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Reforming Strip Search Protocols in Prisons: Challenges, Standards and Solutions

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Abstract:

In prisons, the practice of strip searches is a contentious method employed to uncover contraband and maintain safety. While these searches aim to curb the trafficking of firearms, narcotics, and other unlawful items, they also give rise to critical concerns regarding their ethical ramifications, the invasion of inmates' privacy, and the psychological distress they may inflict. This review delves into the possible psychological repercussions, alongside the dual role of strip searches in enhancing prison security. The legality of such practices varies across different jurisdictions, highlighting the need for stringent protocols to ensure they are conducted lawfully and without excessive intrusion. The review underscores the psychological effects of strip searches, which may include enduring issues such as anxiety, depression, and PTSD, particularly for vulnerable populations who have previously faced trauma. It stresses the delicate balance between security demands and the respect for human dignity in light of legal and ethical considerations. Moreover, alternative methods - such as body scanners - are evaluated as potential solutions that could uphold security while reducing the need for invasive searches. To promote equity, compassion, and adherence to international human rights standards in strip searches, this review advocates for necessary reforms.

Keywords: Strip search, alternative approaches, human dignity, legal issues, privacy, psychological effects, contraband identification, correctional institutions, and prison reform.

1. Introduction:

Strip searches can cause embarrassment and intrusion. To guarantee that every strip search carried out is lawful, law enforcement organizations must follow set procedures. Nonetheless, strip searches of prisoners are frequently carried out by correctional facilities. These protocols are crucial for discouraging and detecting drug, firearm, or other contraband smuggling. Although the practice frequently raises questions about the privacy and dignity of individuals being searched, jails and prisons use such searches in an effort to preserve safety and security. In these cases, it's critical to strike a balance between security precautions and prisoners' rights.

A crucial aspect of maintaining security within correctional facilities is the implementation of strip searches, a procedure that necessitates the removal of an individual's clothing with the aim of uncovering illicit items or contraband. However, the practice of strip searching is highly controversial, as it raises significant concerns regarding the violation of personal privacy and the potential for inducing psychological distress among those subjected to it. Despite the belief that such searches are essential for maintaining a safe environment, these concerns highlight a complex interplay between security measures and individual rights.



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This review intends to explore and analyse recent research focused on the practice of strip searches. It will delve into several key areas, including the role of strip searches in enhancing security protocols within jails, the psychological ramifications experienced by inmates who undergo these procedures, and the various ethical and legal considerations that surround the practice. Furthermore, the review will examine alternative methods that could be employed in place of traditional strip searches, offering potential solutions that balance safety concerns with the need to uphold the dignity and wellbeing of incarcerated individuals.

In many regions, strip searches are lawful, but their legality and implementation are subject to distinct legal regulations that differ by country. Typically, these searches are permitted only under specific circumstances, particularly in high-security environments like prisons, airports, and during police detainment. Nonetheless, even within these settings, there are stringent legal standards that must be adhered to in order to guarantee that the searches are legitimate and that the rights of individuals are upheld.

For a strip search to take place, there usually needs to be a valid cause, such as reasonable suspicion that a person may be concealing contraband, weapons, or other hazardous materials. Numerous countries have established legal protocols that outline when strip searches can be conducted, often incorporating procedural safeguards to protect individuals. The principles of privacy and dignity are paramount in these regulations; it is typically mandated that searches be conducted in a private setting and, by officers of the same sex as the person being searched.

Moreover, restrictions on the degree of invasiveness are frequently instituted to prevent unnecessary breaches of privacy. For example, certain jurisdictions make a clear distinction between basic visual inspections and more invasive body cavity searches, which may necessitate a greater level of suspicion or a judicial order. It is generally required that strip searches be documented to maintain accountability, with records specifying the rationale for the search and the methods employed. Improper use or overstepping in the execution of strip searches without sufficient justification can result in legal consequences and potential violations of human rights.



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2. Purpose and justification of Strip Searches:

Strip searches in correctional facilities serve the essential function of ensuring a secure and regulated environment by identifying and thwarting contraband, which includes drugs, weapons, and other forbidden items. Sykes (2019) emphasized that contraband poses significant dangers to the safety of both inmates and staff, as it can incite violence, disrupt social order, and exacerbate drug dependency among prisoners. Consequently, strip searches are considered crucial for mitigating these risks, particularly in high-security prisons, where maintaining order and safety is paramount.

A study conducted by Johnson and Cramer (2021) indicates that although strip searches are effective at uncovering contraband, they may not significantly lower contraband-related incidents relative to alternatives like technological detection or canine units. This new viewpoint calls for a re-assessment of the justification for strip searches, highlighting the need for decision-making to encompass more than just fundamental security concerns. Exploring a broader range of options can help develop more effective strategies for addressing contraband challenges. This approach may yield better results in managing these issues across different situations, ultimately enhancing the overall effectiveness of interventions designed to combat contraband-related problems in various environments.

3. Psychological and Emotional Effects on Inmates:

Research indicates that strip searches can significantly impact the psychological well-being of inmates, especially those with backgrounds of trauma or abuse. A study conducted by Campbell et al. (2020) highlights that such searches often leave inmates feeling humiliated, ashamed, and powerless. For individuals with prior experiences of sexual violence, this emotional turmoil can be amplified, as strip searches may evoke traumatic memories, resulting in heightened anxiety, depression, and post-traumatic stress disorder (PTSD).

Goffman's (1961) concept of "total institutions" offers a lens through which to understand these psychological effects, positing that strip searches remove personal autonomy and reinforce an existing power hierarchy, which can lead to mental instability. Furthermore, the literature suggests that an increased frequency of strip searches may exacerbate these consequences, resulting in lasting psychological challenges that obstruct rehabilitation efforts.

4. Ethical and Legal Consideration:

The ethical implications surrounding strip searches are fundamentally intertwined with critical concerns about privacy and human dignity. The inherently intrusive nature of these searches raises significant questions regarding their necessity compared to the psychological and emotional harm they may inflict on individuals. The discussion surrounding strip searches is not merely academic; it significantly impacts the lives of those subjected to such practices. Various studies, including the work by Moore and Stanton (2022), underscore the ethical dilemmas that emerge when strip searches are performed in the absence of any suspicion or valid justification. In such cases, the individuals involved often experience profound feelings of violation and abuse, further complicating the moral landscape.

Legal frameworks governing strip searches exhibit considerable variation across different countries, highlighting the diverse approaches to this contentious issue. Some jurisdictions impose strict regulations dictating the specific circumstances, procedures, and conditions under which strip searches may be conducted, attempting to safeguard the rights and dignity of individuals. For instance, in Europe, the European Court of Human Rights has addressed the legitimacy of strip searches in a series of rulings,



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notably in the case of Van der Ven v. the Netherlands (2003). This ruling established that conducting strip searches without adequate justification constitutes a violation of Article 3 of the European Convention on Human Rights, which clearly prohibits inhuman or degrading treatment.

In contrast, the legal stance in the United States regarding strip searches reveals a starkly different interpretation. The Supreme Court's decision in Florence v. Board of Chosen Freeholders of Burlington County (2012) cemented the legality of strip searches for all inmates, irrespective of any suspicion regarding their involvement in criminal activities. This judgment underscores a fundamental divergence in how nations approach the balance between security and individual rights, with the U.S. court prioritizing law enforcement prerogatives over personal privacy in correctional settings.

The variation in legal interpretations between different jurisdictions reflects the complexity inherent in navigating the delicate balance between maintaining security and upholding human rights. While the necessity of maintaining order and safety within correctional facilities is undeniable, it must be weighed against the ethical obligation to treat inmates with dignity and respect. As strip searches become an increasingly common practice in many parts of the world, these legal and ethical considerations will only become more pressing, necessitating ongoing dialogue and potential reform.

Moreover, from a broader perspective, the implications of strip searches extend beyond individual experiences; they also reflect larger societal attitudes towards punishment and rehabilitation. As public awareness of the potential harms associated with invasive search practices rises, there is a growing demand for reform in how correctional facilities approach inmate treatment. Proponents of prison reform stress that the violation of privacy rights and the trauma inflicted by strip searches can produce enduring consequences, affecting both individual prisoners and the wider community. These practices not only impact the mental and emotional well-being of inmates but also contribute to larger societal issues, ultimately undermining the values of dignity and respect within the justice system.

In conclusion, the intersection of ethical considerations, legal frameworks, and societal views surrounding strip searches reveals a multifaceted issue that demands careful examination and thoughtful discussion. As we navigate the complexities of maintaining safety within correctional systems while respecting the dignity and rights of individuals, it is imperative to critically evaluate the practices in place and advocate for approaches that prioritize humane treatment alongside necessary security measures.

5. Ethical and Legal Considerations:

The practice of strip searches within Indian prisons raises profound ethical and legal dilemmas, particularly in relation to the preservation of personal privacy, the upholding of human dignity, and the critical challenge of reconciling security requirements with individual rights. Ethically, the contentious nature of strip searches is underscored by their potential to inflict emotional distress, induce feelings of humiliation, and encroach upon personal boundaries. This issue becomes increasingly grave when such searches target vulnerable populations, including women, minors, transgenders, and individuals experiencing mental health challenges. In light of these factors, advocates for human rights highlight the principle of dignity as a core entitlement, which strip searches inherently violate by subjecting inmates to situations that undermine their self-respect and personal worth.

The legal framework governing strip searches in Indian prisons is complex and somewhat inadequate. While general criminal laws and human rights provisions apply, there is a notable absence of specific, detailed regulations that directly address the nuances of prison environments. According to the Prison Act of 1894, prison authorities possess considerable discretion in enforcing measures aimed at preventing the



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introduction of contraband. However, this broad leeway can sometimes lead to practices that are excessively invasive and distressing for inmates. It is crucial to recognize that significant legal precedents established by the Supreme Court of India affirm that prisoners retain fundamental rights, particularly as enshrined in Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty. Various court rulings have reinforced the notion that strip searches should not be performed arbitrarily or without just cause, thereby calling for methods that are proportionate, respectful, and applied only when absolutely essential.

Navigating the tension between security measures and the ethical and legal imperatives imposed on prison authorities necessitates the establishment of comprehensive guidelines, thorough training, and strict accountability measures. International best practices in correctional settings advocate for the principle that strip searches should be employed strictly as a last resort, only when there is reasonable suspicion of contraband, and should be carried out by same-gender officers in controlled environments. Such an approach would significantly bolster adherence to constitutional protections while promoting an ethical framework in which the dignity of inmates is prioritized and respected.

Implementing these improved practices within Indian prisons could pave the way for more humane treatment of incarcerated individuals, fostering an environment that safeguards both security and human rights. By instilling procedural safeguards and increasing transparency in the execution of strip searches, authorities can help diminish the potential for abuse and establish a culture of accountability. This dual commitment to security and dignity would enhance the overall atmosphere within correctional facilities, emphasizing a balanced approach that recognizes the rights of inmates while maintaining the necessary security protocols.

Moreover, the integration of these proposed changes can lead to broader societal implications, as it would reflect a commitment to upholding human rights and dignity even within the challenging context of incarceration. By recognizing and respecting the inherent humanity of inmates, the prison system can contribute to a more just society, one that acknowledges the challenges faced by individuals behind bars and seeks to address them with empathy and respect. As legal and ethical standards evolve, it is imperative that Indian prisons adapt their policies and procedures to align with contemporary values of human rights and dignity for all, ensuring that the correctional system is not merely punitive but also rehabilitative in nature.

In conclusion, the sensitive nature of strip searches in Indian prisons necessitates a careful approach that balances the need for security with the ethical obligation to uphold individual rights and dignity. By establishing clear regulations, fostering accountability, and employing best practices, the prison system can work towards creating an environment where the rights of inmates are respected. Such efforts not only fulfil legal responsibilities but also resonate with the moral imperative to treat all individuals, regardless of their circumstances, with dignity and respect, thereby enhancing the integrity of the correctional system as a whole.

6. Alternative Approaches to Strip Searches:

A 2006 report released by the New South Wales Ombudsman revealed that 74% of searches prompted by indications from drug detection dogs during a two-year review period did not uncover any illicit substances. More recent data from NSW Police, obtained in 2023, indicated that from January 1, 2013, to June 30, 2023, officers performed 94,535 personal searches (which include both strip searches and less invasive frisk or "general" searches) based on dog indications, with merely 25% leading to the discovery



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of illegal drugs.

Recent technological progress has resulted in the creation of alternative techniques for contraband detection, diminishing the necessity for physical strip searches. Tools such as body scanners, metal detectors, and full-body x-ray machines are increasingly being deployed in prisons across the globe. A comparative analysis by Lee and Blackwood (2023) indicates that when body scanners are properly utilized, they can achieve an accuracy rate equivalent to or exceeding that of traditional strip searches, thus significantly lessening the reliance on invasive physical examinations.

In addition to high-tech solutions, trained canine units for detecting drugs and explosives provide a non-invasive option, as noted by James and Roberts (2020). These dogs enhance security measures while minimizing discomfort for inmates.

Although the adoption of these advanced methods necessitates substantial financial investment, the advantages they offer - such as upholding inmate dignity and mitigating psychological trauma - make them an increasingly appealing choice for correctional facilities. Ultimately, the shift towards these alternatives could transform the approach to contraband detection in the prison system.

7. Thee Role of Policy and Staff Training:

The regulations surrounding strip searches differ significantly across various institutions; however, there is a shared understanding that having transparent and compassionate guidelines, along with comprehensive staff training, can help lessen the adverse effects associated with these searches. A thorough policy review conducted by the Prison Reform Trust in 2022 highlights the importance of establishing detailed protocols regarding the procedures and timing of strip searches. Such guidelines play a critical role in ensuring that the rights and dignity of inmates are honoured and maintained throughout the process.

Furthermore, implementing training programs designed to raise awareness about the psychological consequences of strip searches can be beneficial. These programs should not only inform staff about the potential mental health impacts on inmates but also teach them effective de-escalation techniques. By fostering an environment of understanding and empathy, staff can minimize the frequency of unnecessary strip searches and develop a greater sensitivity to the vulnerabilities that inmates face. Overall, prioritizing these measures can create a more respectful and humane environment within correctional facilities.

8. Gender Considerations in Strip Searches:

Research in the field of correctional studies emphasizes that strip searches can have especially detrimental consequences for female inmates, a significant number of whom may have histories of abuse or trauma. In particular, studies conducted by Carlen and Tombs (2021) indicate that the repercussions of such invasive searches on women can be particularly intense. Female inmates frequently report experiencing increased feelings of shame and emotional distress as a result of these procedures. Consequently, the development of policies that take into account the unique gender-related needs within the prison population is critical for mitigating these negative effects. Proposed measures include reducing the frequency of strip searches for women and ensuring that female staff members are assigned to carry out these searches, both of which are viewed as crucial strategies for promoting the well-being and safety of female inmates.

9. Search in the Corridor in Some Prisons:

The strip search process in some Indian prisons, particularly in the narrow alley between the main gate



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and the secondary gate leading to the internal prison area, has become a frequently debated issue within the context of prison reform, human rights, and institutional protocols. Strip searches are implemented as a security measure to prevent contraband from entering the prison. However, the methods and locations designated for these searches can significantly affect the dignity, privacy, and psychological health of individuals subjected to this procedure.

The practice of strip-searching prisoners upon entry stems from the need to ensure prison security by thwarting the smuggling of contraband, such as drugs, weapons, and other prohibited items. Throughout history, as prisons have faced challenges in maintaining order and safety, strip searches have been regarded as an essential, albeit invasive, security measure. In Indian prisons, where overcrowding and limited resources are common, the emphasis has largely remained on security rather than the potential psychological consequences of these searches.

Conducting strip searches in the corridor between the main gate and the secondary gate raises significant privacy concerns. This area is often inadequately private, leaving prisoners exposed to the gaze of other inmates, staff, or even visitors. Unlike a designated private search room, the corridor lacks basic facilities to honour an individual's right to privacy, potentially compromising the dignity of those subjected to searches and revealing a clear area for improvement.

The ongoing discourse regarding the balance between ensuring security within prisons and upholding the dignity of prisoners presents a significant concern. Strip searches conducted in open corridors often place institutional control above individual rights. Yet, legal experts argue that ensuring security should not come at the cost of basic human rights. Numerous advocacy organizations are calling for changes to strip search procedures, recommending methods that respect privacy while still safeguarding prison security.

Being strip-searched in an open or semi-public space can lead to enduring psychological repercussions for prisoners. The loss of privacy and the feeling of personal violation can be especially traumatic for first-time offenders including some innocent persons arrested on false and trumped-up charges or those with previous traumatic experiences. Research shows that such encounters can intensify feelings of shame, powerlessness, and dehumanization, potentially hindering not only prisoner behaviour and cooperation but also their rehabilitation.

Internationally, strip searches are deemed acceptable but only under stringent conditions designed to ensure they are conducted in the least intrusive manner possible. In India, although strip searches are legally sanctioned, a lack of formal guidelines regarding privacy and the specific locations for these searches often gives rise to human rights concerns. Legal scholars advocate for the establishment of standardized protocols that respect prisoners' rights and ensure that search locations align with international human rights standards.

Indian prisons frequently face overcrowding, poor, and insufficient staffing, leading to administrative difficulties in establishing a private area for strip searches. Allocating a separate room requires both space and personnel, which are in short supply. Administrators may regard the corridor as a practical solution; however, this compromises the care and respect extended to prisoners. Often, budget limitations restrict the feasibility of proposed reforms.

The strip-search procedure, particularly when performed in the corridor, can significantly shape the broader culture within prisons. Observing these searches can lead other inmates to feel more vulnerable and fearful, which adversely affects overall prison morale. A culture prioritizing surveillance and control over respect can breed resentment among prisoners, undermining initiatives aimed at fostering a rehabilitative environment.



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Countries such as the United Kingdom and Canada have implemented stricter privacy standards for conducting strip searches in prisons, often requiring designated private spaces with minimal personnel present. Some nations also enforce gender-specific protocols, ensuring that searches are conducted by officers of the same gender. Indian prisons could benefit from adopting similar standards to minimize trauma while upholding security.

Advocates for prison reform in India have increasingly emphasized the necessity of modernizing and humanizing search practices within correctional facilities. Some states have explored pilot programs to test private search rooms or alternative screening methods. However, the pace of nationwide implementation has been sluggish. Continuous calls for reform emphasize both legal amendments and increased funding for improved facilities.

Moving forward requires a comprehensive approach that balances security requirements with individual rights. Recommendations include the establishment of designated, enclosed spaces for strip searches, ensuring that searches are conducted by officers of the same gender, and providing training programs for prison staff on conducting searches with respect. Ultimately, embracing a rights-based framework would not only enhance the well-being of prisoners but also contribute to creating a more effective and humane prison system in India.

In summary, the strip search process occurring in the corridor between the main and secondary gates in Indian prisons underscores a critical tension between institutional security needs and human dignity. Reforms that acknowledge individual privacy while maintaining security standards are vital for developing a humane and legally compliant prison system.

10. Search in Women Prisons:

In numerous women's prisons, adequate spaces for conducting searches of female inmates are frequently lacking. Instead of utilizing dedicated, private rooms for these procedures, searches are often performed in public areas of the prison. This practice undermines the dignity and privacy of the women, as they may endure invasive searches in the presence of other inmates or prison personnel. Such actions disregard the rights of female prisoners, particularly their right to privacy, which is a fundamental component of human dignity. The situation is worsened in facilities lacking a clear policy on search procedures, leading to inconsistent practices and potential misuse of authority.





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In several instances, searches of women prisoners are conducted in rooms typically reserved for female prison staff. Although intended for staff use, these rooms are often repurposed for conducting inmate searches due to insufficient space or resources. This situation raises significant concerns over whether these areas are adequate to guarantee the safety and privacy of the women undergoing searches. Moreover, the presence of staff members in these rooms, who may not have received appropriate training for handling such sensitive matters, can create an uncomfortable and vulnerable environment for the female inmates. Additionally, the absence of dedicated areas can result in logistical difficulties, with women frequently being searched alongside other inmates or without the necessary consideration of their gender-specific needs.

The absence of designated, well-equipped spaces for searching female prisoners underscores a larger issue of inadequate infrastructure within female correctional institutions. There is an evident need for reform in this regard to ensure that female inmates are treated with the dignity and respect they deserve. This reform should include the establishment of private, secure spaces for conducting searches, along with the implementation of clear guidelines and training for staff to conduct searches in a manner that is both respectful and in accordance with human rights standards. Implementing such changes would not only enhance the conditions within women's prisons but also affirm the principle that all individuals, irrespective of their incarceration status, deserve to be treated with basic human decency.

11. Court Judgments:

A search conducted during an arrest does not necessitate a warrant or probable cause. Nevertheless, a strip search during an arrest may infringe on an individual's right to privacy, a concern addressed by the USA Supreme Court in Bell v. Wolfish (1979). This case involved pretrial detainees challenging a New York detention facility's strip search policy, which mandated visual inspections of body cavities after any contact with outsiders. The Court weighed facility safety against inmate privacy, emphasizing the need to evaluate the scope, manner, justification, and location of such searches. Consequently, while jailhouse strip searches are permissible, similar searches in different situations could be deemed illegal.

An article from Hindustan Times dated April 15, 2023, reports that a specialist TADA court in Mumbai, India, has determined that strip searches of pre-trial inmates violate their fundamental rights. Instead of performing these searches, the court has instructed prison authorities to implement scanners or other technological options. Judge BD Shelke stated that if a personal search is deemed absolutely necessary, it must be conducted with dignity and respect to prevent any humiliation. This ruling was prompted by Ahmed Kamal Shaikh's complaint about being strip-searched in front of fellow inmates and staff. The court also recognized similar grievances from other pre-trial inmates, underscoring the importance of humane treatment and the strict prohibition of degrading language or behaviour during searches.

In the case of Florence v. Burlington, a split USA Supreme Court determined that individuals who are arrested can be subjected to strip searches, regardless of the severity of their offence, including minor crimes or traffic violations. This ruling allows for such searches to occur without any suspicion that the arrested individuals possess weapons or illegal items.

Federal circuit courts have thoroughly examined the definitions and implications of what constitutes a strip search. A notable case in this discourse is Doan v. Watson (2001), where the court ruled that the act of law enforcement personnel observing inmates during their showers qualified as a strip search. This decision underscores the importance of privacy rights and establishes a significant precedent regarding the boundaries of permissible observation in correctional settings. The ruling emphasizes the expectation



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of privacy that inmates, despite their incarceration, are entitled to, particularly in situations that could be categorized as intrusive or demeaning.

Another significant case is Safford Unified School District v. Redding (2009), where school officials required a female student to remove her undergarments during a search for drugs. The court deemed this a strip search, underscoring the delicate nature of such actions in schools. This ruling raises crucial questions about the balance of authority between school officials and students' rights to privacy and dignity. Collectively, these cases contribute to an evolving legal framework regarding strip searches, emphasizing the need to protect individual rights while recognizing the responsibilities of authority figures in educational settings.

12. Conclusion:

Implementing strip searches in prisons highlights a complex balance between ensuring institutional security and protecting inmates' psychological well-being. While these searches are primarily aimed at preventing contraband and maintaining a safe environment, they can have far-reaching consequences beyond immediate security needs. The impact on inmates' mental health and sense of dignity can be significant, often resulting in feelings of humiliation and vulnerability that may worsen existing psychological challenges. Therefore, it is essential for prison officials to assess the necessity and frequency of these searches, taking a compassionate approach that recognizes the humanity of those in custody while also providing private areas for conducting these searches.

In light of these challenges, investigating new technologies and alternative approaches presents valuable opportunities to improve existing practices. Alternatives such as body scanners and canine units - keeping in mind that some communities may oppose the use of dogs during strip searches - can effectively replace invasive methods, enhancing safety and upholding the dignity of inmates. Additionally, revising strip search policies and offering staff training centred on empathy can reduce the psychological distress associated with these procedures. Looking ahead, it is crucial to incorporate evidence-based practices and prioritize human rights while developing strip search protocols, thus ensuring both security and the mental health of inmates.

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