

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Searches of a person

Context

Police have powers, at both common law and under statute, to search persons to gather evidence, and identify items that may pose a risk to safety and security (for example, within a police gaol).

Whether a search should be conducted, and the manner and extent of the search, is dictated by the circumstances of each situation where a person is to be searched and relevant legislative requirements.

Members need to understand that a search of a person can have an impact on those searched with the risk of harm to each person dependent on the circumstances and level of the search. A search of a person can make a person feel humiliated and degraded. Many persons in contact with the justice system, particularly young people and children, are also victims of abuse, trauma and/or neglect.

In this context, it is important that the overarching principles and human rights obligations detailed below are used as the basis for any consideration of a search. This includes ensuring, as far as practicable, that the search conducted is the least intrusive kind of search, and is undertaken in the least intrusive way, to achieve the objectives sought.

This policy is intended to provide advice to police officers, protective services officers (PSOs), supervising police custody officers (SPCOs) and police custody officers (PCOs), about the overarching principles, human rights and authority required to conduct searches of persons, as well as the manner in which a search of a person is conducted.

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Definitions

Electronic device search - a search with an electronic searching device. It does not extend to a pat down search. This is also known as a 'Formal Search' under s. 104B, *Corrections Act 1986*. Any subsequent reference to Electronic Device Search in this VPM includes a Formal Search in relation to police gaols and the *Corrections Act*.

Full search (also known as a "strip search" under the *Control of Weapons Act 1990*) – any search that goes beyond what is permitted by a pat down search is a full search. Full searches may or may not involve the removal of clothing, for example, requiring a person to move clothing to allow a visual examination of the person's genitals, buttocks, breasts or underwear (underpants and bra) is a full search. Full searches may involve the removal and examination of all clothing (including inner clothing) but must not involve the removal of more clothing than the person conducting the search believes on reasonable grounds to be necessary. Full searches generally will not include physical contact with the person's body.

Half/half technique – involves directing the person to remove the top half of their clothing for inspection and then re-dress before removing the bottom half of their clothing. See sections 3.4-3.6 of this policy for further requirements.

Intrusive body search - involves a search/examination of body cavities undertaken by a registered medical practitioner in a hospital.

Pat-down search - involves requiring a person to empty their pockets and/or submit to an external 'pat-down' involving physical contact by a police officer, PSO, SPCO or PCO over a person's clothing, taking no more time than reasonably necessary to safely carry out the search. It may involve the removal and examination of headgear, shoes, socks, outer clothing and handbags or other things carried by the person. It does not include the removal of inner clothing.

Visual search - a search undertaken before a pat down search, to identify any objects that may be concealed/pose a risk to the searcher before undertaking a pat down search.

Also refer to the general **VPM Dictionary** for definitions and acronyms.

Scope

This policy applies to:

- police officers
- PSOs (on duty at a designated place)
- PCOs and SPCOs.

Policy

Police officers, PSOs, SPCOs and PCOs must ensure they have the appropriate authority to conduct a search under one of the following:

- the common law
- a statutory provision
- the terms of a warrant.

The authority to conduct a search is dependent upon whether the person conducting the search is a police officer, PSO, PCO or a SPCO and where they are located. The table in section 1 details

the grounds for conducting a search without a warrant, who can conduct the search and any specific conditions. In addition, PSOs should refer to **VPM Protective services officers – duties and responsibilities** and PCOs and SPCOs to **VPM Police custody officers** for further information specific to their powers.

Overarching principle

Where a police officer, PSO, PCO or SPCO has the authority to conduct a search, before undertaking the search, they must consider whether a proposed search (including the proposed method of search) of a person is:

- **lawful**, after considering the grounds and powers available under common law or statute, and after considering that the person's human rights can only be limited in a way that is authorised by law
- **proportionate**, after balancing the potential risks to be addressed by searching the person against the impact on the person's human rights
- **necessary and reasonable**, after considering whether there is a less intrusive form of search that would address the risk without impacting the person's human rights to the same degree.

A search of a person must not be performed as a matter of course. The police officer, PSO, SPCO or PCO must believe on reasonable grounds that a search is both necessary and proportionate having regard to the circumstances of the individual case.

Justification for the search must be documented at the time of the search (as per section 5 of this policy).

Human rights

Police officers, PSOs, PCOs and SPCOs must always properly consider and act compatibly with a person's human rights as per s. 38, *Charter of Human Rights and Responsibilities Act 2006* ('the Charter'). When deciding whether and how to conduct a search, any of the protected human rights under the Charter may be engaged. This includes, but is not limited to:

- the right to recognition and equality before the law (s. 8 – including the protection from discrimination)
- protection from cruel, inhuman and degrading treatment (s. 10)
- freedom of movement (s. 12)
- the right to privacy (s. 13)
- protection of families and children (s. 17)
- cultural rights (including Aboriginal Cultural Rights) (s. 19)
- the right to liberty and security of person (s. 21)
- humane treatment when deprived of liberty (including where a person is in police custody) (s. 22)
- the right to property (s. 20)
- in relation to children and young people aged under 18 years, the protection of a child's best interests (s. 17(2)), the protection of children in the criminal process (s. 23), and the rights of children in criminal proceedings (s. 25(3)).

Responsibilities and procedures

1. Grounds to conduct a search

- There must be lawful **grounds to conduct a search**. Searches cannot be conducted as a matter of course – each search must be justified as both necessary and proportionate having regard to the circumstances of the individual case.
- There are limited circumstances, allowed by statute, in which a person may be lawfully searched **prior** to arrest.
- There is no common law power to search a person who is not under arrest.
- The table below summarises some of the most frequently used search of person powers. It does not represent a comprehensive list of all search powers available to police officers, PSOs, SPCOs and PCOs:

Grounds	Specific Conditions
Common Law	
<i>Police officers and PSOs</i> Reasonable suspicion that an arrested person is in possession of: • material evidence • object/s that might cause harm to persons or property • object/s that might be used in an escape.	• Person to be searched must be under lawful arrest. • A reasonable suspicion involves less than a reasonable belief but more than a possibility. • Some factual basis for the suspicion must be shown. To form a reasonable suspicion police officers and PSOs may rely on their observations of the behaviour of the person, and any information they have access to.
Control of Weapons Act 1990 (s.10, s.10AA)	
<i>Police officers (s.10) and PSOs on duty at a designated place (s.10AA)</i> • Reasonable grounds to suspect that a person is carrying or has in their possession (in a public place): – a prohibited weapon – a controlled weapon – a dangerous article. • Being found in an area with a high incidence of violent crime may be a consideration in determining reasonable grounds.	General statutory requirements • Before conducting any search, must inform the person to be searched of the following matters: – name, rank and place of duty (provide in writing on request); must produce identification if not in uniform – grounds for suspicion – intention to search for weapons and that empowered to do so under the <i>Control of Weapons Act</i>. • May then search the person and any vehicle or thing in their possession or under their control for the weapon. • Must ask for person's cooperation. • May detain person for so long as reasonably necessary to conduct search. • Must conduct the least invasive search that is practicable in circumstances. • If clothing is to be removed during search, must inform person that this will occur and why it is necessary to remove the clothing. • Manner and method of search must comply with specific requirements of Schedule 1 of <i>Control of Weapons Act</i> (see below). • Comply with Schedule 1 of <i>Control of Weapons Act</i>: – may conduct pat-down search with or without the use of an electronic metal detector device

Grounds	Specific Conditions
	– must conduct search in a manner which affords reasonable privacy – must conduct search as quickly as reasonably possible – pat down search involving running hands over a person's clothing must be conducted by member of same gender where possible – advise the person that they may be required to remove clothing and why it is necessary – seek their co-operation – may ask the person to remove an outer item of clothing. • Comply with Control of Weapons Regulations: – must record the prescribed particulars in s. 10A of the Act, and particularised in the Regulations 2011, Regulation 12 – search records. Refer to Part 5 of this VPM. Pat-down search (police officers and PSOs) – specific statutory requirements • May run hands over outer clothing. • May ask person to remove overcoat, coat, jacket or similar and any gloves, shoes or hat. • Once above items removed, may then: – pass electronic metal detection device over person's outer clothing – ran hands over outer clothing – search items of clothing that were removed (including passing electronic metal device over the items). • Must be conducted in a way that provides reasonable privacy. Strip search (police officers only) – specific statutory requirements • May only conduct strip search if the following preconditions are met: – pat down search under the <i>Control of Weapons Act</i> has <u>already been conducted</u> – police officer has reasonable suspicion has weapon concealed on person; and – police officer has belief on reasonable grounds that: ▪ it is necessary to conduct a strip search for the purposes of the search ▪ seriousness and urgency of the circumstances required strip search to be carried out. • Must conduct search in a private area and in a way that provides reasonable privacy (only persons necessary for search or safety may be present). • Must be conducted by person of same sex (or gender if person being searched identifies as a member of a particular gender). • Must not be conducted in the presence or view of a person who is not of same sex (or gender if

Grounds	Specific Conditions
	person being searched identifies as a member of a particular gender). • In conducting strip search, must not: – touch person – undertake body cavity search – remove more clothes or undertake more visual inspection than believe on reasonable grounds to be reasonably necessary for search – use unnecessary force. Searches of children and persons with impaired intellectual functioning – specific statutory requirements • Must be conducted in presence of parent or guardian unless not practicable, in which case must be conducted in presence of person other than a police officer.
Control of Weapons Act 1990 (ss. 10D, 10E, 10G, 10GA)	
<i>Police officers (s. 10G) and PSOs on duty at designated place (s. 10GA)</i> The power to, without a warrant, search persons for weapons in a designated area.	• See VPM Designated areas – Conducting searches and issuing directions for further information.
Corrections Act 1986 (Part 9A) – Police Gaols	
<i>Police officers, PCOs and SPCOs</i> Visitors – Electronic device search (referred to as Formal Search under <i>Corrections Act</i>) • Police officers and PCOs have the power to conduct an electronic device search of any person wishing to enter or remain in a police gaol as a visitor to detect the presence of drugs, weapons or metal articles. • Police officers and PCOs do not need to believe on reasonable grounds that an electronic device search of a visitor is necessary. An electronic device search of a visitor can be conducted as a matter of course. Charged person, visitor, PCO or other person (other than a police officer) • For the good order or security of a police gaol or detained persons, the OIC of the police gaol or SPCO may at any time search and examine, or order to be search and examined: – a charged person – a visitor to the police gaol (with exceptions- judge, magistrate, relative or friend of detainee, person visiting a child in custody) – PCO – any other person in the police gaol (other than a police officer).	Visitors – Electronic device search • An electronic device search is defined as a search by electronic or mechanical device. It does not extend to a pat down search. • If a person does not submit to an electronic device search, a police officer or PCO may prohibit entry to the police gaol or, if the person is in the police gaol, order them to leave immediately. Search of charged person, visitor, PCO or other person in police gaol (s. 104C) • Must be deemed necessary for good order or security of police gaol or detained persons and must not be performed as a matter of course. • Must be performed by OIC or SPCO or on their order: – OIC may order police officer, SPCO or PCO to perform search – SPCO may order PCO to perform search. • Only OIC can order a good order or security search of a police officer.

Grounds	Specific Conditions
- A search of a charged person, visitor, PCO or other person (other than a police officer) must not be performed as a matter of course. The OIC or SPCO must be satisfied that the search is for the good order or security of a police gaol or detained persons after applying the overarching principle. Police officer - The OIC of the police gaol may at any time search and examine, or order a SPCO, police officer or PCO to search and examine a police officer for the <u>good order or security of a police gaol or detained persons</u>. Detained person - The OIC of the police gaol or SPCO may search or examine, or order the search and examination of, a detained person <u>if they hold belief on reasonable grounds that the search or examination is necessary</u>: - for the security or good order of the police gaol - for the safety of any person (whether in custody or not) at the police gaol - to locate a weapon, or anything that may be used in the escape of a person from a police gaol; or - to locate any thing connected with, or affording evidence of, the commission of the offence for which to person is detained.	Charged person means person who has been charged with an offence or is detained in police gaol on order of a court. - Persons not permitted to be searched for "good order and security purposes" under s 104C include: - Magistrate, County Court or Supreme Court judge - relative or friend of a detained person - person visiting a detained person who is a child, as defined in the <i>Children, Youth and Families Act 2005</i>. - Method of good order or security search is not specifically prescribed by the <i>Corrections Act</i>: - search must be conducted in line with overarching principle of this policy. - full search must only be conducted in line with section 3.3 of this policy. Search of detained person (s. 104C(3), (3A)) Detained person means a person detained in a police gaol who has not been charged with an offence or detained on order of a court at that time. - Must not be performed as a matter of course on all detained persons – necessity of search must be assessed on an individual, case by case basis. - Must be performed or ordered by OIC or SPCO or on their order: - OIC may order police officer, SPCO or PCO to perform search - SPCO may order PCO to perform search. - OIC and PCO must be satisfied that search is necessary for one or more of the four prescribed purposes (see left column). - Method of search and examination not prescribed by the <i>Corrections Act</i>: - search must be conducted in line with overarching principle of this policy. - full search must only be conducted in line with section 3.3 of this policy.
Drugs Poisons and Controlled Substances Act 1981 (s.82) – Drug of Dependence	
<i>Police officers (s. 82) and PSOs on duty at a designated place (s. 82A)</i> Reasonable grounds to suspect that a person in a public place possesses a: - drug of dependence in respect of which an offence has been committed or is reasonably suspected to have been committed under the Act; or - psychoactive substance.	- May search the person. - If discovered in search, may seize and carry away any instrument device or substance which he reasonably believes to be used or capable of being used for or in the: - manufacture, sale, preparation for manufacture or sale, or use of any drug of dependence - production, sale, commercial supply or preparation for sale or commercial supply of any psychoactive substance. - Seize and carry away the drug of dependence or psychoactive substance.

Grounds	Specific Conditions
Drugs Poisons and Controlled Substances Act 1981 (Part IV, Division 2) – Volatile Substances	
<i>PSOs on duty at a designated place and Police Officers</i> Person is in a public place, or on private premises with consent of occupier or owner, and member has reasonable grounds that: • Person under 18: – has a volatile substance or an item used to inhale a volatile substance in their possession or control, and – is inhaling or will inhale a volatile substance • Persons of any age: – intends to provide a volatile substance or an item used to inhale a volatile substance to a person under 18.	• May search any person, vehicle, package or thing in possession or control of the person. • Before conducting search, must: – request production of volatile substance or item used to inhale volatile substance – inform the person of: ▪ name, rank and place of duty (provide in writing on request) and produce identification if not in uniform ▪ that although it is not an offence to possess a volatile substance or item used to inhale a volatile substance, police may use reasonable force to search and seize. • If volatile substance or item used to inhale volatile substance is found during search: – must ask the person why they are carrying or possessing a volatile substance or item – may seize item if no explanation given or after hearing explanation there are reasonable grounds to suspect that: ▪ person under 18 is inhaling or will inhale substance ▪ intend to provide person under 18 to inhale, or use to inhale, a volatile substance. • If item seized or produced on request, must inform the person of right to have the substance or item returned as soon as practicable after seizing it. • Not required to inform of power to search/seize and request to produce item if member believes on reasonable grounds: – person is unable to understand the information and request because of the effects of inhaling a volatile substance; or – it is otherwise impractical to do so. • Method of search specifically prescribed by the <i>Drugs Poisons and Controlled Substances (Volatile Substances) Regulations 2014</i> - police officer or PSO must conduct search in one or more of following ways: – may pass an electronic metal detection device over or in close proximity to the persons outer clothing – may run their hands over the persons outer clothing – may request person remove outer clothing in order to: ▪ pass electronic metal detection device over inner clothing ▪ run hands over inner clothing ▪ search the outer clothing – must conduct search:

Grounds	Specific Conditions
	▪ in a manner which affords reasonable privacy ▪ as quickly as reasonably possible – search involving running hands over a person must be conducted by member of same sex where reasonably practicable. Persons under 18 – specific statutory requirements • Must keep in mind that overarching purpose of search power is to protect health and welfare of persons under 18. • Must take into account best interests of child. • If searching person under 18 on private premises: – must advise that they may nominate an adult to be present during search – If adult is nominated, must take reasonable steps to ensure that adult is present.
Firearms Act 1986 (s.149)	
<i>Police officers</i> • Reasonable grounds to suspect that a person: – is committing or about to commit a <i>Firearms Act</i> offence; and – has a firearm, cartridge ammunition, silencer or prescribed item in their possession. • Being found in an area with a high incidence of violent crime may be a consideration in determining reasonable grounds. • See VPM Firearm Prohibition Orders for details relating to searches conducted where a person is subject to a Firearm Prohibition Order.	• May search the person and any vehicle, package or thing in their possession. • Before conducting search, must inform the person of: – grounds of suspicion – name, rank and place of duty (provide in writing on request); must produce identification if not in uniform. • May request the person to produce any thing that the police officer detected or saw during the search, that they have reasonable grounds to suspect is a firearm, cartridge ammunition, silencer or prescribed item. • Must warn the person that failure or refusal to produce anything on request may be an offence
Graffiti Prevention Act 2007 – search without warrant (s.13)	
<i>PSOs on duty at a designated place and Police Officers</i> • Reasonable grounds for suspecting that: – a person over the age of 14 has in their possession a prescribed graffiti implement on property, or in a place, referred to in s.7(1); and – relevant evidence is likely to be lost or destroyed if a search is delayed until a search warrant is obtained. • A place referred to in s.7(1) means: – on property of a transport company; or – in an adjacent public place; or – in a place where the person is trespassing or has entered without invitation. • Being present in or near a location with a high incidence of graffiti or a location	• May search the person and any vehicle, package or thing in the possession of the person. • Before conducting search, must: – inform the person of name, rank and place of duty (provide in writing on request) – produce identification if not in uniform – request production of graffiti implement. • If graffiti implement produced or found, must ask the person why they are in possession of the implement. • Must conduct search: – in a manner which affords reasonable privacy – as quickly as reasonably possible. Persons under 18 – specific statutory requirements • Must not search person under 14 • If person is over 14 but under 18, the search must be conducted in one or more of following ways: – run hands over person's outer clothing; or

Grounds	Specific Conditions
that appears to have been recently marked with graffiti may be a consideration in determining reasonable grounds.	– request person removed outer clothing, gloves, shoes and headgear in order to: ▪ run hands over clothing that was immediately under outer clothing ▪ search outer clothing, glove, shoes and headgear. • If before or during the conduct of the search, the police officer or PSO has reasonable grounds to suspect: – the person is under 18; – has in their possession or control a volatile substance or item used to inhale a volatile substance; and – is inhaling or will inhale a volatile substance the police officer or PSO may exercise power under the <i>Drugs, Poisons and Controlled Substances Act</i> (volatile substances). If this power is exercised, the search under the <i>Graffiti Prevention Act</i> must cease and the person must be dealt with in accordance with Division 2, Part IV of the <i>Drugs, Poisons and Controlled Substances Act</i> (volatile substances) (see above for requirements of such a search).
Mental Health and Wellbeing Act 2022 (s.247)	
<i>Police officers and PSOs</i> May search a person who is in their care and control under s.247 of this Act if they reasonably suspect the person is carrying any thing that presents a danger to the health and safety of the person or another person.	• See VPM Care and control under the <i>Mental Health and Wellbeing Act</i> for further information.
Youth Justice Act 2024 (s.75)	
<i>Police officers</i> May conduct a pat-down search of a child aged 10 or 11 years who is in care and control under this Act if police believe on reasonable grounds the child has in their possession any item which: • Presents a danger to the health and safety of the child or another person or • Could be used by the child to avoid transportation.	• See CCI 09/2025 <i>Youth Justice Act 2024 – children under the minimum age or criminal responsibility</i> for further information.

2. Conducting searches

2.1 General rules for conducting searches

A police officer, PSO, SPCO or PCO conducting a search must:

- ensure, as far as practicable, that the search is the least intrusive kind of search, and is conducted in the least intrusive way, that achieves the objectives sought whilst also balancing the human rights of the person being searched

- as far as practicable, target the search to finding the evidence, object or thing that is being searched for
- inform the person (and any parent/guardian or independent person if the search is of a child/young person) of the reasons for the search and the way in which it will be done, in a way they can understand
- handle property in accordance with **VPM Property and exhibit management**
- not forcibly remove rings, earrings, and studs etc., that are not suspected to be stolen property. Proportionate force can only be used if items may present a significant risk to safety and the person does not cooperate in removing the items when requested.
- deal with exhibits/evidence in accordance with **VPM Seized property and special property types**
- only activate a body worn camera or record using a body worn camera in accordance with **VPM Body worn cameras**
- comply with specific statutory or common law conditions as applicable (see the table in section 1 of this policy for specific conditions connected to the search powers summarised in this policy).

Where practical:

- a person must be searched by a police officer, PSO, PCO or SPCO of the same gender (see section 2.3 of this policy for advice regarding transgender, gender diverse or intersex persons)
- two individual searchers (police officers, PSOs, PCOs or SPCOs) must be present for each search
- police officers, PSOs, PCOs or SPCOs should wear fresh, disposable gloves for each person searched.

2.2 *Children and young people*

- Persons under the age of 18 must be accompanied by a parent/guardian or independent person unless urgent or serious circumstances exist.
- In determining whether the situation is urgent or serious to justify undertaking a full search of a child or young person in the absence of a parent/guardian or independent person, police officers, SPCOs and PCOs should utilise the flowchart in the Appendix of this policy to determine whether the full search should be undertaken or deferred with alternative approaches to manage risk (i.e. constant supervision).
- The reasons for conducting any search without a parent/guardian or independent person present must be recorded.
- If a child has been remanded into a police gaol, they are entitled to have reasonable efforts made to meet their medical, religious and cultural needs including, in the case of Aboriginal children, their needs as members of the Aboriginal community (section 347(2)(d) *Children, Youth and Families Act*).
- In addition to complying with this policy for conducting searches, further internal oversight considerations and processes apply to Aboriginal children remanded in police custody. **VPM Management of people in police care or custody** and the **Aboriginal and Torres Strait Islander people in police care or custody Practice**

Guide provide guidelines on the internal oversight requirements for Aboriginal children in police custody, including the requirement to record:

- the justification for any search conducted on an Aboriginal child
- the decision-making process that informed the decision to conduct the search, ensuring appropriate consideration was given to the cultural dignity and safety of the child.

2.3 *Transgender, gender diverse and intersex persons*

- A transgender, gender diverse or intersex person should be searched by a member of the same gender with which the person identifies.
- The person may request that a member of a particular gender perform the search. Supervisors must consider the person's request and make all reasonable efforts to accommodate it including identifying operational members of the requested gender. Where it is not possible to meet the request, this should be clearly explained to the person and a record made in the patrol duty return, VP502 Initial Action Pad, official diary or custody module.
- Only the searching member and one other member (of the same gender or the particular gender requested) should be present during a full search.

3. Types of searches

3.1 *Visual search*

A visual search may be undertaken prior to a pat down search. Conducting a visual search may include:

- asking the person to lift the top clothing to expose the stomach/back
- If the person is wearing tracksuit pants or similar outerwear, asking the person to fold their waistband over for visual inspection
- asking the person to turn around 360 degrees to visually check for any weapons or contraband that may be concealed under their waistband, pockets or other areas on the body
- asking the person to lift their trouser legs to knee height, in order to visually check the top of the person's shoes and socks
- asking the person to remove outer garments including headwear, bags, shoes, socks, jackets and hair buns
- turning garments inside out as each item is removed and search each item in the presence of the person being searched and the other searcher prior to any pat down search

Police officers, PSOs, SPCOs and PCOs must always demonstrate appropriate respect for the person's religious and cultural rights. Religious headwear should only be removed:

- in the presence of an officer of the same gender as the person
- in a location that does not allow a person of the opposite gender to the person to view the headwear being removed, unless an officer of the same gender is not immediately available, or compliance poses a serious threat to a person's safety.

3.2 *Pat down search*

- Where possible, a pat down search can be conducted in conjunction with an electronic searching device or an electronic searching device can be used prior to commencing the pat down search.
- A pat down search involves requiring a person to empty their pockets and/or submit to an external 'pat-down' involving physical contact by a police officer, PSO, SPCO or PCO with the outer layers of the person's clothing, taking no more time than reasonably necessary to safely carry out the search.
- It may involve the removal and examination of headgear, shoes, socks, outer clothing and handbags or other things carried by the person. It does not include the removal of inner clothing.

3.3 *Full search*

Full searches must only be conducted in a way that respects the person's dignity and human rights, and minimises any associated trauma, distress or other harm that might be caused by conducting a full search on the person.

Additional requirements for full searches are laid out in section 4 of this policy.

Full searches:

- must only be conducted where proportionate, necessary and reasonable after considering all other less intrusive methods, including searches conducted with the assistance of all reasonably available technology
- unless required by statute (e.g. under the *Control of Weapons Act*), do not need to start with a pat down search before moving to a full search, provided a full search is justified in the circumstances. Likewise, a pat down search may turn into a full search. For example, an officer may locate something in the pat down search that gives them reasonable grounds to suspect that a full search is necessary.

Where necessary and justified, police officers, SPCOs or PCOs conducting the search can ask a person to do things to allow visual inspection of the person, such as:

- lift testicles
- part buttock cheeks
- spread fingers and toes
- lift breasts
- turn their body to face a different direction
- open their mouth and shake their hair
- sidestep.

A police officer, SPCO or PCO must not examine the person's body by touch when undertaking a full search. Refer to section 4.3 of this policy for use of force requirements.

Approval – full search

Senior sergeant approval is required in most circumstances before undertaking a full search (see above summary table of powers in section 1 of this policy for details).

Approval from the OIC of the police gaol or an SPCO is required to undertake a full search of an individual under the *Corrections Act* in a police gaol.

It is not permitted to provide a 'blanket' approval to search a large number of persons at an entertainment or similar venue. Each search must be justified on a case by case basis. If full searches are to be undertaken at an entertainment or similar venue then approval must be obtained from a superintendent.

Where a pat-down search reveals the person may be in possession of a weapon, firearm or other article that may be used to cause harm to persons or to escape, a full search may be conducted prior to obtaining approval. In these circumstances, an Officer or Divisional Patrol Supervisor must be notified after the search.

Approvers should consider the factors under section 4.1 of this policy when deciding to approve a full search.

3.4 *Full search - children and young people (under 18) general rules*

- **Children aged 12-14** are particularly vulnerable due to their very young age and level of maturity. A decision to conduct a full search of a child aged 12-14 must take this into account, as outlined below – refer to section 3.6 of this policy.
- **Persons under 18** must be accompanied by a parent/guardian or independent person unless urgent or serious circumstances exist (as per section 2.2 of this policy). The reasons for conducting a full search without a parent/guardian or independent person present must be recorded.
- **Aboriginal persons under 18** – where an independent person is required, members should endeavour wherever possible to facilitate an independent person with kinship or other cultural ties to the Aboriginal community. Aboriginal children have protections for their cultural needs whilst remanded in police gaols under section 347(2)(d) of the *Children, Youth and Families Act*.

Full searches of a person under the age of 18 should:

- only involve the person removing the amount of clothing that is necessary to address the risk of contraband, weapons or evidence being concealed
- be conducted using the half/half technique unless a senior sergeant or above authorises the person to be directed to remove all their clothing at once.

3.5 *Full search - children under 12 – Control of Weapons Act*

- Children under 12 can only be subjected to a full search where the relevant search provisions under the Control of Weapons Act apply. The threshold justification to conduct such a search is very high in light of the legal obligation that applies to all Victoria Police officers under the Charter, the special vulnerabilities of children under 12, and the need to ensure the protection of the child's best interests.
- Approval to undertake a full search of a child under 12 must be obtained from a superintendent to ensure the required justification exists before undertaking such a search. If practical, the superintendent may seek legal advice before a full search is undertaken of a child under 12 years old.
- A full search of a child under 12 must not involve the removal of more clothes than the police officer believes on reasonable grounds to be necessary for the purposes of the search. The police officer must not search the genital area of the child unless the police officer believes on reasonable grounds that it is necessary to do so for the purposes of the search.

- A full search of a child under 12 must be conducted in the presence of a parent or guardian, or independent person as prescribed in Schedule 1, Control of Weapons Act.

3.6 *Full search - children aged 12-14*

- To conduct a full search, the police officer, SPCO or PCO must properly consider the human rights of the child and whether the search is lawful, proportionate and necessary.
- In addition to the requirements laid out in section 3.4, when deciding to conduct a full search of a child aged 12-14, police officers, SPCOs and PCOs must use the checklist located at Appendix A in considering whether to undertake a full search, or to adopt a less intrusive form of search.
- The checklist must be used in order to identify whether the risks and impacts on the child outweigh the objectives of the search.
- If, after completing the checklist, it is clear that the child should not be searched, then alternative options must be considered including deferring the search or supervising the child intensively to ensure they do not harm themselves or others.
- A full search does not need to be delayed if a senior sergeant or above believes on reasonable grounds that it is proportionate and necessary in the circumstances and that:
 - delaying the search is likely to result in evidence being concealed or destroyed
 - an immediate search is necessary to protect the safety of any person.
- As per sections 2.2 and 3.4 of this policy, a child aged 12-14 must be accompanied by a parent/guardian or independent person unless serious or urgent circumstances exist.
- Full searches of a child aged 12-14 must:
 - only involve the person removing the amount of clothing that is necessary to address the risk of contraband, weapons or evidence being concealed
 - be conducted using the half/half technique unless a senior sergeant or above, the OIC of a police gaol or SPCO authorises the person to be directed to remove all their clothing at once.
- Force must only be used in accordance with section 4.3 of this policy.

3.7 *Consensual search*

- Where no other power exists consent may only be sought for a pat-down, electronic device search or full search.
- Consent must be obtained in the presence of a parent/guardian (for persons under the age of 18) or an independent third person (for persons with a cognitive impairment) unless urgent or serious circumstances exist.
- To determine whether urgent or serious circumstances exist, police officers, PSOs, SPCOs and PCOs should utilise the flowchart in the Appendix of this VPM to determine whether the full search should be undertaken or deferred with alternative approaches to manage risk (i.e. constant supervision).
- Children under the age of 14 cannot consent to a full search.

3.8 *Intrusive body search*

- Must only be conducted in a hospital by a legally qualified medical practitioner with resuscitation facilities available. This is because there is a risk of injury/death where a person has secreted contraband internally and this is removed without medical supervision.
- Requires consent of the person being searched and approval of an Officer.
- When considering approval there should be very reliable evidence or information to justify the search, and the search should be necessary.

3.9 *Concealed or ingested drugs or other items*

Where there are reasonable grounds to believe that a person is concealing drugs or other related evidentiary items:

- the health and wellbeing of the person in custody should take priority over securing evidence
- where force is used it must be lawful, reasonable, proportionate and in accordance with **VPM Operational safety and the use of force**.

The following applies where the items are:

- in their mouth:
 - attempting to retrieve items from the person's mouth or preventing the person from swallowing carries a risk of death or serious injury, including:
 - the item obstructing the airway causing death by asphyxia
 - damage to the airway resulting in death or injury
 - if the item contains drugs or other toxins, rupture of the packaging leading to a potentially fatal overdose.
 - consider whether retrieving items from the mouth could constitute a physical examination (see **VPM Forensic procedures**)
 - verbally encourage the person to surrender the item/s
 - any use of force must be assessed against the above risks along with any other risks relevant to the situation
 - when it is suspected that the person has swallowed drug contraband, the person needs to be conveyed by ambulance to hospital as a matter of urgency
 - take reasonable steps to ensure the person does not place further substances or items in their mouth
 - continually assess the person against the [Medical Checklist](#) and take action as required, until an ambulance arrives. Health advice can be sought by contacting CHAL on 1300 681 926
 - advise CHAL of any transfer to hospital.
- in a body cavity other than the mouth:
 - assess the person against the Medical Checklist and take action as required. Members must seek advice from CHAL
 - when it is suspected that the items are drug contraband the person must be conveyed by ambulance to hospital as a matter of urgency for further examination. This includes where items have been removed. Advise CHAL of any transfer
 - when it is suspected that the items are non-drug contraband an individual risk assessment is to be made as to whether the person needs to be conveyed to hospital. Contact CHAL for advice

- an intrusive body search can only be undertaken in a hospital by a legally qualified medical practitioner with resuscitation facilities available. These types of searches must not be undertaken on police premises under any circumstances. Refer to section 3.7 for more information.

Where a person is found to have internally secreted contraband, submit a Person Warning Flag – Custody Risk [Form 292].

4. Additional instructions for conducting full searches

4.1 *Considerations for deciding whether a full search and the extent of a full search is proportionate, necessary and reasonable*

Before undertaking a search, police officers, SPCOs and PCOs authorising and conducting the searches should consider whether the search is proportionate, necessary and reasonable. Police officers, SPCOs and PCOs should consider the following factors:

- the risk a person may possess in their clothing or on their body something that gives rise to the specific legal authority to search, for example, something that:
 - is evidence of the commission of an offence
 - may be used to harm themselves or another person
 - may be used to escape from custody
 - may be used to damage property
 - may threaten the good order or security of a police gaol or detained persons (note most police facilities are not within gazetted police gaols).
- the extent of the impact on the person's human rights if a full search is conducted
- the level of risk associated with the person possessing the thing
- whether the risk can be reasonably mitigated by some other means, for example, by supervising the person or segregating the person from other persons in custody
- the extent, nature and outcome of any preceding electronic or pat-down search
- the demeanour, recent behaviour and prior history of the person to be searched, including:
 - previous or present threat of suicide or self-harm
 - previous violence
 - previous instances/attempts of concealing contraband while in custody
 - illicit drug use history
 - previous escapes or attempts or threats of escape
 - criminal history
 - demeanour of the person, including whether noticeably drug or alcohol affected.
- the circumstances in which the person has been or will be held in custody or detained (if relevant) including:
 - the period the person is to be detained or held in custody
 - whether the person has been or will be in contact with other persons in custody
 - the availability of suitable custody facilities
 - the seriousness of the offence the person has been charged with or is being detained for.

4.2 *Protection of person's right to humane treatment*

- Members must provide alternative clothing or covering to the person after the search has been conducted if their clothes cannot be returned to them.
- **Persons with a cognitive impairment** must be accompanied by an independent third person unless urgent or serious circumstances exist. See further information on the [cognitive impairment practitioner guide](#).
- For **transgender and intersex persons**, only the searching member and one other member (of the same gender as that with which the person identifies or has requested) should be present during a full search. Searches must comply with section 2.3 of this policy.

4.3 *Use of force*

Reasonable and proportionate force must only be used to conduct a full search:

- as a last resort
- only in accordance with **VPM Operational safety and use of force**
- for a search in a police gaol, only if authorised by the OIC of the police gaol.

4.4 *Location of search*

- Police can only conduct a full search in the following circumstances:
 - at a police station or other place of detention – if the officer suspects on reasonable grounds that the full search is necessary for the purposes of the search
 - in any other place – if the officer suspects on reasonable grounds that the full search is necessary for the purposes of the search and that the seriousness and urgency of the circumstances make the full search necessary at that place.
- Where a full search is conducted, the location of the search must be safe and private.
- The number of persons present during the search should be kept to a minimum – the persons present during the search should be necessary for the purposes of conducting the search or the safety of the person being searched and/or officers conducting the search.
- SPCOs and PCOs must only undertake a search where they are permitted to exercise their powers.
- The possibility of the search being captured on CCTV does not preclude members, PCOs or SPCOs from conducting the search in a police cell or other safe area.
- Full searches are not to be conducted in storage areas, medical rooms or similar areas where detainees may be able to gain possession of items to harm themselves, police or other persons present.
- The dignity of the person being searched must always be considered. The full search, where practicable, should be conducted where the CCTV recording minimises the exposure of the detainee. A predetermined location should be considered by the Station Manager.

4.5 Notification

- Where CCTV is present, each detainee, either verbally or by referring to the Station or Custody Rules, must be notified:
 - that the police premises or gaol is subject to CCTV
 - all recordings will be retained for a minimum period of one month
 - the recording may be downloaded and used in any future investigation.
- Where a detainee objects to a full search being recorded on CCTV, the Station or Custody Supervisor must assess the reasons for the objection and determine the most appropriate action to be taken.

4.6 Viewing CCTV monitors

- When a full search is to be conducted the Station or Custody Supervisor:
 - must determine whether the live monitoring of the CCTV is appropriate or should be minimised considering the proposed location of the camera and the privacy and dignity of the person being searched. During a search the person's torso/genitals should not ordinarily be visible to the camera
 - may task members, PCOs or SPCOs to live monitor the search after conducting a risk assessment and determining it is necessary for operational safety reasons.
- Where practicable, a member, PCO or SPCO of the same gender as the person who is being searched should be the one tasked to monitor the CCTV for the duration of the search.
- Downloading and retention of any CCTV footage must be in accordance with **VPM Management of people in police care or custody**.

5. Recording searches

A contemporaneous record must be made of all searches in the patrol duty return, VP502 Initial Action Pad, official diary or custody module. The record must clearly set out:

- the identity of the person searched
- the factors considered in deciding to conduct the search, including proper consideration of human rights
- the type and extent of the search carried out, including the enabling legislated or common law power
- the officer/s who carried out the search, including if a request was made for a particular gender to conduct the search and whether that request was met, and if not met, the reasons it could not be met
- details of other people present during the search
- if relevant, the reasons for conducting a search of a child in the absence of an independent person or a search of a person with a cognitive impairment in the absence of an independent third person
- details of any relevant object voluntarily provided or found during the search
- whether force was used.

Members must record searches in accordance with the below:

• Common Law • Drugs Poisons and Controlled Substances Act 1981 (s.82) – Drug of Dependence	Complete: • Record on ePDR, Form 502 or Official Diary • Attendance or Custody Module if conducted at police premises • Form Use of Force App if force used to remove clothing or in conduct of search.
• Control of Weapons Act (s, 10, s. 10A and s. 10AA) and Regulations	Complete: • Record on ePDR, Form 502 or Official Diary: – Date of the search – Time of the search – The place where the search took place – The name, rank, and registered number of the police officer or PSO who conducted the search – The name of the person searched and, if applicable, a description of any vehicle, package or thing searched – If applicable, the name of the nominated adult present during the search at a school of a student under the age of 18 years.
• Firearms Act 1986 (s.149) • Drugs Poisons and Controlled Substances Act 1981 (Part IV, Division 2) – Volatile Substances • Graffiti Prevention Act 2007 (s.13)	Complete: • Record on ePDR, Form 502 or Official Diary • Attendance or Custody Module if conducted at police premises • Use of Force App if force used to remove clothing or in conduct of search • Entry of field contact in LEDR MK2: – to be completed by member who conducted the search, to ensure compliance with legislative requirements regarding volatile substances, weapons and graffiti implements. In addition: ▪ complete the entry as soon as possible after the search ▪ include a description of the person where they are unable to be identified by name. When requested, the member's Work Unit Manager is to provide a copy of the record of the search to the person searched, within one year from the date of the search (s.149(3)&(4) <i>Firearms Act</i>; s.60R <i>Drugs, Poisons and Controlled Substances Act</i>; s.16 <i>Graffiti Prevention Act</i>).
Corrections Act 1986 (Part 9A) – Police Gaols	Complete: • Attendance Module (Welfare Check tab) or Custody Module (Observations tab) if conducted at police premises • Use of Force App if force used to remove clothing or in conduct of search.

Consensual searches	- Record details of the search on ePDR, Form 502 or an Official Diary. - Consideration should be given to recording the signature of the person who has consented to be searched; this may be recorded in an Official Diary or on the Authority and Consent to Personal Search [Form 246].
Full search of a large number of people	Keep a log identifying the individual persons searched by each police member.

Related documents

VPM Designated areas: Conducting searches and issuing directions

VPM Protective services officers – duties and responsibilities

VPM Police custody officers

VPM Human rights standards

Further advice and information

For further advice and assistance regarding this policy, contact your supervisor or the local training officer.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
08/04/19	Consolidation and validation of VPMP/G Searches of persons	FF-105377
21/10/19	Instrument names amended to reflect updated property management policies	FF-116667
15/12/21	Updated to reflect revised full search guidelines, enhance human rights considerations and differentiate full search procedures for children and young persons under the age of 18 and the further oversight requirements of Aboriginal children in police custody as per CCI 07/21 Oversight of Aboriginal and Torres Strait Islander children in police custody	FF-190350
01/09/2023	Updated reference to the VPM Care and control under the Mental Health and Wellbeing Act 2022 and legislative references.	FF-232451 1
29/05/2025	Consequential amendment to replace reference to Use of Force Form 237, 237A-D with Use of Force App for 20/05/25 Use of Force App rollout	FF-266536
02/10/2025	Updated to include changes made by the <i>Youth Justice Act 2024</i> including raising the minimum age of criminal responsibility to 12 years and to reference the CCI 09/2025 Youth Justice Act 2024 – children under the minimum age of criminal responsibility .	FF-275595

Appendix A: Full search of children aged 12-14

Children aged 12-14 are particularly vulnerable to the impact of a full search due to their very young age and level of maturity. It is also important to take into account safety and security considerations that include the risk of suicide, self-harm and the potential threat that smuggled weapons or drugs pose to the child/young person, police officers, PCOs, and other individuals (including other detainees or other staff).

The likely impact of a full search of a child aged 12-14 must be considered when deciding whether, when and how to conduct a full search. Children aged 12-14 in police custody are particularly vulnerable and many have a history of childhood trauma. Full searches may exacerbate this vulnerability and trauma and should therefore only be conducted where absolutely necessary and in a manner that is as sensitive as possible.

Children under 12 can only be subject to a full search in exceptional circumstances and only in line with the *Control of Weapons Act*, see section 3.5 of this policy.

Overarching principle

As stated above in the policy, where a police officer, PSO, PCO or SPCO has the authority to conduct a search, before undertaking the search, they must consider whether a proposed search (including the proposed method of search) of a person is:

- **lawful**, after considering the grounds and powers available under common law or statute, and after considering that the person's human rights can only be limited in a way that is authorised by law
- **proportionate**, after balancing the potential risks to be addressed by searching the person against the impact on the person's human rights; and
- **necessary and reasonable**, after considering whether there is a less intrusive form of search that would address the risk without impacting the person's human rights to the same degree.

A search of a person **cannot** be performed as a matter of course. The police officer, PSO, SPCO or PCO must believe on reasonable grounds that a search is both necessary and proportionate having regard to the circumstances of the individual case.

Justification for the search must be documented at the time of the search (refer to section 5 of this policy).

Considerations for deciding whether to conduct a full search

Specific rights protected under the Charter that protect children include:

- s. 17(2) (protecting the child's best interests)
- s. 23 (protecting the rights of children in the criminal process)
- s. 25(3) (criminal procedure that takes account of their age and promoting rehabilitation for children and young people).

Aboriginal children in police gaols also have a specific right under s. 347(2)(d) the *Children, Youth and Families Act* that provides that reasonable efforts are made to meet their cultural needs or their needs as members of the Aboriginal community.

When considering whether to conduct a full search, relevant factors for consideration are:

- the age and specific vulnerabilities of the child
- the nature of the offence and circumstances of arrest

- the demeanour, recent behaviour and prior history of the child to be searched
- whether there are reasonable grounds for conducting the search
- whether a less intrusive form of search will address the risk whilst also protecting the child's dignity and human rights.

Checklist: impact, risk and protective factors for children aged 12-14

Consider and balance the below impact, risk and protective factors in deciding whether and how to conduct a full search, including whether to delay a full search.

Where high impact factors are present, this means that a full search is likely to have an impact on the wellbeing of the child being searched. The presence of one or multiple high impact factors mean that delaying the search should be considered, or that other measures to minimise the impact on the wellbeing of the child should be considered.

Where risk factors are present, this means that there is more likelihood that a full search may be necessary. These factors generally work in favour of a full search being necessary.

Where protective factors are present, this means that there is less likelihood that a full search may be necessary. These factors generally work in favour of a full search being delayed or not deemed necessary.

These factors require careful assessment because they can operate both for and against a full search being conducted on the individual child. For example, if a child is visibly in crisis or experiencing mental health issues, the impact on the child's wellbeing may be exacerbated however the risk of self-harm may also be increased.

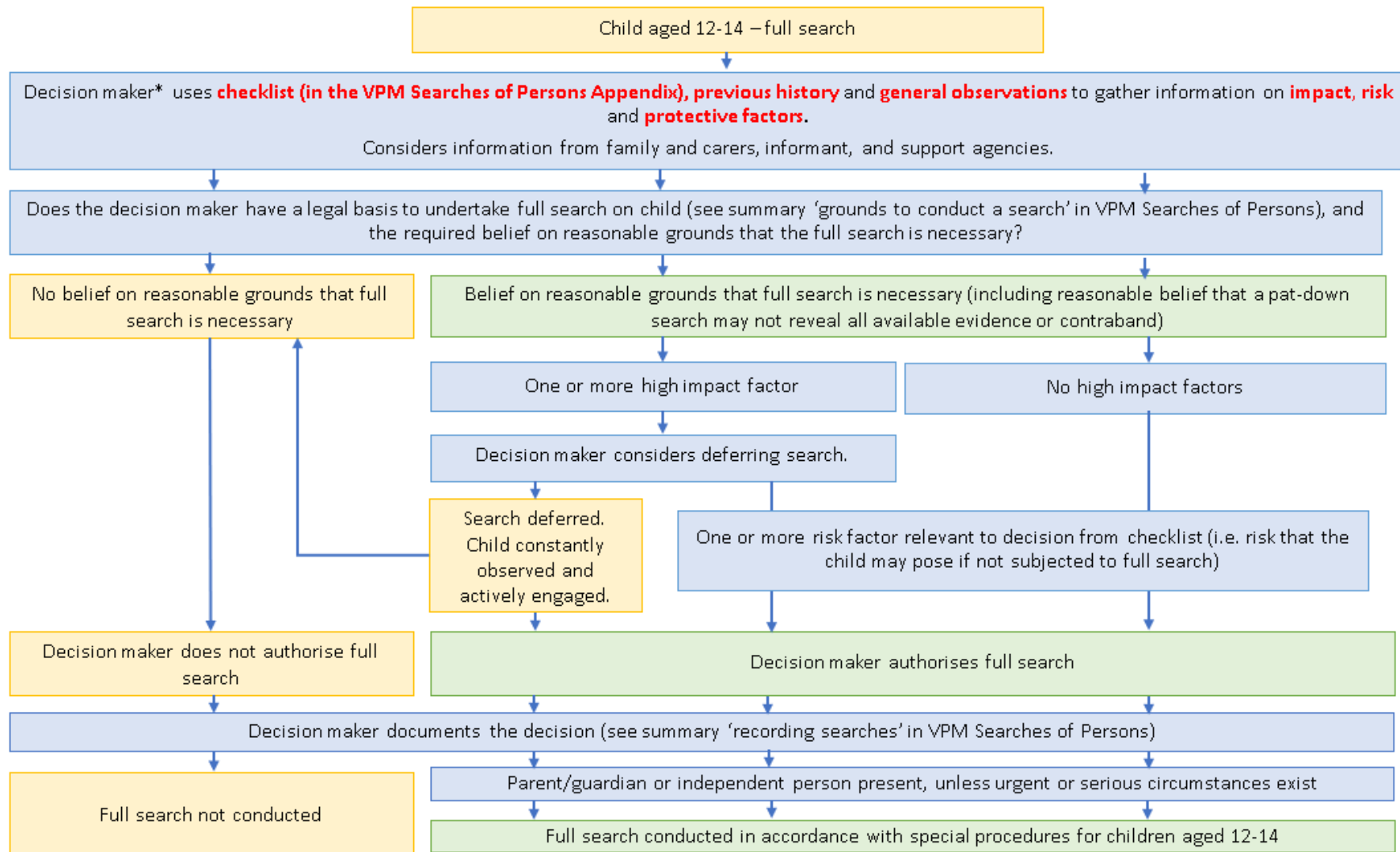
Where a search has been delayed, further decisions to conduct or not conduct a full search should be based on the observation of the child.

High impact factors (risk of harm to the child from a full search)			
Unsettled or uncooperative behaviour		Yes ☐ No ☐	
Mental health, cognitive impairment or medical history		Yes ☐ No ☐	
History of sexual abuse or sexual assault		Yes ☐ No ☐	
Reduced developmental capacity		Yes ☐ No ☐	
Child is transgender		Yes ☐ No ☐	
Child is of Aboriginal or Torres Strait Islander descent		Yes ☐ No ☐	
Cultural or religious identity		Yes ☐ No ☐	
First time in custody		Yes ☐ No ☐	
Risk factors (necessity for conducting the full search)		Protective factors (reasons why a full search may not be justified)	
Unsettled, uncooperative or suspicious behaviour, including during pat down search or search with an electronic device	Y ☐ N ☐	No unsettled, uncooperative or suspicious behaviour, including during pat down search or search with an electronic device	Y ☐ N ☐
History of violence, weapons or drugs	Y ☐ N ☐	No history of violence, weapons or drugs	Y ☐ N ☐
History of, or prior suspicion of, introducing prohibited items	Y ☐ N ☐	No history of, or prior suspicion of, introducing prohibited items	Y ☐ N ☐
High stigma offence (e.g., sex offence may indicate high risk of self-harm)	Y ☐ N ☐	Low stigma offence type (e.g., minor driving offence may indicate low risk of self-harm)	Y ☐ N ☐
High risk circumstances of detention*	Y ☐ N ☐	Low risk circumstances of detention**	Y ☐ N ☐

* High risk circumstances of detention include public arrest following a serious offence involving weapons or violence

** Low risk circumstances of detention include reception into police custody from a 'sterile zone' where the child and all people (other than staff) with whom they have associated have been previously searched (e.g., from Youth Justice detention, or another police gaol).

The flowchart below sets out the key decision points to assist the decision maker as to whether and how to undertake the search, based on assessment of the identified impact, risk and protective factors.



*Decision maker means police officer, PSO, SPCO or PCO exercising lawful power to undertake a full search