

Australian Capital Territory

# Corrections Management (Religious Considerations for Searches) Operating Procedure 2022

Notifiable instrument NI2022-54

made under the

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

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## 1 Name of instrument

This instrument is the *Corrections Management (Religious Considerations for Searches) 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



<b>OPERATING PROCEDURE</b>	<b>Religious Considerations for Searches</b>
<b>OPERATING PROCEDURE NO.</b>	<b>S4.17</b>
<b>SCOPE</b>	<b>Alexander Maconochie Centre / Court Transport Unit</b>

## PURPOSE

To provide instructions to staff on religious considerations for searches.

## PROCEDURES

### 1. Searching religious headwear

- 1.1. Where the subject of a search is wearing identified religious headwear that could conceal something that poses a risk to safety or security, this must be searched.
- 1.2. Religious garments must be searched with care and respect at all times.
- 1.3. Religious headwear will first be searched with a handheld metal detector by the searching officer.
- 1.4. Where an alarm indicates or where there is suspicion that there are concealed items, the subject of the search must be asked by the searching officer to remove/unwind their headwear. This must be done in private by an officer of the same gender and with care and respect at all times.
- 1.5. The searching staff must not attempt to unwind or remove religious headwear.
- 1.6. If a detainee refuses to unwind or remove religious headgear where there is suspicion that there are concealed items, the Officer-in-Charge (OIC) may approve use of force to search the detainee in accordance with the Use of Force and Restraint Policy.
- 1.7. Some female visitors may wear veils or other face coverings for religious reasons. Staff must not make these visitors uncover their faces or hair in public.
- 1.8. When required for security or identification purposes, the removal of the veil or face covering by the visitor must be done in private with only female officers present.
- 1.9. Following the removal of headwear, the person must be provided the opportunity to use a mirror, and the time and privacy to put the headwear back on.

### 2. Cell searches with Corrections Search Dogs

- 2.1. In some faiths, if a dog comes into contact with a holy book, or item used for religious practice, the item may become impure.
- 2.2. If a Corrections Search Dog is used in a cell search and the detainee is present, the detainee should be asked to identify any religious items. All reasonable steps must be taken to ensure that the dog does not touch the items.
- 2.3. Officers must inform the detainee that they must search the item. The detainee must present the item for inspection in such a manner as to allow a sufficient search (e.g., open and flick through the pages of a holy book).

- 2.4. If the detainee is not present, and officers identify an item that they suspect is holy, they are to take every reasonable step to ensure that the dog does not touch the item.
- 2.5. If the detainee feels that their bedding has become impure due to the search by a Corrections Search Dog, they must be allowed to change it. Officers must arrange new bedding with the Laundry.

### 3. Detainee Searches with Corrections Search Dogs

- 3.1. After a detainee of Muslim faith has been searched by a Corrections Search Dog, staff must ensure the detainee be allowed to wash and change clothes as soon as practicable without compromising a search of other detainees.

### 4. Searches of a person other than a detainee with Corrections Search Dogs

- 4.1. Where a person refuses a search by a Corrections Search Dog for religious or any other reason, this will be managed in accordance with the Corrections Search Dog Operating Procedure.

## RELATED DOCUMENTS AND FORMS

- Searching Policy
- Searching Program
- Corrections Search Dogs Operating Procedure
- Incident Reporting, Notifications and Debriefs Operating Procedure
- Use of Force and Restraint Policy

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

### Document details

Criteria	Details
Document title:	<i>Corrections Management (Religious Considerations for Searches) Operating Procedure 2022</i>
Document owner/approver:	Deputy Commissioner Custodial Operations, ACT Corrective Services
Date effective:	The day after the notification date

Criteria	Details
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-19	First drafted	L Kazak