

Personal searches of women

Background

Personal Searches

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.

The data includes searches on female watch-house detainees and female juveniles held at the Hobart and Launceston Reception Prison.

Watch-House Juveniles

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.

Watch-House Detainees

The TPS and Tasmania Police have joint responsibility for ensuring the safe, secure containment and humane treatment of watch-house detainees.

When presenting a person in custody to a watch-house facility, Tasmania Police must ensure that the person has been searched.

No property other than the clothing and footwear the person is wearing at the time of admission is accepted. Any other property in the person's possession will be retained by Tasmania Police until such time as the person is released or remanded into custody.

The Watch-House Search Registers do not include details of any contraband found as a result of the search process, as these items are managed by Tasmania Police.

Prisons

There are five prisons across the state, namely:

- Ron Barwick Prison (RBP), which houses minimum and medium security rated males [not included in this review].
- Risdon Prison Complex (RPC), which is comprised of a maximum and medium security precinct for male prisoners. Occasionally, female prisoners may be housed in Inpatients and the Crisis Support Unit for a short period of time, separated from the male prisoners. [A review of the relevant area registers has been included as part of this request].
- Mary Hutchinson Women's Prison (MHWP), which houses female prisoners of all security classifications.
- Launceston Reception Prison (LRP) and Hobart Reception Prison (HRP), which are maximum security rated facility that can hold both male and female new receptions on a short-term basis before their transfer to one of the three aforementioned correctional facilities for ongoing accommodation.

Documents that provide guidance on conducting personal searches.

Director's Standing Order 1.10 provides guidance to staff on conducting personal searches. A redacted version is provided via the following link:

https://www.justice.tas.gov.au/_data/assets/pdf_file/0005/439421/1-10-Searching-Redacted-July-2019.pdf

Registers, form or records of personal searches of women prisoners conducted at the prisoners for the period 1 October 2020 to 30 April 2021.

The TPS maintains multiple search registers and paper records. In total, 39 separate registers were reviewed to gather this information. A summary of the registers is provided below:

| Register Name | Type of Register |
|--|-------------------------|
| HRP Watch-House | Annual electronic |
| LRP Watch-House | Annual electronic |
| MHWP – Visits | Monthly paper-based |
| MHWP – Reception | Monthly paper-based |
| RPC – Outpatients and Dedicated Response Team (DRT) | Annual paper-based |
| RPC – Processing | Monthly paper-based |
| Security and Intelligence Unit (SIU) – MHWP (Wellington) | Annual paper-based |
| SIU – MHWP (Hartz) | Annual paper-based |

The methodology used involved counting all the instances of searches of female prisoners during the period in each of the registers and entering the details into a single spreadsheet, where a pivot table was created to calculate the total figures.

The TPS is unable to provide the information requested about Indigenous status and number and nature of contraband found for all prisoners, as this information is not routinely entered into all the Search Registers. Where known, it has been included.

Our current records management system doesn't allow for this data to be easily extracted. It is however anticipated that the Justice Connect project (currently in development) will improve our data accessibility in the future.

The TPS is unable to provide the reason for each search, as this information is not routinely entered into all the Search Registers. Instead, the table below contains a summary of the likely reasons for the searches, based on the intended use and location of the register.

In line with the recommendations of the Royal Commission into Institutionalised Responses to Child Sexual Abuse, the Department is working towards implementing strategies and adopting new technologies, namely body scanners, to minimise the need for personal/strip searches. Upon implementation of body scanners, the Tasmania Prison Service will adopt new screening and searching procedures, which will apply to both male and female prisoners and detainees.

| Register Name | Reason for Search | ATSI status | No. Prisoners Searched | Contraband Located |
|-------------------------|--|--------------------------|-------------------------------|--|
| HRP Watch-House | Initial reception and prisoners entering or leaving prison | 28 | 262 | Not recorded in Register |
| LRP Watch-House | Initial reception and prisoners entering or leaving prison | 14 | 139 | Not recorded in Register |
| MHWP – Visits | Prisoners participating in visits | Not recorded in Register | 189 | Nil |
| MHWP - Reception | Initial reception, prisoners entering or leaving prison and general safety and security concerns | Not recorded in Register | 628 | Tramadol x 1 |
| RPC Processing | Initial reception and prisoners entering or leaving prison | Not recorded in Register | 1 | Nil |
| RPC Outpatients and DRT | General safety and security concerns | Not recorded in Register | 2 | Nil |
| MHWP – SIU (Wellington) | Security Operation | Not recorded in Register | 11 | Tobacco and lighter x 1 Tobacco and matchsticks x 1 |
| MHWP - SIU (Hartz) | Security Operation | Not recorded in Register | 10 | Nil |