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# COMMISSIONER'S DIRECTIVE 566-7

In Effect: 2015-07-02  
Last Review: 2012-06-13  
Due for Review: 2017-07-02

## Searching of Offenders

<b>PROGRAM ALIGNMENT</b>	Custody
<b>OFFICE(S) OF PRIMARY INTEREST</b>	Correctional Operations and Programs Sector
<b>ONLINE @</b>	<ul style="list-style-type: none"> <li>• <a href="http://infonet/cds/cds/566-7-cd-eng.pdf">http://infonet/cds/cds/566-7-cd-eng.pdf</a></li> <li>• <a href="http://infonet/cds/cds/566-7-cd-fra.pdf">http://infonet/cds/cds/566-7-cd-fra.pdf</a></li> <li>• <a href="http://www.csc-scc.gc.ca/text/plcy/cdshtm/566-7-cd-eng.shtml">http://www.csc-scc.gc.ca/text/plcy/cdshtm/566-7-cd-eng.shtml</a></li> <li>• <a href="http://www.csc-scc.gc.ca/text/plcy/cdshtm/566-7-cd-fra.shtml">http://www.csc-scc.gc.ca/text/plcy/cdshtm/566-7-cd-fra.shtml</a></li> </ul>
<b>AUTHORITIES</b>	<ul style="list-style-type: none"> <li>• <a href="#"><i>Corrections and Conditional Release Act</i></a> (CCRA), sections <a href="#">3</a>, <a href="#">3.1</a>, <a href="#">4</a>, <a href="#">46</a>, <a href="#">47</a>, <a href="#">48</a>, <a href="#">49</a>, <a href="#">50</a>, <a href="#">51</a>, <a href="#">52</a> and <a href="#">53</a></li> <li>• <a href="#"><i>Corrections and Conditional Release Regulations</i></a> (CCRR), sections <a href="#">43</a>, <a href="#">44</a>, <a href="#">45</a>, <a href="#">46</a>, <a href="#">47</a>, <a href="#">48</a>, <a href="#">49</a>, <a href="#">50</a>, <a href="#">57</a>, <a href="#">58</a> and <a href="#">59</a></li> </ul>
<b>PURPOSE</b>	<ul style="list-style-type: none"> <li>• To provide direction related to the searching of offenders to prevent the introduction and possession of contraband and unauthorized items</li> <li>• To ensure the Correctional Service of Canada uses measures that are consistent with the protection of society, staff members and offenders and that are limited to only what is necessary and proportionate to attain the purposes of the <a href="#"><i>Corrections and Conditional Release Act</i></a></li> </ul>
<b>APPLICATION</b>	Applies to those involved in searching offenders at all institutions including Community Correctional Centres, as noted

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## **RESPONSIBILITIES**

1. The Assistant Deputy Commissioner, Integrated Services, will:
  - a. ensure each institution has an approved Search Plan
  - b. review the Search Plan and develop a procedure to monitor its use and adherence to standards.
2. The Institutional Head/District Director will:
  - a. approve the Search Plan

- b. ensure persons conducting searches of offenders are properly trained/oriented
  - c. ensure searches are documented and reviewed as required
  - d. authorize exceptional powers of search, as outlined in [section 53](#) of the CCRA
  - e. designate [secure areas](#) where searches may occur
  - f. ensure that a Standing Order for the designation of secure areas is developed in accordance with [Annex G](#) and that the Standing Order is shared with the Assistant Deputy Commissioner, Correctional Operations, and the Director General, Security, when implemented.
3. The Institutional Head, excluding Community Correctional Centres, will:
- a. inform the Assistant Deputy Commissioner, Correctional Operations, prior to any [body cavity search](#)
  - b. ensure that the Chief Psychologist is notified within 24 hours following a [body cavity search](#)
  - c. ensure that a Standing Order is established outlining the dry cell procedures (as outlined in [Annex E](#)), required training on how to operate the dry cell apparatus and the provision of the appropriate protective equipment
  - d. inform the Assistant Deputy Commissioner, Correctional Operations, when the placement of an inmate in a dry cell under [section 51](#) of the CCRA, exceeds 72 hours.
4. The Deputy Warden will ensure Post Orders are established and will maintain procedures directing the searching of inmates.
5. The Assistant Warden, Operations/Manager, Operations/Area Director will:
- a. develop the Search Plan
  - b. ensure searching equipment is available and functioning.
6. The Manager, Community Correctional Centre, will assign persons to conduct searches.
7. Trained/oriented persons will:
- a. conduct searches according to the Search Plan
  - b. complete the [Search Log](#) (CSC/SCC 0845), [Post-Search Report](#) (CSC/SCC 1365) and the [Statement/Observation Report](#) (CSC/SCC 0875) as required.

## **PROCEDURES**

### **Searches**

8. The Search Plan for all institutions, excluding Community Correctional Centres, will include, but not be limited to, all the elements outlined in [Annex B](#).
9. The Search Plan for Community Correctional Centres will include the elements outlined in [Annex C](#).

### **Searches of Aboriginal Items and Other Sacred Items**

10. Any required security examination of Aboriginal medicine bundles, religious and spiritual articles or other sacred objects will be accomplished by having the owner manipulate them for visual inspection by the examining officer. In the owner's absence, an Elder, an Elder's representative (who is not an inmate) or a religious representative will inspect or manipulate the contents for inspection.
11. Searches of transgendered inmates will be conducted as outlined in [Annex F](#).

### **Frisk Searches**

12. Frisk searches of women offenders will be conducted by female staff only. A frisk search may be conducted in the presence of a male staff member.
13. If, before or during the course of a [frisk search](#), a male offender objects to being searched by a female staff member, where reasonably practicable, a male staff member will perform the search.
14. An offender who is supervised by a long-term supervision order is not subject to routine frisk searches, unless there are reasonable grounds to suspect a violation of a condition and it is necessary to perform a frisk search to confirm the violation.

### **Strip Searches (Excluding Community Correctional Centres)**

15. Notwithstanding [subsection 49\(4\)](#) of the CCRA, a strip search, whether routine or non-routine, will be conducted in a private area, out of sight of others, by a staff member of the same sex, and in the presence of a witness. This witness will also be of the same sex as the individual being searched. This ratio may be augmented in the case where an inmate is uncooperative at the time of the search.
16. Notwithstanding [subsection 49\(4\)](#) of the CCRA, a male staff member will not, under any circumstances, even in an emergency, conduct or witness the [strip search](#) of a woman inmate, but will contain the situation until such time that female staff members arrive to conduct and witness the strip search.

17. Strip searching a compliant woman inmate will be performed in accordance with [Annex D](#).

### **Exceptional Power of Search**

18. In accordance with [section 53](#) of the CCRA, the Institutional Head may authorize a frisk search or strip search of all the inmates in the penitentiary or any part thereof where he/she is satisfied that there are reasonable grounds to believe that:
- a. there exists, because of contraband, a clear and substantial danger to human life or safety or to the security of the penitentiary
  - b. such a search is necessary in order to seize the contraband and avert the danger.
19. Notwithstanding [section 53](#) of the CCRA, the District Director will not authorize a strip search of all offenders in the Community Correctional Centre but may authorize a frisk search of all offenders in the Community Correctional Centre if he/she is satisfied that there are reasonable grounds to believe that:
- a. there exists, because of contraband, a clear and substantial danger to human life or safety or to the security of the Community Correctional Centre
  - b. such a search is necessary in order to seize the contraband and avert the danger.
20. The search will be authorized in writing using [Search Authorization](#) (CSC/SCC 1366).

### **Body Cavity Search (Excluding Community Correctional Centres)**

21. Where a staff member believes, on reasonable grounds, that an inmate is carrying contraband in a body cavity, the staff member may not seize or attempt to seize that contraband, but will inform the Institutional Head.
22. As outlined in [section 52](#) of the CCRA, if the Institutional Head is satisfied that there are reasonable grounds to believe that an inmate is carrying contraband in a body cavity and that a body cavity search is necessary in order to find or seize the contraband, the Institutional Head may authorize, in writing, a body cavity search to be conducted by a qualified medical practitioner, if the inmate's written consent is obtained.
23. The inmate will be given reasonable opportunity to communicate with legal counsel, if desired, by telephone, before the inmate's written consent to the body cavity search is sought.
24. The medical practitioner will conduct the body cavity search under appropriate conditions, suited to a consensual non-emergency examination, once consent has been obtained.

### **Use of X-Ray and Dry Cell (Excluding Community Correctional Centres)**

25. As outlined in [section 51](#) of the CCRA, where the Institutional Head is satisfied that there are reasonable grounds to believe that an inmate has ingested contraband or is carrying contraband in a body cavity, the Institutional Head may authorize in writing one or both of the following:
- a. the use of an X-ray machine by a qualified X-ray technician to find the contraband, if the inmate consents in writing and consent of a qualified medical practitioner is obtained, and/or
  - b. the detention of the inmate in a dry cell as outlined in [Annex E](#), with notice to the institution's medical staff, on the expectation that the contraband will be expelled.
26. The inmate will be given reasonable opportunity to communicate with legal counsel before being given the opportunity to consent to the use of X-ray or will be provided with the opportunity to retain and instruct legal counsel without delay upon placement in a dry cell. The detention in a dry cell will conform to [Annex E](#).

### **Reporting Requirements**

27. The [Search Log](#) (CSC/SCC 0845) and [Post-Search Report](#) (CSC/SCC 1365) will be completed in any of the following circumstances:
- a. non-routine frisk or strip search of an offender or a group of offenders
  - b. routine strip search in which the use of force occurred
  - c. use of a dry cell or an X-ray machine
  - d. body cavity search
  - e. [emergency search](#) (without prior authorization) of an offender
  - f. one or more items are seized.
28. Every Institutional Head/District Director who authorizes an exceptional search pursuant to [section 53](#) of the CCRA will prepare and submit, as soon as practicable:
- a. a [Post-Search Report](#) (CSC/SCC 1365) to the Regional Deputy Commissioner
  - b. a memorandum, which includes all the elements found in [paragraph 58\(4\)](#) of the CCRR, to the Regional Deputy Commissioner and to the Director General, Security.

### **Contraband Seizure Tags**

29. When contraband or unauthorized items are seized as a result of any search, the person who seized the item(s) will complete a [Contraband/Unauthorized Item Seizure Tag](#) (CSC/SCC 0482), attach it to each item and place the item in the secure evidence locker or turn it over to the custody of the seizure control officer, as outlined in [CD 568-5 – Management of Seized Items](#).
30. When seizing articles of religious significance, the Elder/Spiritual Advisor or Chaplain will be consulted by the decision maker as to a proper treatment of the items. Disposition of these articles is in accordance with [CD 568-5 – Management of Seized Items](#).

### **ENQUIRIES**

31. Strategic Policy Division  
National Headquarters  
Email: [Gen-NHQPolicy-Politi@CSC-SCC.gc.ca](mailto:Gen-NHQPolicy-Politi@CSC-SCC.gc.ca)

Commissioner,

Original signé par :  
Don Head



## ANNEX A

### CROSS-REFERENCES AND DEFINITIONS

#### CROSS-REFERENCES

[GL 005-1 – Institutional Management Structure: Roles and Responsibilities](#)

[CD 084 – Inmates’ Access to Legal Assistance and the Police](#)

[CD 566 – Framework for the Prevention of Security Incidents](#)

[CD 566-1 – Control of Entry to and Exit from Institutions](#)

[CD 568-5 – Management of Seized Items](#)

[CD 577 – Staff Protocol in Women Offender Institutions](#)

[CD 702 – Aboriginal Offenders](#)

[CD 800 – Health Services](#)

[CSC Manual on Religious and Spiritual Accommodation](#)

#### DEFINITIONS

**Body cavity search:** the physical probing of a body cavity, in the prescribed manner.

**Emergency search:** where a staff member (a) believes on reasonable grounds that an inmate is carrying contraband or carrying evidence relating to a disciplinary or criminal offence, and that a strip search is necessary to find the contraband or evidence and (b) believes on reasonable grounds that the delay that would be necessary in order to obtain the approval of the Institutional Head, or to comply with the gender requirement, would result in danger to human life or safety or in loss or destruction of the evidence, the staff member may conduct the strip search without authorization.

**Frisk search:** (a) a manual search, or a search by technical means, of the clothed body, in the prescribed manner, and (b) a search of (i) personal possessions, including clothing, that the person may be carrying, and (ii) any coat or jacket that the person has been requested to remove, in accordance with any applicable regulations made under [paragraph 96\(l\)](#) of the CCRA.

**Non-intrusive search:** (a) a search of a non-intrusive nature of the clothed body by technical means, in the prescribed manner, and (b) a search of (i) personal possessions, including clothing, that the person may be carrying, and (ii) any coat or jacket that the person has been requested to remove, in accordance with any applicable regulations made under [paragraph 96\(l\)](#) of the CCRA.

**Secure area:** an area within the penitentiary designated by the Institutional Head by means of institutional Standing Orders for that purpose.

**Strip search:** (a) a visual inspection of the naked body, in the prescribed manner, and (b) a search, in accordance with any applicable regulations made under [paragraph 96\(l\)](#) of the CCRA, of all clothing, things in the clothing, and other personal possessions that the person may be carrying.

**ANNEX B****INSTITUTIONAL SEARCH PLAN (EXCLUDING COMMUNITY CORRECTIONAL CENTRES) – SEARCHING OF INMATES**

<b>Search Subject</b>	<b>Search Type</b>	<b>Location</b>	<b>Frequency</b>	<b>Reasonable Grounds – <i>Suspicion and/or Belief</i></b>	<b>Prior Authorization</b>	<b>Consent Required</b>	<b>Person Responsible for Authorization</b>	<b>Search Log/ Reports (date, etc.)</b>
Inmates	Non-Intrusive – Routine			Not Required	No	No		No*
Inmates	Frisk Search – Routine			Not Required	No	No		No*
Inmates	Strip Search – Routine			Not Required	No	No		No
Inmates	Non-Intrusive – Non-Routine			Required	No	No		Yes

Inmates	Frisk Search – Non-Routine			Required	No	No		Yes
Inmates	Strip Search – Non-Routine			Required	Yes	No	Correctional Manager	Yes
Inmates	Body Cavity			Required	Yes	Yes	Institutional Head	Yes
Inmates	X-Ray			Required	Yes	Yes	Institutional Head	Yes
Inmates	Dry Cell			Required	Yes	No	Institutional Head	Yes
Inmates	Emergency			Required	No	No	Institutional Head (if time allows)	Yes
Inmates	Exceptional			Required	Yes	No	Institutional Head	Yes

\*\*\* If contraband or unauthorized items are seized, complete forms [Post-Search Report](#) (CSC/SCC 1365) and [Contraband/Unauthorized Item Seizure Tag](#) (CSC/SCC 0482).

**ANNEX C****COMMUNITY CORRECTIONAL CENTRES SEARCH PLAN – SEARCHING OF OFFENDERS**

<b>Search Subject</b>	<b>Search Type</b>	<b>Location</b>	<b>Frequency</b>	<b>Reasonable Grounds – <i>Suspicion and/or Belief</i></b>	<b>Prior Authorization</b>	<b>Consent Required</b>	<b>Person Responsible for Authorization</b>	<b>Search Log/ Reports (date, etc.)</b>
Offenders	Non-Intrusive – Routine			Not Required	No	No		No*
Offenders	Frisk Search – Routine			Not Required	No	No		No*
Offenders	Non-Intrusive – Non-Routine			Required	No	No		Yes
Offenders	Frisk Search – Non-Routine			Required	No	No		Yes
Offenders	Exceptional			Required	Yes	No	District Director	Yes

\*\*\* If contraband or unauthorized items are seized, complete forms [Post-Search Report](#) (CSC/SCC 1365) and [Contraband/Unauthorized Item Seizure Tag](#) (CSC/SCC 0482).

## ANNEX D

### STRIP SEARCHING OF WOMEN INMATES

In the case of routine strip searches, the visual inspection of the naked body of the compliant woman inmate will normally be conducted in a **two step process**.

In the first step, the woman inmate being searched will be asked to remove all clothing that covers the upper torso, and a visual inspection of the body will occur. Once this area is searched, a shirt/top (either her own or institutional issue) will be provided to her to put on. In the second step, the woman inmate will then be asked to remove all clothing that covers the lower half of her body. Once this area has been visually inspected, she will be given clothing to cover her lower body (her own or institutional issue).

Although the visual inspection of the naked body is being completed in two steps, it is in keeping with the legislation that governs this practice. Specifically, [section 46](#) of the CCRA requires a visual inspection of the **naked body** in the **prescribed manner**.

The prescribed manner is outlined in [section 45](#) of the Regulations whereby a visual inspection of the person by a staff member, in the course of which inspection the person being searched will undress completely in front of the staff. There is no requirement to be completely undressed all at once during the strip search as long as the woman has in fact been undressed completely during the process.

In the case of a woman being provided with a security garment, clothing will not be returned after each step given the potential risk for self-injury. The security garment should be provided immediately following the strip search.

In all cases of strip searches, the woman being searched may be required to open her mouth, display the soles of her feet, run her fingers through her hair, present open hands and arms, bend over or otherwise enable the staff member to perform the visual inspection.

A privacy barrier must normally be employed when conducting a strip search.

Strip search of women inmates must be conducted in accordance with [CD 577 – Staff Protocol in Women Offender Institutions](#).

## ANNEX E

### DRY CELL PROCEDURES

Once the Institutional Head authorizes the dry cell placement, the Correctional Manager will complete the [Search Authorization](#) (CSC/SCC 1366).

Upon placement in a dry cell, the inmate will be provided with written notice of the reasons for the placement.

The Correctional Manager will notify Health Services and document this in the log book.

The Institutional Head will review each placement in a dry cell on a daily basis. The inmate may make written representations for consideration at the daily review.

The inmate will be provided with adequate bedding, food, clothing and toiletry articles.

Reasonable access to medical, spiritual and psychological assistance should be provided and a medical professional will visit the inmate daily. Activities permitted will not compromise the recovery of the contraband.

The inmate will be monitored continuously by a Correctional Officer. This process may be assisted by camera surveillance. The Officer will report any request made or consent given by the inmate and any other observations using the [Statement/Observation Report](#) (CSC/SCC 0875).

#### Search Procedures

- The dry cell will be thoroughly searched prior to admitting the inmate into the cell.
- A strip search of the inmate will be conducted, prior to his placement in the dry cell, according to the provisions of [subsection 49\(3\)](#) of the CCRA.
- No food item should be wrapped in plastic wrap; pour juice or milk into a cup.
- Every food tray must be visually inspected prior to the meal and searched upon completion of the meal.
- Anytime the inmate is removed from the dry cell, it must be searched prior to the inmate being returned to that cell.
- When the inmate is sitting on the toilet, instruct him/her to keep his/her hands above the toilet in plain view of the Correctional Officer.
- Have the inmate throw the used toilet paper into a garbage can lined with a clear plastic bag.
- The inmate must be viewed the entire time he/she is on the toilet.

- The inmate will be provided the opportunity to clean his/her hands.
- If any item is seized, follow the procedures outlined in [CD 568-5 – Management of Seized Items](#).
- Rinse out the toilet and return it to ready status.
- Complete a [Post-Search Report](#) (CSC/SCC 1365) and a [Statement/Observation Report](#) (CSC/SCC 0875) for every bowel movement to record whether anything is found.
- A [Statement/Observation Report](#) (CSC/SCC 0875) is required at the completion of every shift indicating samples provided or not provided and any other behaviours or observations.
- Call Supply and Institutional Services to ensure a full and thorough cleaning of the toilet takes place as necessary but, at a minimum, this must be done at the end of an inmate's stay, before a new inmate is admitted to the dry cell.
- Once it is determined that contraband may have been expelled, the Correctional Officer will notify the Correctional Manager and initiate the process of operating the dry cell apparatus, putting on the protective equipment and searching for contraband. Any contraband retrieved will be handed over to the Security Intelligence Officer or placed in an evidence locker. Chain of custody procedures must be adhered to.

## ANNEX F

### TRANSGENDER SEARCHING REQUIREMENTS

This annex will assist institutions in developing protocols for the searching of transgender inmates. A sample protocol is included for reference.

Searches will be conducted in a manner consistent with the CCRA. The procedures of this CD also consider the privacy and dignity of the individual being searched.

Given the above, where an offender has been diagnosed with gender identity disorder in accordance with [CD 800 – Health Services](#), the searching of transgender inmates, especially strip searching, will take into consideration the mixed gender physiology of those individuals.

To respect the dignity of the inmate, individualized protocols for searching will be put in place through consultation with the inmate.

#### SAMPLE PROTOCOL

##### **Searching Protocol of Transgender Inmates**

Note: The direction offered below is specific to pat-downs and security searches individualized for one male to female transsexual inmate residing in a men's institution.

Inmate X has been spoken to regarding being searched (e.g. pat-downs, strip searches). Inmate X has indicated he is aware of his options and wants to have the pat-down search completed as it would be on any other inmate in the institution. With regard to a strip search, again Inmate X has indicated he is aware of his options but wants the strip search completed as soon as possible as normally done in the institution.

With the above consultation and understanding in place, male or female officers completing a pat-down search with respect to Inmate X will complete a thorough search by dealing with the bra as any other article of clothing. The bra line will be searched moving up from the bottom around the bra line to the top and down the middle between the breasts. Have Inmate X pull the bra away from the body so any contraband will fall out.

With respect to a strip search, male officers will ask Inmate X if he accepts that the search be completed by male officers. If so, the male officers will complete the search. If Inmate X has concerns, then a pat-down search will occur followed by male officers completing the search of the lower body leaving the top clothed, allowing the inmate to dress. The inmate will be fully observed at all times during the turnover to female officers. The female officers will then complete the search of the upper body leaving the lower body clothed.



**ANNEX G****MINIMUM STANDARDS FOR THE DESIGNATION OF SECURE AREAS**

The Standing Order will ensure that:

- areas subject to search that are already covered by the CCRA and CCRR are not designated as secure areas
- secure areas are limited to areas where there is a potential for introduction of contraband or unauthorized items
- principal entrances of institutions that have multi-levels within one penitentiary reserve (e.g. clustered sites, annexes, etc.) are designated as secure areas, with a minimum of a non-intrusive or frisk search
- when Admission and Discharge areas are designated as secure areas, they include the minimum of a non-intrusive or frisk search
- when Health Care is designated as a secure area, consultation with Health Services staff at the institutional level must occur prior to designation
- when a secure area is designated, the appropriate signage must be posted stating that persons are subject to a search
- when a secure area is designated, it must be mentioned in the Institutional Search Plan, including the type of search and frequency.