

Australian Capital Territory

Corrections Management (Frisk Search and Ordinary Search) Operating Procedure 2022

Notifiable instrument NI2022-52

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Frisk Search and Ordinary Search) 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.

Ray Johnson APM
Commissioner
ACT Corrective Services
3 February 2022



OPERATING PROCEDURE	Frisk Search and Ordinary Search
OPERATING PROCEDURE NO.	S4.10
SCOPE	ACT Correctional Centres

PURPOSE

To provide instruction to staff on conducting a frisk search and ordinary search. Reasonable adjustments may be required for persons with a disability or other specific need (*Searches Requiring Reasonable Adjustments Operating Procedure*).

DEFINITIONS

Frisk search — a search running the hands over the person’s outer garments and an examination of anything worn or carried by the person that is *conveniently and voluntarily* removed by the person.

Ordinary search — a search of a person, or of articles in a person’s possession, that may include *requiring* the person to remove the person’s overcoat, coat or jacket and any gloves, shoes or hat and does not involve touching the person being searched.

PROCEDURES

1. Frisk search and ordinary search

- 1.1. A frisk search and ordinary search may be authorised by a Corrections Officer Grade 1 or above and are conducted in accordance with this procedure, the *Searching Policy* and the *Searching Program*.
- 1.2. In addition to this, a frisk search of detainees is conducted before and after medication is provided to the detainee.

2. Ordinary search

- 2.1. Where an ordinary search does not detect a suspected seizeable item, and the searching officer believes it is prudent, the officer may require the person to undergo another form of search in accordance with the *Searching Policy*.

3. Frisk search of a detainee

- 3.1. Prior to commencing a frisk search of a detainee, the searching officer must give the following declaration:

“I am going to conduct a frisk search. Before I commence, is there any item on your person that you shouldn’t have? Do you have any needles, syringes, sharp objects or any other contraband on your person or in your property? Is there any item on your person that doesn’t belong to you?”

- 3.2. Where a frisk search does not detect a suspected seizeable item, and the searching officer believes it is prudent, the officer may require the person to undergo another form of search in accordance with the Searching Policy.

4. Detainee refusal to be searched

- 4.1. Where a detainee refuses to comply with an ordinary search or frisk search, or to remove something requested by a searching officer during a frisk search, the searching officer must give a lawful direction to the detainee to comply with the search or to remove the item. The Area Supervisor must be contacted where the detainee is non-compliant with the direction.
- 4.2. Where a person refuses a search for medical reasons, officers must refer to the Searches Requiring Reasonable Adjustments Operating Procedure.
- 4.3. Where a detainee refuses a search under this procedure, the searching officers must remain with the detainee undertaking constant observations until further instructions are confirmed with the Area Supervisor.
- 4.4. Where the detainee continues to refuse to be searched, the Area Supervisor must consider immediate housing options and contact the Area Manager.
- 4.5. Searching officers may initiate disciplinary action in accordance with the Detainee Discipline Policy.

5. Frisk search of a person other than a detainee

- 5.1. Prior to commencing a frisk search of a visitor or staff member, the searching officer must give the following declaration:

“I am going to conduct a frisk search. Before I commence, is there any item in your possession that you wish to declare? Do you have any phones, sharp objects or any other contraband on your person or in your property?”

- 5.2. Where a frisk search does not detect a suspected seizeable item, and the searching officer believes it is prudent, the officer may require the person to undergo another form of search in accordance with the Searching Policy.

6. A person other than a detainee refusal to be searched

- 6.1. Where a person refuses a search for medical reasons, officers must refer to the Searches Requiring Reasonable Adjustments Operating Procedure.
- 6.2. Where a person other than a detainee refuses to undergo a search under this procedure, this must be managed in accordance with the Entry Searching Operating Procedure.

7. Prohibited things or seizeable items

- 7.1. Prohibited things or seizeable items located under this procedure will be managed in accordance with the Searching Policy and the Management of Evidence Operating Procedure.

RELATED DOCUMENTS AND FORMS

- Searching Policy
- Searching Program
- Detainee Discipline Policy
- Searches Requiring Reasonable Adjustment Operating Procedure
- Management of Evidence Operating Procedure
- Entry Searching Operating Procedure

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

Document details

Criteria	Details
Document title:	<i>Corrections Management (Frisk Search and Ordinary Search) 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	January 22	First Issued	H Cheney