

**PROVINCE OF BRITISH COLUMBIA**  
**REGULATION OF THE ATTORNEY GENERAL AND MINISTER**  
**RESPONSIBLE FOR MULTICULTURALISM**

*Sheriff Act*

Ministerial Order No.                      **M 095**

I, Wally Oppal, Attorney General and Minister Responsible for Multiculturalism, order that, effective September 1, 2006, the Court Security Regulation, B.C. Reg. 197/2002, is amended as set out in the attached Schedule.

April 24 / 06  
Date

Wally Oppal  
Attorney General and Minister  
Responsible for Multiculturalism

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section:- Sheriff Act, R.S.B.C. 1996, c. 425, s. 14

Other (specify):-

MO 233/2002

April 13, 2006

361 /2004/15

## SCHEDULE

**1**     *The title to the Court Security Regulation, B.C. Reg. 197/2002 is amended by striking out “Court” and substituting “Sheriff Act”.*

**2**     *Section 1 is amended by renumbering it as section 1 (2) and by adding the following subsection:*

(1) In this regulation:

“**pat-frisk search**” means a hand search or a search by use of a hand-held screening device, conducted by a sheriff

(a) of a clothed person, from head to foot, down the front and rear of the body, around the legs, and inside clothing folds, pockets and footwear, and

(b) of any personal possessions, including clothing, that the person may be carrying or wearing;

“**screening search**” means a search by a sheriff of a clothed person and any personal possessions, including clothing, the person may be carrying or wearing, that is conducted visually or with the use of a screening device, including without limitation, a walk-through or hand-held metal detector or a fluoroscope;

“**strip search**” means a visual inspection by an authorized person of a nude person that includes

(a) a visual inspection of the following:

(i) the person undressing completely;

(ii) the open mouth, hands or arms of the person;

(iii) the soles of the feet and the insides of the ears of the person;

(iv) the person running his or her fingers through his or her hair;

(v) the person bending over, and

(b) the person otherwise enabling the authorized person to perform the visual inspection.

**3**     *Section 2 is repealed and the following substituted:*

### **Searches**

**2**     A search conducted under section 6.1 (3) (a) of the Act or section 6.2 (2) of the Act may be conducted by a pat-frisk search or a screening search.

### **Strip searches**

**2.1**   (1) If the circumstances allow, before conducting a strip search, a sheriff must

(a) inform the prisoner to be strip searched of the reasons for the strip search, and

(b) explain how a strip search is conducted.

(2) A strip search that is conducted by a sheriff must be

(a) observed by one other sheriff or other peace officer,

- (b) carried out in as private an area as the circumstances allow, and
  - (c) carried out as quickly as the circumstances allow.
- (3) The person referred to in subsection (3) (a) must be the same gender as the prisoner who is the subject of a strip search unless the sheriff's supervisor believes on reasonable grounds that the delay necessary to comply with this requirement would result in danger to human life or safety.