

Australian Capital Territory

Corrections Management (Detainee Religion) Policy 2019

Notifiable instrument NI2019-409

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Detainee Religion) Policy 2019*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

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

4 Revocation

This policy revokes the *Corrections Management (Communion Wine) Policy 2012* [NI2012-566].



Jon Peach
Executive Director
ACT Corrective Services
18 June 2019

DETAINEE RELIGION

POLICY NO. D24

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that detainees can practice a recognised religion or belief of their choosing while in custody, and are provided with reasonable access to religious materials, areas for prayer or contemplation, and access to religious visitors where possible.

This policy enables access to religious services in a correctional centre.

2 SCOPE

This policy applies to all correctional centres in the ACT.

Where required, the General Manager Custodial Operations will establish operational procedures under this policy.

3 DEFINITIONS

Coordinating Chaplain

A person engaged by ACTCS to coordinate religious services in a correctional centre, and to manage the pastoral needs of detainees where appropriate.

Pastoral needs

A need for emotional or spiritual support that is religious or non-religious.

Religious visitor

An approved volunteer for a correctional centre who is recognised through formal ordination, commissioning, recognised religious qualifications or endorsement by a recognised or accepted religious institution or a government approved chaplaincy service.

4 PRINCIPLES

- 4.1 ACTCS respects the religious diversity of detainees and the rights of detainees to practice their religion while in custody.
- 4.2 All detainees will be offered the opportunity to register their religion with ACTCS on admission to a correctional centre, or at any other time (*Admission Policy*).
- 4.3 Detainees have the freedom to choose who they associate with in respect to their religious or spiritual beliefs.
- 4.4 Detainees can:
 - a. observe and practice their religious beliefs;

- b. receive support and religious guidance from a religious visitor; and
 - c. change or remove their religious registration with ACTCS at any time.
- 4.5 All detainees can be seen by the Coordinating Chaplain on request.
- 4.6 A schedule of religious services and activities for significant religious days will be maintained and be displayed in all accommodation areas.
- 4.7 Detainees will not be subject to any form of discrimination due to their religious registration or lack of religion.
- 4.8 Detainees will not be required to do non-essential work on recognised days of significance for their faith.
- 4.9 In exceptional circumstances, the GMCO may restrict or impose reasonable limitations on the requirements under this policy where necessary to ensure the safety of any person, or security or good order in a correctional centre.

5 CHAPLAINCY SERVICE

- 5.1 A chaplaincy service is provided to:
 - a. meet the pastoral needs of detainees;
 - b. deliver religious services and provide religious, ethical and spiritual guidance; and
 - c. promote an understanding of diversity and the range of cultures and their related traditions.
- 5.2 The Executive Director will appoint a Coordinating Chaplain to manage the religious and chaplaincy services in a correctional centre.
- 5.3 The Coordinating Chaplain is responsible for ensuring:
 - a. a schedule of approved religious visitors for a correctional centre is maintained in accordance with sections 5.4-5.5;
 - b. detainees who have requested to see the Coordinating Chaplain or a religious visitor are visited as soon as practicable;
 - c. they or an appropriate religious visitor visit each detainee managed under the *Management of Segregation and Separate Confinement Policy* or *Management of At-Risk Detainees Policy* at least once each week;
 - d. religious texts are provided to detainees on request;
 - e. any requirements under the *Marriage and Civil Partnership Policy* are fulfilled; and

- f. suitable clothing and footwear for court attendance and discharge are made available to detainees where required under the Detainee Property Policy.
- 5.4 Where the Coordinating Chaplain requires a religious visitor to meet the pastoral needs of detainees, they must:
 - a. ensure the proposed religious visitor meets the definition criteria in section 3; and
 - b. provide all relevant information on the religious visitor to the Manager, Intelligence and Integrity Unit, who will:
 - i. confirm whether there are any security or intelligence concerns related to the proposed visitor; and
 - ii. provide all relevant information and a recommendation to the GMCO for a decision.
- 5.5 The GMCO will approve or refuse a proposed religious visitor under section 5.4 and inform the Coordinating Chaplain.
- 5.6 All detainees are offered the opportunity to meet with the Coordinating Chaplain or a religious visitor during induction to a correctional centre (Induction Policy).
- 5.7 The Coordinating Chaplain and religious visitors are not to engage in attempts to convert detainees in any form.
- 5.8 Allegations that the Coordinating Chaplain or a religious visitor has engaged in an unsolicited visit or attempt to persuade a detainee to change their religious registration must be referred directly to the Intelligence and Integrity Unit.

Bereavement support

- 5.9 Where a detainee informs a staff member of the death of a family member, they must be asked whether they would like to receive a visit from the Coordinating Chaplain.
- 5.10 Where requested under section 5.10, the Coordinating Chaplain must arrange for the detainee to be visited as soon as practicable to address their pastoral needs.

6 RELIGIOUS OBSERVANCE

- 6.1 The GMCO will designate:

- a. areas for religious worship and observance that can suitably accommodate the number of detainees who wish to attend; and
 - b. times for religious services that align with the main religious observance for a faith group each week.
- 6.2 Religious events in designated areas under section 6.1 must take priority over non-religious events.
- 6.3 Detainees can possess and access religious texts from the Coordinating Chaplain or correctional centre library.
- 6.4 Detainees may be allowed to wear dress, including headdress, that accords with their religious registration as agreed between the detainee and the Head of Accommodation.
- 6.5 Any arrangements for a detainee under section 6.4 must be recorded on a detainee's electronic record system.
- 6.6 At times of significant religious observance, detainees with the relevant religious registration will be informed of arrangements to assist their observance.

Example: Ramadan for Muslim detainees, Christmas and Easter for Christian detainees.

- 6.7 Where a detainee's conduct raises concerns for staff in relation to religious intolerance or extremism, this must be reported to the Intelligence and Integrity Unit using a Security Information Report on SharePoint in accordance with the Incident Reporting, Notifications and Debriefs Policy.

7 RELIGIOUS SERVICES

- 7.1 Religious services, including group prayers:
 - a. must be delivered by a religious visitor; and
 - b. must be held in a designated location under section 6.1.
- 7.2 Religious services may be supervised by custodial officers of any gender.
- 7.3 In exceptional circumstances, the GMCO may exclude a detainee from attending a religious service where:
 - a. there are reasonable grounds to suspect that the attendance may jeopardise the safety of any person, or security or good order at the correctional centre; or
 - b. the detainee has previously misbehaved at a religious service and was managed under the Discipline Policy.

- 7.4 All exclusions under section 7.3 must be recorded in a detainee's electronic record system and include the reasons for the decision.
- 7.5 The GMCO will ensure that religious services are accessible for detainees with a disability.

Communion wine

- 7.6 Detainees will be permitted to receive Holy Communion where offered during Christian services.
- 7.7 Christian religious visitors under section 7.6 are permitted to bring up to 300ml of communion wine into a correctional centre for this purpose but must:
- a. transport the wine in a clear plastic container;
 - b. declare the wine on entry to the correctional centre;
 - c. always maintain possession of the wine within the correctional centre; and
 - d. remove any remaining wine when exiting the correctional centre.

8 CHANGE OF RELIGION

- 8.1 Where a detainee wishes to change or remove their religious registration, they must submit a *Detainee Request Form* to a custodial officer.
- 8.2 The custodial officer in receipt of a request under section 8.1 is responsible for:
- a. recording the change or removal of religion on the detainee's electronic record system;
 - b. informing the detainee that their religious registration has been changed; and
 - c. notifying the Coordinating Chaplain, and Intelligence and Integrity Unit that the detainee has changed religion via email to ACTCSIntelligence@act.gov.au.
- 8.3 Where requested by a detainee, the Coordinating Chaplain will arrange for a Chaplain from the detainee's intended religion to discuss the change with the detainee.
- 8.4 Detainees must notify staff of any change to their dietary requirements in accordance with the *Provision of Meals Policy*.
- 8.5 The detainee must be allowed to practice their new religion without delay once the change is made.

9 RELATED DOCUMENTS

- A – Induction Policy
- B – Management of At-Risk Detainees Policy
- C – Management of Segregation and Separate Confinement Policy
- D – Incident Reporting, Notifications and Debriefs Policy
- E – Provision of Meals Policy
- F – Discipline Policy
- G – Detainee Property Policy
- H – Marriage and Civil Partnership Policy
- I – Detainee Request Form



Jon Peach
Executive Director
ACT Corrective Services
18 June 2019

Document details

Criteria	Details
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Responsible officer:	Head of Detainee Services

Version Control			
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