

Australian Capital Territory

Corrections Management (Searches Requiring Reasonable Adjustments) Operating Procedure 2022

Notifiable instrument NI2022-55

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Searches Requiring Reasonable Adjustments) 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	Searches Requiring Reasonable Adjustments
OPERATING PROCEDURE NO.	S4.18
SCOPE	Alexander Maconochie Centre / Court Transport Unit

PURPOSE

To provide instructions to staff on searching a person with a disability or injury. Disability includes visible and non-visible disabilities such as mental illness, intellectual disability, anxiety and depression.

PROCEDURES

1. Reasonable adjustments when searching

- 1.1. Searching officers may need to vary the normal search procedures for those with injuries or disabilities in accordance with the injury, disability or specific need of the person (including pregnant women).
- 1.2. Before undertaking the search, searching officers must explain the search and ask the person if any part of the search is likely to require reasonable adjustments or if there is anything that needs to be considered during the search. If confirmed, any reasonable adjustments must be considered and acted on where security and good order can be maintained. Where the subject is a detainee, they must be kept on constant observation until the search can be conducted.
- 1.3. Where a person has medical aids, such as a walking stick, cast, sling, etc., searching officers will conduct searches of these items on a case-by-case basis, noting:
 - a. if a walking stick is searched, the person must be provided with a chair to sit on while the search is being conducted
 - b. a cast or bandage may be subject to a scanning search. Where there are reasonable grounds for suspicion, a person may be required to remove a cast or bandage if possible
 - c. a person may be asked to remove a sling. If a person other than a detainee declines to remove a sling, the officer may conduct another form of search that is reasonably likely to detect a concealed item
 - d. if required any other aids may be searched in the least intrusive way that will be reasonably likely to detect a concealed item.
- 1.4. Where a person has a prosthetic limb, searching officers must only request that the person being searched remove the limb for searching where there are reasonable grounds for suspicion that the person may be concealing a prohibited thing or seizeable item.
- 1.5. If a prosthetic limb is searched, the searching officers must take the person to a private room away from others to remove and have the limb searched. Searching officers must take extra care when handling a prosthetic limb.

- 1.6. If a person is wearing a pacemaker, or similar implanted device, they must **not** be subjected to a walk-through metal detector scanning search and instead searching officers will search the person in accordance with the requirements of their medical exemption.
- 1.7. A chair or other reasonable adjustments may be required.
- 1.8. Pregnant detainees must be provided with a chair where required and permitted to sit:
 - a. during the upper half of the search
 - b. for the search of their feet
 - c. when removing clothes or footwear.
- 1.9. The chair and the area beneath the chair must be inspected following the search to ensure items haven't been dropped during the search.
- 1.10. Searching officers must conduct searches in a considerate manner that is respectful of the person's disability or other considerations where this has been disclosed to the searching officer.

2. Wheelchair frisk search

- 2.1. Before undertaking a search on a person in a wheelchair, searching officers must ask the person if they are carrying anything on their person that may be a prohibited thing and provide the opportunity to declare the item.
- 2.2. Searching officers must:
 - a. ask the person to remove any overcoat/blanket and search it
 - b. ask the person to empty their pockets and remove any jewelry including a watch
 - c. search the contents of pockets, jewelry and any other items including bags the person is carrying, then place them to one side
 - d. ask the person to remove any headgear and pass it to the officer for searching. Searches of religious headwear must be conducted in accordance with the *Religious Considerations for Searching Operating Procedure*.
- 2.3. Officers must look at the area around the person for anything they may have dropped before and/or during the search.
- 2.4. Officers must move the wheelchair to one side to ensure it is not concealing anything the person may have dropped.
- 2.5. Officers must search the wheelchair and any attachments.

3. Medical exemptions

- 3.1. Where there are medical reasons that prevent a person (excluding a detainee) from undergoing a particular form of search, the person must:
 - a. provide a valid medical certificate relevant to the exemption prior to, or on attending, the AMC
 - b. a valid medical certificate may be emailed in advance to AMCExecSupport@act.gov.au.
- 3.2. The medical exemption must be approved by the General Manager or their delegate and stored in an accessible location for staff to refer to in the Gatehouse.
- 3.3. Where a person provides evidence that they are unable to undergo a particular search for medical reasons, the searching officer must consider which alternative form of search is appropriate in the circumstances (e.g., a wand search instead of going through a walk-through metal detector).

- 3.4. During an alternative search, if an officer suspects that the person subject to the search is concealing a prohibited thing or seizeable item and:
- a. the person refuses to show that the item in question is not a prohibited thing or seizeable item; and
 - b. another form of search is not able to be conducted either for medical reasons or another justifiable reason to confirm that the item is not prohibited or seizeable, the searching officer must notify the Area Supervisor (CO2). The Area Manager (CO3) or Officer-in-Charge will decide on a case-by-case basis the most appropriate course of action in the given circumstances (for instance, refusing entry to the correctional centre).
- 3.5. The searching officer must submit an incident report in accordance with the *Incident Reporting, Notifications and Debriefs Procedure*.

4. Prohibited Things or Seizeable Items

- 4.1. Prohibited things located under this procedure will be managed in accordance with the *Searching Policy* and where relevant the *Evidence Management Operating Procedure* and *Visits Policy*.

RELATED DOCUMENTS AND FORMS

- Searching Policy
- Searching Program
- Religious Considerations for Searching Operating Procedure
- Evidence Management Operating Procedure
- Visits Policy
- Incident Reporting, Notifications and Debriefs Procedure

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

Document details

Criteria	Details
Document title:	<i>Corrections Management (Searches Requiring Reasonable Adjustments) Operating Procedure 2022</i>
Document owner/approver:	Deputy Commissioner Custodial Operations, ACT Corrective Services

Criteria	Details
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Head of Security
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