

Australian Capital Territory

Corrections Management (Visits) Policy 2009

Notifiable instrument NI2009-166

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Visits) Policy 2009*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

VISITS POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
25 March 2009



Alexander Maconochie Centre (AMC)



VISITS POLICY

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Purpose

To outline the visits policy.

Authority

Corrections Management Act 2007, parts 9.4 and 9.8, sections 14, 49, and 51.

Policy

Principles

Visits are an effective way for prisoners to maintain contact with family and friends. This may in turn assist prisoners in reintegrating back into the community upon release.

Visits also provide prisoners with access to their legal representatives and other accredited persons.

Visiting times

The Superintendent will set visiting times. These will be distributed as a Superintendent's Instruction and will be displayed in the accommodation areas and visits centre.

The visits reception desk opens 30 minutes before each visits session.

Visit types

Contact visits

All contact visits will take place in a communal visiting area under the direct supervision of Corrections Officers.

Non-contact visits

A non-contact visit is defined as a visit in which prisoners and visitors are physically separated by a barrier. Prisoners and visitors subject to non-contact visits are not to have physical contact at any time. A visitor or prisoner may request that a visit be a non-contact visit.

The CO3 may order that a visit take place only as a non-contact visit.

A non-contact visit may be ordered on a prisoner for the following reasons:

- as part of a segregation or separate confinement order;
- as part of a sanction resulting from a proven disciplinary breach; or
- as directed by the Duty Chief for the good order or security of the correctional centre.

A non-contact visit may be ordered on a visitor for the following reasons:

- following the finding of a prohibited article on that visitor;
- following an adult visitor using the toilet during a visit; or
- as directed by the CO3 for the good order or security of the correctional centre.

Should intelligence be received by the CO3 that a potential threat to the good order or security of a correctional centre will occur during a visit, that visit may be a non-contact visit. An example of this is where a monitored phone call provides information of a drug drop.

Legal and other accredited visitors

There are two (2) professional visits rooms at the AMC. If professional visit rooms are occupied professional visits may be held in the general contact visits area.

Legal visitors

Legal representatives must be involved in the legal representation of the prisoner that they are visiting. On request, the legal representative must provide evidence of their involvement in the particular prisoner's legal proceedings. Legal visits must be used for the purposes of legal representation. Legal visitors must present identification that identifies them as a registered legal practitioner on request.

Legal visitors will be subject to the same standards as other visitors, except:

- legal visitors will be permitted to bring legal documentation into the visit. Those documents will be inspected during the searching process but may not be read; and
- legal visits may be conducted in a designated professional visits room. Prisoners and legal representatives may request that the visit take place in the non-contact or non-private visits areas.

A legal representative who refuses to submit themselves or their property to a search will either be refused entry to the correctional centre.

Other accredited visitors

Other accredited visitors (the Ombudsman, the Human Rights Commissioner, the Public Advocate, and the Official Visitor) are subject to the same standards as legal visitors, except that by negotiation with the Superintendent, other accredited visitors may apply to visit prisoners outside the visits centre, including in the accommodation units.

Police

AFP members may request to visit with prisoner for the purposes of carrying out their professional duties. The prisoner may have their legal representative, a Corrections Officer, or both present during these visits.

Members of the police seeking to visit a prisoner will be directed to secure their accoutrements in the designated storage area. Where an AFP member refuses to surrender any of these items, they will be refused entry. The Deputy Superintendent is to be informed immediately.

Media

Media will not be given approval to visit without the approval of the Minister. Members of the media seeking to visit friends or relatives who are prisoners must make this information available in their application to visit.

Prisoners

Entitlement

Prisoners are entitled to one visit of at least 30 minutes with a family member. This visit may be a contact visit or a non-contact visit.

Prisoners will be allocated additional visits in accordance with their accommodation area and/or classification.

Irrespective of this, prisoners may only have one visit per day.

Refusing a visit

Prisoners may, at any time, refuse a visit. The CO2 must ensure that any refusal is documented and signed by the prisoner. The visitor must be advised as soon as practical that a visit has been refused.

Searching prisoners

Prisoners may not take anything with them into the visits centre without the prior written approval of the Deputy Superintendent.

All prisoners must be searched after each visit. A prisoner may be searched prior to a visit. These searches will be conducted in accordance with the *Searching Policy and Procedure*. This will occur to all prisoners regardless of their accommodation area or the purpose of their visit.

Dress standards

A prisoner from the Cottages may wear their prisoner clothing. Prisoners from other accommodation areas will be issued with white overalls. The overalls zip at the back and are secured by a cable tie. They are to be worn for the duration of the visit.

Male Corrections Officers or prisoners are not to be present in the change area of the Visits Centre when a female prisoner is being searched or getting dressed.

Prisoners that are on an intra-prison visit will wear the issued white overalls (irrespective of their accommodation areas) for the duration of all visits, which will remain zipped and secured at all times.

Intra and inter-centre visits

The Superintendent may approve intra- (between prisoners at the AMC) and inter-centre (between prisoners at different correctional centres). These prisoners may be contact or non-contact and will be subject to restrictions as deemed appropriate by the Superintendent.

The Deputy Superintendent will determine whether the prisoners are required to wear overalls.

Visitors

Booking visits

Where possible, visits should be booked 24 hours in advance. Visits will be accepted on the day subject to space being available, and visits occurring at that time for that particular classification of prisoner.

Visitors should arrive at least 15 minutes before their scheduled visit to allow for processing.

Prisoners in the cottages may have access to a barbeque during their visit. Where a visitor wishes to access this, they should indicate this when booking the visit.

Directions

Visitors must comply with all reasonable directions given to them by Corrections Officers. Failure to comply with a direction may result in the visit being cancelled and/or the visitor being required to leave the correctional centre.

Ex-prisoners

Visitors who been in ACTCS custody within the last 5 years must write to the Superintendent requesting permission to visit. Upon considering the request the Superintendent may:

- deny the request;
- approve non-contact visits for a specified period of time (at which point a review will take place); or
- approve contact visits.

Identification

On the first visit, all adult visitors (over the age of 18) must provide one form of identification from List 1 and one form from List 2. The identification must contain the visitor's photograph and their current residential address (this may be on the same identification). On the first visit the visitor will be enrolled on the iris scanner. A positive iris scan is sufficient identification for future visits.

List 1

- driver's Licence (from any Australian state or territory);
- passport (current or one that has expired in the last 2 years); or
- keypass photographic identification.

List 2

- birth certificate (original or extract);
- electoral Roll (acknowledgment of receipt);
- utility records e.g. water, gas, electricity, telephone (issued within six months of intended visit);
- current registration papers (car or boat);
- marriage Certificate;
- Australian naturalisation or citizenship certificate;
- current entitlement card used by a Government Department or Authority;
- department of immigration papers;
- rent or lease papers; or
- credit or debit card (must be signed).

All identification must be current, valid, and in the name of the proposed visitor. No photocopies or scanned images will be accepted.

Legal representatives must provide legal identification.

Children and young people (persons under 18 years)

A person under the age of 18 wishing to visit a prisoner without their parent or legal guardian being present must, prior to the visit taking place, present with their parent or legal guardian. The parent or legal guardian must provide the child's birth certificate and evidence that they are the legal guardian of the child (such as a Medicare card).

The parent or legal guardian will be asked if they give permission for the child or young person to visit with another responsible adult. The parent or legal guardian

must specify in writing who that adult is and which prisoners they give permission for the person to visit.

All children and young people over the age of 16 will be registered on the iris scanner and on JOIST. Children under the age of 16 will only be registered on JOIST. However, children under the age of 16 may be registered on the iris scanner subject to the approval of a parent.

Number of visitors

Up to four adults may visit a prisoner at any one time. A reasonable number of children will also be permitted.

Children and young people (persons under the age of 18) must be supervised at all times by a responsible adult.

Appropriate dress

Visitors must be at all times appropriately dressed. As such, the following will not be permitted:

- sexually provocative clothing;
- offensive articles e.g. t-shirts with offensive slogans; or
- hats.

Religious headwear or other cultural adornments will be considered on a case-by-case basis. A corrections officer of the same gender of the visitor will search under the garment.

Searching visitors

All visitors entering a correctional centre will be searched in accordance with the *Searching Policy and Procedure*. At a minimum, this search will be a scanning search and will involve asking the visitor to walk through a metal detector; and/or scanning the visitor with a hand held metal detector.

Children will, on request, be assisted by the accompanying adult for the purposes of this search.

A more comprehensive, ordinary or frisk search of a visitor may be conducted if the Deputy Superintendent or Superintendent believes, on reasonable grounds, that the visitor is carrying contraband. Frisk searches must be recorded in the Visitors Search Register. Visitors are not to be strip searched under any circumstances.

In addition to this, visitors may be searched at any time while on correctional centre grounds. This includes the car park and visits centre. Visitors' cars and anything in their possession may be searched at any time before and during a visit.

Passive Alert Detection (PAD) dog search

Visitors may, at any time, be subject to screening by a range of drug detection means, including PAD dogs. In the event the PAD dog indicates a positive narcotic odour on a visitor, they will be required to undergo a frisk search in accordance with the *Searching Policy and Procedure*. Where contraband is located, the AFP will be notified. Where no contraband is located, the Deputy Superintendent has the

discretion to grant a non-contact visit or ask that the person remove him or herself from the correctional centre.

Refusal to submit to a search

Should a visitor refuse to submit to a search, the matter will be:

- referred to CO2 in charge of visits;
- referred to CO3 if CO2 is unable to resolve the matter; and/or
- refused entry or granted a non-contact visit by the CO3 (following a discussion with the Deputy Superintendent) if they still refuse to be searched.

Visitors who refuse to leave may be removed from the correctional centre by Corrections Officers. Force (in accordance with the *Use of Force Policy and Procedure*) may be used for this purpose.

Force may not be used to compel a visitor to complete a search.

Detection of contraband during a search

Should a prohibited article (contraband) be discovered during any search of a visitor, the CO3 (following a discussion with the Deputy Superintendent) has the discretion to:

- ask that the visitor dispose of the article;
- ask that the visitor return the article to a secured locker;
- confiscate the article;
- deny a contact visit;
- deny a visit of any type;
- ban the visitor from visiting a correctional centre for a defined period of time;
- ask the visitor to remove him or herself or be removed from the correctional centre; and/or
- refer the matter to the AFP.

A prohibited article is defined in the *Contraband Policy*.

Permitted and prohibited articles

A visitor may bring the following articles into a visit:

- a sealed container of baby food;
- one clear bottle (for a baby);
- tokens for use in the vending machines; and
- medication approved by the Superintendent.

Medication for use of the visitor must be declared and handed to the searching Corrections Officer. Corrections Officers will hold the medication unless required. A visitor who is required to bring medication into a visit must apply in advance, in writing, to the Superintendent. Until the application is assessed, the medication may not be brought into the correctional centre.

Nappies, prams/strollers and baby changing equipment will be supplied within the Visits Area. Visitors who require these items are to approach the Corrections Officers within the Visits area.

All items will be searched by a Corrections Officer. Any visitor found to be attempting to introduce a prohibited article into the correctional centre will be subject the 'detection of contraband during a search' section above.

Visitors may not be in possession of the following things at any time while on correctional centre grounds (including the car park):

- intoxicating liquor (commercial or homemade);
- drugs and other illegal substances;
- implements used for administering drugs and illegal substances – including but not limited to hypodermic equipment, cones, bonges, etc;
- any implement designed as or able to be used as a weapon or to assist in aiding an escape;
- scissors, firearms, ammunition, knives, any cutting blade, any other type of weapon and replicas of the aforementioned;
- tattoo guns (commercial or homemade);
- explosives or explosive devices (commercial or homemade); and
- any other item deemed inappropriate by the Superintendent.

Visitors may not progress beyond the metal detector in possession of the following items:

- mobile phones and accessories, including but not limited to SIM cards, batteries, chargers and earpieces;
- prescription drugs other than those authorised by a medical practitioner and used for emergency treatment of a medical condition (e.g. asthma inhalers, angina medication). Only an amount that may be reasonable given the length of the visit will be permitted;
- cigarette lighters, matches and cigarettes;
- aerosol spray canisters;
- non-commercial compact discs (CDs) or digital versatile disks (DVDs);
- recording devices of any format (including MP3 Players);
- currency;
- paint;
- oil;
- acid;
- glue;
- herbicide/fungicide/insecticide;
- keys;
- books / magazines;
- offensive material; and
- any other item deemed inappropriate by the Superintendent.

Acceptable behaviour

Prisoners and visitors are expected to behave appropriately. The following rules apply within the visits centre:

- No profanity;

- No shouting or loud conversations;
- No interaction between groups;
- No items to be passed between individuals;
- Prisoner is to remain seated;
- Hands to remain in full view at all times;
- Clothing and shoes must not be removed at any time;
- Feet not to be put on chairs or tables;
- All rubbish is to be placed in the bin at the end of the visit;
- If any adult requires to go to the toilet, the visit will be terminated or moved to a non-contact visit;
- If any child requires the toilet, that child must be accompanied by a responsible adult (not the prisoner) and will be subject to a search process before they have any further contact with anyone in the visits centre;
- A brief kiss will be permitted at the beginning and the end of the visit;
- No sexually active or provocative behaviour; and
- Adults visiting with children must maintain control of those children.

Violations of these rules may result in the visit being terminated and may result in disciplinary action against the prisoner and/or visitor. The visitors status as a visitor may also be reviewed.

Monitoring of visits

Visits will be monitored by Corrections Officers at all times. In addition to this, the internal closed circuit television system (CCTV) will electronically record visits.

Refusal or cancellation of visits

The CO3 may cancel a visit or refuse to allow a visit where the visit may or will:

- jeopardise the good order and security of an ACTCS correctional centre; or
- be used to plan or commit an offence; or
- be used to interfere with any ongoing Australian Federal Police or ACTCS investigation.

The CO3 will provide the prisoner and the visitor with reasons for the decision as soon as practicable.

In addition to individual visits being cancelled, the CO3 (following a discussion with the Deputy Superintendent) may cancel or suspend all visits within a correctional centre. Where this occurs, a Superintendent's Instruction must be issued in accordance with the *Policies, Procedures, and Superintendent's Instructions Policy*. This Instruction must be displayed in the visits centre, prisoner accommodation areas, and any other prominent locations considered appropriate by the Deputy Superintendent.

Banned visitors

The Superintendent may direct that a visitor be banned from visiting prisoner/s. Where a visitor is banned from visiting a correctional centre that ban applies to all correctional centres in the ACT. A visitor may be banned from a correctional centre for the following reasons:

- attempting (or suspicion of an attempt) to introduce a prohibited article into a correctional centre;
- being in possession of a prohibited article;
- inappropriate behaviour during a visit;
- abuse of staff or prisoners; or
- any other reason that the Deputy Superintendent believes to be contrary to the good order and security of the AMC.

A visitor may be banned from visiting a correctional centre for the following periods of time:

- 1 month;
- 3 months;
- 6 months;
- 10 months;
- 12 months; or
- any other period deemed appropriate by the Superintendent.

A visitor may be banned from visiting any prisoner or a particular prisoner at the discretion of the Superintendent.

The following table is used as a guide to assist in determining the length of the ban.

Length of Ban	Type of Incident or Behaviour
1 Month	<ul style="list-style-type: none"> • Not complying with a direction given by a Corrections Officer.
3 Months	<ul style="list-style-type: none"> • Refuse a direction by a Corrections Officer. • Damage property. • Verbal abuse. • Deliberately supplying false information. • Behaving in a manner contrary to the good order and security of the AMC.
6 Months	<ul style="list-style-type: none"> • Threaten any person.
10 Months	<ul style="list-style-type: none"> • Deliberately impede a Correction Officer in the course of their duties.
12 Months	<ul style="list-style-type: none"> • Attempt to bring contraband into the AMC. • Physically assault any person. • Assist with escape or attempted escape.

In addition to the above table the following issues should also be taken into consideration when determining the length of the ban:

- the nature, seriousness and circumstances of the incident;
- any injury, loss or damage resulting from the incident;
- the result of the actions of the visitor;
- any action taken to make reparation for any injury, loss or damage resulting from the matter; and
- whether the visitor has accepted responsibility for the incident.

Visitors may apply for a review of their ban or suspension by writing to the Executive Director, ACTCS.

The Superintendent will provide the visitor with reasons for the decision at the earliest possible opportunity. The letter must include the period of the suspension as well as any procedure for appeal.

Information dissemination

Signs will be displayed in the visitors waiting area with information pertaining to relevant sections of this policy.

Relevant sections of this policy will be included in the Prisoner Information Handbook and the Visitors Information Handbook.

Forms/Templates

Officer Report Form
Visits Search Register
Visitors Form
Visits Forms
Visits Refusal Form

Related policies and procedures

Use of Force Policy
Use of Force Procedure
Searching Policy
Searching Procedure
Incident Response Policy
Contraband Policy

	Morning	Afternoon	Evening
	9:00-11:45	13:30-16:45	18:00-20:00 (Cellblocks finish at 19:00)
Monday	No Visits		
Tuesday	Protection	Mainstream	Mainstream
Wednesday	Strict Protection	Mainstream	Protection
Thursday	Mainstream	Protection	Mainstream
Friday	Protection	Strict Protection	Mainstream
	9:30-11:30	13:30-16:30	18:00-19:30 (Cellblocks finish at 19:00)
Saturday	Strict Protection	Protection	Mainstream
Sunday	Protection	Mainstream	Strict Protection