

## **Annex to LCQ17**

### **The gist of the new procedures which took effect on July 1, 2008**

- The Commissioner of Police has determined that in order for the Police to properly discharge their statutory functions and fulfil the Force's duty of care to the detained persons and other persons, a search will be conducted on all persons to be detained in police custody.
- The Duty Officer should determine the scope of the search on a case-by-case basis, based upon the prevailing circumstances. The Duty Officer should be able to justify his decision on the scope of the search, and clearly differentiate between searches not involving removal of clothing, searches involving removal of clothing and searches involving removal of underwear.
- Prior to conducting a search on a detained person, the Duty Officer should explain to the detained person the reason(s) for the search to be carried out and the scope of the search. The Police have also prepared a "Custody Search Form" setting out the rights and entitlements of persons to be searched. The Duty Officer is required to ensure that the form is served on the detained person, and its contents explained to the person, prior to the search. The responsible officer will request the detained person to sign on the form in acknowledgement after explanation and prior to the search.
- Only officers of the same gender as the detained person are allowed to be present when a search is conducted and only such officers will conduct the search. The search must be witnessed by another police officer of the same gender.
- Police officers should conduct searches only in an area offering reasonable privacy. Where clothing is to be removed, the responsible officer will not require a detained person to remove all of his / her clothes at the same time. The officer will conduct the search as quickly as practicable and will allow the detained person to put on his / her clothing as soon as the search is completed.
- The Duty Officer should record the details of a search (including the reason(s) for the search, the scope of the search, any concern(s) raised by the detained person regarding the search and action taken by the Police to address the concern(s), etc.) in the Force's

Communal Information System as soon as reasonably practicable after the search for every detained person.

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