

Australian Capital Territory

Corrections Management (Detainee Property) Policy 2022 (No 2)*

Notifiable instrument NI2022–564

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Detainee Property) Policy 2022 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

I make this policy to facilitate the effective and efficient management of corrections services.

4 Revocation

This instrument revokes *Corrections Management (Detainee Property) Policy 2022 [NI2022-226]*.

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Commissioner
ACT Corrective Services
01 November 2022

*Name amended under Legislation Act, s 60

DETAINEE PROPERTY

POLICY NO. D9

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that detainees are provided with sufficient quantities of suitable bedding, clothing and footwear, and hygiene products, and that detainee property is managed in an effective manner. These entitlements are provided for in the *Corrections Management Act 2007*, which sets out minimum standards for living conditions in correction centres, and in the Human Rights Principles for ACT Correctional Centres. Detainees are permitted limited access to personal property.

This policy provides instructions for the issue and management of detainee property in a correctional centre.

2 SCOPE

This policy applies to all correctional centres in the ACT.

Where required, the Deputy Commissioner Custodial Operations will establish operating procedures under this policy.

3 PRINCIPLES

- 3.1 The General Manager of a correctional centre will ensure detainees are issued with sufficient suitable bedding, clothing, footwear, and hygiene products on admission to a correctional centre in accordance with sections 12, 41 and 43 of the *Corrections Management Act 2007 (ACT)*, and the *Detainee Bedding, Clothing and Footwear Policy*.
- 3.2 Suitable clothing, bedding and personal hygiene products are stated by the *Corrections Management Act 2007* to be minimum entitlements that are not conditional, or to be treated as incentives or privileges for the disciplinary system.
- 3.3 Stored property must be managed with care and kept in secure conditions when not in the possession of a detainee.
- 3.4 Detainees are responsible for the maintenance and care of their in-possession property. ACTCS accepts no liability for property retained in a detainee's possession.

- 3.5 In-possession property limits and controls will be managed in accordance with relevant policies, such as the *Incentives and Earned Privileges Policy*. For more information, please see the *Property Allowance Matrix*.
- 3.6 The General Manager must ensure that detainees are informed about the following services on admission to a correctional centre, and have ongoing access to information on:
- a. accessing additional or replacement ACTCS-issued items under this policy
 - b. accessing personal clothing under sections 9-10 of this policy and
 - c. access to laundering facilities.
- 3.7 All items provided to detainees by ACTCS under this policy remain the property of ACTCS. They are to be returned in a serviceable condition when a detainee is discharged, allowing for normal wear and tear.
- 3.8 Modification, damage, or misuse of items issued under this policy will be managed in accordance with the *Detainee Discipline Policy*.
- 3.9 Detainees are not permitted to have in their in-possession property any item that presents a risk to safety, security, or good order at a correctional centre, unless approved by the General Manager (*Prohibited Things Declaration*).
- 3.10 Considerations relevant to the Lesbian, Gay, Bisexual, Trans/transgender, Intersex, Queer/questioning and Asexual (LGBTIQA+) cohort of detainees (where this is known) must be taken into account during any decision making under this policy. Decisions are to be made on a case-by-case basis following an individualised assessment of relevant factors, including the reasonableness of the actions being considered and alternative options. For further information refer to *Management of Transgender Detainees and Detainees Born with Variations in Sex Characteristics Policy*.

4 STANDARD ISSUE ITEMS

- 4.1 Each detainee will be issued with standard clothing and bedding items upon admission into the AMC.
- 4.2 Disposable cutlery is provided for detainees in their accommodation area.
- 4.3 Each cell will contain one (1) flame retardant mattress for each detainee.
- 4.4 Detainees will be issued with clothing in the colour listed for their gender identity:

- a. for female-identifying detainees, maroon colour only
 - b. for male-identifying detainees, grey colour only (existing blue colour clothing will be phased out and not replaced).
- 4.5 Excess standard issued items located during a cell search will be removed and returned for recycling.
- 4.6 Contaminated or unhygienic standard issue items will be disposed in accordance with the *Detainee Hygiene Policy* and replacements provided as necessary.
- 4.7 Transgender detainees will be provided with clothing and/or other items (for example appropriate underwear) to enable the detainee to align their dress and appearance to the gender with which the detainee identifies, or if the item is otherwise appropriate in the circumstances.

5 MANAGEMENT OF DETAINEE PROPERTY

- 5.1 The General Manager Custodial Operations (GM) must ensure:
 - a. any stored property is kept in a secure area in conditions that minimise loss or damage to the property
 - b. any stored valuables are held separately in a secure room
 - c. the timely notification to detainees that an item has been seized under this policy
 - d. detainees:
 - i. must be provided with adequate means and opportunity to launder their bedding, clothing and footwear
 - ii. who are unable to maintain their bedding and clothing in a hygienic condition for reasons of ill-health, injury, mental health issues, disability or incapacity must be assisted to maintain bedding and clothing cleanliness
 - e. accurate recordkeeping of all in-possession and stored property, and the safe storage, transfer, and control of that property
 - f. the disposal of property under this policy.
- 5.2 Detainees are not permitted to loan, sell or transfer ownership of any property to another detainee.
- 5.3 Any unapproved or unrecorded items found in the possession of a detainee will be seized by correctional officers and a *D9.F1: Disposal receipt* provided to the

detainee within seven (7) days in accordance with section 129 of the Corrections Management Act 2007 (ACT).

- 5.4 Where an item has been seized under section 5.3, the detainee may be subject to disciplinary processes under the Detainee Discipline Policy.

6 PROPERTY ON ADMISSION

- 6.1 As soon as practicable on admission to a correctional centre or CTU (whichever is first), staff must, in the presence of the detainee where possible, conduct an inventory of all property in the detainee's possession and record it on the detainee's electronic record.
- 6.2 Following the inventory, detainees will be provided with one (1) standard sized box (45 x 60 x 30cm) for their stored property.
- 6.3 Any currency in a detainee's possession will be placed into the detainee's trust fund account within two (2) business days, as per section 8 of the Detainee Trust Fund Management Policy.
- 6.4 If the detainee is admitted under section 30 of the Corrections Management Act 2007, currency will be stored in accordance with sections 6.7 and 6.9 of this policy.
- 6.5 In accordance with section 128(1) of the Corrections Management Act 2007 (ACT), any item in a detainee's possession on admission that is:
- a. listed in the Prohibited Things Declaration, will be held in a detainee's stored property unless section 6.5(c) applies
 - b. unhygienic, including items stained with blood or bodily fluid, will be disposed of
 - c. suspected on reasonable grounds to jeopardise, or be likely to jeopardise, the safety of any person, or security or good order at a correctional centre, will be seized and disposed of in accordance with section 6.6.
- 6.6 Any item seized under section 6.5(c) will be forfeited in accordance with section 130(b) of the Corrections Management Act 2007 (ACT) and disposed of, and a D9.F1: Disposal receipt provided to the detainee within seven (7) days of seizure.

Custody under section 30 of the Corrections Management Act 2007 (ACT)

- 6.7 Where an offender is admitted to the custody of ACTCS under section 30 of the *Corrections Management Act 2007 (ACT)*, all property in the offender's possession must be receipted from ACT Policing and held as stored property.
- 6.8 Any valuables in a detainee's possession must be recorded on entry and stored in accordance with section 6.9.

Valuables

- 6.9 Valuables in a detainee's possession on admission, other than jewellery permitted under section 7.4, must be stored separately in a sealed bag and in a secure room.

Excess detainee property

- 6.10 Where a detainee's property exceeds the stored property allocation under section 6.2, the detainee is required to arrange for the collection, disposal, or postage of the property within four (4) weeks at their own cost. It is the responsibility of detainees to manage their property within the prescribed allocation with the cooperation of ACTCS staff.
- 6.11 Where a detainee has arranged for property under section 6.10 to be collected, the detainee must notify a correctional officer at least seven (7) days prior to collection. The correctional officer is responsible for informing the Admissions Supervisor of the items to be collected and who is responsible for collecting the items.
- 6.12 Staff must provide the detainee with a *D9.F3: Property Receipt* to authorise collection of the property. The visitor is required to sign the *D9.F3: Property Receipt* to confirm receipt of the property.
- 6.13 After admission, if a detainee wishes to store soiled clothing, the items of clothing must be cleaned first. If the clothing cannot be appropriately cleaned at the correctional centre laundry facilities, they will be disposed of as per section 6.5(b) of this policy.

Disposal of property

- 6.14 The disposal of any property requested by a detainee under section 6.10, or authorised by the General Manager under section 6.6, must be sighted by one (1) correctional officer who will sign the detainee's property record to confirm the disposal has taken place.

7 IN POSSESSION PROPERTY

- 7.1 A detainee will be required to sign a *D9.F2: Property Indemnity Form* to accept responsibility for any in-possession property.
- 7.2 Detainees will be issued a standard in-possession property box for storage of items and for the purposes of volumetric property controls. A detainee may be issued an additional box(es) in accordance with the *Incentives and Earned Privileges Policy*.
- 7.3 For a list of AMC-issued property, as well as what property is included or excluded from volumetric controls, please see the *Property Allowance Matrix*.
- 7.4 Detainees who are participating in Distance Education may have additional property in their possession which is required for their study (i.e. coursework) subject to approval by the Senior Director Detainee Services. Detainees should subject a request for exemption through a *Detainee Request Form*.
- 7.5 Detainees are allowed a maximum of two (2) artworks or canvases in their in-possession property. Due to the spiritual significance of art for Aboriginal and Torres Strait Islander detainees, ACTCS staff must consult with the Aboriginal and Torres Strait Islander Services Unit before taking any decisions that could affect an Aboriginal or Torres Strait Islander detainee's access to their artworks or art materials.
- 7.6 The maximum amount of jewellery permitted for in-possession property is limited to:
- a. one (1) plain ring of personal significance
 - b. one (1) personal religious necklace, or plain necklace
 - c. one (1) plain or Medic Alert bracelet.
- 7.7 Detainees may have access to purchase electrical items through the Activities Buy-Up and the *Incentives and Earned Privileges Policy*.
- 7.8 Where a detainee's in-possession property exceeds the storage capacity of their box under section 7.2 of this policy, not including any additional property allowed under the *Incentives and Earned Privileges Policy*, correctional officers will seize:
- a. standard issue items under section 4, for recycling; or
 - b. personal property, to be returned to the detainee's stored property;
- and
- will provide a seizure receipt for each item.

- 7.9 Where a detainee requires an electrical item not available under section 7.7 for a medical condition, the General Manager will authorise access to the item according to advice from Justice Health Services.
- 7.10 The General Manager may allow detainees to possess photographs in their cell as part of their personal property.
- 7.11 Approved photographs must not:
- a. Depict nude, or partially clothed people or those wearing underwear or swimwear
 - b. Depict any gang insignia, or hand gestures or signals.
- 7.12 For the following detainees any photograph of a child must be approved by the General Manager for possession by the detainee:
- a. a registered sex offender
 - b. a detainee subject to a relevant Court Order.
- 7.13 If any photographs are found in another detainee's possession, then they will be seized in accordance with the *Detainee Property — Seizure Operating Procedure* and placed in the storage container of the detainee who owns the photographs.

Access to additional property

- 7.14 Detainees may submit a *Detainee Request Form* to request access to items within their stored property, subject to volumetric controls, and whether the items are allowed to be held in-possession.
- 7.15 All reasonable requests will be considered and recorded on the detainee's electronic record. Access to replacement clothing should not be refused in accordance with sections 3.1-3.2 of this policy.

Detainee purchases

- 7.16 Detainees may purchase additional clothing and footwear in accordance with the *Incentives and Earned Privileges Policy* and *Detainee Trust Fund Management Policy* subject to property limitations.
- 7.17 Transgender detainees may also purchase non-standard items to enable the detainee to align their appearance with their gender identity, for example hair dye and hair removal cream, unless there are reasonable grounds to believe those items are a risk to the safety and security in the correctional centre.

Privileged materials, legal and other paper materials

- 7.18 Detainees are permitted to possess legal materials, including reference materials, books, educational materials, religious texts and correspondence in their cells.
- 7.19 In accordance with section 128(3) of the Corrections Management Act 2007 (ACT), documents that are legally privileged are protected and must not be seized.
- 7.20 To ensure fire safety, hygiene and security are maintained, the General Manager can limit the amount of paperwork held in a cell and implement alternative storage arrangements that do not unreasonably limit the detainee's access to these materials.

Clothing and bedding

- 7.21 Detainees are required to maintain their clothing and bedding in a clean condition. Any modifications or damage to clothing or bedding that is not normal wear and tear may be managed under the Detainee Discipline Policy.

Excessive property

- 7.22 To ensure fire safety, hygiene and security are maintained, the General Manager or delegate may determine that the amount of property held in a cell is excessive and direct the detainee to manage their excessive property in accordance with section 6.10 of this policy.

8 PROPERTY FROM THE COMMUNITY

- 8.1 Where a detainee wishes to receive clothing or footwear for court appearances, or special items under section 8.3, from the community, they must specify the items to a correctional officer.
- 8.2 All requests will be reviewed in accordance with property limitations and the Incentives and Earned Privileges Policy and recorded on the detainee's electronic record.
- 8.3 The following items can be delivered to a correctional centre, except for the Court Transport Unit, for a detainee in accordance with section 8.1:
- a. personal clothing for court appearances
 - b. prescription glasses/hearing aids/false teeth and similar items
 - c. photos
 - d. Socks, underwear, and thermal clothing.

- 8.4 Any unauthorised items or items that are not recorded as having been requested by the detainee will not be accepted.
- 8.5 All clothing items must undergo a hot wash prior to issue to detainee.

9 CLOTHING FOR ESCORTS

- 9.1 Detainees must not be provided with personal clothing except where approved for an external escort or leave in accordance with policies related to detainee leave. Where approved, detainees may be provided with personal clothing and footwear on the day of the escort or external leave.
- 9.2 Personal clothing and footwear must be provided to detainees for all court appearances and on discharge.

10 DETAINEE RELOCATION AND DISCHARGE

- 10.1 Where a detainee is temporarily relocated to another cell under the *Management of Segregation and Separate Confinement Policy* or *Detainees at Risk of Suicide or Self-harm Policy*, or is required to leave the correctional centre on a temporary basis, staff must secure the detainee's in-possession property by:
- a. locking the detainee's cell where possible or
 - b. ensuring that the detainee's property is stored in their storage box.
- 10.2 Where possible, the detainee should be present when their in-possession property is secured under section 10.1(b).
- 10.3 Where it is not possible for a detainee to be present when their in-possession property is secured, two (2) correctional officers must sign the itemised record.
- 10.4 Any property that cannot be verified as belonging to the detainee will be seized until ownership is confirmed.

External transfer

- 10.5 Where a detainee is being transferred to another correctional centre, their in-possession and stored property will be secured in sealed boxes and sent to the correctional centre.

Discharge

- 10.6 All detainee property except for standard issue items provided under section 4 will be returned to a detainee at the time of discharge.

- 10.7 Any in-possession property left in a cell when a detainee is discharged will be regarded as being abandoned in accordance with section 28 of the Uncollected Goods Act 1996 (ACT).
- 10.8 Where it is not possible to provide a detainee's property to them at the time of discharge, such as for detainees admitted to a health facility, the detainee must arrange for their property to be collected from a correctional centre within six (6) months.

11 UNCOLLECTED PROPERTY

- 11.1 Where a detainee is discharged and does not arrange for their property to be collected within six (6) months under section 10.8, the Admissions Supervisor must send written correspondence to the detainee's recorded address to inform the detainee that the property has been placed in the possession of the General Manager to be managed in accordance with part 4 of the Uncollected Goods Act 1996 (ACT).

12 LOSS OR DAMAGE TO PROPERTY

- 12.1 Any complaint of loss or damage to a detainee's in-possession property must be submitted in writing via a Detainee Request Form or complaint under the Detainee Complaints Policy.
- 12.2 A detainee will not be compensated for loss or damage to their in-possession property, unless authorised by the General Manager in exceptional circumstances where there is clear and demonstrable liability.
- 12.3 Staff must report any loss, damage or unauthorised access of stored property to the Senior Director Accommodation, who will inform the detainee in writing.
- 12.4 Compensation to a detainee for any loss or damage to stored property under section 12.3 is limited to a maximum total of \$500 per claim.

13 MANAGEMENT OF DETAINEE PROPERTY FOLLOWING A DEATH IN CUSTODY

- 13.1 Following the death in custody of a detainee, ACTCS staff must anticipate that a coronial investigation scene will be established by police and secure the crime scene in accordance with the Death Incident Operating Procedure.

- 13.2 Detainee property must not be moved, stored, disposed of, or interfered with until the police investigating have recorded the property and authorised its management in accordance with this policy.
- 13.3 Following the police investigation, and only with approval of investigating police and the General Manager, all non-perishable goods and items of property belonging to the deceased detainee must be recorded and then removed to a secure place and stored, until such time that it is released to the administrator/executor of the estate.
- 13.4 A description of all perishable goods belonging to the deceased detainee must be recorded as accurately as possible. Perishable goods related to the deceased detainee may only be disposed of following the approval of investigating police and the General Manager.
- 13.5 After the investigating police have given their approval in writing, the General Manager must contact the deceased detainee's executor, administrator, or the Public Trustee of the ACT, as appropriate, for instructions regarding the deceased detainee's property (*Incident Reporting, Notifications and Debriefs Operating Procedure*).
- 13.6 The General Manager must implement a process to ensure that the lawful administrator/executor is the person who authorises the collection/disposal of the deceased detainee's property.

14 RECORDS AND AUDIT

- 14.1 A copy of any record or form under this policy must be stored on a detainee's electronic record.
- 14.2 All staff (including contractors and consultants) are responsible for creation and management of records and information to meet business and accountability requirements and in accordance with the *Territory Records Act 2002*.

15 RELATED DOCUMENTS

- D9.F1: Disposal Receipt
- D9.F2: Property Indemnity Form
- D9.F3: Property Receipt
- Property Allowance Matrix
- Incentive and Earned Privileges Policy

- Detainees at risk of Suicide or Self-harm Policy
- Management of Segregation and Separate Confinement Policy
- Detainee Trust Fund Management Policy
- Searching Strategy
- Approved Absences and Temporary Leave Policy
- Detainee Discipline Policy
- Transitional Release Program Policy
- Incident Reporting, Notifications and Debriefs Operating Procedure
- Management of Transgender Detainees and Detainees Born with Variations in Sex Characteristics Policy
- Death Incident Operating Procedure
- CTU Detainee Clothing Operating Procedure
- Human Rights Principles for ACT Correctional Centres
- Cell Clearance OP
- Collection, Disposal and Postage OP
- CTU OP
- Detainee Art and Craft OP
- Electrical Items OP
- In Possession Property OP
- Seizure OP
- Stored Property OP
- Valuables and Jewellery OP

Ray Johnson APM
Commissioner
ACT Corrective Services
01 November 2022

Document details

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V3	October-22	Second Revision	J Papadopoulo