



13 June 2016

C77649

Mark Hanna
fyi-request-3926-bbfa7cf2@requests.fyi.org.nz

Dear Mr Hanna

I refer to your email dated 26 April 2016, requesting further information regarding the strip searching of transgender prisoners. Your request has been considered under the Official Information Act 1982 (OIA).

You have asked follow up questions that relate to a recently released OIA response (our reference C76659). Your questions have been addressed below.

1. *How many strip searches categorised as "reasonable cause" were conducted during each month from June 2011 until the most recent month for which this information is available?*

Data showing the total number of strip searches from June 2011 to June 2015 categorised as 'reasonable cause' is provided as Appendix One.

2. *To my knowledge, the Corrections Act 2004 does not contain a definition of "reasonable grounds" as it is used in Section 98(3). Please provide any guidance Corrections has on what constitutes "reasonable grounds" for conducting a strip search.*

The Corrections Act 2004, Section 3 (interpretation), does not contain a definition of reasonable grounds. However, practice guidance provided to staff details the following:

'Reasonable grounds is information that leads an officer to believe that a prisoner has in their possession an unauthorised item. The officer can receive this information in a number ways'.

Please find attached S.01.Res.12.01 from the Prison Operations Manual (POM). Please note that the attached document is guidance only. Reasonable grounds is not limited by this and the Department's expectation is that staff use this advice as practice guidance.

3. *How many strip searches were conducted with the use of "reasonable force" during each month from June 2011 until the most recent month for which this information is available?*

The information that you have requested does not currently exist in a form that can be readily supplied to you, and would instead require initiation of a project to extract, analyse and present the data in the form requested. Therefore, this part of your request is declined under section 18(g) of the OIA, as the information requested is not held by the Department.

4. *94(1) A rub-down search or strip search may be carried out only by a person of the same sex as the person to be searched, and no strip search may be carried out in view of any person who is not of the same sex as the person to be searched. Please clarify what this means in the context of transgender prisoners. How is the sex of a prisoner established in this context?*

The Corrections Regulations 2005 provide guidance on the accommodation of male and female prisoners. If a prisoner is not satisfied with their placement in a male or female prison, they may make an application to the Chief Executive to have their placement reviewed.

For the purposes of strip-searching, prisoners are to be searched by an officer of the same sex as stated within section 94 of the Corrections Act 2004.

A transgender prisoner placed in a men's prison will be searched by male officers and a transgender prisoner placed in a women's prison will be searched by female officers.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Department. Alternatively you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Terence Buffery
Acting National Commissioner



Creating Lasting Change

S.01.RES.12 REASONABLE GROUNDS SEARCH

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1. Officers may conduct a search of a prisoner where there is "reasonable grounds" for the officer to believe that the prisoner has in their possession an unauthorised item.

S.01.RES.12.01 REASONABLE GROUNDS TO BELIEVE

1. Reasonable grounds is information that leads an officer to believe that a prisoner has in their possession (refer S.01.Res.21 Prisoner search legislative flow diagram) an unauthorised item. The officer can receive this information in a number ways, including:
 - a. by seeing, such as:
 - i. observing a prisoner attempting to hide an item on their person
 - ii. seeing a prisoner acting suspiciously
 - iii. seeing a drug dog indicating drugs on the prisoner's person
 - iv. seeing scanners lights indicate a concealed item.
 - b. by hearing, such as:
 - i. receiving information from another prisoner
 - ii. overhearing a conversation between prisoners
 - iii. receiving advice from Corrections Intelligence (telephone monitoring)
 - iv. hearing a scanner alarm.
 - c. by smelling, such as an officer smelling cannabis or tobacco on a prisoner
 - d. by touch, such as:
 - i. feeling an item during a rubdown search
 - ii. discovering property damaged or dismantled.

S.01.RES.12.02 DETERMINING IF A STRIP SEARCH IS APPROPRIATE

1. Once an officer has determined that the prisoner may be in possession of an unauthorised item, they must determine the least intrusive search method that will be sufficient to retrieve the unauthorised item in each particular situation. If a scanner search or a rubdown search is considered sufficient, the officer should undertake the least intrusive search.
2. When considering the appropriate search method, the officer should consider:
 - a. the prisoner's history of possession of unauthorised items
 - b. method(s) of concealment
 - c. particulars of the information received (if the method of concealment has been disclosed).

S.01.RES.12.03 APPROVAL TO STRIP SEARCH

1. If a strip search is required, approval must be obtained from the security manager, or authorised delegate, unless delaying the search to obtain approval would endanger the health or safety of any person or prejudice the maintenance of security at the prison.
2. If a strip search is to be undertaken, it must be carried out in accordance with the "Strip Search" instructions contained in the Custodial Practice Manual (CPM) / Searching / Strip Searching / Strip searching a female prisoner and Strip searching a male prisoner.

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 Reducing Re-Offending



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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Appendix One – Strip Searches from June 2011 to June 2015.

'Reasonable Cause' Strip Searches of prisoners from June 2011 to June 2015		
Month	Total number of strip searches	Number of contraband finds during Strip Search
June 2011	2,237	11
July 2011	1,293	9
August 2011	2,160	22
September 2011	1,958	42
October 2011	2,359	17
November 2011	2,482	15
December 2011	2,126	15
January 2012	2,034	12
February 2012	2,054	5
March 2012	3,043	12
April 2012	1,798	18
May 2012	2,766	18
June 2012	3,140	19
July 2012	3,487	20
August 2012	4,508	16
September 2012	4,216	29
October 2012	4,396	17
November 2012	4,549	15
December 2012	3,778	14
January 2013	3,920	15
February 2013	3,946	16
March 2013	4,217	19
April 2013	3,842	12
May 2013	4,459	17
June 2013	4,080	14
July 2013	3,656	16
August 2013	3,579	29
September 2013	3,259	22
October 2013	3,646	25
November 2013	3,132	32
December 2013	2,324	26

'Reasonable Cause' Strip Searches of prisoners from June 2011 to June 2015		
Month	Total number of strip searches	Number of contraband finds during Strip Search
January 2014	2,539	14
February 2014	2,410	21
March 2014	3,023	27
April 2014	2,395	19
May 2014	1,888	20
June 2014	1,861	18
July 2014	1,543	43
August 2014	1,940	16
September 2014	1,885	16
October 2014	1,343	23
November 2014	1,329	16
December 2014	1,471	24
January 2015	1,770	17
February 2015	1,251	25
March 2015	1,546	23
April 2015	1,247	13
May 2015	1,626	21
June 2015	1,193	21