

Australian Capital Territory

Corrections Management (Possession of Prohibited Things) Policy 2012

Notifiable instrument NI2012-499

made under the

Corrections Management Act 2007, section 14(1) (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Possession of Prohibited Things) Policy 2012*.

2 Commencement

This instrument commences on the day after its notification.

3 Policy

I make the

POSSESSION OF PROHIBITED THINGS POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

4 Revocation

This instrument revokes notifiable instrument NI2012-316.

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Executive Director
ACT Corrective Services
18 September 2012

POSSESSION OF PROHIBITED THINGS POLICY

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Purpose

The purpose of this policy is to define approvals for certain categories of persons to have possession of prohibited things within ACT correctional centres. This policy is to be read in conjunction with the *Declaration of Prohibited Things*.

Authority

Legislation

Corrections Management Act 2007, Part 9.5 and sections 14, 81, 82 & 145.

Policy

Principles

Pursuant to section 81 of the *Corrections Management Act 2007* (the Act), specific items may be declared to be a prohibited thing if there are reasonable grounds for believing they are illegal, offensive, or prejudicial to the health of any person or to the security or good order of ACT correctional centres. The *Declaration of Prohibited Things* defines what items are declared to be prohibited.

Offences in relation to the possession of a prohibited thing by a detainee in ACT Corrective Services (ACTCS) custody, or possession and/or handling of a prohibited thing by any person in an ACT correctional centre, are specified in this policy.

As per the *Correctional Centres Declarations*, a correctional centre is inclusive of the buildings and land (including car parks) specified on the maps as notified.

Offences

Detainees

In accordance with section 82 of the Act, a detainee commits an offence if they possess a prohibited thing, unless in accordance with the approvals granted in this policy, or by approval of the Superintendent.

Any Person

In accordance with section 145 of the Act, it is an offence for any person to take a prohibited thing into a correctional centre, or give a prohibited thing to a detainee, or remove a prohibited thing from a correctional centre, unless in accordance with the approvals granted in this policy, or by approval of the Superintendent.

Approvals for possession of a prohibited thing

Detainees

The following prohibited things are items which may be approved for detainee's use when participating in approved hobbies or industries work:

- scissors;
- tools and cutting equipment (when used and stored in accordance with the *Management of Tools Policy*);
- paint;
- oil; and
- herbicide/fungicide/insecticide.

The following prohibited things are items which are approved for detainee's possession at the Periodic Detention Centre (PDC):

- cigarette lighters; and
- currency (detainees at the PDC may have up to thirty dollars in coin to use in the vending machines available).

The following prohibited things are items which are approved for detainee's possession at the Transitional Release Centre:

- cigarette lighters.

Other Persons

This section applies, but is not limited, to visitors, Corrections Officers, other ACTCS employees/contractors, professional visitors/service providers and ACT Health employees.

The following prohibited things may be in the possession of a person if they are in the car park, or directly outside the front entrance of, an ACT correctional centre, or if they are in the front entrance building of the AMC (where there are lockers provided for personal items).

These prohibited things may not enter the AMC beyond the metal detector, or enter the buildings of the PDC, TRC or CTU unless approved in the section below for *Corrections Officers and other employees/contractors*, or a request is submitted to the Superintendent and authorisation is granted, prior to the person being permitted into the centre:

- mobile phones and accessories, including but not limited to SIM cards, batteries, chargers and earpieces;
- computers;

- USB/Flash drives;
- prescription drugs other than those authorised by a medical practitioner and used for emergency treatment of a medical condition (e.g. asthma inhalers, angina medication). An amount may be permitted into a correctional centre if, as stated above, the Superintendent has authorised the exemption prior to that person being permitted into the centre and:
 1. If the person can present a letter from a medical practitioner stating that the person is required to carry the medication on them;
 2. The Superintendent/Deputy Superintendent is notified prior to the person entering the centre; and
 3. Only an amount that may be reasonable given the length of time the person will be in the centre will be permitted;
- cigarette lighters, matches and cigarettes;
- aerosol spray canisters;
- compact discs (CDs) or digital versatile disks (DVDs);
- cameras and/or recording equipment;
- recording devices of any format (including MP3 Players);
- currency;
- paint;
- oil;
- glue;
- herbicide/fungicide/insecticide;
- keys;
- tools and cutting implements of any kind;
- offensive material; and
- any other item deemed inappropriate by the Superintendent.

Other items (that are not declared as prohibited things) that are not permitted to be brought in to a correctional centre by a visitor are listed in the *Visits Policy*.

Corrections Officers and other employees/contractors/service providers

The following prohibited things are items which are approved for Corrections Officers, ACTCS employees/contractors, professional visitors/service providers and ACT Health employees to possess and enter/exit an ACT correctional centre:

- cigarette lighters, matches and cigarettes;
- currency;
- keys.

The following prohibited things may be used in the course of business within a correctional centre:

- scissors;
- cooking equipment;
- paint and glue;
- tools and cutting equipment (when used and stored in accordance with the *Management of Tools Policy*); and
- equipment required to be used in the delivery of services provided.

Offensive material

Offensive material includes any document or correspondence that:

- is sexually explicit or sexually demeaning (depicting female breasts, male or female genitalia, or the anus or pubic area in a sexual manner including where these may be seen through a sheer covering, such as lace, mesh, or body paint) (including letters and emails);
- promotes crime, cruelty, or violence towards people or animals;
- criticises religious or political beliefs or convictions;
- could be intended to or may incite racial tension or racial prejudice;
- is directly or indirectly offensive to a person's physical appearance, marital status, pregnancy, family circumstances, medical condition, religious beliefs; or physical, sensory or intellectual disability; and/or
- is intended to or likely to be perceived as harassing or demeaning to persons of a particular gender or sexual preference.

Detection/Confiscation of a prohibited thing

Detainees

Any detainee found to be in possession of a non-authorized prohibited thing will have that thing confiscated and a receipt issued, which may result in the possession being investigated and the item being disposed of in accordance with the *Seizure of a Prohibited Thing Procedure*.

Visitors, Corrections Officers and other ACTCS employees/contractors

Any person attempting to introduce a non-authorized prohibited thing into an ACT correctional centre, or found in the possession of a non-authorized prohibited thing, may be subject to one or more of the following conditions, as directed by the Area Manager (in consultation with the Deputy Superintendent):

- ask that the person dispose of the article;
- ask that the person return the article to a secured locker or vehicle;
- confiscate the article in accordance with the *Seizure of a Prohibited Thing Procedure*;
- deny a contact visit;
- deny a visit of any type;
- ask the person to remove him or herself from the correctional centre immediately (non compliance may result in removal from the correctional centre in accordance with the *Use of Force Policy* and *Use of Force Procedure*); and/or
- refer the matter to the AFP.

If applicable, a person's visitor status may be reviewed and revoked by the Superintendent.

Forms/Templates

Officers Report

Seized Article Receipt Form

Related Policies and Procedures

Declaration of Prohibited Things

Seizure of a Prohibited Thing Procedure

Incident Reporting Policy

Incident Reporting Procedure
Prisoner Property Procedure
Searching Policy
Searching Procedure
Visits Policy
Use of Force Policy
Use of Force Procedure
Correctional Centres Declaration 2009 (No 3)
Correctional Centres Declaration 2009 (No 2)
Correctional Centres Declaration 2007 (No 4)