

Searching in prison

Searching of the person

While you are in prison you will sometimes be searched by staff.

Common times to be searched are:

- on initial reception to prison
- after transfer from another prison
- when returning to prison after ROTL or escort
- following a visit
- following work/activities
- during a cell-search

There are different types of search that may be justified by different circumstances.

The type of search you might get depends on things like:

- whether you are in the high security estate
- whether you are in a prison for men, women or young people.

Rule 41 of Prison Rules 1999 says:

(1) Every prisoner shall be searched when taken into custody by an officer, on his reception into a prison and subsequently as the governor thinks necessary or as the Secretary of State may direct.

(2) A prisoner shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) No prisoner shall be stripped and searched in the sight of another prisoner, or in the sight of a person of the opposite sex.

There is more detail about what circumstances each search should or can be used for in the Searching Policy Framework.

What are the different types of search?

There are two main types of search – rub down searches and full searches.

Rub down searches

Rub down searches can be carried out by a single officer and must be done using open hands with fingers spread out.

You must be told the reasons for the search before it begins.

During a rub down search you will be asked:

- if you have anything you are not allowed to have
- to empty pockets and remove jewellery including any wristwatch
- to stand facing the officer with your arms out
- to remove headwear (if you are wearing headwear for religious or cultural reasons there are more rules – see page 5 for more information)

The officer will check things such as:

- Your front from neck to waist.
- Your back from collar to waist
- The back of your waistband
- The seat of your trouser or skirt

When searching women staff will, for example, search from shoulders to top of the bra and then from underneath their breasts to the waistband.

Annex's E and F of the Policy Framework provide more detail about this.

There are two levels of rub down search – level A and level B.

Level B rub down searches are basic rub down searches as described above.

Level A rub down searches include extra checks such as asking you to remove shoes, checking in your hair and looking inside your ears nose and mouth.

People held in the men's estate may be rub down searched by male or female staff. Exemptions will only be allowed when you have genuine grounds for objecting.

For example, consideration should be given to those who object to being searched by members of the opposite sex on religious or philosophical beliefs. See page 5 of this information sheet for further details.

Those in the women's estate must only be searched by female staff.

Consideration must be given to transgender individuals. See page 7 of this information sheet for further guidance.

Annex's E, F, H and I of the Searching Policy Framework of includes more information about how a rub down search should be done.

Full searches

Full searches are more in-depth searches which require you to remove your clothing.

A full search must be:

- carried out by two officers of the same sex as the person being searched
- out of sight of anyone else including other staff and prisoners.

You must be told the reasons for the search before it begins.

You should never be completely naked during a full search - staff should let you replace clothing on the top half of your body before removing items on the lower half.

A gown can be offered for decency.

Hand-held metal detectors may be used during a full search in men's prisons and must be used as part of a full search in women's prisons.

Searching in women's prisons

People in the women's estate must not be full searched as a matter of routine but only when there is reasonable suspicion that an item is being concealed.

When they are carried out, full searches consist of Level 1 and Level 2 searches.

Level 1 searches involve the removal of clothing except for underwear.

Level 2 searches involve removal of all clothing including underwear. Level 2 searches should only take place if, after a level 1 search has taken place, there is still intelligence or reasonable suspicion that an item is concealed.

See page 7 for guidance on considerations given to transgender individuals.

Annex's D and G of *the Searching Policy Framework* includes more information about how a full search should be done.

Intimate searches

An intimate search is defined as intrusion into a bodily orifice. For example, using hands to search your mouth or other private areas of your body.

Prison officers are not allowed to conduct intimate searches or remove any items from a bodily orifice. Searching staff may look into your mouth or ears during a Level A full search.

Searching in men's prisons

If there are grounds to suspect that you have an item hidden in an intimate area then a closer visual inspection can be undertaken as part of a full search.

You may be asked to squat during a full search, but these types of searches must only be carried out as part of an intelligence led full search.

A record must be kept of when this request is made.

Use of force should never be used if someone refuses to squat.

If a member of staff can see that an item is being held internally, healthcare must be told as soon as possible.

Staff must never remove the item themselves or order you to remove it.

You could face disciplinary charges following observations made during a full search involving a squat.

Searching in women's prisons

People in women's prisons must not be asked to squat under any circumstances.

People in women's prisons should not be subject to visual inspections of intimate areas.

Intelligence led searching

Intelligence-led searches can be carried out if staff have intelligence or reasonable grounds for suspecting that a person is concealing an item.

These can include a full search and/or a search including a squat.

The Searching Policy Framework goes into more detail about these types of searches.

Considerations for specific groups of people

There are various parts within the Searching Policy Framework which cover considerations for specific groups of people.

Searching arrangements for religious or cultural reasons

The Policy Framework gives guidance on searching arrangements for religious or cultural reasons.

Time of day for the search

Staff should think about the faith of the person being searched, prayer times and attendance at religious services.

Searching by female staff

Male prisoners who do not want to be searched by a female member of staff for religious or cultural reasons can request that this is carried out by male staff only.

Searching of Sikh Kachera

If you are Sikh and wear Kachera (or Kaccha) you should be offered another sterile pair to change into during a full search.

Searching of religious or cultural headwear

Headwear for religious or cultural reasons, such as Sikh turbans, Jewish yarmulkes, Muslim caps or headscarves and Rastafarian headwear can be subject to searching. Searching of headwear should be done with respect.

The Searching Policy Framework says “The removal of the religious headwear during a routine or random level A search is not required”.

However, there may be occasions where you are asked to remove your head wear. For example, if the alarm continues to go off in a level A search. you may then be asked to remove your headwear. Where a level A search is based on suspicion or intelligence, staff may also ask you to remove your headwear.

If you are asked to remove religious headwear during a search this should be done in private and by staff of the same sex as you. Staff should allow you to remove it and not attempt to remove it themselves.

However, if there are any circumstances that require staff to handle religious headwear for searching purposes, a fresh pair of gloves must be worn.

Women who wear veils or other face coverings for religious reasons must not be made to uncover their faces or hair in public or in front of a man. It must be conducted in private with female staff.

Searching of Muslim people by dogs

When using dogs to assist in searching, prisons must consider any cultural and religious needs of the person being searched.

If you are Muslim and you are searched by dogs when attending Friday prayers, facilities must be made available to allow you to wash and change clothes quickly so that prayers are not missed.

See page 10 for more information about cell searches involving dogs.

Searching arrangements for people with disabilities

The Searching Policy Framework says that search procedures will need to be changed according to injuries or disabilities a person has.

If you cannot stand unaided, you must not routinely be full searched, and this should only take place where there is intelligence or a reasonable suspicion that an item is being concealed.

You should be encouraged to enter into a written voluntary agreement about searching arrangements.

You should be asked if you are in any pain or if you are unable to stand or move freely before the search.

If staff are unsure how to conduct the search because of an injury or disability, they should get advice from healthcare.

If you have difficulty standing for long period due to old age or disability, you should be allowed to sit down as much as possible during the search.

If you are physically disabled and have mobility issues, you must not be asked to bend or squat as part of a full search.

If you are a wheelchair user, you may be asked to transfer to another chair during a search. Reasonable adjustments may be made to assist, such as transferring you between chairs with specialist aids, including a pat slide. Your wheelchair will be collapsed and closely inspected.

If you have an artificial limb, bandage, plaster cast or any other medical item which makes the search more difficult, or if the prison think you are using it to hide something, they can get advice from healthcare staff about whether the item can be removed. If you are asked to remove the item this should be out of sights of others.

Searching arrangements for transgender people in prison

Annex A of the Searching Policy Framework includes searching arrangements for transgender people in prison.

It states that a voluntary agreement should be put in place as to how this should be done. *The Care and Management of Individuals who are Transgender Policy Framework* includes more detail about this.

If you have applied for or have obtained legal recognition of the gender with which you identify you must be searched in accordance with this unless alternative arrangements are agreed.

The Searching Policy Framework says:

“The starting point for any searching arrangements is that a transgender prisoner who holds a Gender Recognition Certificate (GRC) is legally of the gender outlined on the GRC irrespective of their birth gender and therefore must be searched by a member of staff of the same gender as the prisoner’s affirmed (GRC) gender”.

It also says:

“Transgender prisoners who do not hold a GRC do not have the right to insist on being full searched by staff who are (in these circumstances) of the opposite legal sex”.

Searches must be dealt with sensitively.

If you are asked to remove prosthetics during a full search, you should be able to remove the items yourself, and be given privacy to replace any items. This must be done out of hearing and sight of others.

A search can only involve a squat according to the prison estate you are located in.

Searches must not be conducted to determine gender.

Technical aids for searching

Prison staff may use special equipment to help them with searches. For example:

- X-ray machines (see following pages)
- Metal detecting portals
- Hand held metal detectors
- BOSS chair – this is a non-intrusive scanning system within a chair which can detect any metal objects hidden

Use of X-ray body scanners

The *Use of X-Ray Scanners (Adult Male Prisons) Policy Framework* provides guidance about when and how a scanner should be used.

Who can be scanned?

You should not be scanned if:

- you are unable to stand unaided due to a disability
- you have female reproductive organs

If either of these apply to you 'Do not X-ray body scan' alert should be added to NOMIS.

There are no other health reasons why you should not be scanned. You can still have an X-ray body scan if they have had or are undergoing medical procedures. This includes any form of medical X-ray / radiotherapy.

Transgender women and post-operative transgender men who no longer have female reproductive organs can be scanned.

Who can I be scanned by?

There is no requirement for the X-ray body staff member conducting the scan to be the same sex as the prisoner being scanned because images are only X-ray quality.

However, if you object to it being a female staff member, the prison should, where possible, arrange for a male member of staff to conduct the scan.

Before a scan, the following steps must have been taken:

Staff must have assessed that a scan is justified and proportionate.

This means that all of the following five points should be met:

- intelligence or reasonable suspicion suggests that the prisoner is internally concealing contraband;
- there are no other means of detecting the suspected contraband;

- it is necessary to reduce the risks posed by contraband being smuggled into or out of a prison and that these risks outweigh the health detriment caused by exposure to radiation;
- there are no other circumstances of the prisoner, the intelligence or the reasonable suspicion, which would make the exposure disproportionate; and
- there is evidence that the scan will not cause that individual to exceed the maximum annual dosage constraint of 700 μSv per individual in the current calendar year.

Staff must check you can be scanned by checking NOMIS alerts. If there is a 'Do not X-ray body scan' you cannot be scanned.

Staff must check your record on NOMIS to ensure that a further scan would not exceed the limit of 700 μSv per individual per calendar year. If records are missing, you must not be scanned until it is confirmed that you have not exceeded this dose.

Staff must explain the process to you. You must be provided with a reasonable level of information about the use of X-ray body scanners and the proposed radiation exposure.

You must have been provided an opportunity to hand over any contraband. If you do hand over items, the justification and proportionality of the scan must be reassessed.

Staff must ensure you are able to physically undertake a scan (for example you are able to stand for the duration of the scan).

During the scan, the following should happen:

- A trained member of staff should explain what will happen.
- You should be told clearly how to stand for the scan.
- You will be asked to remain still during the scan.
- You will be asked to put one hand on the rail and the other by your side.
- Anyone else should remain outside of the 'Controlled Area' around the X-ray body scanner
- After the scan has taken place, you may have to wait somewhere while staff look at the scan.
- If the image from the scan is not clear, they may ask for help from another trained member of staff or they may consider another scan. You can have more than one scan per day, as long as each scan is justified and proportionate.

Refusing or sabotaging a scan

If you refuse to be scanned or intentionally move during the scan to affect the image, you could be charged with an offence against prison discipline or have your incentive level downgraded.

You should not be restrained in order to be X-ray body scanned.

Recording

For every scan, staff should make a record on NOMIS of

- the date
- dosage
- justification
- whether any suspected contraband was detected

Can dogs be used during a search?

Some searches may involve the use of dogs, decided by a risk assessment.

Searches involving dogs can be conducted on a routine and/or intelligence-led basis.

You may be given a clear plastic pouch to prevent dogs touching any holy books and artefacts.

Bedding should be changed if you feel it has been damaged by the dog.

There is more information about this in the *HMPPS Prison Dogs Policy Framework and Annex R of the Searching Policy Framework*.

Can use of force be used during a search?

The Searching Policy Framework says that the use of force:

“must only be used when other methods not involving the use of force have been repeatedly tried and failed, or are judged unlikely to succeed, and action needs to be taken as there are no other reasonable options to resolve the situation”.

Section 4.13 of the Searching Policy Framework goes into more detail about this.

What happens if an item is found?

If anything is found during a search, officers may ask you for an explanation. This will be included in any intelligence reports completed and if adjudication procedures are considered.

Officers should not question you further- any further questioning is the responsibility of the adjudicator and/or the police.

Items found must be recorded on the Incident Reporting System (IRS).

Cell Searches

Any area you have access to in prison can be searched. This includes your cell.

When searching a cell, staff must think about any religious and cultural needs you may have, and about the effects of a search if you have a disability.

Staff must also think about procedural justice in relation to how searching is carried out, which is about fairness in the process.

Types of cell searches

There are two basic types of cell searches - a Routine Cell Search and an Intelligence Led Search.

Routine Cell Searching:

A Routine search usually involves a level A rub-down search and a metal detector scan and no property record check.

However, the prison's risk assessment must determine the agreed routine search level.

This means some searches can be carried out at a higher level to include a full search and a property card check. This is sometimes referred to as a 'routine plus' search.

Intelligence Led Cell Searching:

An intelligence-led search happens when the prison gets information about unauthorised articles in your cell, or if there is an operational emergency in the prison.

It will involve a cell search and/or property card check.

The level of prisoner search will differ depending on the need for the search. There must not be a routine application of full searching for all intelligence led searches, and there must be supporting intelligence to justify a full search.

What about the women's estate?

For those in the women's estate, a level A rub down search must be applied as a matter of routine as part of a cell search, along with a handheld metal detector scan.

There should only be a full search when there is intelligence or reasonable suspicion that there is an item concealed that cannot be found during a rub down search.

There is more information about this in *The Searching Policy Framework*.

How often are searches carried out?

The High Security Estate must have a programme of routine searches in place. This is decided with the Director of the High Security Estate.

Other prisons must put in place a suitable programme of searching depending on what they think the risks and security needs of the prison are. There must be an agreement between the establishment's prison group director and the prison.

In addition to routine searches, prisons can conduct the intelligence led searches whenever they get any information that there might be an unauthorised item or items in a cell.

What happens during the search?

Before a routine search takes place, you should be told that it is about to take place and what type of body search will be done. Staff may ask you if you have any unauthorised articles in your cell or in your possession.

You will be searched either in the cell or another private area and should then be placed in another area.

Staff will check that the cell only contains items listed in the cell inventory.

When carrying out the search, prison staff must think about whether items in your cell could be made into something that might be harmful, either to yourself or someone else. If there is any doubt as to whether an item in the cell belongs to you or not, officers must check it against your Property Card.

When the search is finished, officers should leave the cell as tidy as possible.

What happens if my property has been damaged following a search?

Staff should declare any damage that may have been caused during the search. You should be informed about this in writing, as well as your right to claim compensation.

Can staff search my cell without telling me beforehand?

Officers can conduct a search without you being told on an intelligence led basis or where information suggests there are unauthorised articles in the cell.

Can legal documents be searched?

Before a cell search, you should be asked if you have any legal documents and be asked to identify the documents.

If you do, officers can check to make sure that they are in fact legal documents and that there are no unauthorised items among your legal papers. They should try to do this without reading the papers.

Officers should not search legal correspondence or documents without you being present to identify these in all but exceptional circumstances.

Can religious items be searched?

During a cell search, care must be taken when handling religious items. You should be asked at the beginning of the search whether you have any religious items.

If you say yes, these items can then be searched by the officers, instead of by search dogs. After such items are searched, you may be offered a plastic pouch to put the items in - doing this means that the items will therefore not come into contact with any search dogs that might be used during the search.

In some cases, you should be offered a change of bedding if the dogs have inspected your bedding and you feel that this contact has made the bedding unclean.

The Searching Policy Framework also states that staff must think about the time of day that searches take place wherever possible. They should think about your faith, I, prayer times and/or attendance at religious services.

Can dogs be used during a search?

Some searches may involve the use of dogs.

A risk assessment will be completed to determine whether they will be used, and these types of searches can be conducted on a routine and/or intelligence-led basis.

Consideration should be given to alternative searches where there are significant religious or cultural objections, such as the use of technical aids.

You may be given a clear plastic pouch to prevent dogs touching any holy books and artefacts.

Bedding should be changed if you feel it has been damaged by the dog.

There is more information about this in the *HMPPS Prison Dogs Policy Framework and Annex R of the Searching Policy Framework*.

What happens if an unauthorised item is found?

Under Prison Rule 43 staff can lawfully confiscate an item that is unauthorised as part of a cell search.

If an unauthorised item is found, this must be properly recorded on the Incident Reporting System (IRS) and an intelligence report (IR) will be completed.

Staff may ask for an explanation of the presence of the item, but should not continue to question you or take a formal statement.

You may then have a charge laid against you. The charge is written out in Prison Rule 51, sub-section 12, and explained in Prison Service Instruction 05/2018 *Prisoner Discipline Procedures* as follows:

PR51(12) / YOIR(13) has in his possession (a) any unauthorised article; or (b) a greater quantity of any article than he is authorised to have

‘At (time) ... on (date) in (place) you had in your possession an unauthorised article, (or ‘a greater quantity of (article) than you were authorised to have, namely (number/quantity of article)’.

For example, if the officers have found something they think is an illegal drug, they might write: “you had in your possession an unauthorised article, namely a white powder”.

If the officers find liquid that they suspect is **hooch**, they may write: “you had in your possession an unauthorised article, namely a fermenting liquid”. They must record the nature of the liquid, for example, the fact that the liquid was frothy or had a smell like vinegar. Any fermenting liquid or liquid with a strange odour can lead to a cell search.

If the officers have found several items that they think may be unauthorised, they may lay a separate charge for each unauthorised item. Note that an item does not have to be in your possession for a charge to be laid, it can be in an area of the prison to which you have access.

The item or items must be dealt with according to the guidelines in the Management and Handling of Evidence Policy Framework. These provide rules about maintaining the chain of custody and preventing contamination of samples.

The charge will be quashed or dismissed if a review shows that you are allowed to have the item.

After a cell search, you must be told about any articles that have been removed, even if they are to be returned.

If staff find documents which they suspect is evidence of a crime or a disciplinary offence, they can photocopy the information. They do not have to tell you they have done this.

Cell clearance

When a cell is vacated, property within the cell must be searched.

The property card must be present for a cell clearance.

Any discrepancies differences between the cell clearance certificate and the property records must be recorded.

For more information about the process of a cell clearance, please see our *information sheet on 'property in prison'*.

Further information

The following may be of interest to you. If you are unable to access them elsewhere feel free to contact our Advice and Information Service and we will be happy to send you a copy.

Useful prison policies (these should be available in the library):

Searching Policy Framework

PSI 05/2018 Prisoner Discipline Procedures

Management and Handling of Evidence Policy Framework

Intelligence Collection, Analysis and Dissemination Policy Framework

Prisoners Property Policy Framework

Use of X-Ray Scanners (Adult Male Prisons) Policy Framework

Prison Dogs Policy Framework

The Care and Management of Individuals who are Transgender Policy Framework

Contact our Advice and Information Service

We are a small service which provides information and advice for people in prison. We are independent of the prison service.

Our freephone information line is **0808 802 0060**.

This number is **free** and you do not need to put it on your PIN.

This number is open:

Monday	3pm – 5pm
Wednesday	10:30am – 12:30pm
Thursday	10:30am – 12:30pm

When we are not taking calls you can still leave a short voicemail. Please give your name, prison number, the prison you are in and what information you are looking for. Voicemails will be checked during working hours Monday to Friday and we will respond as soon as possible by post or email a prisoner.

You can write to us at:

**Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN**

You do not need to use a stamp.