

Australian Capital Territory

Corrections Management (Seizure) Operating Procedure 2022

Notifiable instrument NI2022–223

made under the

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

1 Name of instrument

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

2 Commencement

This instrument commences on the 1st September 2022.

3 Operating Procedure

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

4 Revocation

This policy revokes the previously notified *Corrections Management (Prisoner Property) Operating Procedure [Restricted] 2007*

Ray Johnson APM
Commissioner
ACT Corrective Services
22 April 2022



OPERATING PROCEDURE	Detainee Property – Seizure
OPERATING PROCEDURE NO.	S4.106
SCOPE	Alexander Maconochie Centre

STATEMENT OF PURPOSE

To provide instructions to staff regarding the seizure of detainee property.

PROCEDURES

1. Seizure of property

- 1.1. Seizure of property refers to the confiscation or removal of property found in a detainee's possession.
- 1.2. Seizure of property may occur for the following reasons:
 - unauthorised property
 - excess in-possession or standard issue property
 - entitlement to specific property is removed in accordance with a downgrade in detainee's IEP status as per the *Incentives and Earned Privilege Policy*
 - the property constitutes a risk to health and safety
 - property is damaged, misused, or modified
 - the property is a prohibited thing/contraband
 - property is not verified as belonging to the detainee.
- 1.3 At least two officers must be present during the seizure of detainee property.
- 1.4 Officers must complete an *A2.F1: Incident Report Form* and a *Seizure Receipt* when property is seized. A copy of the *Seizure Receipt* must be provided to the detainee on the same day.
- 1.5 The *Seizure Receipt* must include the names of the officers present.
- 1.6 Once the *Seizure Receipt* is complete, the searching officer must upload a copy to the detainee's electronic record.
- 1.7 The searching officer must remove and return for recirculation all excess standard issue items located during a search that belong to ACT Corrective Services.
- 1.8 The searching officer is not required to generate a *Seizure Receipt* for excess standard issue items.

2. Unauthorised Property

- 2.1 Any property that is not recorded on the detainee's individual property file is deemed to be unauthorised property.
- 2.2 Officers must seize unauthorised property as soon as it is discovered.
- 2.3 If the legitimate original owner of a seized property item is identified, the item must be returned to Admissions to be placed in that detainee's storage box and held as 'not for issue' until a review is conducted to determine why the property item was in the possession of another detainee.

- 2.4 A Seizure Receipt must be issued to the detainee who was in possession of the property, and if identified, to the known owner of the property.
- 2.5 The Area Supervisor must conduct a review and depending on the outcome, the property owner may apply for that property item to be in possession using a Detainee Request Form.

3. Excess In-Possession Property

- 3.1 Where a detainee is found to have excess property – normally found during a search or cell observation – the searching officer (CO1 or CO2) must verbally direct the detainee to decide which items they wish to keep and which to return to storage. The Officer must provide the detainee a reasonable timeframe to complete this directive, considering the size and complexity of the task. The officer must follow up with the detainee at the end of the agreed timeframe.
- 3.4 Where a detainee refuses to reduce their in-possession property to approved levels, officers may seize items and return the excess property to Admissions.
- 3.5 Officers must also seize excessive standard issue items and return them to Admissions for redistribution across the AMC.
- 3.6 Where it is determined that the stored property is also at maximum, the Detainee Property – Collection, Disposal and Postage Operating Procedure is to be followed.

4. Health and Safety

- 4.1 Officers must seize any items of property that constitute a health and safety concern. Including damaged or adulterated electrical items and biohazards.

5. Seizure of Property in a Common Area

- 5.1 If property is seized from a Common Area, and the legitimate owner can be identified, then the seizing Officers must complete an A2.F1: Incident Report Form and a Seizure Receipt. A copy of the Seizure Receipt should be given to the detainee.
- 5.2 If the legitimate owner cannot be identified, then the seizing Officers must complete an A2.F1: Incident Report Form, noting if the item is contraband or of value.

RELATED DOCUMENTS AND FORMS

- Detainee Property – Collection, Disposal and Postage Operating Procedure
- Detainee Property Policy
- Incident Report Form
- Detainee Request Form
- Seizure Receipt

Corinne Justason
Deputy Commissioner Custodial Operations
ACT Corrective Services
25 February 2022

Document details

Criteria	Details
Document title:	<i>Corrections Management (Detainee Property - Seizure) 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
V1	September-20	First Issued	T Rust
V2	December-21	First Revision	J Papadopoulo