



# Youth justice custodial practice manual

Secure Services

(<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual>)

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If you print and store this document, you may be looking at an outdated version and this may impact on your duty of care. Always check the latest version in the Youth justice custodial practice manual on the DHS intranet before taking action under this procedure. Please make sure the printed procedures are kept securely.

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Youth Justice Custodial Services Practice Manual (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual>) > Emergency, safety and security procedures (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/emergency-safety-and-security-procedures>) > Client-related safety procedures (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/emergency-safety-and-security-procedures/client-related-safety-processes>) > Client searches (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/emergency-safety-and-security-procedures/client-related-safety-processes/client-searches>)

## Client searches

- Client searches are one of the key procedures for maintaining the safety and security of the precincts.
  - They are conducted routinely in particular circumstances, and at other times on suspicion that a young person may be concealing a prohibited item.
  - This procedure tells you when and how to conduct a client search.
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### When to use this procedure

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When a client search is indicated, including:

- as soon as possible after a young person is admitted to the precinct
  - when a young person returns after temporary leave
  - when a young person returns from attending court
  - before placing a young person into isolation
  - before placing a young person into a room on constant observation
  - on suspicion that they may be in possession of a prohibited item.
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### What else you need to know

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Make sure you have read and understood the following procedures:

- [How we work with young people in custody](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/how-we-work-with-young-people-in-custody) (<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/how-we-work-with-young-people-in-custody>)

- [Risk management approach \(http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/risk-management-approach\)](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/introduction-to-working-in-the-custodial-precincts/risk-management-approach)
- [Admission to custody \(http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/admission-to-custody\)](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/sentence-management/admission-to-custody)
- [Deliberate self harm and suicide prevention \(http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/working-with-young-people-in-custody/preventing-harm-to-young-people/working-with-young-people-in-custody\)](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/working-with-young-people-in-custody/preventing-harm-to-young-people/working-with-young-people-in-custody)
- [Prohibited items \(http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/emergency-safety-and-security-procedures/operational-safety-processes/prohibited-items\)](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/emergency-safety-and-security-procedures/operational-safety-processes/prohibited-items)

## **Staff responsibilities**

Find your role below to see what your responsibilities are:

- [All staff](#)
- [General Manager](#)
- [Unit Manager, Unit Coordinator and Unit Supervisor](#)
- [Unit Manager or Night Manager](#)
- [Unit Supervisor](#)

## All staff

### **When undertaking any type of client search**

- Only undertake a search that is legally justified, as defined in this procedure.
- Conduct the search professionally, taking all measures to minimise the embarrassment or indignity of the young person.

### **When deciding whether a 10–14 year old should have an unclothed search immediately, or whether to delay until they are more settled (on admission to custody or at any other time)**

- Use the criteria in this procedure and the attached checklist to gather information about the young person.
- Provide the checklist to the Unit Supervisor, Unit Coordinator or Unit Manager to seek their advice on how to proceed.
- An unclothed search cannot be conducted without authorisation from the Unit Supervisor, Unit Coordinator or Unit Manager.

### **When a young person refuses a search**

- In the first instance, explain the reason for the search and what the consequences may be if the young person is not searched.
- A forced search is a last resort and is not to be used unless other strategies such as negotiation have failed.
- Contact your line manager or other senior staff for advice.

- The young person can be placed in an isolation room on constant observation for a period of up to one hour while a decision is made about the search.
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## General Manager

### **At all times**

- Ensure that precinct staff are aware of their legal responsibilities in relation to client searches, and are appropriately trained and skilled to conduct them.

### **When a young person refuses to submit to a search**

- If all other negotiations have failed, as a last resort, the General Manager can authorise a forced frisk or unclothed search.
  - This authorisation cannot be delegated to a lower level.
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## Unit Manager, Unit Coordinator and Unit Supervisor

### **At all times**

- Ensure that searches occur only when appropriate, and that they are undertaken in a way that is consistent with this procedure.
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## Unit Manager or Night Manager

### **When a staff member seeks your authorisation for an unclothed search of a young person aged 10–14 (on admission to custody or at any other time)**

- Consider the initial recommendation and any other information provided by the Unit Supervisor to decide whether an immediate unclothed search should be authorised. Instruct the Unit Supervisor on how to proceed.
- If you decide that an unclothed search should be delayed, ensure that the young person is kept safe in the interim through constant observation and active engagement with staff.

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## Unit Supervisor

### **When deciding whether an unclothed search of a 10–14-year-old young person should be conducted immediately, or delayed until they have become more settled**

Use the **Checklist for conducting an unclothed search of 10–14-year-old clients** and the **Decision-making flow chart** to gather information about the young person and make a recommendation to the Unit Manager or Night Manager regarding the timing of the unclothed search.

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### **The procedure in detail**

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- [Introduction](#)
- [Types of searches](#)
- [When are searches conducted?](#)
- [Conducting a frisk search](#)
- [Conducting an unclothed search](#)
- [Unclothed searches of 10–14-year-old young people](#)
- [Conducting a screening search](#)
- [Forced searches](#)
- [Interim measures pending a search](#)
- [Location of searches](#)
- [Searches of transgender young people](#)

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## Introduction

Searches are conducted to maintain the safety and wellbeing of young people and staff and for the security of the precincts. The purposes of conducting searches are to:

- minimise the risk of self-harm
- minimise the risk of harm to other young people or staff
- control the introduction of prohibited items
- reduce the risk of escape.

Searching another person is a considerable invasion of privacy and must be legally justified before being carried out.

Searches must be conducted in a professional manner and young people treated with respect to minimise embarrassment or indignity during search procedures.

**Intrusive searches of body cavities are not authorised under any circumstances.**

## Types of searches

There are three types of searches:

- a frisk search, which is an examination of the person while fully clothed by using hands and fingers to detect any prohibited items
- an unclothed search, which is a search of a person or of things in their possession, or under their control, that may include:
  - requiring a person to remove all of his or her clothes
  - an examination of the person's body (but not of their body cavities) and clothes.
- a screening search, which is a search using an electronic device passed over the body externally to detect prohibited items.

## When are searches conducted?

Under the *Children Youth and Families Act 2005*, the General Manager of a youth justice precinct may order a client search at any time, if it is necessary to do so in the interests of the security or good order of the precinct or its clients.

This allows for the search and examination of the young person and any article or thing in their possession or under their control.

### **Routine searches**

Client searches must be conducted routinely at the following times (the type of search required is in brackets):

- as soon as possible after a young person is received into the precinct either as a new admission or a readmission (an unclothed search)
- when a young person returns from temporary leave whether escorted or unescorted (an unclothed search)
- when a young person returns from attending court (an unclothed search)
- following a personal visit (an unclothed search)
- before placing a young person into isolation (an unclothed or frisk search, as authorised by the Unit Supervisor)
- before placing a young person into a room on constant observation (an unclothed search or frisk search, as authorised by the Unit Supervisor).

### **Discretionary searches**

Searches can also be conducted when there is a reasonable belief that this should occur to manage risk and ensure the safety of the young person or the security of the precinct.

Discretionary searches can be conducted at the following times (the type of search required is in brackets):

- if there are reasonable grounds to believe that the young person may have in their possession a prohibited item, or other item they could use to harm themselves or someone else, or use to damage the environment (an unclothed search or frisk search, as authorised by the Unit Supervisor)
  - following a professional visit (a frisk search or screening search, as authorised by Unit Supervisor)
  - after a tooled program, or when cutlery or tools are missing (a frisk search or screening search, as authorised by the Unit Supervisor).
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## Conducting a frisk search

Two staff must be present during a frisk search.

The primary staff member performing the search must be the same gender as the young person.

The second staff member, who can be of either gender, observes but does not actively participate in the search.

Staff must do the following

REDACTED



REDACTED

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## Conducting an unclothed search

Unclothed searches must be undertaken with appropriate speed and efficiency and with regard to the dignity and self-respect of the young person.

The staff member undertaking the unclothed search must inform the young person:

- of the reason and authority for undertaking the search
- of their right to refuse the search and the consequences of refusal.

Unclothed searches must always be conducted by two staff members.

Searches must not be conducted by more staff members than reasonably necessary to ensure the safety of the staff and the person being searched.

The primary staff member, who undertakes the search, **must** be of the same gender as the young person being searched.

The second staff member must also be of the same gender as the young person being searched, unless the search is (in the opinion of the most senior staff member on duty) urgently required and there is no staff member of the same gender available.

The second staff member must place themselves so that they can observe the staff member conducting the search, but cannot see the young person.

The young person must be allowed to dress in private immediately after the search is finished and if an item of clothing is seized, the precinct must provide appropriate clothing to wear.

To undertake an unclothed search the primary searcher must undertake the following **RE**

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## Unclothed searches of 10–14-year-old young people

Due to their very young age, level of maturity and potential vulnerability, unclothed searches of young people aged 10 to 14 can only proceed with the authorisation of the Unit Manager. On occasion, for example if a young person is very distressed or uncooperative, it may be sensible to delay the unclothed search until they are more settled.

On the advice of the Unit Supervisor, the Unit Manager or Night Manager is able to either authorise an unclothed search to proceed immediately or to direct that the young person be placed on observation and the search conducted once they are more settled.

The Unit Supervisor should use the attached **Checklist for conducting an unclothed search with 10–14-year-old clients** and the **Decision making flowchart** to gather information about the young person.

Once the Unit Supervisor has gathered the relevant information on the young person's presentation, risk factors and protective factors, they should be able to make an initial decision about whether to conduct the unclothed search immediately or to delay it for a period of time, during which the young person will be on constant observation and supported by unit staff.



It is important to think about the individual characteristics of the young person – including their vulnerabilities and their protective factors, and to balance this with any risks that might occur if an unclothed search does not go ahead immediately. If a young person has a number of risk factors and no protective factors, this is an indication that the unclothed search should be deferred.

This initial decision should be discussed with the relevant Unit Manager or Night Manager who will consider the decision and provide authorisation to either proceed with the unclothed search immediately or defer it until the young person is more settled.

An unclothed search cannot proceed until this authorisation has been given.

Once the Unit Manager or Night Manager has provided authorisation on whether to conduct the search immediately or defer it, they should instruct the staff on how to proceed.

If they decide that an unclothed search should not go ahead immediately, they must stipulate any other mechanisms that should be in place to support the client and ensure their safety in the interim. This may include conducting a frisk search, placing the young person on observation and support from a suitable staff member. The goal is to engage with the young person in a supportive way to help them settle and become less anxious, allowing for the unclothed search to proceed with a minimum level of distress.

The decision-making process must be documented in the young person's case notes.

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## Conducting a screening search

A screening search using a hand-held metal-scanning unit should be used after tooled sessions (for example, woodwork, metalwork, cooking, mechanics and jewellery).

Screening searches may also be conducted following professional visits.

Staff must

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## Forced searches

On occasion, a young person may refuse to submit to a search.

A forced search is only to be used as a last resort, once all strategies to seek the young person's cooperation have been attempted, using the Preventing Occupational Violence approach.

Before a forced frisk or unclothed search occurs, a Unit Supervisor can authorise staff to place a young person in an isolation room for a period of up to one hour, while negotiations take place.

In these circumstances, the young person must be placed on constant observation and isolation procedures followed.

If all other negotiations have failed, the General Manager can authorise a forced frisk or unclothed search.

This authorisation cannot be delegated to a lower level.

If a forced search is used, staff must only use the minimum level of force required to conduct the search.

A record of any forced search should be recorded in the restraints register.

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## Interim measures pending a search

Whenever there is a decision made to defer a search (to decide on the most appropriate approach, or if suitable staff are not available), the young person must be placed on a level of observation suitable to the circumstances and the level of risk.

If the reason for the search is a suspicion that the young person may have prohibited items on their person, or that they are otherwise at risk to themselves or others, constant observations must be commenced in a safe location such as the young person's bedroom.

If the search was to be conducted on admission, the young person can be kept in a holding cell on observation while the search is arranged, or could be placed in a unit on constant observation if a thorough risk assessment indicates that this is acceptable.

In circumstances where an unclothed search is indicated but the young person is resistant, they can be given the opportunity to consent to a frisk search by a member of staff of their own gender, in advance of a later unclothed search.

In any of these circumstances, the advice of the Operations Manager or Unit Manager must be sought and followed.

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## Location of searches

Frisk and unclothed searches should be conducted in areas that have a level of security and allow for the young person's privacy.

If the searches are in a residential unit, an appropriate place would be a bedroom, isolation room or bathroom.

Searches should not take place in front of other young people.

Rooms where the search is to be conducted should be searched and dangerous objects removed before the search commences.

Care should be taken to ensure the young person's privacy at all times during the search. The door of the room should be closed so that passers-by cannot observe the search.

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## Searches of transgender young people

Secure Services requires all staff to act in a manner which is respectful of young people's differences, including those who are gay, lesbian, bisexual or transgender.

While young people identifying as transgender (biologically female and identifying as male or biologically male and identifying as female) must still be searched to ensure their own safety and the safety of others, there is an increased level of sensitivity required in discussing the search requirements with them and in conducting the search.

If it is known that a young person identifies as transgender, the staff member responsible for undertaking an unclothed search should ask them whether they would prefer to be searched by a male or a female member of staff.

All other requirements of the unclothed search procedure will be observed. The second staff member (the observer, who does not sight the young person) must be of the same gender as the primary searcher, unless the search is, in the opinion of the most senior staff member on duty, urgently required and there is no staff member of the same gender available.

- If the young person is biologically male and identifying as female, they can choose to be searched by a female member of staff. The female staff member should be chosen based on their maturity and experience to enable them to conduct the search sensitively and to minimise any discomfort for either the young person or themselves.
- If the young person is biologically female and identifying as male, they may choose to be searched by a male member of staff. However, this choice presents a level of risk as there is a potential for allegations of improper behaviour. Options include arranging for a male health team member to conduct the search or, if the young person is familiar with precinct staff, allowing them to nominate a particular staff member.

In either case, once the young person has stated their preference, the staff member should seek advice and endorsement from the Unit Manager or Operations Manager before commencing the search.

The details of the search (including choice of staff member) must be fully documented in case notes and the search register.

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## **Additional Information**

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- [Decision making flow chart - unclothed search of younger clients \(41.0 KB, PDF\)](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/additional-information/practice-guidelines/safety2/Decision-making-flow-chart-unclothed-search-of-younger-clients.pdf)  
(<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/additional-information/practice-guidelines/safety2/Decision-making-flow-chart-unclothed-search-of-younger-clients.pdf>)
  - [Checklist for unclothed search of a 10-14 year old \(23.0 KB, MS Word\)](http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/additional-information/practice-guidelines/safety2/Checklist-for-an-unclothed-search-of-10-14-year-olds.doc)  
(<http://intranet.dhs.vic.gov.au/youth-justice-custodial-manual/additional-information/practice-guidelines/safety2/Checklist-for-an-unclothed-search-of-10-14-year-olds.doc>)
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