

Australian Capital Territory

Corrections Management (Entry Searching) Operating Procedure 2022

Notifiable instrument NI2022-51

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Entry Searching) Operating Procedure 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of correctional services.

4 Revocation

This operating procedure revokes the *Corrections Management (Contraband Seizure) Operating Procedure 2011* [NI2011-125].

Ray Johnson APM
Commissioner
ACT Corrective Services
3 February 2022



OPERATING PROCEDURE	Entry Searching
OPERATING PROCEDURE NO.	S4.20
SCOPE	ACT Correctional Centres

PURPOSE

To provide instructions to staff on searching people other than detainees entering a correctional centre.

PROCEDURES

1. General

- 1.1 All persons entering a correctional centre:
 - a. will be searched on entry to and exit from the Alexander Maconochie Centre (*Searching Program*) and
 - b. may be searched on entry to and exit from the Court Transport Unit.
- 1.2 All persons will be subject to a scanning search (e.g., metal detector) and x-ray scanning search of their property on entry to a correctional centre, subject to 1.1.
- 1.3 All persons may be searched by a Corrections Search Dog as per the *Corrections Search Dogs Operating Procedure*.
- 1.4 As per 1.1, correctional officers must ensure that all persons pass a scanning search on entry, except persons with a medical exemption for that particular kind of search. Any person without a valid medical exemption who fails the entry search must be refused entry and asked to leave the correctional centre.
- 1.5 Persons with a current medical exemption must instead be subject to another form of search as per section 2.4.
- 1.6 Correctional officers may also conduct the following searches of persons in accordance with the *Searching Policy* and *Searching Program*:
 - a. scanning search (x-ray, ion scanner, Corrections Search Dog)
 - b. ordinary search
 - c. frisk search.
- 1.7 Correctional officers may conduct additional searches of persons (*Searching Policy*):
 - a. following an indication of possible concealment in a scanning search
 - b. under the *Searching Program*
 - c. for a targeted search where there are reasonable grounds for suspicion that the person may be concealing a prohibited thing or seizeable item on their person.
- 1.8 Persons who identify to officers as transgender or born with variations in sex characteristics must be asked to confirm their gender preference for officers conducting a search.

- 1.9 Searching officers must record hand-held wand searches and frisk searches of persons on:
- a. the logbook in the X-Ray area and
 - b. the electronic record for the detainee or each of the detainees being visited and include the reasons for the search if these searches are conducted on a detainee visitor due to possible concealment or a targeted search.
- 1.10 Where there are reasonable grounds to suspect that an infant or child is being used to attempt to bring prohibited items into a correctional centre:
- a. the visitor will be refused the visit and considered for a visitor ban (*Visits Policy*) and
 - b. the gate officers must submit a *A2.F1: Incident Report*.
- 1.11 In accordance with section 122 of the *Corrections Management Act 2007 (ACT)*, any property, including vehicles, in the possession of a person may be searched at any time while at a correctional centre where there are reasonable grounds for suspicion that a prohibited item may be located there. Searching may be conducted:
- a. with any electronic device or other technology
 - b. by hand
 - c. by a Corrections Search Dog.

2. Medical Exemptions

- 2.1. Where there are medical reasons that prevent a person from undergoing a specific kind of search (e.g., successfully passing through a metal detector), the person must provide a valid medical certificate relevant to the exemption prior to attending the Alexander Maconochie Centre (AMC).
- 2.2. A valid medical certificate may be emailed in advance to AMCExecSupport@act.gov.au.
- 2.3. The General Manager will determine the length of time that an exemption is valid for on a case-by-case basis.
- 2.4. Persons with a medical exemption must submit to alternative searches on entry to the AMC under the *Searching Policy*. They must be searched in accordance with the requirements of their medical exemption and any indication should be confirmed with the medical exemption.

3. Refusal to be searched

- 3.1. Where a person with a valid medical exemption refuses an alternative search:
- a. they must be refused entry to the AMC on that occasion
 - b. the searching officer must complete an *Incident Report*, and where appropriate, a *Security Intelligence Report*
 - c. if the person is a detainee visitor, the General Manager may consider whether it is appropriate to ban the visitor or restrict the visitor to audio-visual visits for a period of time.
- 3.2. Where a staff member refuses a search:
- a. they must not be permitted to enter an ACT correctional centre
 - b. the searching officer must submit an *A2.F1: Incident Report* to the General Manager or the Director, Court Transport Unit

- c. the searching officer must complete a Security Intelligence Report where appropriate.
- 3.3. A staff member's refusal to be searched may be considered as a failure to follow a lawful and reasonable instruction and may constitute misconduct. The General Manager or the Director, Court Transport Unit may report suspected misconduct by completing an Integrity Report or by email to ACTCS-Integrity@act.gov.au.

4. Prohibited Things and Seizeable Items

- 4.1. Staff must only carry items reasonable and necessary for their duty period without prior approval in accordance with the Prohibited Things, Excess and Non-Standard Items Operating Procedure:
 - a. only one (1) clear bag per staff member is permitted to enter a correctional centre
 - b. all bags brought into a correctional centre must be removed at the end of the staff member's duty period.
- 4.2. Searching officers may seize anything that:
 - a. is on the Prohibited Items List
 - b. poses a risk to the security or good order of a correctional centre
 - c. poses a risk to the safety of anyone at a correctional centre
 - d. they suspect on reasonable grounds may be used to commit an offence or disciplinary breach.

Note: documents can be seized by searching officers unless the officer reasonably suspects that the document is legally privileged.

- 4.3. Where anything listed in 4.2 is found on a person under this procedure the searching officer must immediately inform the Area Manager Operations or above.
- 4.4. The Area Manager Operations or above:
 - a. must immediately interview the person and provide the person an opportunity to explain the find
 - b. must ensure that the find is reported:
 - in the Gatehouse register and
 - by submitting an A2.F1 Incident Report and
 - to the Intelligence Unit via a Security Intelligence Report or by email to ACTCS-Intelligence@act.gov.au
 - c. may also notify the police.
- 4.5. Where the person is a staff member, the Area Manager Operations must also:
 - a. consult with the appropriate manager to determine the relevant course of action
 - b. report any suspected misconduct by the staff member by completing an Integrity Report or by email to ACTCS-Integrity@act.gov.au.

- 4.6. The item will be seized, and the person who was in possession of the item provided with a Seizure Receipt unless the person provides reason to suspect that they are not the owner of the item.
- 4.7. The seizure, labelling, evidence continuity, storage and disposal of prohibited things will be managed in accordance with the Management of Evidence Operating Procedure, Crime Scene Management Operating Procedure and Court Transport Unit Crime Scene Management Operating Procedure, as required.
- 4.8. The searching officer or another officer as delegated by an Area Supervisor or above will either:
- a. return the seized item to the owner:
 - i. no later than six months after the item was seized or
 - ii. if the item is involved in a proceeding for an offence or disciplinary breach which started within six months after the item was seized, after the proceeding has ended (including any appeal or review process) or
 - b. arrange for the item to be forfeited and disposed of for the following reasons under section 130 of the Corrections Management Act 2007 (ACT):
 - iii. the owner cannot be identified
 - iv. the item cannot be returned to its owner
 - v. it is an offence to possess the item
 - vi. it is necessary to stop the item from being used for any potential offence
 - vii. the item is inherently unsafe.
- 4.9. The item will be disposed of as ACTCS determines, or seized by a police officer with, or without, a warrant under section 249 of the Crimes Act 1900.

RELATED DOCUMENTS AND FORMS

- Searching Policy
- Searching Program
- Visits Policy
- Incident Reporting, Notifications and Debriefs Policy
- A2.F1: Incident Report
- Seizure Receipt
- Management of Evidence Operating Procedure
- Corrections Search Dogs Operating Procedure

Corinne Justason
Deputy Commissioner Custodial Operations
ACT Corrective Services
31 January 2022

Document details

Criteria	Details
Document title:	<i>Corrections Management (Entry Searching) Operating Procedure 2022</i>
Document owner/approver:	Deputy Commissioner Custodial Operations, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Operations
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
Version no.	Date	Description	Author
V2	January-22	Revised and First Issued	H Cheney
V1	October-20	First Drafted	L Kazak