

Stripped of our dignity

A human rights review of policies,
procedures, and practices in relation to
strip searches of women in Queensland prisons

September 2023

REPORT SUMMARY



Queensland
Human Rights
Commission

Stripped of our dignity is the Queensland Human Rights Commission's report on our human rights review of the practice of strip searching women in Queensland prisons. In our report we conclude that strip searches fail to achieve improved prison safety and, at the same time, unreasonably limit the human rights of prisoners, their children and families, and prison staff.

Stripped of our dignity presents 24 recommendations to Queensland Corrective Services aimed at fostering a more trauma-informed and human rights-compatible approach to searching female prisoners.

“When you come into jail, they strip you physically but they strip you of your self-respect, of your people, of your identity... then over time you have to build yourself up, build up your self-confidence, self-esteem, self-worth until you’re delivered back into the world. Hopefully you’ve got enough self to be able to function.”

This document is a summary of the full report, which is available from our website at www.qhrc.qld.gov.au.

About us

The Queensland Human Rights Commission is an independent statutory body established under the *Anti-Discrimination Act 1991* (Qld). We conducted this review under the Commission's function in the *Human Rights Act 2019* (Qld) to review public entities' policies, programs, procedures, practices and services for their compatibility with human rights.

Background

In 2022, the Women's Safety and Justice Taskforce delivered its second *Hear her voice* report which focuses on the experiences of women and girls across the criminal justice system. In that report, the Taskforce recommended that the Commission conduct a review of strip search policies, procedures and practices and to provide advice and recommendations to Queensland Corrective Services.

The Taskforce also recommended that Queensland Corrective Services immediately move to implement widespread use of non-invasive search technology and implement policy changes in accordance with the advice in this report.

Our approach

To inform our advice and recommendations, we gathered information through consultations and prison visits, reviewing international human rights standards, analysing the findings of prior investigations and inquiries, and conducting a comprehensive analysis of policies across different jurisdictions.

Between March and June 2023, we conducted 20 consultations with legal stakeholders, service provider stakeholders, and interstate prison inspectorates, and 2 roundtable discussions with Together Union delegates and official visitors. In April and May 2023, we conducted site visits to all five women's prisons operating in Queensland and spoke with approximately 60 prisoners and 20 staff members.

What is a strip search?

Strip searches involve a visual, non-contact search of all parts of a prisoner's body including the breast and genital regions.

Strip searches occur regularly and routinely in Queensland based on a mandatory schedule of searches that take place at particular times. For example, prisoners are strip searched when they are transferred between prisons or when returning from an external medical appointment. Targeted searches occur based on reasonable suspicion that a prisoner has a prohibited item, such as drugs or a weapon. Strip searches can also occur in circumstances where they are deemed generally necessary for the safety or welfare of prisoners or security or good order of the prison.

Strip searches do not improve prison safety and security

Strip searches are intended to prevent the entry of drugs and other prohibited items into prisons. While strip searching is an entrenched practice in most prisons in Australia and overseas, there is no convincing evidence for their use.

All available evidence indicates strip searches rarely find dangerous or prohibited items. For the purposes of the review, we requested and evaluated a week of strip search data from Queensland women's' prisons and ascertained that of hundreds of searches conducted on women none had resulted in contraband being found. Longer-term data from various sources indicates the contraband detection rate from strip searches is extremely low, ranging from 0.01% to 0.015%.

Some staff members consider strip searches deter prisoners from bringing in contraband, but empirical evidence supporting this claim is lacking and there is no legislative basis for searches conducted for a general deterrent effect. Prisons that have reduced the use of strip searches have not experienced an increase in contraband smuggling and instead have observed positive effects on the overall prison environment.

Policies should make it clear that staff members have an obligation to make decisions and take actions involving strip searches in a way that is compatible with the prisoner's human rights. Searches should always be reasonable, necessary, and proportionate to the risk. We have developed a guide detailing the human rights most likely to be engaged depending on prisoner characteristics or the particular circumstances.

Most strip searches on women in Queensland prisons are conducted on a routine basis, in the absence of any reasonable suspicion that a prisoner has a prohibited item. The frequency of routine searches varies based on the prison and a prisoner's security classification. Queensland legislation incorporates the need to consider whether a prisoner has 'exceptional circumstances' to exempt them from a routine search. In practice, we identified minimal opportunities for individual risk assessments by staff members working day-to-day with prisoners.

Body scanners should replace or significantly minimise the use of strip searches. During the transition period in which body scanners are being installed and staff members are being trained on their operation, Queensland Corrective Services should limit the use of strip searches to only the most high-risk situation: when a prisoner enters prison for the first time. Some targeted strip searches may also need to continue until such time as body scanners are available, after which point we consider that strip searches should be prohibited entirely or authorised only in exceptional circumstances.

Strip searches have negative impacts and consequences for prisoners and corrective services officers

Impact and consequences for prisoners

Most women in prison have experienced psychological, physical or sexual violence in some form. Many prisoners we spoke with told us that strip searches triggered past trauma, especially for women who had experienced rape, sexual abuse during childhood, or sexual violence in domestic relationships. Being subjected to repeated strip searches was retraumatising and echoed and exacerbated the existing trauma that many incarcerated women experienced on the outside.

The experience of strip searches leads to experiences of vulnerability, shame, and discomfort, even for those who may become desensitised to this practice over time. We heard that these searches erode bodily autonomy, perpetuate power imbalances and contribute to a punitive atmosphere that hinders rehabilitation efforts and undermines women's confidence and self-esteem.

To alleviate these negative effects, it is essential to view searches of women through a trauma-informed lens. Although legislation and policies aim to preserve dignity during strip searches and many staff members are cognisant of and take steps to reduce the trauma experienced by women, we repeatedly heard that strip searches continue to be traumatic, dehumanising, and counterproductive to rehabilitation.

In particular, strip searching a prisoner when they are menstruating exacerbates the humiliation, degradation, and anxiety associated with the trauma that strip searches may ordinarily induce. Requiring a prisoner to remove a tampon or asking them to shake out their underwear containing a pad during a search debases and humiliates the prisoner and robs them of dignity. This practice is not proportionate to any risk to prisoners or staff members and amounts to inhuman or degrading treatment.

The drug testing process, which incorporates a mandatory strip search prior to the prisoner providing a urine sample, causes serious humiliation and distress to female prisoners. Concerns include a lack of privacy, unhygienic conditions, and restrictions on using toilet paper during the process. The impact of trauma can lead to an inability for prisoners to provide a urine sample, which leads to an automatic 'positive' finding, disciplinary breaches and other adverse consequences. The process for providing a 'reasonable excuse' for being unable to provide a urine sample should be improved and clarified.

Strip searches occurring before and/or after personal visits deter many prisoners from seeing their family and children in person. Maintaining contact with a support network while in custody is vital to a prisoner's rehabilitation and reintegration. If a prisoner has children, the parent-child relationship should be encouraged and maintained to preserve the rights of both the prisoner and their child. Strip searches after personal contact visits should not be routine, particularly as prisoners are under constant observation during visits. We advise that strip searches following personal contact visits should only occur where there is a reasonable suspicion that a prisoner is concealing contraband and where a less intrusive search is insufficient.

While not widespread, we heard about strip searches following visits by lawyers or service providers such as sexual violence counsellors, and how this can deter women from seeking legal assistance or counselling. Policies should clarify that professional visitors should never trigger strip searches of women. We conclude that any potential risk is significantly outweighed by the negative impact of deterring prisoners from seeking legal advice or other professional assistance.

Prisoners can be deterred from attending court in person because of the strip searches they may be subjected to. Prisoners have the right to appear at court in person and defend themselves. Barriers should not be put in place which unreasonably deter a prisoner from appearing at court in person. Where prisoners are in the secure custody of the State for the duration of the time that they are absent from the prison, this should not trigger a routine strip search. We recommend that prisoners returning to prison from court should generally be given a pat down search instead of a strip search.

Strip searching in women's prisons, particularly for low-security women, serves as a significant deterrent or cause of delayed treatment in prisoners seeking necessary medical care, including mental health treatment. Prisoners have complex health needs, face higher rates of mental health and physical conditions, infectious diseases, and substance abuse compared to the general population. Consequently, a substantial number of prisoners require medical attention outside of prison. A practice of routine strip searches before and after medical appointments is disproportionate, unnecessary, and counterproductive to prisoner health and wellbeing. Women told us that they were reluctant to disclose mental health concerns for fear of being strip searched, which is a routine process prior to being placed in a Safety Unit. The mere placement of a prisoner into a Safety Unit or Detention Unit should not automatically trigger a strip search in all cases, and an individual risk assessment should take place to weigh up the risks.

Experiences of marginalised prisoners

Many prisoners have experiences of intersectional disadvantage which may interact to cause further inequality and marginalisation. We recommend that when considering whether and how to search a prisoner, corrective services officers should conduct an assessment which includes consideration of the prisoner's gender, age, mental health, religion, language and culture, whether they have a disability, are pregnant, breastfeeding or have children with them in custody.

Aboriginal and Torres Strait Islander women are significantly over-represented in Queensland prisons, and incarceration has detrimental and ongoing effects on the prisoner, their children, and their families. If cultural practices and protocols including the concept of 'women's business' are not respected and encouraged in prison, incarceration can result in a disconnection from culture. Aboriginal and Torres Strait Islander prisoners may feel additional shame or fear during a strip search because of cultural issues, and this may manifest as non-compliance. Trauma-informed approaches and training must specifically address the cultural needs of Aboriginal and Torres Strait Islander women and the impact of strip searches on this cohort.

Pregnant or breastfeeding prisoners have reported being subjected to strip searches, causing distress and discomfort during a vulnerable time in their lives. We heard that women in high security were being strip searched during all stages of their pregnancy and may be strip searched even more often than other women because of frequent medical appointments. We recommend that prisoners should not be routinely strip searched while in labour, returning from giving birth or following a termination of pregnancy, or a miscarriage.

Some women have approval for their child or children to stay with them while in custody, and policies require that an approved internal carer take care of a child during a strip search. While strip searches of children are unlawful and were not identified as occurring in Queensland prisons, polices should make clear that strip searches should never be conducted in the *presence* of children in custody even when an internal carer is not available at the time.

People with disabilities, including psychosocial disabilities, are disproportionately represented in the Australian prison population, with a significant proportion having a history of mental health conditions. Concerns were raised about the adverse impact of strip searches on prisoners with psychosocial disabilities, particularly those who have experienced sexual assault within institutional settings. Older prisoners or those with a physical disability may be more susceptible to accidents while being strip searched or may be unable to undress themselves to comply with a standard strip search procedure. Policies should be more explicit in the accommodations that must be made for people with physical, cognitive, and psychosocial disability in the context of strip searching.

The current practice of strip searching a trans or gender diverse prisoner based on their sex assigned at birth is discriminatory and is having a negative effect on prisoners' welfare and sense of identity. We highlight the need for more sensitive and flexible search procedures to protect the dignity and privacy of trans and gender diverse prisoners. Consistent with the policies of Queensland Police Service and prison services in several other jurisdictions, trans and gender diverse should be able to elect the gender of the searching officer.

Current policies and procedures do not provide clear guidance on accommodating religious and cultural needs. In particular, there is no written policy or any consistent approach to searching a person who has religious headwear. Requiring a prisoner to remove their headwear and subjecting it to handling and search, unless there is an identified risk based on reasonable intelligence indicating the presence of concealed items, disproportionately limits a prisoner's right to privacy and right to manifest religious beliefs and practices. Additionally, policies should emphasise the importance of male officers being absent when a prisoner has been asked to remove their headwear.

Impact and consequences for corrective services officers

Strip searching and urine testing have significant impacts on corrective services officers, including concerns for their physical safety, the potential for vicarious trauma, and causing strained relationships with prisoners. While many staff members consider strip searches to be necessary for the safety of the prison environment, most strongly dislike strip searching and consider their use undermines rehabilitation efforts. We identified a lack of specific policies and training addressing the impact on staff members and how to identify and manage vicarious trauma arising from conducting repeated strip searches. Reducing the frequency of strip searches and introducing body scanners and saliva swab testing would reduce the development of vicarious trauma for staff members and encourage mutually respectful relationships between staff members and prisoners.

Strip searches should be conducted in a more consistent and proportionate way

The lack of comprehensive information and guidance provided to prisoners during strip searches was found to exacerbate the traumatic nature of the experience. Prisoners expressed a need for clear explanations about the search process and their rights before it commenced. Insufficient information particularly affected non-English speaking prisoners, who faced additional challenges in understanding and coping with the situation. To promote transparency and a respectful environment, we recommend that corrective services officers provide information verbally about the strip search process and what prisoners will and will not be asked to do. Signs in multiple languages should be developed containing this information and be prominently displayed wherever strip searches occur.

Inconsistencies in strip searching methods and practices was a major concern raised by prisoners and stakeholders. Differences in interpretation and application of policies led to varying levels of invasiveness during strip searches and anxiety levels of prisoners increased when prisoners did not know what to expect. Many of the invasive practices identified as occurring, such as a requirement for a prisoner to bend over or to stand with their legs further than hip width apart, are not necessary for the purpose of checking if a prisoner has concealed contraband. While strip searches should happen much less frequently, when they do occur, they should be conducted in the least invasive way possible while still achieving their intended purpose. We have developed a step-by-step process to apply during searches of women, which is less invasive but legally compliant.

Use of force in prisons should only be used when absolutely necessary, and corrective services officers should be trained in de-escalation techniques. We advise that a forced strip search should never occur due to non-compliance with the strip search process or for any other reason, unless there is a real and present risk to the prisoner. If a prisoner becomes non-compliant during a strip search, corrective services officers should withdraw. The current practice for managing non-compliant prisoners involves placing these prisoners in a dry cell under observation until they eventually consent to the search. However, this is not reflected in policies, which authorise the use of forced removal of clothing. Staff members should consider less restrictive alternatives available for managing non-compliant prisoners, such as a pat down or scanning search, and update policies to reflect this.

The use of surveillance and body worn cameras during strip searches raise privacy concerns for prisoners, particularly when male officers are perceived to have access to monitoring devices. Having cameras in areas where prisoners are strip searched is a serious limitation on the right to privacy, and the sense of being watched during a strip search can worsen a prisoner's feelings of trauma and humiliation. Many corrective services officers take steps to safeguard privacy by turning off cameras or having male officers leave the room. However, there is a need for clearer policies and guidelines for a more consistent approach to the use of surveillance and body worn cameras during these searches.

Less intrusive alternatives should be adopted

Non-invasive screening technology is either currently in use or their introduction is imminent in several comparable Australian jurisdictions, to significantly reduce or eliminate strip searching. Body scanners detect objects on or inside the bodies of prisoners without physical contact or the need for clothing to be removed, aside from outer layers. As well as preventing the trauma and adverse consequences to prisoners and staff members that arise from the practice of strip searching prisoners, body scanners detect concealed contraband that strip searches are likely to miss, enhancing safety for prisoners and staff members. The introduction of body scanning technology received overwhelming support from prisoners, stakeholders, and staff members.

The drug testing process was identified as a significant contributor to unnecessary strip searches, which occur for the purpose of reducing the likelihood that a prisoner will have an opportunity to tamper with a urine sample. The use of saliva swab testing is an effective first-line drug testing method, and is quicker, more convenient, and less invasive than urine testing. Saliva swab testing can significantly reduce the number of strip searches and reduce presumed positives where a person has failed to provide a sample.

Implementation, monitoring and evaluation

Queensland Corrective Services has committed to conducting a body scanning trial at Brisbane Women's Correctional Centre between March and August 2024, followed by an evaluation between August and December 2024 and a report for the government in January-June 2025. The recommendations in this report should be implemented by Queensland Corrective Services before March 2024 to ensure comprehensive evaluation during the body scanner trial.

We recommend a follow-up policy review by an independent person or agency to confirm the effective implementation of the report's advice and recommendations, focusing on assessing changes in policies, procedures, and practices in women's prisons. The Queensland Government's overarching reform monitoring and evaluation plan should include an assessment of the extent to which the recommendations in this report have been integrated into policies and procedures and their impact on everyday practices in women's prisons.

Recommendations

Recommendation 1:

Update practice directives to incorporate human rights considerations

- 1.1 Queensland Corrective Services should update the Custodial Operations Practice Directives – Prisoner Search to incorporate human rights considerations throughout.
- 1.2 The practice directives should be amended to include:
 - a statement explaining the rationale for searching prisoners and that strip searches should not be the primary means of detecting contraband or ensuring safety and security of prisoners
 - an acknowledgement that strip searches are a serious limitation on human rights, advising that staff members have a legal obligation to make decisions and act compatibly with human rights in relation to strip searches
 - a reference specifically to the right to protection from cruel, inhuman or degrading treatment.

Recommendation 2:

Create a clear 'exceptional circumstances' search exemption process

- 2.1 Queensland Corrective Services should amend the Direction for a Search Requiring a Removal of Clothing (the Direction) and the Custodial Operations Practice Directives to:
 - provide a clear process for determining if a prisoner has exceptional circumstances to establish that a search under the Direction is unnecessary under *Corrective Services Act 2006* (Qld) section 35(3)
 - clearly delegate responsibility for making these decisions at an appropriate level.

Recommendation 3:

Cease all routine strip searches after a prisoner is in secure custody of the prison

- 3.1 Queensland Corrective Services should immediately cease all routine strip searches occurring under section 35 of the *Corrective Services Act 2006* (Qld) except for when a prisoner is received into custody for the first time.
- 3.2 Queensland Corrective Services should amend the written direction under the *Corrective Services Act 2006* (Qld) section

35 (the Direction for a Search Requiring a Removal of Clothing) to direct that the only instance in which a strip search must occur is when a prisoner is received into custody for the first time, and where:

- a scanning search is unavailable; and
- the prisoner does not have 'exceptional circumstances' to exempt them from a search under section 35(3) of the *Corrective Services Act 2006* (Qld).

Recommendation 4: Only conduct targeted strip searches as a last resort to respond to an identified risk following an individual risk assessment

- 4.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search to:
 - direct that strip searches should occur only where there is reasonable suspicion of an identified risk following an individual risk assessment, and only as a last resort when other alternatives are not reasonably available, including body scanners
 - clarify that staff members must not conduct targeted searches for the purpose of anything other than detecting and seizing a 'prohibited thing' as defined by the *Corrective Services Regulation 2017* (Qld). The list of prohibited things should be included as an appendix in the Custodial Operations Practice Directives – Prisoner Search for easy access
 - confirm that strip searches should not occur where a prisoner is being placed into a Detention or Safety Unit for their own safety following a physical or sexual assault by another prisoner.

Recommendation 5: Incorporate trauma-informed approach in policy and training

- 5.1 Queensland Corrective Services should update the Custodial Operations Practice Directives – Prisoner Search to:
 - refer to the traumatic impact of strip searching on many female prisoners, and the need to take a trauma-informed approach by applying the least intrusive search necessary to address an identified risk
 - clarify that comments by a corrective services officer about a prisoner's body or

tattoos should only be made during a search if there are exceptional circumstances relating to the prisoner's health and safety.

5.2 The ongoing trauma-informed training being introduced by Queensland Corrective Services as recommended the Women's Safety and Justice Taskforce (Recommendation 139) should:

- incorporate strip searching practices
- address how the decision to conduct a search should be made
- address how the search process can be more trauma-informed and meet the individual needs of prisoners.

Recommendation 6: Modify approach to strip searching for prisoners who are menstruating

6.1 Queensland Corrective Services should move instructions regarding menstruation from local instructions to the Custodial Operations Practice Directives – Prisoner Search.

6.2 The Custodial Operations Practice Directives – Prisoner Search should state explicitly that a prisoner should:

- never be required to remove their tampon during a strip search or drug test
- only be required to remove their sanitary pad where a reasonable suspicion exists, based on intelligence, indicating that the person is using the pad to conceal contraband.

Recommendation 7: Reform the drug testing process

7.1 Queensland Corrective Services should develop a comprehensive policy addressing 'reasonable excuse' for failing to provide a urine sample. The policy should provide clearly:

- that a 'reasonable excuse' can encompass psychological or emotional experiences or mental health diagnosis
- what evidentiary requirements are necessary to establish a 'reasonable excuse'
- how authority is delegated for determining the validity of a 'reasonable excuse'
- how a prisoner can challenge a decision not to accept a prisoner's excuse as reasonable

- that if an officer in charge reasonably believes that a prisoner has a 'reasonable excuse' for why they cannot provide a sample, this is sufficient.

7.2 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Substance Testing and Custodial Operations Practice Directives – Collecting a Urinalysis Sample to state that:

- female prisoners be permitted to clean their genital area with toilet paper immediately after providing a urine sample
- prisoners be permitted up to 2 hours to provide a urine sample
- consequences for failing to provide a sample or returning a positive sample should not interfere with a prisoner having visits with their children.

7.3 Queensland Corrective Services should replace urine drug testing with saliva testing for prisoners who have not had any drug-related disciplinary breaches in the past 24 months prior to the test and who are not subject to intelligence indicating they are currently using drugs. The COPD – Substance Testing should be amended to reflect this requirement.

7.4 Until saliva tests are introduced:

- no random drug testing should occur in either high or low security settings
- body scans or pat down searches should replace all strip searches prior to urine tests.

Recommendation 8: Conduct individual risk assessments for strip searching before and after personal visits

8.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search and the Direction for a Search Requiring the Removal of Clothing to clarify that strip searches should not occur before personal contact visits and state that strip searches after personal contact visits should only occur:

- in situations involving reasonable suspicion
- after an individual risk assessment, and
- where no other alternative is reasonably available, including body scanners.

Recommendation 9: Clarify there should be no strip searches before or after professional visits

- 9.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search to state that prisoners are not to be strip searched before or after professional visits. Professional visitors include, but are not limited to, lawyers, counsellors, and religious visitors.

Recommendation 10: Cease strip searching when a prisoner is travelling to and from court

- 10.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search to state that:
- prisoners should not be searched prior to leaving prison for a court appearance
 - prisoners returning to prison from court should be given a pat down search only, unless there is a reasonable suspicion of an identified risk, following an individual risk assessment.

Recommendation 11: Remove barriers to accessing medical care

- 11.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search and Search Direction to:
- clarify that prisoners should not be routinely strip searched when they are leaving or returning to prison following medical treatment
 - state that prisoners who have returned from surgery fall under the category of ‘exceptional circumstances’ to exempt a search
 - state that following a surgical procedure, search methods should be modified as necessary to meet the individual needs and circumstances of the prisoner
 - confirm that prisoners placed in a cell in the Detention Unit or Safety Unit should only be strip searched where there is no less intrusive alternative available, and where an individual risk assessment has deemed that the risk of harm to the prisoner outweighs the risk of trauma from the strip search.

Recommendation 12: Consider prisoner characteristics when determining whether and how to conduct a strip search

- 12.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search to advise that, when considering whether and how to search a prisoner, corrective services officers must conduct an assessment which includes consideration of the prisoner’s gender, age, mental health, religion, language and culture, whether they have a disability, are pregnant, breastfeeding or have children with them in custody.

Recommendation 13: Enhance recognition of Aboriginal and Torres Strait Islander rights and cultural safety

- 13.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search to refer specifically to the distinct cultural rights held by Aboriginal and Torres Strait Islander people and the need for corrective services officers to take these into consideration when deciding whether to conduct a search, or in determining the process to follow when conducting a strip search.
- 13.2 Trauma-informed training (as referred to in Recommendation 4.2 in this report) should specifically address respecting cultural sensitivities during a strip search. This training should include an understanding of how the background or cultural practices of First Nations women can exacerbate the trauma of a strip search.

Recommendation 14: Modify process to accommodate pregnant or breastfeeding prisoners

- 14.1 Queensland Corrective Services should remove all instructions in relation to pregnant and breastfeeding prisoners from local instructions and include this information in the Custodial Operations Practice Directives – Prisoner Search.
- 14.2 The Custodial Operations Practice Directives – Prisoner Search should advise that:
- prisoners attending antenatal appointments should not be strip searched as this constitutes ‘exceptional circumstances’ to exempt a prisoner from a search under the Search Direction
 - prisoners returning to prison following a birth, miscarriage, or termination should not be strip searched as this constitutes

'exceptional circumstances' to exempt a prisoner from a search under the Search Direction

- prisoners in their third trimester are not to be strip searched unless the situation involves a reasonable suspicion of an identified risk following an individualised risk assessment
- corrective services officers must take into account the individual, physical and emotional needs of pregnant or lactating prisoners when conducting searches. Corrective services officers should accommodate reasonable requests for modifications to the search process, such as allowing additional time, allowing a prisoner to sit for the search, or providing additional sanitary wear, including breast pads
- corrective services officers should allow breastfeeding prisoners to take their shirts off but leave their bra on for the duration of the search. Prisoners could still be required to pull the bra away from their skin to show that there are no prohibited items concealed between the skin and the clothing.

Recommendation 15: Address the needs of prisoners with children in their care

15.1 Queensland Corrective Services should move instructions regarding searches of prisoners with children in their care from local instructions to the Custodial Operations Practice Directives – Prisoner Search.

15.2 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search and the Custodial Operations Practice Directives – Female Prisoners and Children to:

- contain information about strip searches involving children in custody
- explain the principle of best interests of the child and how it relates to searches occurring in the presence of a child, and refer to the *Human Rights Act 2019* (Qld)
- state that prisoners with children residing with them in prison should only be subject to a scanning search or pat down search while they have their child in their care
- make it clear that strip searches of a prisoner should never occur in the presence of a child, even where an internal carer is not available.

15.3 The Custodial Operations Practice Directives – Prisoner Search and the Custodial Operations Practice Directives – Female Prisoners and Children should be cross referenced with each other to ensure consistency.

Recommendation 16: Make reasonable accommodations for prisoners with disability and older prisoners

16.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search to:

- outline requirements to make reasonable accommodations for older prisoners and prisoners with disability, which may include physical, cognitive or psychosocial disability
- explain the need to communicate with the prisoner to identify what adjustments are required to modify the search process where necessary. This information should be included in prisoner case notes, and these should be periodically reviewed to ensure they remain appropriate and up to date
- allow for searches to be modified because the prisoner may be unable to perform the 'standard' procedure. Modifications may include, but are not limited to, having handrails in the areas where strip searches are conducted and a chair for the prisoner to sit on during the search
- advise that where a prisoner is unable to undress themselves, a pat down search or scanning search should be performed instead.

Recommendation 17: Search trans or gender diverse prisoners based on their preference

17.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Transgender Prisoners and the Custodial Operations Practice Directives – Prisoner Search to state that prisoners who identify as trans or gender diverse should be given the option of whether to be searched (including strip searches, pat down searches, urine testing) by male or female corrective services officers, and that preference should be noted in the person's case notes.

17.2 Queensland Corrective Services should provide staff members with training on competency to work with LGBTIQ+ prisoners including their obligations under

the *Human Rights Act 2019* (Qld) and state and federal discrimination legislation.

Recommendation 18: Clarify practice for searching prisoners who wear religious headwear

- 18.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search should:
- confirm that searching religious headwear and/or asking a person to remove their religious headwear during a search should only occur where there is reasonable suspicion of an identified risk
 - emphasise that at no times should male officers be present or able to see a prisoner who has been asked to remove their headwear
 - include that a person should be given access to a mirror to refix their headwear in private after the search.

Recommendation 19: Take steps to address vicarious trauma and evaluate psychosocial hazards

- 19.1 Queensland Corrective Services should provide vicarious trauma training tailored to the unique environment and challenges faced by staff members in women's prisons, with a specific focus on addressing the impact of strip searching.
- 19.2 Queensland Corrective Services should conduct a comprehensive evaluation of psychosocial workplace risks for corrective services officers. The methodology for this evaluation should include anonymous surveys and feedback from staff members to assess the extent of harm and psychological impacts of the job, specifically addressing vicarious trauma and burnout.

Recommendation 20: Provide more detailed information and guidance to prisoners

- 20.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search to make it clear that prior to conducting a strip search, a corrective services officer should clearly explain to the prisoner:
- the purpose and reasons for the search
 - the processes and what will happen during the search
 - what they will ask the prisoner to do during the search.

- 20.2 Queensland Corrective Services should display clear signage containing this information in areas where strip searches occur. These signs should also include information about prisoners' rights during the search and complaint mechanisms and be available in multiple languages.

Recommendation 21: Create a clear, consistent and less invasive search method

- 21.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search to:
- contain a detailed step-by-step process of the strip searching procedure as outlined in Appendix C of the full report (*attached at end of this summary*)
 - state that strip searches should not require the removal of underwear as a standard practice, unless intelligence is available or reasonable suspicion has arisen prior to or during the search to indicate that contraband is concealed in the underwear. Where underwear is required to be removed, the corrective services officer should explain the reason to the prisoner and document the justification for this decision.
- 21.2 Queensland Corrective Services should develop specific training programs for staff members that focus on conducting strip searches of women. This training should address the unique needs, sensitivities, and trauma-informed approaches required when conducting strip searches of female prisoners.

Recommendation 22: Do not use force when strip searching a prisoner

- 22.1 Queensland Corrective Services should update the Custodial Operations Practice Directives – Prisoner Search and the Custodial Operations Practice Directives – Use of Force to:
- state that use of force should never be used during strip searches, and that if a situation escalates, corrective services officers should immediately withdraw for their own safety and the safety of the prisoner
 - formalise through policy the existing practice of talking with the prisoner about the reasons for the search and how it will proceed and placing the prisoner in a dry cell on observation until they are ready to be searched

- permit pat down searches instead of strip searches where it is more likely to lead to compliance and the situation is low risk
- clarify that disciplinary breaches for refusing to consent or delaying consent for a search should not limit a prisoner's ability to have personal contact visits with their children.

Recommendation 23: Improve prisoner privacy when using surveillance and body worn cameras

23.1 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Prisoner Search to:

- require that searches should occur out of view of surveillance cameras if reasonably practicable
- require that male officers remove themselves completely from a room in which a monitoring system is located when a surveillance camera is pointed at a place where a strip search is occurring
- state that any female officers monitoring a device where a strip search is occurring should either turn off the screen or move the image feed so it is not the primary image displayed on the device.

23.2 Queensland Corrective Services should amend the Custodial Operations Practice Directives – Safety and Security Equipment: Body Worn Cameras to:

- clarify that to not 'activate' a body worn camera during a strip search means neither turning on the video function nor the audio function
- remove the reference to a 'use of force incident' arising during a strip search as well as the authority for such an incident to be recorded.

Recommendation 24: Implement recommendations in 6 months and monitor and evaluate outcomes in 24 months

24.1 Queensland Corrective Services should implement the recommendations in this report before March 2024.

24.2 Queensland Corrective Services should commission an independent review of the implementation of this report to occur concurrently with the planned evaluation of body scanning technology in 2025.

24.3 The Queensland Government monitoring and evaluation plan to measure and monitor outcomes achieved across the criminal

justice system following the Women's Safety and Justice Taskforce *Hear her voice* reports should include an evaluation of the extent to which the advice and recommendations in this report have been incorporated into policies, procedures, and practices.

Recommended search method

Strip searches should not be used as a primary means of detecting contraband and should only be used where there is no less restrictive option available. Pat down searches, body scans, or wand searches should be preferred, unless these options are not reasonably available or will be insufficient to detect the prohibited item.

If a strip search must occur, it should be done in the least invasive way to address the relevant risk and must maintain the prisoner's dignity and privacy as much as possible.

The Commission recognises that strip searches of women prisoners are an inherently humiliating and traumatic process that will always limit a prisoner's rights. However, if, as a last resort, it is determined by Queensland Corrective Services that a strip search must occur, the Commission recommends the practice and procedure as outlined below be adopted to protect prisoners' rights as much as is possible.

Trauma-informed approach

Corrective services officers should take a trauma-informed and trauma responsive approach to strip searches. As far as possible the prisoner should feel safe, make their own choices, and cooperate in the process.

At all times, corrective services officers should maintain a calm and reassuring manner, avoid shouting, and provide the prisoner with the opportunity to ask questions.

Prior to the commencement of a strip search

1. Two corrective services officers of the same sex as the prisoner should carry out the search. The person in charge of the search (CSO1) should observe the prisoner from the front. The assisting corrective services officer (CSO2) should stand to the side, and observe the person in charge of the search.
2. CSO1 should start the search by:
 - identifying themselves and the CSO2 to the prisoner
 - telling the prisoner that they will be performing a strip search
 - explaining clearly to the prisoner the purpose of the strip search and the reason that they are being searched
 - asking the prisoner if they want an explanation of what the prisoner will be asked to do in advance of the search commencing. If the prisoner asks for an explanation, points 4 and 8 below should be explained to them.
 - asking the prisoner if they have any questions about how the search will be conducted.
3. CSO1 should ask the prisoner if they have anything that is not authorised that they wish to declare, or if there is anything that they want to tell the corrective services officers before commencement of the search.

If the prisoner has no questions or nothing to declare or tell the corrective services officer, the search can commence.

Search method

4. CSO1 should instruct the prisoner to:
 - empty their pockets and hand the contents to CSO1
 - put their hands out in front to allow their hands and fingers to be examined
 - take out any hair ties or clips and run their hands through their hair
 - rub their fingers behind each ear
 - open their mouth and lift their tongue, if necessary
 - remove their jumper or shirt, one layer at a time, and pass the garments to CSO1 to be checked
 - remove their bra and pass it to the CSO1 to be checked
 - hold their arms up and turn in a complete circle.
5. CSO1 should then return the prisoner's bra, shirt, and any other layers of clothing for the top half of their body and allow the prisoner sufficient time to dress.
6. CSO1 should then ask the prisoner if they are ready to continue the search. If the prisoner requests more time before continuing the search, reasonable further time should be permitted.
7. When the prisoner confirms they are ready to proceed with the search, CSO1 should ask the prisoner to remove their shoes and socks and pass them to CSO1 to be checked.
8. CSO1 should instruct the prisoner to:
 - turn with their back to CSO1 and bend each leg at the knee one at a time to show the soles of their feet and between the toes. Prisoners can be asked to wiggle their toes, if necessary.
 - face back towards CSO1
 - remove their shorts or underpants and pass them to CSO1 to be checked
 - If there is intelligence or a reasonable suspicion that a prisoner is concealing contraband in their underpants, ask the prisoner to remove their underpants and turn them inside out.
 - ask the prisoner to stand with their legs no wider than hip width apart

Sanitary napkins should only be removed where there is reasonable suspicion based on intelligence indicating that the person is using the pad to conceal contraband.

Prisoners should never be asked to remove tampons.

9. Ask the prisoner to step to one side to ensure nothing is stood on or that anything has been dropped during the search.
10. Return the prisoners shorts or pants (and underpants, if applicable)
11. Provide the prisoner with privacy to dress.

At no point should a prisoner ever be asked to:

- squat
- cough
- lift their breasts or excess skin
- raise their legs beyond bending at the knee to have their feet inspected
- spread their buttocks
- bend over
- stand with their legs wider than hip width apart
- remove a tampon.

Though a corrective services officer is authorised by law to tell a prisoner to lean forward during a strip search, the Commission's view is this should not occur when strip searching women. Women have indicated that leaning forward is the most humiliating and traumatic part of a strip search, and the instruction that was most prone to inconsistent application. An examination of a prisoner's vagina or anus is not the purpose of a strip search, therefore leaning forward is not a necessary part of the process. If a person is asked to lean to support themselves due to a disability or mobility issue, they should not be required to lean more than 45 degrees away from the wall.