. [Redacted]

- 4. [Redacted]

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- 1. [Redacted]

- 2. [Redacted]

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- 4. [Redacted]

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