



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

Strip searching practices in Western Australian prisons

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Inspector's overview

Prisons do a lot of strip searches but find very little

Illicit drugs, weapons, mobile phones, and other contraband are dangerous in prisons. The Department of Justice (the Department) takes the risks very seriously, and the Auditor General (OAG, 2017) and the Crime and Corruption Commission (CCC, 2018a; CCC, 2018b; CCC, 2018c) have called for increased vigilance.

The Department relies heavily on strip searching to reduce the flow of contraband. Unfortunately, it is ineffective. The numbers in this report speak for themselves. Almost 900,000 strip searches were conducted on prisoners in the past five years. Only 571 contraband items were found. In other words, the hit rate was only one in 1,500 searches.

Furthermore, according to Departmental records, most of the 571 detected items were not drug or weapon related.

On average, male prisoners are strip searched 31 times a year, roughly once every 12 days. On average, fewer strip searches are conducted on women, but practices vary widely.

Thirty-two prisoners were searched more than 200 times in a year – more than once every second day. Out of these searches – over 8,900 in total – only one item of contraband was found.

Strip searches cause harm

The Department requires most strip searches to be 'half and half', so the person is not fully naked. However, it remains a distressing, humiliating, and degrading experience. For people with traumatic backgrounds, it is likely to be even worse. It is well-known that prisoners are more likely than people in the community to have been victims of violence or sexual abuse, and to have mental health conditions such as post-traumatic stress disorder, so the risk of further harm is high.

In its 'Women's Standard', the Department recognises the risks of harm to women from strip searching. Harm to male prisoners from strip searching receives less attention. But in the aftermath of inquiries such as the Royal Commission into Institutional Responses to Child Sexual Abuse, this needs to change. The Royal Commission shed disturbing light on the extent to which young males have been victims of violence and sexual abuse, and the high representation of such people in prison.

In line with the Women's Standard, the Department has imposed limits on strip searching at three women's prisons; the privately-operated Melaleuca Remand and Reintegration Facility, Boronia Pre-release Centre, and Wandoo Rehabilitation Prison. However, it has not imposed any such limitations at the main publicly-operated women's prison (Bandyup) or at mixed gender regional prisons, some of which had high rates of strip searching. Therefore, practices with respect to the strip searching of women depend more on location than risk.

Significantly, we found that the reduction in strip searching at Melaleuca and Wandoo did not lead to an influx of drugs.

Recommendation 6 calls for consistent application of the Women's Standard in relation to strip searching. Although Department says it supports the recommendation, I note that it has not actually committed to implementing the Women's Standard across the board. It has simply said, as with a number of other recommendations, that it is developing a new policy.

Almost all strip searches are routine, not intelligence-based

Only three per cent of strip searches were based on intelligence or a reasonable suspicion that the person was carrying contraband. The rest were 'procedural' or routine, such as when a person was moved from one secure location to another, or after a social visit.

We concluded that routine strip searching is excessive, and that procedural requirements generate pointless, repetitive and dehumanising searches. For example, when people are being moved between secure facilities in secure conditions, they will often be strip searched multiple times. In August 2017, a Kimberley Aboriginal man with an intellectual impairment was strip searched three times within just two hours even though he had never left secure conditions. He was moved from Broome Regional Prison to Hakea Prison and then to Casuarina Prison. On entering Hakea just before 4.00 pm, he was strip searched. He was strip searched again as he left Hakea at approximately 5.20 pm. When he arrived at Casuarina he was subject to another routine strip search (5.51 pm). It is also likely he was strip searched in the morning before he left Broome, but this is not recorded. By the last strip search he had had enough. He refused the search and became non-compliant. In the ensuing restraint by eight officers, his clothes were cut from him, completing the last strip search. He was then charged with resisting staff and received seven days' loss of gratuities as punishment.

All these searches were in line with policy. However, it should not be necessary to conduct multiple routine strip searches when people are being moved in secure conditions between secure places. For example, if transport vehicles are properly searched before a person is moved, they should not contain any illicit items.

Routine strip searching practices also varied between prisons in ways that had no objective basis. In other words, the extent to which people were strip searched depended more on location than on risk. In our view, there is no justification for this. I am pleased that the Department has accepted that greater monitoring is required (Recommendation 7).

Recommendation 8 calls for routine 'procedural' strip searches to be phased out. This needs to be read with Recommendation 10, which calls for the greater use of scanning technology (see below). Under these proposals, strip searching would have to be intelligence-led, and would become a back-up rather than a front-line mechanism.

The Department has not supported either of these recommendations. However, it is undertaking a review of its searching policy and has said this will reflect international standards as well as 'safety and security impacts'. If a new policy is implemented that is in line with international standards, and if the findings of this report are treated seriously, there should be a significant reduction in routine strip searching.

There is no evidence that strip searching has a deterrent effect

The purpose of a strip search should be to locate contraband or other illegal items. If this was the only goal, there would be no reason to continue strip searching given the very low hit rate. However, some staff and Departmental officials felt that strip searching also deters people from bringing contraband into a prison.

While it is always difficult to measure preventative effects, we found no evidence that strip searching has a deterrent effect. There was no relationship between the volume of strip searches and the number of positive drug tests of prisoners. Nor was there any increase in contraband finds, using other processes, when strip searching stopped at certain facilities. These findings are consistent with research in other countries.

We have recommended that the strip searching of prisoners should not be used as a deterrent (Recommendation 4). The Department has not supported this, saying simply that strip searching will continue to be used to maintain the good order and security of a prison and that it is drafting a new policy. With respect, it is difficult to reconcile this stance with the evidence.

Strip searching must not be used to punish or control prisoners

Around 15 per cent of respondents to our staff survey said they had observed strip searching being done to 'modify behaviour'. This suggests that the aim was to punish or control a prisoner, not to locate items. Searches conducted for such reasons would breach Departmental policy. They would also potentially constitute an assault on the grounds that they were not lawfully carried out.

Recommendation 5 states that strip searching must not be used as a means of punishment or control. The Department has supported this. However, without providing any contrary evidence, it has rejected the idea that strip searches are sometimes being used in breach of policy.

I hope that, despite rejecting our evidence, the Department will take action to identify and address potential breaches of policy.

We were concerned about practices for strip searching visitors

Visitors present an obvious potential risk for contraband entering prisons. Departmental policy requires that visitors are only strip searched when there are sufficient grounds to justify this. However, its own records say that two thirds of such searches were 'routine'.

The Department has supported our recommendation that it should not routinely strip search visitors. However, it has also denied that this happens, attributing its records to poor record keeping.

We were also concerned at the differences between facilities. During 2016, visitors to Roebourne Regional Prison were strip searched at an extraordinary rate. Senior Departmental representatives said the prison had a problem with a particular hard drug. But the evidence does not support this, and no contraband was found in visitor searches.

As with other aspects of strip searching, the Department needs to ensure that its practices in relation to visitors are evidence-based, consistent, and properly recorded.

The Department is reluctant to trial technology

It is unlikely that technology such as body scanners and x-ray devices will eliminate strip searching entirely. However, their use can reduce the volume of routine or unnecessary strip searches. Technology is also likely to exceed, or at least match, the detection rate of strip searching.

It is almost impossible to find small contraband, or contraband which is hidden internally during a strip search. In July 2018, a prisoner was received into Hakea Prison from court. During the day, while in the custody of police and custodial contractors, he was subject to at least two strip searches and multiple pat searches. He was also strip searched on arrival at Hakea. But it was only later that staff located a live 9mm bullet in a washing machine. In other words, multiple strip searches had failed to find the bullet. Alternative methods, like a hand held or walk through metal detector, or a full body scanner would likely have detected it.

All of us experience screening at airports and on entering public buildings such as the Department of Justice's head office in Perth. It seems most unlikely that I could smuggle a bullet into such places and it is difficult to understand why prisons do not have at least the same technologies and safeguards.

Recommendation 10 calls on the Department to 'use new technology to reduce the reliance on strip searching'. It has not supported this on the basis that the technology currently available is limited and costly. I am disappointed by this response. Technology will not be perfect, but it is obvious that strip searching has some very serious limitations. It also carries a financial cost, which we conservatively estimate as at least \$1 million a year.

We are not alone in calling for a rethink and improved practices. In its recent report on drugs and alcohol in prison, the Auditor General commented: 'While considerable work is done in this area, the Department of Justice needs to increase its focus to be effective. We found that strategic direction is lacking, processes are not followed, approaches need to be evaluated for success, and some prisons need to be better equipped' (OAG, 2017). Similarly, in its report on misconduct risks in Western Australian prisons, the Crime and Corruption Commission said that the Department 'cannot reliably detect drugs and other contraband entering prisons either by visitors, staff or mail delivery, using the current systems and technology' (CCC, 2018c).

I would therefore have expected the Department to at least be trialling new technologies, and to be resourced by government to do so. Other jurisdictions, including New South Wales, the United Kingdom and several Asian countries are making use of new technologies, and obviously believe the benefits will significantly outweigh the costs. The maximum-security John Morony Correctional Centre in New South Wales began using x-ray technology last year. The United Kingdom has embarked on a *10 Prisons Project* targeting prisons with high rates of drug use and violence. In recognition of the failure of traditional methods of detection, all these prisons will use x-ray body scanners to reduce the flow of drugs and phones.

Summary

It is clear that change is needed in relation to strip searching. It would be naïve to think it could suddenly be stopped, but just as naïve to think it 'works'.

Although I am disappointed with some of the Department's responses, I hope that the government will seriously revisit the trial use of technology. I also welcome the fact that the Department is crafting a new policy for strip searching, and that this will align with international standards. This should, of itself, trigger a change in practice.

But culture will often trump policy in a prison context. It will be difficult to change the current culture of frequent strip searching, belief in its effectiveness, inconsistency between prisons, and poor recording. To be effective, the Department will need to implement a program of cultural change, and monitor practices at the various prisons.

Executive summary

Background

Contraband in prisons is a legitimate concern for the Western Australian Department of Justice (the Department). Items such as illicit drugs, weapons, and mobile phones can adversely affect the security, good order, and management of a facility as they present considerable dangers to prisoners, staff, and others (DCS, 2014a). In particular, drugs entering the closed prison environment pose a risk for the Department. Not only for the hazards they pose to the person intending to consume them, but for the staff and other prisoners who encounter that person.

Recently the Department has come under intense scrutiny about contraband entering prisons. In November 2017, the Auditor General of Western Australia released a report titled *Minimising drugs and alcohol in prison*. It stated that the Department's ability to reduce the drug supply in prisons was being inhibited and undermined by a lack of strategic direction, 'poorly executed search practices, limited intelligence communication, and limited access to quick and reliable searching devices' (OAG, 2017).

This was followed by a report released in May 2018 from the Corruption and Crime Commission (CCC) which focused on contraband entering prison. Specifically, the risks of:

- inadequate supervision of prisoners who are in the community for rehabilitation purposes
- regular transport deliveries
- the lack of controls over the activities of officers engaged in transporting prisoners (CCC, 2018a).

The CCC recommended the Department improve the ability to track and monitor their vehicles, and to conduct random searches of those vehicles after deliveries. The CCC then released another report in June 2018 titled *Corrupt custodial officers and the risks of contraband entering prisons* (CCC, 2018b). It made several recommendations including reviewing search procedures, assessing compliance with policy and procedure, and reviewing the drug testing regime.

Finally, in October 2018, the CCC released its sixth report in 12 months on corrective services in Western Australia (the three other reports examined use of force incidents in prisons) (CCC, 2018c). This report focused on misconduct risks in prisons bringing together the lessons from the previous five reports, from misconduct agencies across Australia, and the Auditor General's report. The report made 20 recommendations with many again around governance and policy, and the drug testing regime. Other recommendations related to resourcing requirements and the Department's security systems.

The Department uses a number of methods to prevent contraband coming into prison, and detecting contraband (particularly drugs) when it is inside a prison. One strategy is the Department's authority to search people, places, and property. Searches occur in three distinct situations:

- random searches are conducted daily as a matter of prison routine
- targeted searches are usually conducted of specific people or places, and are initiated by information or intelligence, or on grounds of reasonable suspicion

- planned search activities target numbers of people or places in response to information, suspicion or identified security risks. They may involve amending prison routines and assistance by external agencies or the Department's Drug Detection Unit (DCS, 2014a).

In Western Australia, prisoners, visitors, and staff can be searched. These searches can involve the use of hand held and walk through metal detectors, and drug detection dogs. People can also be patted down and strip searched. The latter is the most invasive.

Strip searches can be conducted in two ways. The method most often used is a partially clothed search, otherwise known as a half-and-half search. This involves the removal of half the person's clothing, with those clothes put back on prior to the removal of the second half (see Appendix B). The other method involves removing all the clothes at the one time. Current policy permits a full search if it is believed that there is an attempt to conceal contraband during a half-and-half search. Full searches may also occur if the person is required to undress fully to shower during reception, or if donning a non-tear gown prior to entering an observation cell.

Policy requires two staff members, of the same gender as the person being searched, to be present for a strip search. There is an exception when the involvement of a medical practitioner is required. Where possible, strip searches should not be conducted in the presence of other people.

Key findings

Strip searching is ineffective

Strip searches are not an effective method of locating contraband. Out of almost 900,000 strip searches conducted on prisoners in the past five years, only 571 contraband items were found. In other words, contraband was only found less than once in every 1,500 strip searches.

Strip searching is harmful

Strip searches are humiliating and degrading, and research shows that they can cause harm. This is particularly true for people who have experienced trauma or abuse which is common among prisoners. Almost half of the staff responding to our survey had observed negative emotional responses from people being strip searched. Because of the harm caused, international standards and conventions seek to minimise strip searching.

Most strip searching is routine, not intelligence-led

Most strip searches are routine, procedure based searches, such as when a prisoner transfers from one secure location to another, and before and after visits. This has resulted in the excessive searching of prisoners, some of whom have been searched more than 200 times in a year. Very few (3%) strip searches are based on intelligence or a reasonable suspicion that the person is carrying contraband.

Visitors are also inappropriately strip searched

Compared to prisoners, visitors are strip searched relatively infrequently, and policy requires such searches to be well-warranted. However, two thirds of visitor strip searches were recorded by the Department as routine. In the case of child visitors, 90 per cent of strip searches were recorded as routine rather than intelligence based.

Modern technology provides viable alternatives to strip searching

Modern scanning technology is already proving to be as effective, and in some cases, more effective at detecting contraband. More importantly it is far less invasive and time consuming than conducting a strip search.

The Department has investigated some new technologies but these investigations have been limited and did not examine transmission x-ray technology which is an emerging leader in the field. Many jurisdictions including the United Kingdom, United States, Canada, Singapore, and Hong Kong are using or trialling the technology because it can detect metal, and organic and non-organic matter hidden internally and externally.

Both the CCC and the Auditor General have recently recommended improving the use of technology and security devices to reduce contraband entering prison.

Reducing or eliminating strip searches has not increased contraband entering prison

Three facilities in Western Australia have significantly reduced or eliminated strip searches. There has been no increase in positive drug tests at these facilities. Nor has there been an increase in the detection of contraband through other searching methods, such as searching property and cells.

This suggests that reducing or eliminating strip searching has had no impact on the trafficking of contraband. It has however had a positive impact on the relationships between the people in custody and staff. This improves the safety of the facility. These findings are not unique to Western Australia. Pilot studies in Victoria and the United Kingdom have had similar results.

Conclusion

There may always be situations where it is necessary to strip search a person in custody, but the Department overuses this practice.

The routine, excessive strip searching is causing harm while being ineffective at locating contraband. Even the firmly held belief that strip searching provides a deterrent for people to hide contraband lacks credible supporting evidence. Both in Western Australia and internationally there are examples where decreasing or eliminating strip searching has had no effect on drug use in prison or finding contraband through other means. Current practices also breach international standards.

Despite the evidence, most staff believe that strip searching is the most effective means of locating contraband on a person, with many stating it is critical to the safety and security of the facility.

The Department is under considerable pressure to reduce the volume of contraband coming into prisons. But relying on ineffective practices to address this is both pointless and harmful.

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1 Strip searches cause harm

Strip searches can be humiliating and degrading for any person. Some groups, such as women, children, LGBTI+, members of certain religious groups, ethnic or cultural minorities, and persons with disabilities, are disproportionately affected. Conducting strip searches is also unpleasant for staff and works against building good relationships with prisoners, especially those new to custody.

Strip searches can re-traumatise people with histories of victimisation and abuse. Research has found that many people in custody have experienced trauma. The long-term effects of trauma-related stress often include substance use disorders and criminal behaviour. So, it is no surprise that many prisoners suffer from post-traumatic stress disorder (PTSD) or other trauma-related stress conditions. One study suggested that substance abuse disorders and PTSD were about ten times more prevalent among prisoners than in the general population (Douglas & Wodak, 2016). Another study which examined literature between 1980 and mid-2017 estimated that the lifetime prevalence of PTSD for male and female prisoner populations was 18 and 40 per cent respectively (Beranyi, Cassidy, Fazel, Priebe, & Mundt, 2018).

Domestic and sexual violence is also highly prevalent in prisoners' backgrounds, particularly among female prisoners. A 2004 Bureau of Justice Statistics report, based upon interviews with 7,000 prisoners, found high rates of past year physical (45%) and sexual abuse (36%) in women and men (11% physical and 4% sexual abuse) (Kubiak, Covington, & Hiller, 2017). A 2008 study of 199 female prisoners in New South Wales found that 59 per cent had experienced some form of sexual coercion or violence. Other research suggests even higher rates with a 2001 study estimating that, prior to incarceration, 98 per cent of females had experienced physical abuse and 89 per cent had experienced sexual abuse (Stathopoulos, 2012).

The Department recognises the trauma of strip searching for women in its *Women in Prison, Prison Standard* (the Women's Standard). It states:

Women who are strip searched feel violated, exposed and in most cases, are not comfortable with their nakedness. This practice distresses many women, particularly those with mental health problems and/or who have been sexually abused. Generally, women should not be strip searched (DCS, 2016a).

The recent Royal Commission into Institutional Responses to Child Sexual Abuse has also highlighted the deep trauma experienced by male victims of child sexual abuse (Commonwealth of Australia, 2017).

In acknowledgement of the harmful impact of invasive searches, international standards and conventions seek to minimise strip searching. The United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the Nelson Mandela Rules) recommend intrusive searches, like strip and body cavity searches, only be undertaken if absolutely necessary. The Rules encourage prison administrators to focus on developing alternatives to the practice. The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) also recommend alternative screening methods replace strip searches and invasive body searches.

1.1 Strip searches conflict with trauma informed care

The Department is intending to move towards trauma-informed practice for custodial services and has started to make some progress. The concept seeks to change practices in recognition of the impact of a person's past trauma and the potential for this trauma to influence how they react. But there is an obvious conflict between the entrenched practice of strip searching and trauma-informed practice.

We surveyed staff as part of this review. Almost half of the 523 respondents reported seeing a person having a negative psychological or emotional reaction to being strip searched (48%). Of these people, a third had concerns about how strip searches were conducted, and one in four had concerns about when and where they were conducted.

In the survey responses, staff trained in trauma-informed practice recognised the trauma caused by strip searches.

I think it is extremely invasive and traumatic for some.

It can bring back anxiety, panic attacks, and historical trauma to those being asked to strip search. Especially women prisoners.

There is a reluctance to send prisoners off site to be medically examined where contraband and other objects are known to be secreted inside a prisoner's body cavities. Therefore, multiple squats are required to retrieve items which can cause shame and distress for prisoners and officers.

Only one in five staff who responded to our survey had received trauma-informed training. Interestingly, this group had different perceptions of the effectiveness of strip searching from those who had not.

Table 1: Differences in perception of strip searching effectiveness for staff with and without training in trauma-informed practice

	Staff without trauma-informed practice training			Staff with trauma-informed practice training		
	% Very effective	% Somewhat effective	% Not at all effective	% Very effective	% Somewhat effective	% Not at all effective
Locate contraband						
Drugs	24.0	59.6	15.5	19.2	59.6	19.2
Weapons	51.7	42.4	5.4	43.6	47.9	8.5
Other	31.4	60.5	7.3	28.7	58.5	10.6
Prevent or locate items used in self-harm	41.8	48.0	9.9	44.7	44.7	9.6
Prevent contamination of urinalysis samples	46.6	45.2	7.6	39.4	48.9	10.6

Recommendation 1 – Establish a departmental position that limits strip searching in line with international standards

1.2 Strip searches can result in staff assault and injury

One in ten survey respondents reported they had been assaulted while conducting a strip search. However, this was not supported by departmental data where nine staff members (from 324 staff assaults) were recorded as being assaulted by prisoners during a strip search in 2017 and 2018. There are several reasons the discrepancy between staff perceptions and the data may exist, including:

- **Staff are injured but not assaulted** – Staff may perceive injuries, caused during a restraint while conducting or following a strip search, as assault even if they were not directly attributed to contact from the prisoner.
- **Staff experience an attempted assault** – Staff may perceive attempted assaults, such as a prisoner trying to strike them or lunging at them during a strip search but not connecting with them, as an assault.
- **Under-reporting or poor reporting of staff assault** – Departmental data does not accurately reflect the true picture either due to under-reporting or misclassification.

Departmental records do not pick up staff injuries or attempted assaults in a format that we can easily interpret. We found examples of these events, but we cannot determine how frequently they occur.

Under-reporting or poor departmental record keeping may also contribute. Our 2014 report into staff assaults outlined our concerns about record keeping (OICS, 2014) as have many of our other reports (OICS, 2018a; OICS, 2018b; OICS, 2017a). Improvements are long overdue.

We do not excuse assaults on prison staff. There are no circumstances where a staff assault is acceptable. However, while the prisoner has a responsibility not to assault staff, the Department also has a responsibility to reduce the opportunity or triggers that result in staff assault. If one in ten staff members are reporting being assaulted during a strip search, action needs to be taken to reduce the risk.

1.3 Almost half of all complaints about strip searching relate to its adverse effects on people

There have been very few formal complaints to the Department about strip searching. Between 1 January 2014 and 12 July 2018, just 14 complaints were received and all were resolved with further explanation or investigation. Eight of the complaints questioned why, when and how often strip searches could be conducted.

The other six complaints generally related to the negative effect of strip searches. Two prisoners raised complaints about the strip searching of their two-year old and four-year old children respectively, as part of the visits process. Another prisoner complained about the traumatising effect of strip searches due to his history of sexual assault. The remaining three complaints were about the appropriateness of the searches:

- Two prisoners complained that more than two officers were involved in their searches, and that the door was open on both occasions in view of other staff and prisoners.

- One prisoner complained about being strip searched while he was in a wheelchair having had two recent heart attacks and a stroke.

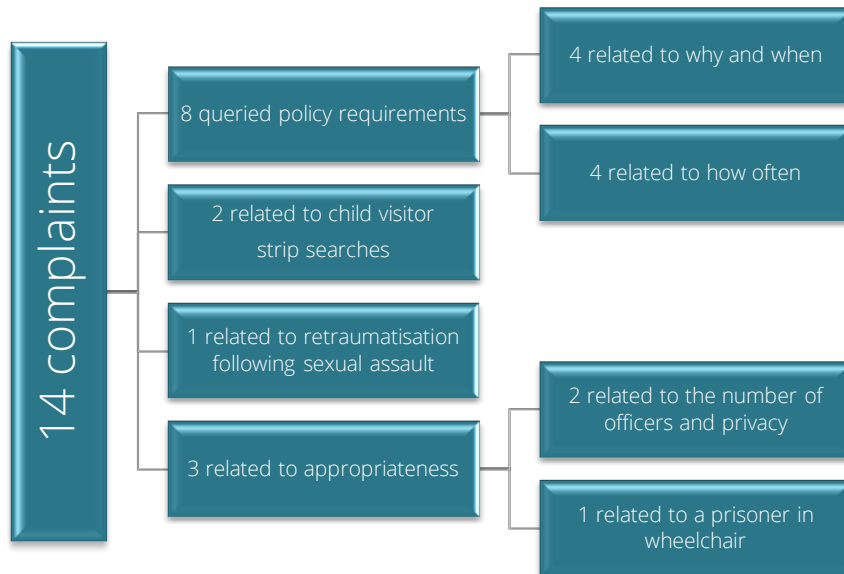


Figure 1 Departmental complaints regarding strip searches (2014–12 July 2018)

The 14 complaints identified by the Department can only be considered the minimum, as the Department has limited ability to extract, analyse and use its complaints information.

When we requested data, the Department's complaints system did not adequately identify all complaints relating to strip searches. We have identified other occasions. In one, a prisoner complained that prisoners were strip searched in view of each other, during the visits process. In another, a visitor questioned why she had been strip searched. She believed the person sitting next to her was indicated by a drug detection dog. But she was searched not the other person. The Department did not forward either of these complaints to us as part of this review.

According to the Western Australian Ombudsman, an effective complaint handling system has three components:

- it enables the resolution of individual complaints in a timely and cost-effective way
- it provides information which can lead to improvements in service delivery
- it can improve the reputation and public confidence in an agency when the complaint is handled properly (Ombudsman Western Australia, 2018).

The Department's complaints handling system is geared towards the first and third component, but does not allow for improvements in service delivery. To achieve this, information must be gathered in a way that can be extracted and analysed. The incomplete information provided as part of our request shows the Department is unable to interrogate their complaints system. As such, service improvements cannot be fully achieved.

Recommendation 2 – Improve the complaints management system to provide the ability to effectively interrogate the data

1.4 Staff have concerns about searching each other

Staff recognise the harm caused by strip searching when it relates to searching their peers, with survey respondents saying it is “embarrassing and degrading”. Concerns were raised by 157 people about the effect of a strip search on their relationship with their peers. Comments included:

It would be seriously awkward to work with the person afterwards.

I think it would be of great embarrassment to be strip searched by a colleague or to search a colleague.

I would not like to be strip searched by people I work with every day! I really would not like them to see my body. I would never be able to look at them in the eye again.

Staff should not be strip searched at the prison or by any person/officer working around the prison environment. This is an invasion of privacy and causes humiliation.

Anyone working in a prison across Western Australia can be strip searched but staff strip searches are rare. Only three such searches have taken place since 2016. Of the 523 respondents to our staff survey, 175 said they accepted the possibility of being strip searched as part of their employment and did not have any concerns about this. They believe it is necessary to tackle contraband entering the prison system.

However, over 300 respondents did have concerns, some of whom accepted strip searches were necessary if there was sufficient intelligence to warrant a search (60). They wanted people to be investigated and ‘weeded out’, but they were concerned about the practice. One respondent wrote:

I do not have an issue with being searched or drug tested, however it needs to be regulated and operated by an external agent. If one of us is doing the wrong or illegal things then, we want them out as much as anybody, it is after all US who has been placed in danger because of that individual's actions (respondent's emphasis).

Staff noted that even if the person conducted the search was not from their current work location, they may eventually cross professional paths. Employment transfers are common within the Department, so this is a reasonable concern. The preference was clearly to have staff strip searches conducted by an outside agency.

Currently, policy conflicts with practice in regard to strip searching staff. Policy requires the Superintendent to authorise a strip search and to contact the Western Australian Police (WAPol) to perform the search (DCS, 2015b). If the police are not immediately available, staff from the Department's Investigation Services Directorate can conduct the strip search. If they are not immediately available, an officer with a Principal Officer rank or above, can undertake the search. A searching officer needs to be immediately available to ensure evidence is not lost or destroyed, and that the staff member is not unreasonably detained.

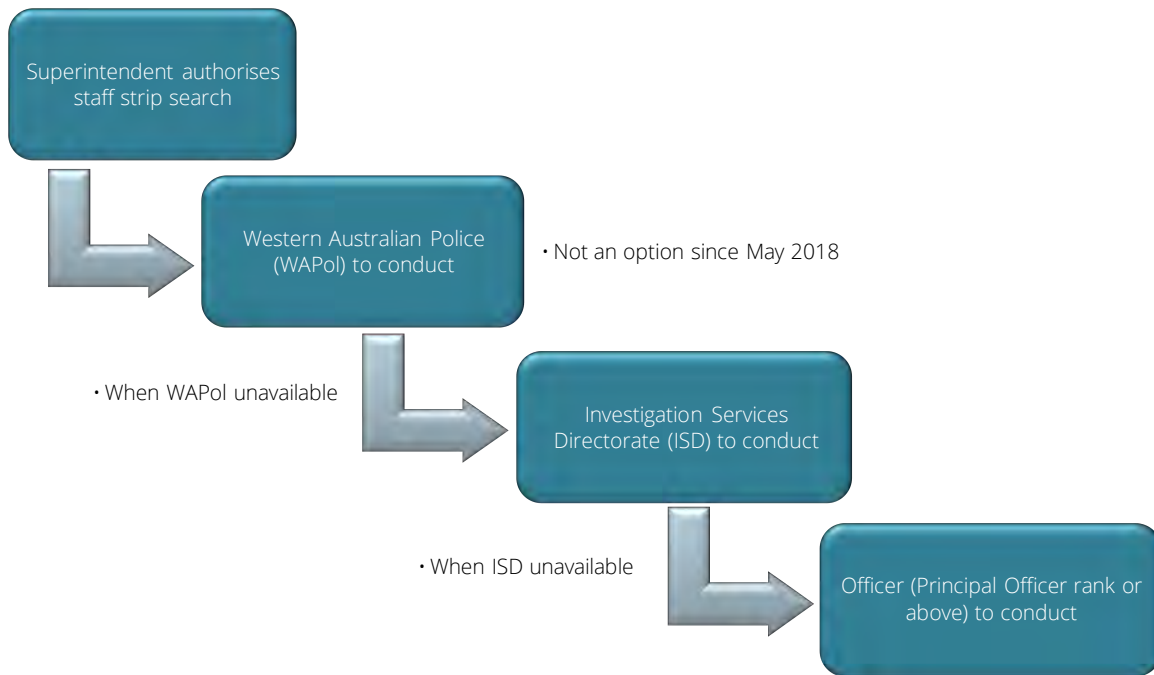


Figure 2 Process for staff strip searches to determine searching officer

However, as of 29 May 2018, the police no longer conduct strip searches of Department staff. An Assistant Commissioner from WAPol directed all Police Officers to cease conducting strip searches of Department of Justice staff. The directive was issued because the *Prisons Act 1981* provides legislative authority for the Department's own staff to conduct strip searches of any person as directed by the Superintendent. Reliance on WAPol officers was therefore deemed an unnecessary use of police resources.

WAPol were also concerned that while the Department's policy refers to needing a 'reasonable suspicion' to strip search staff, section 49 of the *Prisons Act 1981* allows such a search solely on a direction by the designated Superintendent. The WAPol Assistant Commissioner noted that this was contrary to police policy and training.

As a result of the WAPol directive of 29 May 2018, the Department's policy, and many of the individual prisons' search strategies, are now outdated.

Prior to this, three staff strip searches were performed in early 2018. While departmental policy stated that police should be the first option, they were only used for one search. All three, including the one where police were involved, included an officer from the Department's Investigative Services Directorate.

Staff concerns about strip searching colleagues are well warranted, and are likely to generate reluctance or complacency when a search is required. The recent Auditor General's report criticised staff searching other staff, and found these searches were less thorough than when staff searched visitors (OAG, 2017).

Recommendation 3 – Develop an agreement with an external agent to conduct strip searches of departmental staff

2 Strip searching is ineffective

According to departmental policy (Policy Directive 26 - Searches), searches are conducted in order to detect contraband and illegal items. Therefore, the primary purpose of strip searching should be to find such items.

However, the policy states that 'the presence of drugs or contraband has the potential to adversely impact the good order and management' of the prison (DCS, 2014b). This has been interpreted by some people to mean that strip searching can be justified as a deterrent or a behaviour management technique.

2.1 Strip searches are very unlikely to find contraband

From 2014 almost 900,000 strip searches of prisoners were conducted. Only 571 items of contraband have been located. Most of the items found were not drug or weapons related:

- 63 items were recorded as needles or syringes, tattooing equipment, and weapons (11.1%)
- 99 items were identified as illicit substances including homebrew, tablets, white powder, and green vegetable matter (17.3%)
- 69 items were logged as unlisted or excess property (12.1%)
- 66 items were recorded as 'drug paraphernalia' (11.6%)
- 272 items were recorded as 'other' (47.6%)
- only one mobile phone was located
- on one occasion cash was found.

This equates to finding contraband in just 0.06 per cent of occasions or less than once in every 1,500 strip searches. This is consistent with research in other Australian jurisdictions and internationally which has also found strip searches result in a low yield (Stathopoulos, 2012; McCulloch & George, 2008; ADCQ, 2006; Pereira, 2000).

Contraband which is hidden internally or is very small is almost impossible to find during a strip search. A striking recent example of the ineffectiveness of strip searching occurred in July 2018. A prisoner was received into custody from court. He was strip searched at Hakea Prison as part of his reception. After this strip search and during his induction to the prison, staff located a live 9mm bullet in the washing machine while packing his property. The contraband went undetected despite the prisoner being in the custody of the police, two different contractors (G4S and Broadspectrum), and the Department throughout the day, where he was subject to at least two strip searches and multiple pat searches.

Strip searches of the public when they visit a prison are slightly more effective, but finding contraband is still very rare. More than 2,100 visitors have been strip searched in the last five years. Only six items of contraband were found, a 0.28 per cent success rate or once every 350 searches.

2.2 Strip searching as a deterrent is unjustified and ineffective

Some people have suggested that strip searching operates as a deterrent to people carrying contraband. However, there is no policy or legislative justification for using strip searches as a deterrent, and such use would conflict with international standards.

It is always difficult to measure the preventative effects of a program or policy. However, we found no evidence to support the conclusion that strip searching has a deterrent effect. In fact, there was evidence that disproved this theory including:

- no relationship between the volume of strip searches and drug detection in prison
- no increase in contraband when strip searching ceased.

The rate of strip searching and the detection of drugs in prison appear independent of each other

If strip searches deterred people from bringing contraband into prison, you would expect to see a relationship between the volume of strip searches and the detection of drugs in prison. This is not occurring.

The number of strip searches since 2014 has increased in proportion to the increase in the prison population. Likewise, the number of drug tests has increased with the rise in prison population resulting in approximately 14 per cent of the prison population being tested. Drug prevalence testing is carried out about four times per year. However, the number of positive results from the drug tests has fluctuated widely during this time. In other words, while the number of searches and test have evenly matched the growth in the prison population, positive findings have not followed the same pattern.

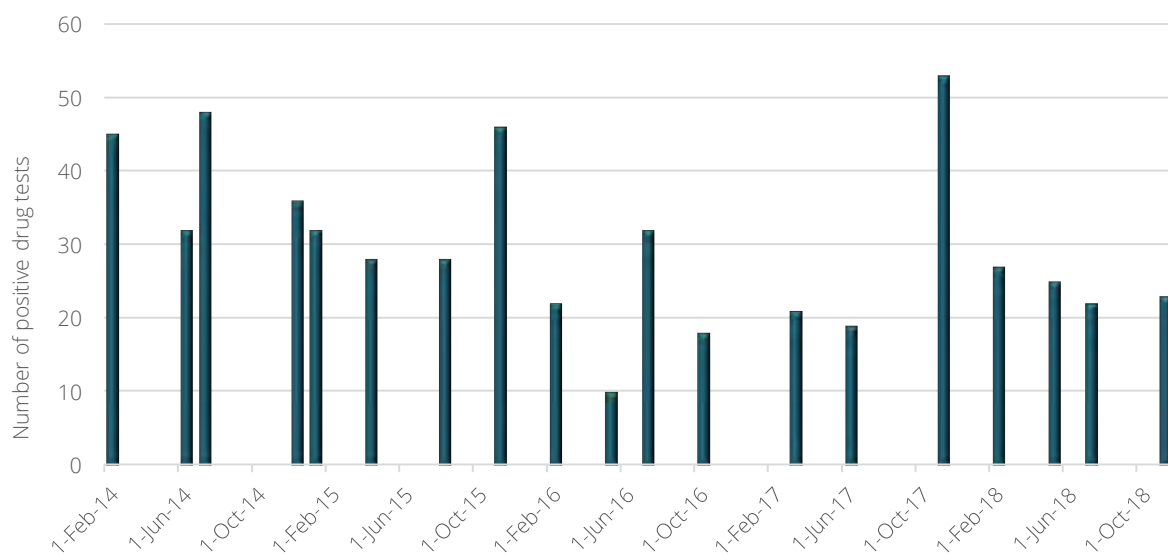


Figure 3.: Number of positive drug test recorded during prevalence testing events (2014–2018)

Even with targeted drug testing there does not appear to be any relationship to the volume of strip searches. Targeted drug testing is based on intelligence or reasonable suspicion that a prisoner has

consumed an illicit substance. In the last five years, targeted drug testing has tested between five and 13 per cent of the prison population. In July 2015, there was a peak in positive targeted drug test results (25.4%). Since 2016 positive test results have dropped to a relatively stable range between six and 13 per cent, with a further drop recorded in the latter half of 2018.

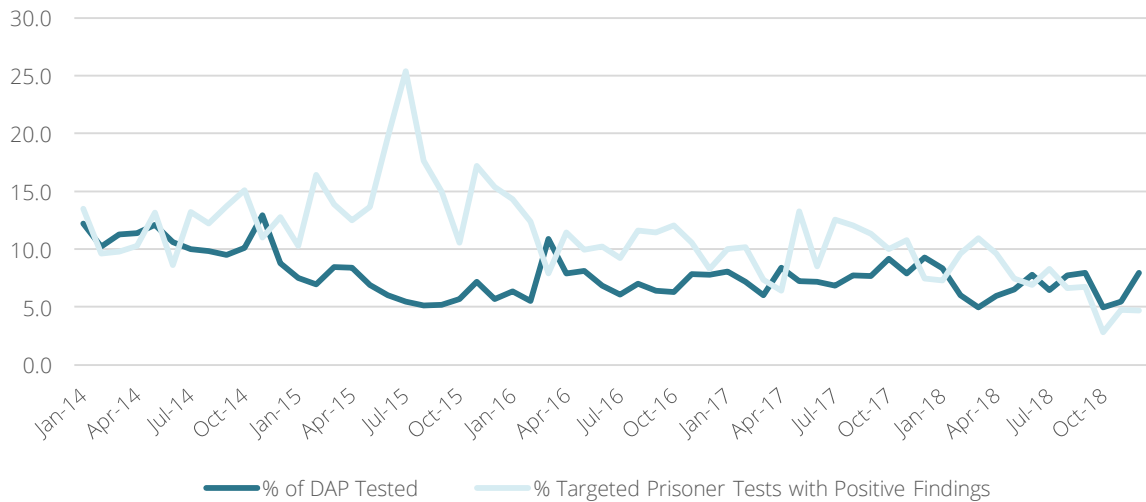


Figure 4: Proportion of targeted prisoner drug tests with positive findings compared to proportion of the daily average population (2014–2018)

There was no corresponding change in the volume of strip searches in 2015 which would demonstrate a preventative effect. In fact, when there was a peak of positive findings in targeted tests, there was a decrease in the amount of contraband found during strip searches. This is the opposite of what you would expect if strip searches were effective.

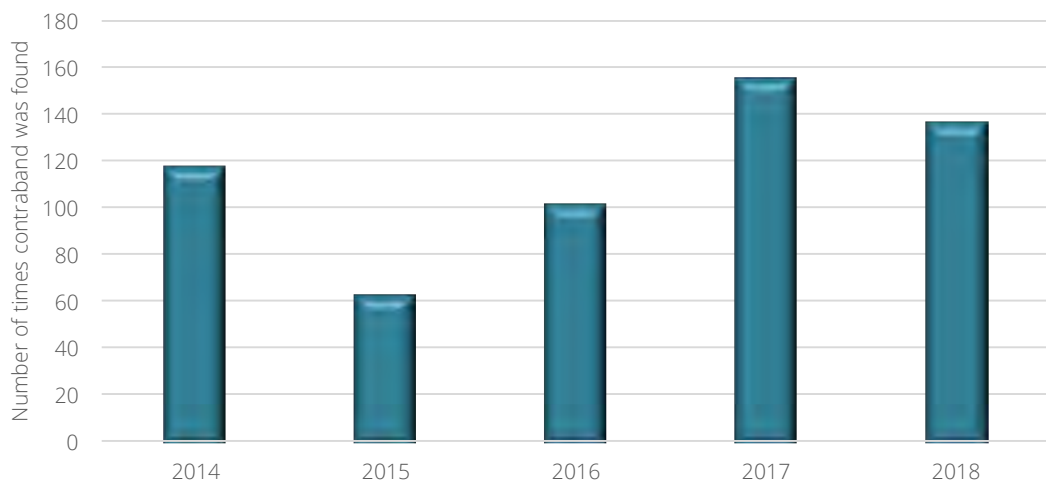


Figure 5: Number of times contraband was found during strip searches each year (2014–2018)

When strip searching is reduced, or eliminated, there is no increase in contraband

If strip searching deters prisoners from having contraband, you would expect to see an increase in contraband finds through other means when strip searching is reduced or eliminated. This is not occurring in Western Australia as shown by experience in a settled minimum security prison, a new

rehabilitation prison, and a complex juvenile facility. There have been similar findings in Victoria and the United Kingdom.

Recent experience at the Melaleuca Remand and Reintegration Facility also shows that an increase in strip searching does not lead to more contraband finds (see section 2.5, below).

Boronia Pre-release Centre

Boronia Pre-release Centre does not strip search any of the women who are placed in the facility. Boronia is a small, minimum-security, pre-release facility for women located in the metropolitan area. In practice, the centre largely ceased strip searching women in custody in December 2015, but only formalised this in July 2018.

Since stopping strip searches Boronia has not experienced an increase in contraband. In fact, no contraband has been found during any search of a resident at Boronia in the last five years.

Table 2: Number of strip searches and contraband findings at Boronia Pre-release Centre (2014–2018)

	No. of searches conducted				No. of times contraband was located
	Strip search	Pat down	Drug dog unit	Scanner	
2014	290	39	11		0
2015	311	5			0
2016	2	44			0
2017	1	110			0
2018		681	8	781	0
Total	604	879	19	781	0

There was also no indication of an increase in drug use among the residents. There were no positive test results from random drug prevalence testing in 2017 (OICS, 2019a). In addition, there has been a decrease in positive results from targeted drug testing since 2014.



Figure 6: Targeted drug testing and positive findings at Boronia Pre-release Centre (2014–2018)

Wandoo Rehabilitation Prison

Wandoo Rehabilitation Prison also does not rely on strip searching. In July 2018, this small facility changed from a men's facility into a prison for women with methamphetamine and other drug addictions.

At Wandoo residents are not strip searched when they are initially received at the facility from another prison. It is also intended that women who attend external medical appointments or court matters will not be strip searched on their return to the prison. Instead, the facility has a robust drug testing regime to deter and detect the use of drugs. The women at Wandoo are tested for illicit substances every day either being breathalysed or submitting to a saliva test. The facility has an ion scanner which can trace test for illicit drugs on prisoners and visitors via several methods including saliva and sweat tests. A drug detection dog also attends all social visit sessions. The residents we spoke with favoured the robust testing regime in exchange for fewer strip searches.

Between August and October 2018, only four strip searches had been conducted at Wandoo. Two were conducted due to drug detection dog indications and two were conducted as part of urinalysis testing. Nothing was found in any of these searches and there have not been any positive drug tests from targeted drug testing.

The number of strip searches dramatically increased in November 2018, when 28 strip searches were conducted as part of the Department's random drug prevalence testing. It is unclear why it was considered necessary to go against Wandoo's philosophy and to strip search these women as part of routine bulk testing, and in the absence of intelligence. No contraband was found during these searches. By contrast, Boronia tested 55 women without strip searching them.

Banksia Hill Detention Centre

Banksia Hill Detention Centre is the only youth custodial centre in the state. It holds young people of different ages and genders, people from all around the state, and those who are remanded and sentenced. We believe it to be the State's most complex, diverse, and challenging facility (OICS, 2017a).

After reaching a peak of excessive and unnecessary strip searching in 2015, the Department responded to our continued concerns and reduced its reliance on strip searches of youth (OICS, 2018c; OICS, 2015; OICS, 2013; OICS, 2008).

By 2018 Banksia Hill was conducting strip searches about five times less frequently than in 2015 but the volume of contraband found during all searches remained the same. In other words, there was no increase in contraband which corresponded to the decrease in strip searching.

Table 3: Number of strip searches and contraband findings at Banksia Hill Detention Centre (2014–2018)

	No. of searches conducted				No. of times contraband was located
	Strip search	Pat down	Drug dog unit	Scanner	
2014	6,808	1,775	27	13	7
2015	9,067	9,330	4	13	8
2016	3,746	9,623	4	5	4
2017	2,445	5,780	8	2	12
2018	1,765	6,356	35	26	7
Total	23,831	32,864	78	59	38

Other countries and jurisdictions

These findings are not unique to Western Australia. There have been pilot studies in Victoria and the United Kingdom indicating that reduced strip searching of female prisoners does not increase the number of contraband finds or positive drug tests (HRLC, 2017a).

In 2003, Corrections Victoria commenced a pilot program to reduce strip searching of female prisoners by reducing routine searches and increasing random and targeted searches. Over two years, strip searches dropped by a third from 21,000 to 14,000. There was a 50 per cent reduction in contraband finds and a 40 per cent reduction in positive urine tests in the 12 months following the study's commencement (Department of Justice, 2004; HRLC, 2017b). More importantly there were other improvements including a positive effect on the wellbeing of the women and better relationships with staff.

In 2007, five prisons in the United Kingdom implemented an 18-month pilot program aimed at reducing strip searching of women to 'the absolute minimum compatible with security'. Prisons used ion scanners to replace strip searching in order to detect drugs (Cortson, 2007). The Human Rights Law Centre quoted correspondence it had received about this pilot from Her Majesty's Prison and Probation Service, stating:

reducing the use of strip searches in women's prisons was not unsafe, while having clearly positive benefits for the wellbeing of imprisoned women. There was no evidence of an increase in illicit items being smuggled into prison during the pilots or since (HRLC, 2017b).

Recommendation 4 – Do not use strip searching as a deterrent

2.3 Some corrections staff are not aiming to find contraband during a strip search

Approximately 15 per cent of respondents to our custodial staff survey said that they had observed a strip search being conducted to change a person's behaviour. One respondent emailed us after completing the survey, stating that 'the benefit of the strip search is also a form of control which is useful in the management of prisoners'.

There is no policy or legislative authority to use strip searches in this manner. A person is extremely vulnerable during a strip search. This vulnerability should never be exploited or threatened to gain control or modify behaviour.

Using strip searching in this way, or even to be perceived to be using strip searching in this way, has a very negative impact on the staff-prisoner relationship. This relationship is integral for the safety of the facility. In a survey conducted before one of our Office's recent inspections of a prison, one prisoner highlighted this issue.

[I'm] not treated like a man, not treated with dignity. Strip searched two-three times a week. They have never found anything. Out of the literally hundreds of strip searches I've received in my three years - they have served no purpose. The thousands more I must humiliatingly endure for the next 20 years or more. Never has one single one achieved anything. **It is a play to dehumanise us, psychological abuse to keep us in line.** Why must we be stripped naked three times a week? It's total bullshit. (emphasis added)

Using a strip search as a means of control or punishment is not justified by law or policy. It arguably constitutes an assault.

Recommendation 5 - Do not use strip searching to punish or control prisoners

2.4 Department standards recognise the ineffectiveness of strip searching women

The Department's *Women in Prison, Prison Standard* recognises the ineffectiveness of strip searching at least for women. The Women's Standard states

the nature of a woman's anatomy makes it relatively easy to conceal items for a long time internally, and as such, full searches of women are generally ineffective (DCS, 2016a).

The purpose of the Women's Standard is 'to provide a benchmark by which to establish best practice policy and procedure to deliver correctional services which anticipate and accurately respond to the specific needs of women, their characteristics, life experiences and family circumstances' (DCS, 2016a). The Women's Standard was developed with widespread consultation with internal and external stakeholders and incorporated academic research and international standards.

2.5 Practices at women's prisons are inconsistent

The Women's Standard was developed to guide policy. However, it conflicts with departmental policies and practices on strip searching, and its standing is unclear. The result is inconsistency. Most Western Australian prisons prioritise the policy governing strip searches over the Women's Standard. However, Boronia Pre-release Centre preferences the Women's Standard first, and Melaleuca Remand and Reintegration Facility is contractually bound to prioritise the Women's Standard ahead of policy.

Women at Boronia are preparing for release and rarely transfer to other prisons. Therefore, there has been limited concern about prioritising the Women's Standard and minimising strip searches.

In contrast, Melaleuca is a remand facility which receives women directly from court. It also often transfers women to other prisons when they are sentenced, or if they present with risks and needs that cannot be managed within its limited infrastructure (such as needing crisis care intervention).

As Melaleuca is contractually bound to prioritise the Women's Standard, they strip search less frequently than other prisons. But, soon after Melaleuca opened, it came under criticism, as stories circulated that Bandyup Women's Prison and some court custody centres were receiving women from Melaleuca with illicit items on their person.

In response to the criticism, Melaleuca increased the frequency of strip searches in September 2018. Previously, women were only strip searched when risk could not be managed by other means. In September 2018, women were always strip searched when they left the facility, except if they were being released or if there was a medical emergency. As a result, Melaleuca received a performance improvement notice from the Department for not complying with the Women's Standard. It reverted to former practice in late October 2018.

We made two important findings about this sequence of events:

- There was no evidence to substantiate the criticism directed at Melaleuca which triggered the increase in strip searching. Departmental data showed no contraband located on any woman at Bandyup (through any type of search) from July to October 2018.
- Almost 150 additional strip searches of women in Melaleuca were carried out in September compared to August 2018. This did not result in an increase in finding contraband. During September 2018, only one strip search found anything, and this was a cigarette. Prisoners can have cigarettes in custody. However, at the time this woman was searched she had attended an external medical appointment. The cigarette was not allowed to be taken with her.

Recommendation 6 – Ensure strip searching policy and practice align with the Women's Standard

Recommendation 7 – Monitor the impact of local search strategies to ensure they do not result in excessive strip searching

2.6 Staff perceive strip searching to be effective

There is a large gap between the effectiveness of strip searching and staff perceptions of its effectiveness. Almost 45 per cent of survey respondents, when asked to scale how they felt about strip searches, indicated that they were critical to the safety and security of the facility. More than half ranked strip searching as the 'most effective' means to locate on-person contraband (56%) while only five per cent ranked it as the least effective method.

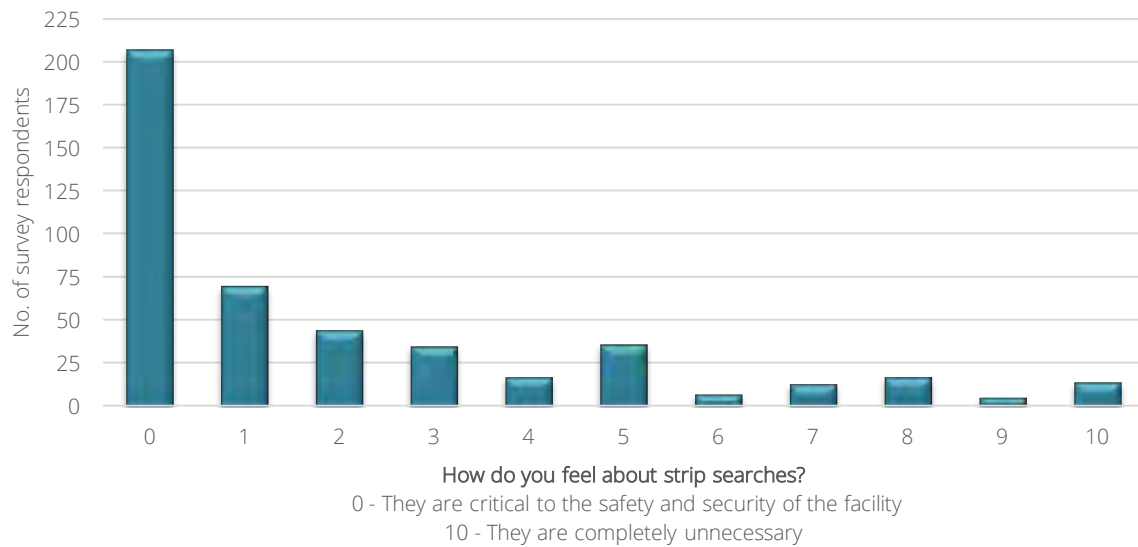


Figure 7 Distribution of responses from staff survey question 'How do you feel about strip searches?'

This suggests it will be a challenge for the Department to change its culture. However, there may be some momentum. Almost four out of five survey respondents advised us that they thought that contraband detection could be improved by using body scanning technology.

The Department could also look at its own results at Wandoo Rehabilitation Prison. Wandoo has been staffed with custodial officers from 12 different prisons across Western Australia. Some of these officers have come from the more relaxed minimum-security facilities, while others have come from the highly restrictive regimes of maximum-security prisons. The management team at Wandoo advised us that the various cultures have blended well together to create an appropriate balance. One staff member who had recently transferred to Wandoo emailed comment to us:

When I was first told we wouldn't do strip searches etc. I didn't think it would work, but now I realise how important that is to achieve the harmonious environment.

She also wrote about Wandoo's uptake of alternative practices that have reduced the need to strip search the women placed there, in line with the prison's therapeutic philosophy. She questioned:

Why are invasive urine tests still being conducted when the Department has the ability to conduct saliva tests as a pre-indicator? This is so far behind the times. The women hate being strip searched. We don't even pat search at visits at Wandoo¹ – we just do a huge rate of saliva tests to manage any drug use that way, and running on a trauma-informed care model, and to date, we have not had any positive drug results in the prison, or cell indications from the DDU.

¹ This comment was made to us on 15 October 2018. At that time, only four visitor pat searches had been conducted at Wandoo from more than 550 visitors. Practices have changed since that comment was made. Visitors to Wandoo are now more frequently pat searched.

3 Strip searching is routine, excessive, and rarely driven by intelligence

Strip searching is an entrenched prison practice. Almost all (97%) strip searches are routine rather than triggered by any reasonable intelligence or risk assessment. Almost 869,000 strip searches since 2014 were performed out of procedural requirement rather than suspicion that a prisoner was concealing contraband.

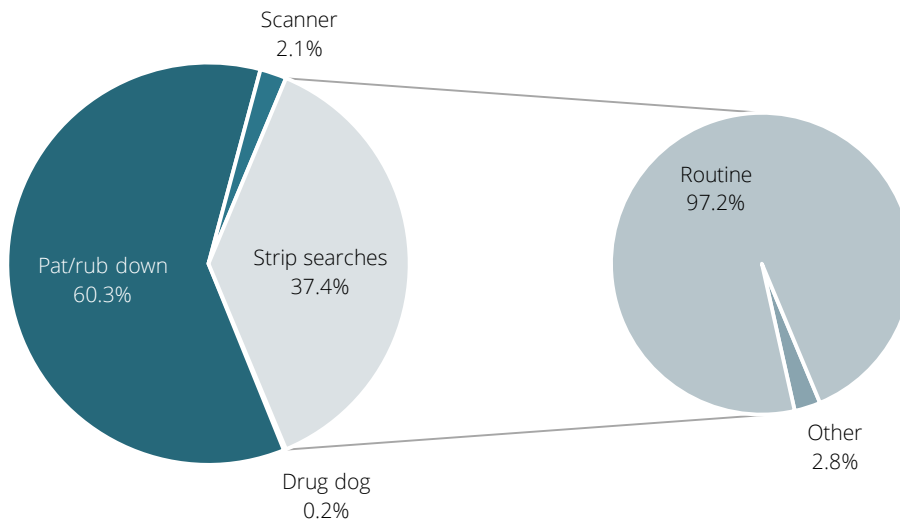


Figure 8: Proportion of prisoner searches conducted 2014–2018, by type of search (including recorded reason for strip searches)

Departmental policy requires routine strip searches to be conducted at a minimum:

- when prisoners are received into custody or discharged
- before prisoners are placed in an observation or medical observation cell
- before their placement in a cell for confinement under sections 77 or 78 of the *Prisons Act 1981*
- prior to urinalysis testing.

The volume of routine strip searches is also inflated by local search strategies. Each facility has a documented search strategy which outlines how and when searches in a prison are to be conducted, providing an additional layer of searching requirements above those mandated by policy. Search strategies cover the procedures, frequency, and the resource and equipment requirements of all types of searches. Most have been updated over the last two years.

The strategies align with departmental policy and in some cases, the Women's Standard. Most of the details are similar from one prison to another. However, there are some differences, particularly in the types of searches conducted on prisoners before and after a social visit, and when appearing in court.

These differences are not based on intelligence or risk, but simply on where the person is located.

3.1 Visits and court appearances trigger routine strip searches in some facilities

Local search strategies for many facilities include an instruction to strip search prisoners after a visit and before or after an escort out of the facility, such as when someone attends court. The rationale behind the additional searching in some facilities but not others is not clear and does not align with risk.

Table 4: Searching requirements before and after visits, based on current local search strategies

Facility	Before visits				After visits			
	Visual	Pat	Strip	Scanner	Visual	Pat	Strip	Scanner
Acacia		✓					✓	
Albany		✓					✓	
Bandyup	✓					✓	Reasonable suspicion	
Boronia								
Broome Minimum						✓		
Broome Maximum		✓		✓			✓	
Bunbury		✓	Random			✓	Random	
Casuarina	✓ Visits overalls						✓	
Eastern Goldfields	Visits overalls		Intelligence based only		Remove overalls		Intelligence based only	
Greenough		✓	Random			All women	All men	
Hakea		✓					✓	
Melaleuca		✓				✓	Individual risk	
Pardelup		✓	Intelligence based only			✓	Intelligence based only	
Roebourne		✓				✓	✓	
West Kimberley		✓				All women	All men	
Wooroloo		✓				✓	Random	

* We did not receive the search strategy from Karnet Prison Farm or Wandoo Rehabilitation Prison

Most facilities strip search male prisoners after they have received a visit. The exceptions are Broome, Bunbury, Pardelup, and Wooroloo:

- Broome only strip searches maximum security prisoners, which is a small proportion of their prison population. It relies on pat searches of other prisoners.
- Pardelup only strip searches people after a visit if there is an increased risk based on intelligence.
- Bunbury and Wooroloo undertakes random strip searching after visits.

All other facilities holding men conduct strip searches of all men after a contact visit. This is despite Casuarina placing prisoners into specially designed overalls with no pockets or openings to store contraband, prior to a visit.

The Eastern Goldfields strategy is to only strip search people based on intelligence after a visit. However, staff are required to ‘visually observe’ a person removing the visits overalls after a visit. The line between this and a strip search is very blurred, a practice similarly called into question by the Victorian Ombudsman (Victorian Ombudsman, 2017).

Greenough conducts random strip searches before a visit, then strip searches all men after a visit. Under these arrangements, the same person can be strip searched before and after a visit.

Most prisons search people going to or returning from an escort for a court appearance, medical appointment or accessing external employment. Three facilities do not specify if an escort triggers any sort of search. Two others strip search only based on intelligence. All the rest, except Boronia, automatically strip search every person.

Table 5: Searching requirements before and after an escort, based on current local search strategies

Facility	Before and after an escort, including court appearance			
	Visual	Pat	Strip	Scanner
Acacia			✓	
Albany			✓	
Bandyup			✓	
Boronia	✓	✓		
Broome Minimum			✓	
Broome Maximum			✓	
Bunbury			✓	
Casuarina			✓	
Eastern Goldfields	Not specified in Search Strategy			
Greenough	Not specified in Search Strategy			
Hakea			✓	
Melaleuca		✓	Individual risk assessment	
Pardelup	✓	✓	Intelligence based only	
Roebourne	✓	✓	Intelligence based only	
West Kimberley	Not specified in Search Strategy			
Wooroloo			✓	

* We did not receive the search strategy from Karnet Prison Farm or Wandoo Rehabilitation Prison

The rationale behind strip searching women in different facilities is even less clear. On a positive note, in general women are strip searched less than men while in custody. Between 2014 and 2018 females averaged about 10 per cent of the daily average prisoner population in Western Australia. Yet proportionally, female prisoners have only made up roughly 3.5 per cent of the total number of strip searches with a slight increase recorded in 2018 (to 4.2%).

This is mostly driven by the implementation of the Women’s Standard at Boronia and Melaleuca, and by the lack of strip searching after visits at Bandyup Women’s Prison. Even though Bandyup holds maximum security women, they are only pat searched after visits. This has led to a low number of strip searches, and a low proportion of the total number of strip searches conducted overall.

In contrast, women placed at Roebourne Regional Prison are subject to routine strip searches following a visit. No other facility requires routine strip searches of women after a visit.

Local search strategies dramatically alter how often someone is strip searched. Prior to the introduction of its reviewed search strategy in July 2018, Eastern Goldfields was routinely strip searching prisoners attending visits, both beforehand and afterwards, even though they were also required to change into overalls. This raised their routine strip searching count well above other facilities without the same practice. We raised concern about this in our 2017 inspection report (OICS, 2017b).

For this review, we examined two case studies of women placed at Eastern Goldfields from 1 January 2017 until 16 July 2018 (when the new search strategy was endorsed). One woman was strip searched 336 times with 80 per cent of those (268) conducted prior to or after a social visit session. Another woman was strip searched 222 times during the same timeframe. Again, 80 per cent of those occasions were before or after a visit. The practice has continued, even after 16 July 2018, with these two women both recording another 39 & 99 strip searches respectively (many of which were again due receiving visits). There was no documented reason for such extensive use of routine strip searches.

Recommendation 8 – Phase out the routine strip searching of prisoners

3.2 Some prisoners are searched excessively

In 2018, male prisoners were searched on average about 31 times in the year. This is over once a fortnight and is arguably too high. Women were searched on average 11 times.

Between 2014 and 2018, 32 prisoners were strip searched more than 200 times in a year. Six of these prisoners were searched over 200 times in multiple years. Clearly, searching the same person over 200 times in a year is excessive and cannot possibly align with the Mandela Rules of performing strip searches out of absolute necessity.

The reasons for some prisoners being more frequently strip searched than others include:

- being in a prison where local orders require more frequent strip searches
- having frequent visits
- entering and leaving a prison often for reasons such as attending court, education programs, work, and reintegration leave
- being targeted due to intelligence, affiliations, and custodial history
- being on a management plan that prescribes the practice routinely.

Of the prisoners' strip searched more than 200 times per year, all but two were male. Most were located at Acacia, Casuarina, and Hakea prisons (21). Eight of the 32 prisoners were identified with gang affiliations or alerts. Another eight were frequently strip searched because they were involved in activities outside the prison including education and reintegration leave. Only one item of contraband was found during any of these searches.

One prisoner has been routinely strip searched more than 900 times since 2014. He has an organic brain disorder due to a head injury he received as a child. He is a Disability Services Commission client and has a guardianship order in place due to his cognitive impairment.

He is routinely strip searched as part of his personal management plan, because he has a propensity to conceal non-contraband items (usually butter or margarine, tobacco, and lighters). Regular strip searches, in conjunction with cell searches, are conducted prior to his lockdown in the evening as a way of managing this issue. Out of all these strip searches:

- no illicit contraband (like drugs or self-harming implements) has ever been found
- non-contraband items have been located approximately 75 times but these were often not on his person but were found during the associated cell search.

If there is a need for people to be searched this frequently, then investment is needed in alternative practices or technology.

3.3 Unnecessary strip searches occur between secure facilities and practices are inconsistent

Some facilities routinely strip search prisoners when they are transferring from one prison to another in a secure vehicle. This depends on the search strategies of the prison where the person is leaving and arriving rather than any identified risk from the person.

For example, on one day 15 prisoners transferred from Hakea to another prison. Twelve of them were strip searched before leaving Hakea and again on arrival to Acacia (a medium-security prison) and Casuarina (a maximum-security prison). The remaining three prisoners were sent to Albany Regional Prison (a maximum-security prison) and were not strip searched on arrival.

There should be no opportunity for a prisoner to obtain contraband after a strip search where they are under supervision while being transferred from secure location to secure location. However, local policy may prescribe a search at the destination because of concern that:

- the prisoner may not have been adequately searched at the originating prison
- the prisoner may have concealed contraband internally and could discreetly retrieve it during transit, or
- the prisoner may have fashioned a self-harming device from items available in transit (such as clothing).

But, given the general ineffectiveness of strip searching, the second search is no more likely than the first to detect these items.

The doubling up of strip searches in quick succession is unnecessary and dehumanising. It also increases the likelihood and risk of an adverse reaction. In August 2017, a prisoner was strip searched three times within two hours. The 49-year-old Aboriginal man from Halls Creek is registered with Disability Services Commission due to an intellectual impairment. He had been transferred from Broome Regional Prison to Hakea Prison where a routine strip search occurred just before 4.00 pm. He was then to be transferred to Casuarina Prison and was again strip searched

prior to leaving Hakea at approximately 5.20 pm. When he arrived at Casuarina he was to be placed in a multipurpose cell, and strip searched in line with departmental policy (5.51 pm).

However, he refused, and became non-compliant. In the ensuing restraint by eight officers, he attempted to bite staff. His clothes were cut from him during the restraint, completing his third strip search. After this he was charged with resisting staff and received seven days' loss of gratuities as punishment.

There is no reasonable justification for the repeated routine strip searching of people being moved between secure facilities in secure conditions. Although we make no specific recommendation about this, it is a matter that the Department should prioritise when implementing Recommendation 8 ('Phase out the routine strip searching of prisoners').

3.4 A departmental review of strip searching was vague and could have increased full body searches

We asked the Department for information to support its extensive use of strip searches. The information supplied did not provide any evidence on the effectiveness or ineffectiveness of strip searches. Nor did it consider issues of potential trauma. Instead, it focussed on the legislative authority of other jurisdictions and scrutiny the Department had received from external agencies.

The Department also gave us a draft of proposed revisions to the strip searching policy. Positively, the draft policy simplified the current policy down from five documents to one. However, the procedures set out were vague and did not prescribe a stringent method of performing a strip search. Terminology was also unclear and open to misinterpretation.

If implemented, the draft policy could have also increased the number of full body searches because it allowed staff to 'consider' using the half-and-half method. We were concerned that staff consideration may have been superficial as almost half the survey respondents said they thought strip searches would be more effective if they were full body searches (49%).

The Department advised that our concerns will be addressed in future. It is currently reviewing all operational policies to provide clearer and more prescriptive guidance.

3.5 Contract performance measures lead to increased strip searches

Acacia Prison has a higher proportion of strip searches than its proportion of the daily prisoner population (26.9% of strip searches versus 21.5% of the population). It is a privately-operated facility that receives performance linked fees based on certain measures.

One of those measures is a low number of positive random urine sample tests each month. Strip searches are required by departmental policy when conducting urinalysis tests. Therefore, by encouraging more urine sample tests to be undertaken, an unintended side effect is that the prisoners at Acacia are subject to more routine strip searching.

When Wandoo Reintegration Facility was privately operated (until March 2018), it also recorded a proportionally higher number of strip searches compared to its proportion of the adult prisoner

population. A key performance indicator for this contract, like Acacia's, was a low number of positive random urine sample tests.

Another contributor to the rate of strip searches at Wandoo was that it functioned as a rehabilitation and reintegration facility. That meant many of Wandoo's residents were participating in activities outside the facility under s 95 of the *Prisons Act 1981*. Wandoo's searching policy permitted strip searches prior to and after these activities. It therefore had a much higher rate of strip searching than other minimum-security facilities offering external activities but without the requirement to strip search.

Table 6 Number and proportion of strip searches compared to proportion of the daily average population, minimum-security prisons (2014–2018)

Facility	No. of strip searches (2014–2018)	% of strip searches conducted	% of the daily average prisoner population
Boronia Pre-release Centre	604	0.1	1.3
Karnet Prison Farm	12,559	1.4	5.1
Pardelup Prison Farm	1,990	0.2	1.3
Wandoo Reintegration Facility (Jan 2014 – Mar 2018)	28,723	3.2	0.4
Wandoo Rehabilitation Prison (July 2018 - Dec 2018)	33	0.0	0.5
Wooroloo Prison Farm	33,077	3.7	6.0
Total for all Western Australian prisons	893,998	100.0	100.0

Wandoo is no longer privately operated, and the privately-run women's facility, Melaleuca Remand and Reintegration Facility prioritises the *Women in Prison, Prison Standard* to reduce strip searches. The only other privately run facility, Acacia Prison, is currently trialling scanning technology for visitors. If successful, it intends to implement this technology for prisoners. This is likely to reduce its reliance on strip searching.

3.6 Visitors to prisons are searched beyond the policy requirements

Department intelligence assessments state that visitors are a high-risk source for contraband entering prison and the preferred method is secreting items internally. However, intrusive strip searches can discourage visits, negatively affecting the maintenance of family and social ties essential for a prisoner's reintegration. A balance is needed to address the risks while minimising the negative impact of strip searching visitors.

Departmental policy requires that visitor strip searches are only conducted when there are sufficient grounds to justify the search (DCS, 2016b). Strip searches of visitors must therefore be well-warranted, and not routine.

Despite these clear policy requirements, two out of three visitor strip searches in the last five years were recorded as routine, not as driven by intelligence or suspicion that the visitor was concealing contraband.

Table 7 Number of strip searches of visitors, by reason (departmental category) for the search (2014-2018)

	2014 (%)	2015 (%)	2016 (%)	2017 (%)	2018 (%)	Total (%)
Intelligence/suspicion	148 (38)	145 (33)	168 (31)	56 (21)	165 (31)	682 (32)
Routine	240 (61.5)	293 (67)	366 (69)	215 (79)	362 (69)	1,476 (68)
Misclassified	2 (0.5)	-	-	-	-	2
Total	390	438	534	271	527	2,160

Too many child visitors have been strip searched since 2014

Children are also being inappropriately searched when they visit someone in prison.

Between 2014 and 2018, 374 child visitors to prison were strip searched. Half of the children searched were four years old or younger (187). No child visitors were strip searched at Boronia, Broome, Bunbury, or Pardelup prisons during this period.

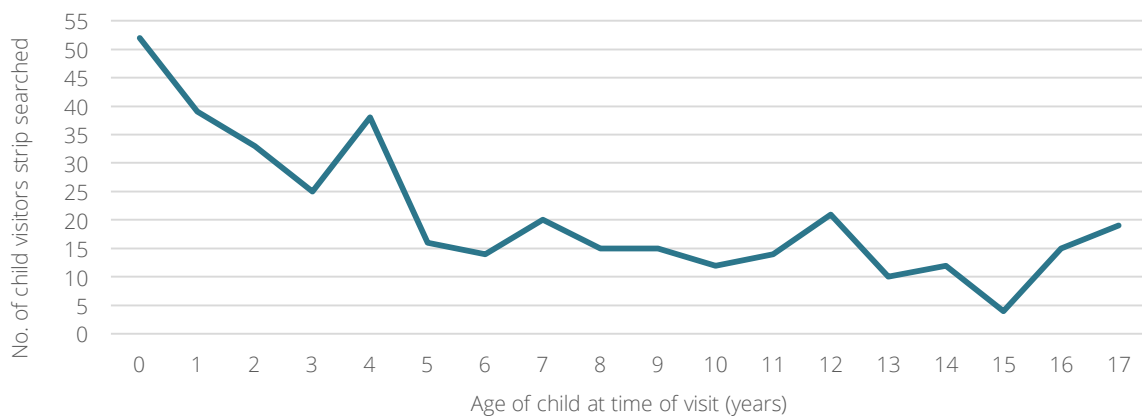


Figure 9 Number of child visitors strip searched, by child's age (2014-2018)

Almost 90 per cent of strip searches of children were recorded as routine practice (333). This is despite the Department's policy stating that the Superintendent is to 'ensure that there is sufficient intelligence of the attempted trafficking of contraband into a prison to support the search (pat down or strip search) of a baby or child' (DCS, 2016b). This means that no child should be routinely strip searched or pat searched. Yet both are occurring regularly.

Oddly, more pat searches of children were driven by intelligence than strip searches.

Table 8 Child visitor strip searches and pat searches, and the reason for the search (2014-2018)

	Strip search (%)	Pat search (%)	Total (%)
Intelligence/suspicion total	41 (11)	322 (27)	363 (23)
Drug dog indications	3	211	214
All other	38	111	149
Routine	333 (89)	862 (73)	1,195 (77)
Misclassified		2	2
Total	374	1,186	1,560

There is a sad and real possibility that children, particularly young children under the age of criminal responsibility, can be used by others to traffic contraband into prisons. But no contraband was found in any of the 374 strip searches between 2014 and 2018. Nor was any found during any other type of search of child visitors.

Recommendation 9 – Do not routinely strip search visitors

Local strategies can result in unreasonable visitor strip searching

Roebourne Regional Prison is a small, multipurpose prison located in the Pilbara. In 2016, it conducted 93 strip searches of visitors. This was more than Casuarina (87) and Acacia (2) combined, which are two of the largest prisons in the state.

Departmental representatives advised us that this was due to intelligence that the prison had a problem with a specific hard drug in 2016. However, the evidence does not support this and no contraband was found during any visitor strip search, nor during any other type of visitor search that year.

Since 2016 Roebourne has reduced its volume of visitor strip searches but it still remains one of the most likely places a visitor will be strip searched in a regional prison.

Roebourne also chose to increase pat searches of visitors from the Department's policy of five per cent to 100 per cent of all visitors. Likewise, Greenough Regional Prison chose to pat search all visitors, more than a third of whom were children.

The Auditor General has highlighted the disadvantage that prisons face when they do not have access to modern gatehouse equipment (OAG, 2017). While Roebourne and Greenough have hand-held scanners, neither has a walk-through metal detector. Nor do they have a parcel x-ray machine or ion scanners. The Auditor General's report also raised concerns that regional prisons had less access to drug detection dogs with only three out of eight regional prisons getting regular access (OAG, 2017). In June 2018, the Drug Detection Unit visited just nine prisons. The regional prisons missed were Broome, Eastern Goldfields, Roebourne and West Kimberley, and Pardelup Prison Farm.

It appears that the lack of appropriate security equipment may be driving the inflated searching of visitors at some regional prisons. However, lack of equipment should not drive practices which contravene international standards and discriminate against people – especially Aboriginal people – in the regions.

4 The Department has a responsibility to find alternatives to strip searching but its investigations have been limited

Given the high rate of strip searching and the low rate of success, the Department needs to find better ways to prevent and locate contraband. To comply with international standards, it also needs to reduce the number of routine strip searches and to focus more sharply on intelligence and risk.

Modern technology is providing viable alternatives which are already proving to be as effective, and in some cases, more effective at detecting contraband compared to strip searches. As put by the Anti-Discrimination Commission of Queensland:

Any argument that a strip search may be reasonable in all circumstances, is predicated upon there being no equally effective viable alternative. If there are, or there comes into existence less intrusive and humiliating but equally effective and viable alternatives that could replace strip searches, any argument that strip searching is reasonable would be nullified (ADCQ, 2006).

It is not our role to investigate technology on behalf of the Department. However, we did examine what is occurring in other jurisdictions in Australia and internationally. We found that full body scanners are being used to minimise, and in some cases, eliminate the need to strip search people in custody.

Body scanning technology can be more effective than strip searches, especially in locating organic and non-organic matter hidden under clothes, between skin folds, and internally. Contraband carried internally is very unlikely to be located by strip searching, unless it is protruding.

Body scanning can also be efficient. Strip searches can be time consuming, and require a minimum of two staff. Some scanners are so efficient they have been estimated to take less than 10 seconds and need only one staff member to supervise (Sinclair & Herzog, 2017).

Full body scanners using millimetre wave technology were investigated by the Department in 2016 in response to concerns we raised in an inspection of Hakea Prison. At the time, it was recommended that the Department not invest in the technology. The reasons included reliability concerns, operational issues such as training and infrastructure requirements, and cost.

Since 2016, further advancements have been made and other types of technology have been developed which are more reliable and sensitive to the needs of a corrective services environment. However, in mid-2018 the Department again recommended against such investment.

The Department's focus seems to have been on finding technology that can be proved to detect all contraband, rather than its responsibility to reduce the reliance on strip searching. This has led the Department to be slow to adopt new technology while it awaits the arrival of an infallible machine. Given strip searching detects so little contraband, new technology options would almost certainly be an improvement.

4.1 Investigations into body scanning technology have been limited

In July 2016, the Department advised our office that it had investigated millimetre wave full body scanners and assessed whether the technology was suitable for use in its facilities. The assessment included observing the technology in use at Perth International Airport, and consideration of an Australasian jurisdictional survey completed in January 2016 by the Department of Corrections, New Zealand.

The Western Australian assessment found that:

- The most prolifically trafficked items across facilities (very small packages of drugs and drug implements) cannot be detected with any degree of reliability.
- Two leading manufacturers of millimetre wave technology do not promote their body scanning equipment as having a dynamic drug detection capability. Rather they are directed toward metallic items, weapons, and explosives.
- The equipment raises operational issues including the need for specialist training, same gender screening staff, additional work stations, and remote monitoring screens to maintain privacy.
- The scanners cost more than \$225,000 each. This does not include installation, training or changes to infrastructure. However, leasing options may be available.

Based on these findings the assessment recommended:

1. The Department not conduct further deliberate investigation into the suitability of body scanning technology at this time as the current capabilities of this equipment are assessed as ineffective in a correctional environment.
2. The Department's Technology Working Group remain up to date of developments in body scanning technology and its future potential utility to the Department.

In 2018, the Department reviewed this assessment. But again, it determined that the technology was unreliable for use at prisons, and at Banksia Hill Detention Centre, which featured prominently in the review. Banksia Hill had expressed a desire to reduce and potentially eliminate strip searches on children and young people held in custody by installing a full body scanner. However, the 2018 review only recommended the continued monitoring of technological advancements rather than investment.

These two assessments were limited in scope. They did not examine other types of technology such as transmission x-ray despite it being an emerging leader in the field of body scanning technology. Furthermore, the operational issues raised in the assessments, while accurate, do not outweigh the operational issues of current strip searching practices:

- Staff are required to be trained in prescribed strip searching procedures and it should be no more cumbersome to learn body scanning technology given its increasing prevalence in custodial environments.
- Adequate gender screening staff are already required as strip searches can only be conducted by staff of the same sex.
- Changes to infrastructure for the equipment can be readily managed through well-designed forward planning and innovative use of currently available infrastructure and resources (for

example converting a portion of the strip searching cubicles prisoners used during the visits process into a place to hold a scanner).

4.2 Transmission x-ray technology is the emerging leader in body scanning

Several international jurisdictions are shifting towards the use of transmission x-ray technology as the most suitable form of body scanning technology in correctional settings. Many, including the United Kingdom, United States, Canada, and Hong Kong, are using or trialling the technology because it can detect metal, and organic and non-organic matter hidden internally and externally. Scans are thorough, providing a better output than strip searches and other technology like millimetre wave or backscatter technology, and large numbers of people can be processed quickly.

The Department has not yet investigated transmission x-ray technology in detail. The privately-operated Acacia Prison, is trialling millimetre wave technology, but is concerned about potential radiation exposure from transmission x-ray scanners.

However, such machines are in use elsewhere and recent data indicates that the exposure levels from modern transmission x-ray machines can be negligible.

While each full body scanner is different and has varying outputs, scanners can produce very small doses of radiation. Some scanners produce doses of radiation that are about 20 times less than the natural background radiation a person absorbs in a day. This allows for the safe scan of a single person up to 1,000 times in a year. These types of scanners are even suitable for prisoners who are very frequently strip searched.

Radiation exposure levels are measured in millisieverts (mSv) or microsieverts (uSv).

$$1 \text{ mSv} = 1,000 \text{ uSv}$$

In Australia for children aged from birth to 10 years, the average dose from natural background radiation per year is 1.5 mSv. A single chest x-ray delivers around 0.02 mSv which equates to about five days of natural background radiation (ARPANSA, 2015). While each full body scanner is different with varying outputs, some scanners can produce as low as 0.00025 mSv (or 0.25 uSv) per scan.

Most jurisdictions in Australia and New Zealand are not using body scanners. Some have decommissioned the technology they were using (see Appendix C), and many are awaiting the outcomes of trials in other states.

However, New South Wales recently introduced a full body transmission x-ray scanner. Corrective Services New South Wales says it can now safely scan prisoners at the maximum-security John Morony Correctional Centre up to 150 times per year without exceeding prescribed radiation exposure levels (NSW Government, 2018). The machine is also capable of tracking prisoner's cumulative dosages on a daily, weekly, monthly, and annual basis.

Body scanners can assist with assessing self-harm

While full body scanners are primarily used to detect contraband, they are also useful in detecting objects that have been swallowed, or determining whether someone has in fact swallowed an item when they claim to have done so.

In 2017, there were 113 incidents where prisoners and visitors were recorded ingesting foreign objects and suspected contraband. These included balloons containing illicit substances, razor blades, batteries, pens, plastic utensils, and broken pieces from clock radios. Sometimes this was done to traffic illicit items into the prison, some were drug taking, and some were self-harming events.

When hazardous foreign objects are suspected of being swallowed, prisoners are placed under observation by custodial and medical staff (DCS, 2013). Prisoners may also be transferred to hospital for further assessment and safe removal. Where the person has not been observed swallowing the object, body scanning technology can assist in clarifying what may have been ingested. This provides vital information to assess risk to the prisoner. It could ensure swift hospital transfer when needed and reduce the costs of medical and transport arrangements when a transfer is not required.

4.3 The Department's analysis ignored the cost of strip searching

The Department's 2016 and 2018 assessments of body scanning technology concluded that the technology was too expensive given its capabilities. However, there was no assessment or acknowledgment of the costs of strip searching which would be offset by technology.

To conservatively estimate the cost of a strip search we multiplied the average length of time a search took by the hourly annualised rate of pay of two 1st level prison officers as per the *Department of Corrective Services Prison Officers' Industrial Agreement 2016*. If a strip search takes roughly five minutes, the cost of two officers conducting a single search is \$5.83. The costs will increase as the length of service an officer serves increases.

Based on this estimation, the cost of strip searching prisoners in 2017 would have been, at a minimum, \$1.1 million. In 2018, the figure was \$1.17 million. This would be an absorbed cost, borne across all 17 adult custodial facilities.

The actual costs were almost certainly much higher. Our costings are based on a search taking about five minutes, they can often take much longer. This can particularly be the case for someone who has never been strip searched or who is reluctant to be searched. Strip searches can also be protracted when a mass drug testing operation is conducted. When this occurs, additional staff are needed to monitor prisoners, often to the point of needing to lock down the facility. The Department's Drug Detection Unit estimated strip searches took approximately 13 minutes during a recent operation at Melaleuca Remand and Reintegration Facility. This accounted for the entire process of getting the prisoner, searching the prisoner and releasing them back into the population.

These figures are supported by data from the United States. The Washington Department of Corrections estimated that a strip search can take between five and 10 minutes for just one individual, whereas a full body scan can be completed in under eight seconds (Sinclair & Herzog, 2017). Estimates by Collier County Jail in Florida suggest full body scans take about seven seconds rather than a 15-minute standard strip search (Pittman, 2011).

In addition, the Department's analysis of new technology only considered the cost of purchasing scanners. Much like a photocopier, many service providers have leasing options available, and given technological advancements are ongoing, leasing equipment should be strongly considered.

The Drug Detection Unit (DDU) drug tested 26 women working in the kitchen at the Melaleuca Remand and Reintegration Facility using the sweat test capabilities of an ion scanner.

Female officers swabbed the women's backs and forearms without requiring any of the prisoners to get undressed. The tests were then processed en masse with results received within minutes. The DDU estimated that the whole process took approximately 30 minutes. By comparison, the DDU suggested that to urine test each of the women, which would include strip searching each prisoner, it would have taken them five hours and 40 minutes to complete (or 13 minutes per woman).

The sweat test provided for the women's decency, without compromising on the result. Furthermore, it was efficient by allowing for the women to return to their duties within a very short period and by not tying up at least two staff members for almost six hours.

Recommendation 10 – Use new technology to reduce the reliance on strip searching

Appendix A Department's response to recommendations

Response to the review:
Review of strip searching practices in Western Australian prisons

Response to Recommendations

1 Establish a departmental position that limits strip searching in line with international standards.

Response:

The development of the new searching policy under the Custodial Operational Policies and Procedures Project is currently underway. The review will consider legislation, international standards, the Women's Standard, and safety and security impacts in the development of a Departmental position on searching, including strip searching.

Level of Acceptance: Supported
Responsible Business Area: Operating Standards and Procedures
Proposed Completion Date: April 2019

2 Improve the complaints management system to provide the ability to effectively interrogate the data.

Response:

The current system utilised (OSSCAR) to record ACCESS (complaints/compliments/suggestions) matters has been identified by Operating Standards and Procedures (OSP) as an ageing system with limited reporting capabilities. OSP is working with Knowledge and Information Technology and Business Intelligence and Reporting to improve the reporting of complaints management from data extracted from OSSCAR to the data warehouse.

Level of Acceptance: Supported
Responsible Business Area: Operating Standards and Procedures
Proposed Completion Date: April 2019

3 Develop an agreement with an external agent to conduct strip searches of departmental staff.

Response:

Western Australia Police (WAPol) have advised the Department that they are not willing to strip search prison staff in the circumstances that a suspicion has been formed that a staff member may have contraband in their possession or control and is suspected of attempting to traffic such an article into a prison. Duly authorised prison staff already have the legislated authority to undertake this action without the assistance of WAPol. It is impractical to expect another external agent to conduct timely and legal strip searches of Departmental staff.

Level of Acceptance: Not Supported
Responsible Business Area: Regulation and Operational Services

Proposed Completion Date: N/A

4 Do not use strip searching as a deterrent.

Response:

Strip searching will be used to maintain the good order or security of a prison. Searching will be undertaken in line with the new policy which is being developed under the Custodial Operational Policies and Procedures Project. This review will consider legislation, international standards, the Women's Standard, and safety and security impacts.

Level of Acceptance: Not Supported
Responsible Business Area: Adult Justice Services
Proposed Completion Date: N/A

5 Do not use strip searching to punish or control prisoners.

Response:

There is no evidence to suggest that this is occurring. Strip searching is conducted in line with Policy Directive 26 – Searches and not to punish or control prisoners.

Level of Acceptance: Supported
Responsible Business Area: Adult Justice Services
Proposed Completion Date: February 2019

6 Ensure strip searching policy and practice align with the Women's Standard.

Response:

The development of the new searching policy under the Custodial Operational Policies and Procedures Project is currently underway. The review will consider legislation, international standards, the Women's Standard, and safety and security impacts in the development of a Departmental position on searching, including strip searching.

Level of Acceptance: Supported
Responsible Business Area: Operating Standards and Procedures
Proposed Completion Date: April 2019

7 Monitor the impact of local search strategies to ensure they do not result in excessive strip searching.

Response:

Adult Justice Services will monitor the impact of searches at a local level as a first tier of assurance on an ongoing basis. The Monitoring and Compliance Branch provides a second tier of assurance by continuing to undertake compliance reviews of searching activities in accordance with the Monitoring and Compliance Framework on an ongoing basis.

Level of Acceptance: Supported
Responsible Business Area: Operating Standards and Procedures and Adult Justice Services
Proposed Completion Date: N/A

8 Phase out the routine strip searching of prisoners.

Response:

Strip searching will be used to maintain the good order or security of a prison. Searching will be undertaken in line with the new policy which is being developed under the Custodial Operational Policies and Procedures Project. This review will consider legislation, international standards, the Women's Standard, and safety and security impacts.

Level of Acceptance: Not Supported
Responsible Business Area: Adult Justice Services
Proposed Completion Date: N/A

9 Do not routinely strip search visitors.

Response:

Visitors are only searched where this is sufficient intelligence to support the strip searching of a visitor. Strip searching results obtained from TOMS will be reviewed to ensure data has been entered accurately.

Level of Acceptance: Supported
Responsible Business Area: Adult Justice Services
Proposed Completion Date: June 2019

10 Use new technology to reduce the reliance on strip searching.

Response:

The Department has previously committed to exploring new technologies, however, is acutely aware of the limitations experienced in the custodial setting. Until such technology is available and financially affordable, the Department is unable to commit to this recommendation.

Level of Acceptance:	Not Supported
Responsible Business Area:	Security and Response Services
Proposed Completion Date:	N/A

Appendix B Half-and-half strip search process

In Western Australian prisons, strip searches are to be conducted with due consideration to the person's decency and self-respect (DCS, 2015a; DCS, 2015b; DCS, 2016b). They are to be performed by two officers of the same gender as the person being searched with the officers remaining alert to potential risks throughout the search.

One officer controls the search observing the person from the front. A second officer, observing from the side or behind, receives and searches the clothing and other items removed by the person. It essentially occurs in two stages, removing the top half of the person's clothing first, and having the person reclothe prior to removing the bottom half of their clothing.

Stage 1

1. Officer 1 asks if the person has anything on them that is unauthorised or may cause injury to the searching officers.
2. Officer 1 asks the person to empty their pockets, and to remove their hat or jacket. Officer two receives and searches the items.
3. Officer 1 asks the person to shake out their hair, untying it if necessary.
4. Officer 1 looks around and inside the person's ears, nose and mouth including under the tongue.
5. Officer 1 asks the person to remove the top half of their clothing including any bras and to pass the clothing to Officer 2. Officer 2 receives and searches the clothing.
6. Officer 1 ask the person to hold up their arms and turn around while both officers observe the upper body and hands.
7. Officer 2 returns the clothing and the person is permitted to re-dress.

Stage 2

1. Officer 1 then asks the person to remove any footwear, including socks. Officer 2 receives and searches the property.
2. Officer 1 asks the person to remove the bottom half of their clothing including underwear and to pass the clothing to Officer 2. Officer 2 receives and searches the clothing.
3. Officer 1 asks the person to lift their feet while the officer visually checks between the toes.
4. Officer 1 asks the person to lift the top half of their clothing and turn around so the lower half of the body can be checked.
5. Both officers ensure the floor is clear of any items and the person is asked to stand aside to ensure they are not standing on anything that has dropped.
6. Officer 2 returns the clothing and the person is permitted to re-dress

Females are not required to lift their breasts, males are not required to lift their genital and neither males nor females need lift skin folds unless the officers believe something is secreted in these areas. Only men may be required to squat if the officers believe something is concealed in the anal area.

Externally applied sanitary products are to be removed by the person and disposed of in an appropriate container with replacements provided. Officers are not permitted to, or ask a woman to, remove tampons during the search.

Searches of children under the age of 10 years are only to be conducted by female staff.

A fully unclothed search may be conducted if the person is required to undress fully for the purposes of showering upon reception, or donning a non-tear gown, or if the searching officer believes the person is attempting to conceal something during a partially-clothed search.

Appendix C Cross-jurisdictional scan of body scanning technologies

Jurisdiction	Body scanning technology used in prisons in this jurisdiction	If yes, comments	If no, comments	Other comments
Western Australia	Yes	Acacia Prison (privately operated) has two BOSS chairs for metal detection and at the end of July 2018 was due to commence trialling the Nuotech body inspection system to detect contraband on staff and visitors.		The Department has conducted investigations into millimetre wave technology but recommended not to progress until the technologies are more reliable in a custodial environment
Australia Capital Territory	Yes	Use of the SOTER x-ray body scanner to detect contraband within detainees due to be decommissioned in September 2018. They also use metal detectors for staff and visitors.		Due to the decommissioning, ACT will soon commence a review of options relating to body scanning technologies.
New South Wales	Yes	Full-body X-ray scanners will be introduced at a prison towards the end of 2018.		The technology will allow the safe scanning of an inmate up to 150 times in a 12-month period without exceeding prescribed exposure levels.
Tasmania	No	NA	Tasmania has not investigated the use of this technology to any great degree but would be interested in the results of their use or trials in other jurisdictions.	
South Australia	No	NA	The Department is currently investigating the use of body scan technology as part of the upgrade to the Adelaide Women's Prison. The main focus for the introduction of the technology is to reduce the frequency of strip searching. Research is still ongoing regarding the most suitable product. Some of the factors to be considered are ease of use, calibration and maintenance frequency and cost, frequency of false readings and cost of the device.	
New Zealand	No	NA	Corrections Amendment Bill is before Parliament that would in part provide authority to use imaging technology as an option to locate concealed items on prisoners, staff and visitors.	The Bill introduces procedures which include privacy safeguards restricting the type of image depending on the person being searched, document storage, copying prohibition and prohibition around who may view the image.

Appendix D Methodology

Data sets for this review were obtained from the Department of Justice's TOMS database through a combination of extractions using SQL Server Management Studio, and previously created departmental reports.

The data was examined for trends in search practices and contraband finds for both prisoners and visitors. Departmental reports were also used to examine drug prevalence and targeted drug testing trends and positive indications.

We examined legislation and departmental documents including current policy and procedures, intelligence reports, and search strategies. We also assessed the Department's two investigations into body scanning technology and its draft prison order (an early draft of proposed changes to the current strip searching policy).

We conducted a survey of staff to gauge their perceptions of the effectiveness of strip searches. The survey was sent to all custodial staff within the Department (excluding Youth Custodial Officers) and to those employed privately at Acacia Prison and Melaleuca Remand and Reintegration Facility. The survey was open for three weeks and we received 523 responses.

We reviewed international standards and principles, and literature into strip searching by other jurisdictions including the Queensland, Tasmanian and Victorian Ombudsman's offices, the Anti-Discrimination Commission Queensland, and the Human Rights Law Centre.

We sought information from other jurisdictions regarding the use of body scanning technology. We received responses from Tasmania, South Australia, the Australian Capital Territory, and New Zealand. New South Wales, Victoria, Queensland, and the Northern Territory did not respond to our enquiries.

We conducted site visits to Acacia Prison, Wandoo Rehabilitation Prison, and Karnet Prison Farm to speak with custodial and security staff. We also met with departmental representatives including the Assistant Director Drug Mitigation.

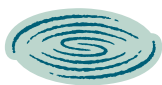
Two briefings were presented to the Department; an early briefing was delivered in November 2018 and a final key findings briefing was given on 8 January 2019.

Appendix E Bibliography

- ADCQ. (2006). *Women in Prison*. Brisbane: Anti-Discrimination Commission Queensland.
- ARPANSA. (2015). Fact Sheet CT Scans for Children: Information for Referrers. Yallambie: Australian Government – Australian Radiation Protection and Nuclear Safety Agency.
- Beranyi, G., Cassidy, M., Fazel, S., Priebe, S., & Mundt, A. (2018). Prevalence of Posttraumatic Stress Disorder in Prisoners. *Oxford Academic Epidemiologic Reviews*, 134-145.
- CCC. (2018a). *Report into inadequate supervision of prisoners whilst in the community*. Perth: Corruption and Crime Commission.
- CCC. (2018b). *Report on corrupt custodial officers and the risks of contraband entering prisons*. Perth: Corruption and Crime Commission.
- CCC. (2018c). *Report into misconduct risks in WA prisons*. Perth: Corruption and Crime Commission.
- Commonwealth of Australia. (2017). *Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report - Impacts*. Barton: Commonwealth of Australia.
- Cortson, B. J. (2007). *The Corston Report: A review of women with particular vulnerabilities in the criminal justice system*. UK: Home Office.
- DCS. (2013). *Policy Directive 11 - Prisoners Placed in Observation and Medical Observation Cells*. Perth: Department of Corrective Services.
- DCS. (2014a). *Policy Directive 26 - Search - Procedures – General search requirements*. Perth: Department of Corrective Services.
- DCS. (2014b). *Policy Directive 26 - Searches*. Perth: Department of Corrective Services.
- DCS. (2015a). *Policy Directive 26 - Searches - Procedures - Searches of prisoners*. Perth: Department of Corrective Services.
- DCS. (2015b). *Policy Directive 26 - Searches Procedures - Searches of staff*. Perth: Department of Corrective Services.
- DCS. (2016a). *Women in Prison - Prisons Standard*. Perth: Department of Corrective Services.
- DCS. (2016b). *Policy Directive 26 - Searches - Procedures – Searches of visitors*. Perth: Department of Corrective Services.
- Department of Justice. (2004). *Piloting a Way Forward: The Women's Prison Region Strip Search Pilot – An Evaluation of the First 12 Months*. Melbourne: Department of Justice.
- Douglas, B., & Wodak, J. (. (2016). *Trauma-related stress in Australia: Essays by leading Australian thinkers and researchers*. Canberra: Australia21 Ltd.

- HRLC. (2017a). *Total Control - Ending the routine strip searching of women in Victoria's prisons*. Melbourne: Human Rights Law Centre.
- HRLC. (2017b). Correspondence from Operational Security Group, Her Majesty's Prison and Probation Service. *Total Control - Ending the routine strip searching of women in Victoria's prisons*. Melbourne: Human Rights Law Centre.
- Kubiak, S., Covington, S., & Hiller, C. (2017). Trauma-informed corrections. *Social Work in Juvenile and Criminal Justice System, 4th edition*.
- McCulloch, J., & George, A. (2008). Naked Power: Strip searching in Women's Prisons. In *The Violence of Incarceration* (pp. 107-123). New York: Routledge.
- NSW Government. (2018, June 13). Media Release: X-ray scanner to zap out prison contraband. Sydney, New South Wales: NSW Government.
- OAG. (2017). *Minimising drugs and alcohol in prisons*. Perth: Office of the Auditor General Western Australia.
- OICS. (2008). *Report of an Announced Inspection of Banksia Hill Detention Centre, Report No. 58*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2013). *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013, Report No. 85*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2014). *Assaults on staff in Western Australian prisons*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2015). *Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre, Report No. 97*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2017a). *Behaviour management practices at Banksia Hill Detention Centre*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2017b). *2017 Inspection of Eastern Goldfields Regional Prison, Report no. 111*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2018a). *Prisoners access to secure mental health treatment*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2018b). *Directed Review into Allegations made by Amnesty International Australia about ill-treatment at Banksia Hill Detention Centre*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2018c). *2017 Inspection of Banksia Hill Detention Centre, Report No. 116*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2019a). *119: 2018 Inspection of Boronia Pre-release Centre*. Perth: Office of the Inspector of Custodial Services.

- Ombudsman Western Australia. (2018, December 12). *Effective handling of complaints*. Retrieved from Ombudsman Western Australia:
http://www.ombudsman.wa.gov.au/Agencies/Complaints_processes.htm
- Pereira, C. (2000). Strip searching as sexual assault. *Women in Prison Journal Vol. 27, No. 2*, 187-196.
- Pittman, E. (2011, April 27). *County Jails Deploy Whole-Body Scanners to Detect Hidden Weapons or Contraband*. Retrieved from Government Technology: <http://www.govtech.com/public-safety/County-Jails-Deploy-Whole-Body-Scanners.html>
- Sinclair, S., & Herzog, R. (2017). *A Review of Full Body Scanners: An Alternative to Strip Searches of Incarcerated Individuals, 2017 Report to the Legislature*. Tumwater: Department of Corrections, Washington State.
- Stathopoulos, M. (2012). *Addressing women's victimisation histories in custodial settings*. Melbourne: Australian Centre for the Study of Sexual Assault.
- Victorian Ombudsman. (2017). *Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre*. Melbourne: Victorian Ombudsman.



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