

Information Sheet from **insidetime**

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*The following are extracts from PSI2010-048
we have re-formatted some of the text to make it easier to read.*

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Specification

The BOSS is a non-intrusive scanning system within a moulded chair, designed to detect small metallic objects, such as mobile phones and their component parts or weapons, concealed within anal or vaginal cavities, the abdominal area and around the shins. The BOSS may be used to scan prisoners, social, official and professional visitors and staff under Prison Rules 41, 64 and 71 (YOI Rules 47, 69 and 75) respectively.

The BOSS utilises the same technology as metal detecting portals employed in airports. Sensors are housed in the chair frame and each sensor in the chair is wired to an audible alarm which will sound if any metal is detected. A button on the alarm panel will also light up on detection.

The equipment is not harmful to the subject and its use is no more intrusive than that of a walk-through archway scanner or hand-held metal detector.

Overall Requirements

Establishments must ensure that the use of the BOSS is incorporated into Local Security Strategies, taking into account the guidance and procedures outlined in this Instruction. The frequency of searches using the BOSS and policies for its use are for local discretion and must form part of the Local Security Strategy (LSS), to be agreed by the Governor and Area Manager.

Based on the guidance in this instruction, establishments must formulate the detail of their own local strategies for, (a) dealing with refusals by prisoners, visitors and staff to be scanned by the BOSS; and, (b) managing positive indications by the BOSS. These strategies should take into account local operational requirements and restrictions, (e.g. availability of resources and space in the segregation unit). This strategy should be compatible with the establishment's policy in respect of other searching aids.

Governors must ensure that information notices on the BOSS are produced and distributed to prisoners and staff and are made available to social, official and professional visitors. The notices must explain that either the prisoner, member of staff or visitor is liable to be subject to a search using the BOSS and that they are required to comply with the search. They must also outline the nature of the equipment, its purpose, health and safety issues and local policy in the event that a subject refuses to be scanned or where the BOSS gives a positive indication.

Establishments must keep a record of use of the BOSS, noting any indications, items found and/or any action taken. An SIR must also be raised as appropriate.

Governors must ensure that all appropriate staff receive local training in use of the BOSS.

If punitive action is to be taken on the basis of positive indications from the BOSS then the chair must be maintained and calibrated correctly. Records of maintenance and calibration must be retained in case of legal challenge.

Searches Using the Boss

The BOSS can be used on staff, prisoners or visitors on any occasion where a search would normally be conducted.

The BOSS can be moved and used across a number of locations in an establishment. Local searching strategies should detail how the BOSS is to be used and at what frequency. It should also contain guidance on the searching of disabled people.

The BOSS may be used as a searching aid to complement a rubdown search when carrying out routine searches - for example, on entry to establishments, before and after visits and as part of targeted, intelligence-led searches. It may also be used following a full search in instances where suspicion remains that a metallic illicit item is concealed internally, and, in the case of male prisoners, a squat search has failed to reveal the item.

The subject of the search must be made aware of the purpose of the BOSS, how it works, and offered reassurances about any health and safety issues. Information notices on the BOSS must be produced and distributed to prisoners and staff and made available to social, official and professional visitors and guidance provided to the subject prior to a search. Governors may also wish to amend Visitor Orders to advise visitors that they may be subject to a search using the BOSS on entry to establishments.

The subject of the search must be asked if they are in possession of an unauthorised item before the search is conducted and given the opportunity to relinquish any secreted item in privacy.

The subject of the search must always be given at least a rubdown search before being scanned as contraband may be secreted in areas of the body the BOSS is not directed at. Handheld metal detectors may also be used to complement the search.

Two members of staff must be employed to conduct the search: one to explain the process and observe the subject of the search, and the other to monitor the alarm panel at the rear of the equipment.

In all cases where the BOSS gives a positive indication, the subject of a search must be allowed to provide an explanation as to why this has occurred and given the opportunity to remove the item in privacy. There may be an innocent explanation for a positive indication by the BOSS. For example, it is possible that an intimate body piercing may cause the scanner to indicate or they may be a medical explanation for the indication, i.e. the subject of the search may have been fitted with an internal metal plate. It is recommended that information notices should advise that in such cases medical certificates authenticating the condition should be produced.

Action on Refusal to Comply with a Search and on Indication

Establishments must formulate the detail of their own individual local strategies on dealing with prisoner, visitor and staff refusals to be scanned by the BOSS and on managing positive indications by the BOSS, based on the guidance below and taking into account local operational requirements and restrictions, (e.g. availability of resources and space in the segregation unit).

This strategy should be compatible with the establishment's policy in respect of other searching aids.

In all cases where the BOSS gives a positive indication, the subject of a search must be allowed to provide an explanation as to why this has occurred and given the opportunity to remove the item in privacy.

Prisoners

If a prisoner refuses to comply with a search using the BOSS he / she should be given a direct order to comply.

If a BOSS search of a prisoner gives a positive indication, the prisoner should be given a direct order to remove the suspected item.

If the prisoner refuses to comply with a search or refuses to remove a suspected item, they should normally be located in the segregation unit (or equivalent) and full-searched. Prisoner Officers may use reasonable force to affect the search, in accordance with Prison Rule 47(YOI Rule 43), which states that:

“An officer in dealing with a prisoner shall not use force unnecessarily and, when the application of force to a prisoner is necessary, no more force than is necessary shall be used.”

Male prisoners may be instructed to squat as part of the search.

If, after full search, staff have reason to believe that the prisoner has contraband concealed that cannot be recovered, the Head of Security or the Duty Governor may decide to authorise the prisoner's continued location in the segregation unit under Good Order or Discipline if considered reasonable and proportionate. Normal segregation policy should apply as set out in PSO 1700. This provides, amongst other things, that the continued segregation of the prisoner must be initially reviewed within 72 hours and then at least every 14 days.

In order to return to a normal residential area, the prisoner will normally be expected to either hand over the suspected concealed item or provide a negative indication on the BOSS and a negative full search.

Other measures can be undertaken in addition to or as an alternative to segregation. For example, if a prisoner is ordered to comply with a BOSS search or to remove any item indicated by the BOSS and refuses, he /she may be charged with disobeying a lawful order under Prison Rule 51 (22) or YOI Rule 55 (25). Closed visits may be imposed following a risk-assessment should the indication give rise to a risk that the prisoner may pass further items on visits (see PSO 3610 and PSI 40/2008) and action may be initiated under the IEP scheme (see PSO 4000).

Social, Official and Professional Visitors

All persons entering an establishment are liable to be searched as a condition of entry. As such, any visitor who refuses to comply with a search using the BOSS may be refused entry.

If the BOSS gives a positive indication during a search, the subject should be asked to remove the suspected item; a private area should be made available for this purpose. The visitor may be refused entry to the establishment. Criminal proceedings may be initiated under the Prison Act if an item prohibited under the Act is discovered on entry to an establishment.

Closed visits may be offered following a positive indication if the indication identifies a risk that the visitor may pass illicit items on visits. The legal provision for restricting visiting arrangements for security reasons is contained within PSO 4410 and Prison Rule 34. PSO 3610 and PSI 40/2008 give further advice on the use of closed visits and visit bans.

Staff

A member of staff who refuses to submit to a search using the BOSS may be subject to disciplinary action on the basis that they are failing to obey a lawful instruction or written order.

Governors may decide to commission a formal investigation on receipt of a positive BOSS chair indication involving a member of staff under the provisions of PSO 8460 (please see for further information).

Where intelligence already exists about a member of staff, the receipt of a positive indication should form part of this intelligence and any on-going investigation.

Health and Safety Issues

The BOSS is non-harmful and carries no more health risks than other metal detection devices already employed in prisons, such as hand-held metal detectors. Advice received from the Radiation Protection Division of the Health Protection Agency indicate that the magnetic field generated by the scanner is significantly below the required guidelines recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRC). They can be used on pregnant women and individuals fitted with pacemakers.

Staff must fully risk-assess whether to require a disabled person to be scanned by a BOSS chair, taking into account the level and nature of his/her disability and individual circumstances. The transfer of individuals between chairs may require specialist assistance and aids, i.e. pat slides.

The Health & Safety at Work Act (1974) places an obligation on employers to ensure that all portable electrical appliances used by employees are tested to ensure that they are safe to use. BOSS' also require regular maintenance testing to ensure that they are functioning effectively. It is therefore recommended that establishments subject the scanners to a regular appliance testing programme.

All tasks in prisons are subject to health and safety risk assessments to ensure that appropriate and effective measures are in place for the general safety of employees. In accordance with this, the operational process and use of the BOSS should be regularly assessed and safe systems of work should be put in place to minimise any associated risk. For example, local management must be satisfied that staff are able to manoeuvre the chair throughout the prison in a safe and controlled manner.

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