Handheld scanners

# Background/Purpose

Police use of handheld scanners is intended to make public places, including our schools, safer and to reduce knife crime and violence with weapons. Part VII, Division 1C of the *Police Administration Act 1978* (PAA) gives Northern Territory Policy (NTP) members the power to require any person in an affected place to stop and submit to a scan conducted with a scanner where certain criteria are met. An affected place could be a public place, on public transport, or in a school. Police can scan adults, as well as youths and children of any age without a parent or guardian present.

This document provides answers to frequently asked questions about the use of handheld scanners in school sites.

# Frequently Asked Questions (FAQs)

## Are handheld scanners safe to use on humans?

A Garrett Tactical Handheld Metal Detector is used for handheld scanning by NTP. Safety precautions have been designed into the detector. The detector meets the European Union’s health, safety and environmental protection standards and other international standards for electromagnetic compatibility and safety.

## Which schools will be considered for handheld scanner use?

The *Police Administration Act 1978* (NT) permits NTP to authorise an area as an affected area for a period of up to 72 hours and search persons at random with the use of a handheld scanner. Once a police officer has consent to enter a school in an affected area, the officer may, without a warrant, require a person in the school to stop and submit to the use of a handheld scanner.

## Who can authorise handheld scanning to be conducted at a school?

A NTP member of or above the rank of Senior Sergeant can authorise handheld scanning at a school after receiving consent from the principal or their representative. Consent to enter an NT Government school site can be provided verbally but must be followed by written consent.

## Will prior notice be given if handheld scanning is to be conducted at a school?

The NTP approved member or case officer will contact the principal or nominated responsible officer and obtain verbal consent to enter a school premises. The approved member or case officer will provide an emailed copy of a signed scanner authority document for school records. The principal or nominated responsible officer will be aware of police attendance at the school for the purpose of conducting a handheld scanning operation. Prior notice is provided at the time a scanner authority is provided to the school.

## Is there contact with the body when police are conducting handheld scanning?

Contact with the body is not recommended during the scanning process. NTP use the Garrett Tactical Handheld Metal Detector where the operating instructions recommend scanning (sweeping) is conducted within approximately one inch (2.54cm) of the person being inspected.

## Is there a risk that police will target particular/specific groups of students to conduct handheld scanning?

Police select students to be scanned on a random basis irrespective of race, colour, descent, national or ethnic origin, religious belief or activity, sex or sexuality, age, irrelevant criminal record, political opinion, affiliation or activity, and other protected attributes as detailed in the *Anti‑Discrimination Act 1996.*

However, a student or group of students may be identified for scanning because their behaviour may have led police or the school to have ongoing concerns for public safety. For example, two groups who appear confrontational to each other. The selection of students will never be because of a specific ethnicity or religion.

## Do the electromagnetic fields of handheld scanners affect surgically implanted electronic medical equipment, e.g. pacemaker, insulin pump?

The manufacturer outlines that extensive research has found no information that would indicate Garrett products have adverse effects on pregnancy, medical devices or magnetic recording media. Directives of physicians and medical device manufacturers must be followed. If you are concerned, please seek medical advice.

## Is there a gender requirement when police are conducting handheld scanning, e.g. can a female police officer use a handheld scanner on a male student or a male police officer scanning a female student?

Where practicable, the use of a handheld scanner will be undertaken by a person of the same gender as the student. All persons to be scanned will be afforded dignity.

## Do police need to have a warrant or reasonable suspicion before conducting handheld scanning on a person or persons?

No. The *Police Administration Act 1978* permits a police officer to authorise an area as an affected area for a period of up to 72 hours and search persons at random with the use of a handheld scanner. If a police officer has consent to enter a school in a designated scanning area, the member may, without a warrant, require a person in the school to stop and submit to the use of a handheld scanner.

## Are police required to give a reason to a student for conducting handheld scanning?

A police officer is required to provide prior notice which can be satisfied by verbally advising each person, what police are authorised to do. An example of this may be:

*“Good evening/morning, I am (rank/name/station).*

*Because you are on/in (location) I am authorised to use a handheld scanner to scan your body and your belongings for the presence of a knife or other weapon. I require you to stop and submit to a scan of yourself and your belongings with this handheld scanner. I must inform you that you are required to allow me to conduct this scan. It is an offence if you fail to comply with my direction. Do you have any items on your person today that you wish to declare?”*

The language used by the police officer will be determined by the target audience.

## Can a person refuse to participate in handheld scanning?

No. The use of a handheld scanner is not a search of a person. The handheld scanner authority does not authorise NTP to search a person. However, if a person fails or refuses to be scanned, NTP will have reasonable grounds to suspect the person is unlawfully possessing a restricted weapon. Reasonable grounds include if a person fails to:

* Comply with a direction to stop and submit to the use of a scanner.
* Produce a thing that may be causing a positive indication of metal.
* Resubmit to a scan without reasonable excuse.

If the police officer forms grounds that an offence has been committed, is being committed, or is about to be committed, they are able to to exercise their search powers under either s119AA of the PAA or s19 of the *Weapons Control Act 2001* (WCA).

## How long is my child required to stop and stand still for the purposes of handheld scanning?

A person is required to stop and submit for the purposes of a scan for as long as it takes for police to conduct the scan.

## Can school based police officers undertake handheld scanning?

No. NTP and the Department of Education and Training are signatories to a School Based Police Program Service Agreement and School Based Police Program Operational Guidelines, which states the role of the School Based Police Officer. The role of the School Based Police Officer is to deliver education programs and build positive relationships with school communities and young people but does not involve arresting or scanning of young people on school grounds or any form of behaviour management.

## Does a parent need to be present for handheld scanning to proceed? Is there a minimum age limit for handheld scanning?

No. Police are able to scan adults, as well as young people and children of any age without a parent or guardian present. While a child under the age of 10 cannot be criminally responsible for an offence, the power to conduct a scan under Part VII, Division 1C of the *Police Administration Act 1978*, can apply to any person regardless of their age. All persons to be scanned must be afforded dignity. To address potential harm, police officers exercise appropriate care on every occasion.

## Can a child or young person request a parent or support person to be present during the scanning?

Yes, but the handheld scanning may occur without a parent or support person present. Handheld scanning may go ahead without a parent or support person if the officer reasonably believes the search needs to be carried out as a matter of urgency, or that a delay to allow a parent or support person to be present would create an unacceptable risk of harm to the youth or another person, or the loss or destruction of evidence.

A support person might be a responsible adult with parental responsibility, or other support persons listed in section 35 of the *Youth Justice Act 2005.*

## Will school staff be scanned?

All persons including school staff in the affected area may be subject to handheld scanning.

## Will handheld scanning happen every day at my child’s school?

No. The *Police Administration Act 1978* permits a police officer to authorise an area as an affected area for a period of up to 72 hours and search persons at random with the use of a handheld scanner.

## As a teacher will I be required to direct a child to comply with handheld scanning requirements or act as “law enforcement”?

NTP are responsible for ensuring that handheld scanning operations meet legislative requirements. Teachers are not required to act as law enforcement.