

Australian Capital Territory

# Corrections Management (Searching — Cells) Operating Procedure 2022

Notifiable instrument NI2022-56

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 (Searching — Cells) 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>Searching — Cells</b>
<b>OPERATING PROCEDURE NO.</b>	<b>S4.14</b>
<b>SCOPE</b>	<b>Alexander Maconochie Centre</b>

## PURPOSE

To provide instructions to staff on conducting a routine and targeted cell search.

## PROCEDURES

### 1. Search types

- 1.1. There are two levels of cell searching:
  - a. routine searches
  - b. targeted searches.
- 1.2. The *Searching Program* describes the frequency that routine searches must be carried out.
- 1.3. Cell searches may be authorised by a Corrections Officer Grade 1 or above.

### 2. Routine cell searches

- 2.1. Operations Area Supervisors must ensure that routine cell searches are conducted randomly. Cells may be searched multiple times over the searching cycle.
- 2.2. Searching officers must record all routine cell searches as per *Annex A— Search Matrix* to ensure all cells are searched each cycle.
- 2.3. Searching officers must obtain the detainee’s property list prior to the search.
- 2.4. Officers do not need to ensure a detainee is present to conduct a routine cell search, unless an officer suspects on reasonable grounds that a detainee’s cell contains legally privileged material, as per section 6.1.
- 2.5. Where legally privileged material is found during a routine cell search officers must comply with Part 6 of this procedure.
- 2.6. Where a detainee is present officers must:
  - a. declare the following:

*“I am going to search your cell/ room. Before I commence, is there any item on your person or in your cell that you shouldn’t have? Do you have any needles, syringes, sharp objects or any other contraband on your person or in your cell? Is there any item on your person or in your cell that doesn’t belong to you? Do you have any religious material in your cell which needs to be handled in a specific way?”*
  - b. conduct a frisk search if the officer reasonably believes that the detainee may be concealing a seizeable item

- c. allow the detainee to remove religious items from the cell before the search as per section 7
  - d. ask the detainee to identify any legal documentation or protected communication under the Detainee Communication Policy.
- 2.7. Officers must follow the Evidence Management Operating Procedure where a Prohibited Thing is identified.
- 2.8. Officers must place any items that need to be investigated further, but are not covered by the Prohibited Things, Excess and Non-Standard Items Operating Procedure, in a search tub.
- 2.9. Officers may remove electrical items from the cell for the purpose of x-raying the item. Where contraband is not located in the item, the officers will return the item to the detainee within a reasonable time period (e.g., 24 hours).
- 2.10. Officers must immediately stop a search if they identify an item that is likely to make the cell a Crime Scene. In this instance officers must immediately leave the cell and make sure it is secured. Officers must proceed according to the Crime Scene Management Operating Procedure.
- 2.11. If an item is likely to be referred to the police, officers must only ask a detainee to identify ownership of the item. They must ask no other questions.
- 2.12. Searching officers must:
- a. provide detainees with a Seizure Receipt for any articles that have been removed, even if they are to be returned at a later date, in accordance with the Detainee Property Policy
  - b. declare any damage that may have been caused during the search in accordance with the Detainee Property Policy
  - c. leave the cell in a reasonable state.

### **3. Targeted cell searches**

- 3.1. A targeted cell search is conducted because intelligence and/or other information gives reasonable grounds for suspicion that a detainee may be in possession of a prohibited or unauthorised thing.
- 3.2. Officers who have been asked to conduct a targeted search must:
- a. collect a search kit from the Security Office
  - b. obtain the detainee's property list prior to the search
  - c. ensure the detainee is present for the search (but not observing the search), unless the detainee is non-compliant, in which case the detainee will be moved to a secure location.
- 3.3. Officers must conduct a strip search on detainees whose cell is being targeted for a search where there is a reasonable suspicion in accordance with the Searching Policy.
- 3.4. Officers must conduct the cell search as per Part 2, except:
- a. an electrician must be called to remove all access panels

- b. the electrician may be asked to access power points and light fittings
- c. electrical items such as televisions must be removed to be x-rayed. If no contraband is found, items must be returned within 24 hours.

#### **4. Additional considerations for occupied cells in the Crisis Support Unit**

- 4.1. Officers must check all occupied Crisis Support Unit cells on a daily basis and thoroughly search cells once per week. Supervisors are responsible for reinforcing this process.
- 4.2. Items of particular relevance include containers, including used food containers, cutlery, shoelaces, and any other items that can be used to self-harm. Stockpiling of any unauthorised medications, including any stored liquid is prohibited.

#### **5. Additional considerations for occupied cells in the Management Unit**

- 5.1. Officers must search occupied Management Unit and observation cells prior to a detainee being housed in a cell and on removal of a detainee from the cell.

#### **6. Legally privileged material**

*Note: for the purposes of this Part 'legally privileged material' includes protected communications.*

- 6.1. If an officer suspects on reasonable grounds that a detainee's cell contains legally privileged material, the detainee's cell must only be searched if the detainee is present. Suspicion may only be formed in relation to each detainee on each occasion.
- 6.2. The officer is not required to comply with 6.1 if urgent circumstances exist that create a risk of injury to the officer, the detainee or anyone else in accordance with s124 of the Corrections Management Act 2007 (ACT).
- 6.3. Where a cell search is conducted in the absence of the detainee under section 6.2, the searching officer must record the reasons on the detainee electronic record and an A2.F1: Incident Report Form as per section 9.
- 6.4. The officer may examine any legally privileged material found in the cell, but must not read the material unless:
  - a. the detainee consents to the officer reading the material
  - b. the officer suspects, on reasonable grounds, that the material contains information that may threaten security or good order at a correctional centre or relates to an offence or disciplinary breach. The reason for suspicion must be recorded on the detainee electronic record and an A2.F1: Incident Report Form as per section 9.
- 6.5. Where legally privileged material is identified during a cell search:
  - a. A search of this material must cease immediately. If the detainee is present, the detainee must be brought to the entrance of the cell and officers may search the legally privileged material as per 6.4, and the detainee must be allowed to remove the material from the cell. Officers may then resume the search.

- b. If the detainee is not present for the cell search and urgent circumstances exist as per section 6.2, officers may proceed with the search, including examining the legally privileged material as per 6.4.
- c. If the detainee is not present for the cell search and the search is **not** urgent, the search must stop and resume at a later time when the detainee is present.

## **7. Religious items**

- 7.1. Officers must allow detainees to remove items used for religious practice before a search. Such items are usually religious texts such as the Quran or Torah.
- 7.2. Officers must instruct the detainee to show them the items in such a way that they can be satisfied there is nothing concealed in them.
- 7.3. Where a detainee is not present, searching officers must exercise respect for a detainee's articles of faith at all times in accordance with the Religious Considerations for Searches Operating Procedure.

## **8. Corrections Search Dog searches**

- 8.1. Searching of a cell by a corrections search dog, will be conducted in accordance with the Corrections Search Dogs Operating Procedure and the Religious Considerations for Searches Operating Procedure.
- 8.2. Where a corrections search dog is to be used, officers must only commence a hand search after the dog search has taken place.
- 8.3. The dog handler will identify any area of interest to the searching officers. Searching officers may target the indicated area first.
- 8.4. Officers must continue to conduct the search as per Part 3 regardless of the outcome of the dog indication.
- 8.5. After a corrections search dog has searched a cell, officers must allow a detainee to:
  - a. change their sheets or clothing if requested
  - b. clean their cell unless the cell is declared a Crime Scene.

## **9. Recording**

- 9.1. Searching officers must complete a record of the search on:
  - a. the Annex A— Search Matrix and
  - b. the detainee's electronic record (including the date and time of the search, names of the searching officer/s and whether the search was routine or targeted).
- 9.2. Officers may discipline the detainee as appropriate in accordance with the Discipline Policy.
- 9.3. Officers must provide detainees with a Seizure Receipt where property is removed. Officers must report:
  - a. any contraband or unauthorised articles discovered during a search by completing a A2.F1: Incident Report Form

- b. to the Intelligence Unit via a Security Intelligence Report for:
    - i. any contraband
    - ii. any suspicious articles, potential interference or cause for concern (including for example, if an officer suspects that a detainee has claimed ownership of an item that does not belong to them)
    - iii. targeted searches - what information led to the search and, if no items were found, if there was any information that suggested an item was previously there.
- 9.4. The Office in Charge may also notify police as required.
- 9.5. The Unit Supervisor must ensure that all routine searching is conducted on schedule as per the Searching Program and use the Annex A— Search Matrix to record all searches in the search cycle.

#### **RELATED DOCUMENTS AND FORMS**

- Annex A— Search Matrix
- Searching Policy
- Searching Program
- Detainee Property Policy
- Detainee Property Seizure Operating Procedure
- Seizure Receipt
- Prohibited Things Restricted Excess and Non-Standard Items Operating Procedure
- Religious Considerations for Searches Operating Procedure
- Evidence Management Operating Procedure
- Detainee Communication Policy
- Religious Considerations for Searches Operating Procedure
- Crime Scene Management Operating Procedure
- Corrections Search Dogs Operating Procedure

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31 January 2022

## Document details

Criteria	Details
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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
V2	January-22	Revised and first issued	H Cheney
V1	October-20	First Drafted	T Rust