

Australian Capital Territory

Corrections Management (Visits) Policy 2013 (No 2)*

Notifiable instrument NI2013-468

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 2013 (No 2)*.

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.

4 Revocation

This instrument revokes notifiable instrument NI2013-284.

[SIGNED]

Bernadette Mitcherson
Executive Director
ACT Corrective Services
9 September 2013

*Name amended under Legislation Act, s 60



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 detainees to maintain contact with family and friends. This may in turn assist detainees in reintegrating back into the community upon release.

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

Visiting times

The General Manager, Custodial Operations, will set visiting times. These will be distributed as a General Manager, Custodial Operations' Instruction and will be displayed in the accommodation areas and visits centre.

There are no Visits staff rostered on a Monday and the Visits area is closed. On occasions, legal and other accredited visitors may have an urgent need to visit with a detainee. This request to visit on a non visit day will be considered and may be approved to occur in an interview room in the Admissions area.

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 detainees and visitors are physically separated by a barrier. Detainees and visitors subject to non-contact visits are not to have physical contact at any time. A visitor or detainee may request that a visit be a non-contact visit.

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

A non-contact visit may be ordered on a detainee 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 Area Manager 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 thing on that visitor;
- following an adult visitor using the toilet during a visit; or
- as directed by the Area Manager for the good order or security of the correctional centre.

Should intelligence be received by the Area Manager 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 suspected contraband introduction.

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 detainee that they are visiting and the visit must be for the purpose of legal representation. On request, the legal representative must provide evidence of their involvement in the particular detainee's legal proceedings. 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;
- legal visits may be conducted in a designated professional visits room. Detainees and legal representatives may request that the visit take place in the non-contact or non-private visits areas; and
- legal visitors need to request approval from the General Manager, Custodial Operations, to bring in electronic devices or legal information e.g. laptop computer, that are directly related to the detainees legal representation.

A legal representative who refuses to submit themselves or their property to a search will 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 General Manager, Custodial Operations, other accredited visitors may apply to visit detainees outside the visits centre, including in the accommodation units.

Police

ACT Policing Officers may request to visit with detainees for the purposes of carrying out their professional duties. The detainee may have their legal representative and/or a Corrections Officer present during these visits.

A detainee may refuse a visit at any time. This includes a visit by ACT Policing Officers.

ACT Policing Officers seeking to visit a detainee will be directed to secure their accoutrements in the designated storage area. Where an ACT Policing Officer refuses to surrender any of these items, they will be refused entry. The Operations Manager is to be informed immediately.

Media

Media will not be allowed to visit without the approval of the General Manager, Custodial Operations, in discussion with the JACS media unit. Members of the media seeking to visit friends or relatives who are detainees must make their employment status as members of the media known in their application to visit.

Detainees

Entitlement

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

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

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

Detainees who have a family member in custody (at the AMC) may make application to the Operations Manager to have a combined visit.

Refusing a visit

Detainees may, at any time, refuse a visit. The Supervisor must ensure that any refusal or termination of a visit is documented and signed by the detainee. The visitor must be advised as soon as practicable that a visit has been refused.

Searching detainees

Detainees may not take anything with them into the visits centre without the prior written approval of the Operations Manager.

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

Intra and inter-centre visits

The General Manager, Custodial Operations, may approve intra- (between detainees at the AMC) and inter-centre (between detainees at different correctional centres). These visits may be contact or non-contact and will be subject to restrictions as deemed appropriate by the General Manager, Custodial Operations.

The Operations Manager will determine whether the detainees are required to wear overalls in such visits.

Dress standards

A minimum security classification detainee may wear their detainee clothing. Maximum and medium security classification detainees 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 and male detainees are not to be present in the change area of the Visits Centre when a female detainee is being searched.

Detainees that are on an intra-prison visit will wear the issued white overalls or the duration of all visits, which will remain zipped and secured at all times.

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 the particular accommodation area and/or classification of the detainee.

Visitors should arrive at least 15 minutes before their scheduled visit to allow for processing. Visits reception staff should process visitors until the visit start time. Visits reception staff do not have the authority to refuse a visitor entry to the AMC. If there are any issues or problems the Area Manager is to be contacted for guidance.

Detainees 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. If there are any issues or problems the Area Manager is to be contacted for guidance.

Ex-detainees Visitors

Visitors who have been in ACTCS custody within the last 5 years must write to the General Manager, Custodial Operations, requesting permission to visit. Upon considering the request the General Manager, Custodial Operations, 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.

The approval to visit a detainee is specific to that detainee. The ex-detainee visitor needs to make separate applications to visit more than one detainee.

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 of identification 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 and Citizenship 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. Where a visitor does not have photographic identification the visitor may apply to the Operations Manager to visit the AMC. The visitor must have at least three other forms of identification from list 2 to be considered.

Children and young people (persons under 18 years)

A person under the age of 18 wishing to visit a detainee without their parent or legal guardian, must present to the AMC with their parent or legal guardian prior to the visit taking place. 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 detainees they give permission for the person to visit.

All children/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 or guardian.

Where a parent or guardian lives inter-state and is unable to present in person at the AMC they may make written application to the Operations Manager.

Number of visitors

Up to four adults may visit a detainee 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 appropriately dressed at all times. As such, the following will not be permitted:

- clothing that is transparent/provocative/designed or altered to be of a revealing nature (including short skirts or shorts where underwear is visible);
- clothing that displays offensive/racist slogans or obscene words, phrases or diagrams. Members of 'outlaw organisations' are not to wear clothing displaying club, organisation or gang identification/propaganda (e.g. outlaw motorcycle club colours);
- heavily soiled work clothing; or
- sunglasses (with the exception of glasses required for visual needs), hats, and in some cases religious items (see below).

Religious headwear or other cultural adornments will be considered on a case-by-case basis. A Corrections Officer of the same sex as the visitor will search under the garment.

Medical aides (which must be accompanied by a current doctor's certificate, presented on entry) will be subjected to searching and may be permitted into the centre depending on medical requirements.

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 Operations Manager or General Manager, Custodial Operations, 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 ACT Policing will be notified. Where no contraband is located, the Operations Manager 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 the Supervisor in charge of visits;
- referred to the Area Manager if the Supervisor is unable to resolve the matter; and/or
- resolved by refusing the visitor entry or by the granting of a non-contact visit by the Area Manager (following a discussion with the Operations Manager) if the visitor still refuses 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 thing (contraband) be discovered during any search of a visitor, the Area Manager (following a discussion with the Operations Manager) has the discretion to:

- ask that the visitor dispose of the prohibited thing;
- ask that the visitor return the prohibited thing to a secured locker;
- confiscate the prohibited thing;
- deny a contact visit;
- deny a visit of any type;
- ban the visitor from visiting a correctional centre for a defined period of time (General Manager, Custodial Operations authority);
- ask the visitor to remove him or herself or be removed from the correctional centre; and/or
- refer the matter to ACT Policing.

Items may be declared to be a prohibited thing if there are reasonable grounds for believing they are illegal, offensive, or prejudicial to the health of any person or to the security or good order of ACT correctional centres.

Permitted and prohibited things

A visitor may bring the following things 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 General Manager, Custodial Operations.

Medication for use of the visitor must be declared and handed to the visits reception 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 General Manager, Custodial Operations. 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 visits Officers within the Visits area.

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

As stated in the *Corrections Management (Prohibited Things) Declaration 2012*, 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, bongos or any drug paraphernalia;
- any implement designed as or able to be used as a weapon or to assist in aiding an escape;
- 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 General Manager, Custodial Operations.

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;
- computers;
- USB/Flash drives;
- 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 for personal use during the length of the visit will be permitted;
- cigarette lighters, matches and cigarettes;
- aerosol spray canisters;
- scissors;
- vegemite;
- portable TV/DVD players;
- property belonging to another person;
- cooking equipment;
- tools and cutting implements of any kind;
- 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 (commercial manufacture or homemade);
- books/magazines;
- offensive material; and
- any other item deemed inappropriate by the General Manager, Custodial Operations.

Acceptable behaviour

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

- no profanity (including swearing);
- no shouting or loud conversations;
- no interaction between groups unless approved by the Visits Supervisor;
- no items to be passed between individuals;
- visitors and detainees are allowed to use the external area and walk around;
- visitors' and detainees' hands are 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 needs 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 detainee) 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 detainee 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 some visits.

Refusal or cancellation of visits

The Area Manager may cancel a visit or refuse to allow a visit where the visit may:

- jeopardise the good order and security of an ACT correctional centre;
- be used to plan or commit an offence; or

- be used to interfere with any ongoing ACT Policing or ACTCS investigation.

The Area Manager will provide the detainee and the visitor with reasons for the decision as soon as practicable.

In addition to individual visits being cancelled, the Area Manager (following a discussion with the Operations Manager) may cancel or suspend all visits within a correctional centre. Where this occurs, a General Manager, Custodial Operations' Instruction must be issued in accordance with the *Corrections Management (Policies, Procedures and Superintendent's Instructions) Policy 2011*. This Instruction must be displayed in the visits centre, detainee accommodation areas, and any other prominent locations considered appropriate by the Operations Manager.

Banned visitors

The General Manager, Custodial Operations may direct that a visitor be banned from visiting detainee/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 thing into a correctional centre;
- being in possession of a prohibited thing;
- inappropriate behaviour during a visit;
- abuse of staff or detainees; or
- any other reason that the Operations Manager 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 General Manager, Custodial Operations.

A visitor may be banned from visiting any detainee or a particular detainee at the discretion of the General Manager, Custodial Operations.

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 Corrections 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 General Manager, Custodial Operations, 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.

All banned visitors need to re-apply to the General Manager, Custodial Operations, to visit a detainee when the banned period of time expires.

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 Detainee 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
 Possession of Prohibited Thing Policy