



SECTION 15.1 - 24 VISITS TO INMATES AND CORRECTIONAL CENTRES

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15. VISITS TO INMATES & CORRECTIONAL CENTRES

Summary Page

Policy

Corrective Services NSW (CSNSW) recognises the significance of visits between inmates and their families. In particular, CSNSW recognises the importance of children maintaining relationships with significant adults in their lives and the need to facilitate contact within the security confines of the correctional system.

CSNSW has legislative responsibilities relating to the care and protection of children visitors.

CSNSW acknowledges that the needs and behaviour of children are different from adult visitors. Correctional staff need to be aware of these differences and respond accordingly, taking into account the good order and security of the correctional centre.

Case visits are one form of visit. They may be held at the discretion of the General Manager if the inmates are housed at the same correctional centre. Case visits for inmates housed in different correctional centres must be supported by both General Managers (delegate) and should be referred to the respective Assistant Commissioners for approval.

Visitors to inmates in correctional centres will be required to provide appropriate and sufficient forms of identification as outlined in the procedures prior to the issue of a visitor identification number (VIN) to enable the visit to take place.

All visitor details will be stored on CSNSW's electronic database and retrieved when the visitor makes an appointment for a visit.

Visitors to inmates designated as extreme high security will be subject to a more stringent procedure of identification.

To assist inmates maintain family relationships, contact visiting facilities are provided at each correctional centre. However, visitors who are classified under one of the following categories at the time of the proposed visit are only to be permitted non-contact (box) visits:

- persons who are on probation, parole or bonds;
- persons who are serving a term of periodic detention; or
- persons who have been sentenced to Community Service Order or Home Detention Order.

However, if these visitors are members of the inmate's **immediate family**, then they may be permitted a contact visit.

Maximum and medium security inmates (except inmates in the Violent Offenders Therapeutic Program - VOTP) shall be required to wear prescribed overalls without pockets (which are zippered and secured at the back) during contact visits.

Inmates who are in a de facto relationship with an inmate in another correctional centre may be granted a compassionate inter-

centre visit at the discretion of the General Managers (delegates) of those correctional centres, if certain criteria is satisfied.

Inmates are entitled to visits from their legal practitioners or their representatives, and members of other legal professional bodies. These visits do not affect the visiting entitlements of inmates.

Visiting privileges may be restricted or withdrawn from the public if conditions of entry are not observed.

Visitors may lodge complaints through the mechanism set in place at each correctional centre.

CSNSW will provide the opportunity for children and parents to spend valuable and quality time together through Child-Parent Activity Days.

Purpose

- To provide the opportunity for inmates and their families to foster and maintain relationships during the period of incarceration.
- To develop appropriate management guidelines to assist all staff to manage issues pertaining to children and young visitors.
- To provide the opportunity for inmates to deal with legal issues which they otherwise wouldn't have the means of expediting.
- To regulate and monitor **all visits** to correctional centres, and **all inmate** access to such visits as described in this document, in a secure, responsible, and professional manner.

Scope

All staff who work within correctional centres are affected by this policy.

Strategic Focus

Corporate Plan 2006 –2009

Legislation

- Crimes (Administration of Sentences) Act 1999
- Crimes (Administration of Sentences) Regulation 2008
- Children and Young Person (Care and Protection) Act 1998
- Crimes Act 1900, Section 61AA, Section 352
- Migration Act 1958
- Work Health & Safety Act 2011
- Summary Offences Act 1988
- Child Protection (Prohibited Employment) Act 1999
- Commission for Children and Young People Act 1998

Related Policies

- OPM: S2 – Inmate Classification and Case Management
- OPM: S 3.1.1.10 - Complaints from the Public Concerning Correspondence from Inmates
- OPM: S 3.2.1.8 - Restrictions on Access to Certain Telephone Numbers
- OPM: S6.5 – Section 26 Escorts
- OPM: S7 – Inmate Health & Welfare
- OPM: S8.24- Disclosure of information regarding inmates
- OPM: S8.27 – Ombudsman

Annexures	<ul style="list-style-type: none"> • OPM: S9.2.6.1 – Property delivered by visitors • OPM: S10.1.16 – Foreign Nationals • OPM: S12.4 – Searching Inmates and Correctional Centres • OPM: S15.12 Authorised Visitors Policy • OPM: S16.1 – Disciplinary Procedures • Interagency Guidelines for Child Protection Intervention • Recommendations of the Royal Commission into Aboriginal Deaths in Custody. • 15.1 Application for Inter-centre Visit • 15.2 Information for Visitors of Extreme High Security Inmates • 15.3 Information for Extreme High Security Inmates • 15.5 Application for Organisation to Provide Programs and/or Services in Places of Detention under Clause 83 of the <i>Crimes (Administration of Sentences) Regulation 2008</i> • 15.5a Authorised Organisation Review Committee Recommendation • 15.6 Application for Authority to Enter a Place of Detention as an Authorised Visitor under Clause 83 of the <i>Crimes (Administration of Sentences) Regulation 2008</i> • 15.6a Renewal Application – Authority to Enter a Place of Detention as an Authorised Visitor • 15.6b Standard Conduct Agreement for Authorised Visitors • 15.7 Application form for on-line CSNSW Security Awareness Course for Authorised Visitors • 15.12 CSNSW Check for DVOs • 12.3 Criminal Record Inquiry (Non-offenders) form
ACO / COPM	2000/023, 2000/040, 2000/050, 2000/089, 2001/003, 2001/009, 2001/011, 2006/017, 2006/024

Definitions

For the purpose of this policy, the following definitions are to be used.

Aboriginal persons	<p>Has the same meaning as Aboriginal in the Aboriginal Land Rights Act 1983:</p> <ul style="list-style-type: none"> • is a member of the Aboriginal race of Australia; • identifies as an Aboriginal person; or • is accepted as an Aboriginal person by the Aboriginal community.
Authorised officer	<p>In relation to a function of the General Manager (delegate) of a correctional centre, means the General Manager or a correctional or a correctional officer authorised by the General Manager to exercise the function.</p>
Child	<p>Any person under 18 years of age.</p>
ConferLink	<p>A Telstra conferencing service that is available in two modes: Self-hosted or Operator-hosted. The service is available 24 hours a</p>

	day. For further details, refer to the 'Customer Information' section of local White Pages.
De facto relationship	A relationship between two adult persons who live together as a couple, and who are not married to one another, or related by blood. Reference should be made to Section 4 of the Property (Relationships) Act 1984 for a detailed clarification.
Defendant	The term means the person against whom an order is made or is sought to be made. In the context of this policy, a defendant can apply to either an offender or visitor.
FACS	Family and Community Services.
Face	A person's face from the top of the forehead to the bottom of the chin and between (but not including) the ears
Face covering	An item of clothing, helmet, mask or any other thing that is worn by a person and prevents the person's face from being seen (whether wholly or partly)
Immediate family	An inmate's spouse (including an established de facto relationship), parents, children, and siblings.
Legal practitioner	Any member of a legal professional body or other professional body who has been given the authority by that body to transact legal business with an inmate in CSNSW's custody.
Prohibit / prohibition	Refers to the imposition of a sanction preventing any access to inmates and/or correctional centres.
Protected person	A legal term applies to person who is protected by an Apprehended Violence Order (AVO). In the context of this policy, the term protected policy can apply to either an offender or visitor.
Restrict / restriction	Refers to the imposition of a sanction preventing physical contact between a visitor and an inmate (i.e. a non-contact/box visit).

15.1. Case Visits

Case visits may be required in order to assist inmates in the preparation of forthcoming legal proceedings. These visits fall into two categories:

- where the visit primarily concerns someone other than the inmate e.g. a child involved in divorce or custody proceedings, or
- where an inmate is a co-accused.

General Manager's (delegates) must be satisfied that the following criteria have been met.

15.1.1. A Case Visit concerning someone other than an inmate

A request for such a visit should be:

- made in writing;
- made by a CSNSW officer, another government agency, or by the solicitor or barrister representing a party involved; and
- certified to show that the visit is necessary for the proper determination of the proceedings.

The General Manager (delegate) should be satisfied that the inmate being visited consents to that visit.

15.1.2. Case Visits if the inmate is a co-accused

If the proceedings are to be held before a Visiting Justice, a case conference may be allowed if both accused are held in the same centre, prior to their appearance.

If the proceedings are in a higher jurisdiction, the General Manager (delegate) should:

- confirm that the inmates are co-accused;
- confirm that each inmate involved consents to the visit;
- ascertain whether each inmate is legally represented;
- endeavour to arrange legal representation for any inmate not legally represented;
- receive a letter from the solicitor or barrister for the inmate stating that the visit is necessary for the proper determination of the proceedings involving the inmate; or
- (where the inmate is not legally represented), a statutory declaration by the inmate to the same effect as the letter referred to above.

Should the request be refused, the General Manager (delegate) should advise the inmate in writing.

If the request is refused because it is considered an unwarranted expense to CSNSW, the inmate may still be entitled to the visit provided:

- s/he covers the cost, and
- there are no security issues involved.

Where a case visit is declined and where it is considered appropriate, it is the General Manager's (delegate) discretion to make facilities available for a case conference by telephone. This telephone call should be additional to any entitlements to telephone access already enjoyed by the inmates involved. Refer to section 15.12.2 for information on telephone conference facilities.

15.2. Compassionate Inter-Centre Visit

A compassionate inter-centre visit would normally occur between immediate family members who are both incarcerated. **Such a visit is not an inmate's right, but should be considered a privilege.**

Although an inmate is permitted to change the recorded details of his/her de facto partner, even if the relationship was established whilst the inmate was in custody, an inter-centre visit will not be considered where two inmates have developed a relationship during the sentence they are currently serving.

If either of the inmates is released, a contact visit with the de facto partner may be granted at the General Manager's (delegate) discretion, provided there are no security issues of concern.

15.2.1. Application for an inter-centre visit

1) Inmates **who are not participating** in any external leave programs should apply for a visit using the *Application for Inter-centre Visit* form (Annexure 15.1). Applications will generally only be considered if the inmate:

- has served at least the first six months of his/her sentence;
- has at least six months of his/her sentence left to serve; and
- generally, be considered at intervals of not less than six months. It would be appropriate to consider granting a compassionate inter-centre visit at more

frequent intervals than 6 months, if the inmates wish to have a case conference with their children and/or their carers to resolve family matters impacting upon their children.

- 2) Inmates **who are participating** in external leave programs should apply using the *Inmates Application or Statement* form.
- 3) General Managers (delegate), when considering an application, will take the inmate's conduct into account.
- 4) The application, with recommendations from the General Manager (delegate) of both correctional centres, together with the Section 26 permit raised by the requesting General Manager (delegate), should then be referred to the relevant Assistant Commissioner of the requesting centre for approval.
- 5) The inmate should be entitled to have the visit at his/her expense if the General Manager (delegate) considers that the visit involves unnecessary expense. The inmate should pay the cost prior to the visit.
- 6) The General Manager (delegate) has the discretion to allow a phone call between the parties concerned if the visit is not approved.
- 7) All approved visits for inmates on external leave must occur with the proviso that the inmate remains in the company of his/her sponsor at all times. This proviso should be noted on the application form and the inmate must carry a copy of the approved application form during the visit and produce it when required.

15.3. Visitors' Identification

15.3.1. Forms of Identification

To prove his/her identity to CSNSW, the adult visitor needs to provide:

- one acceptable proof of identity document from List 1 below, or
- three documents from List 2, one of which must show the person's current residential address.

Both forms of identification and/or proof of residential address must correspond with the name and address details recorded on the Offender Integrated Management System (OIMS).

List 1

CSNSW will accept one of the following **primary forms of identification**:

- a current photo drivers license issued by any State or Territory of Australia;
- a Proof of Age card available from the RTA;
- a current passport or one that has expired within two years of the expiry date; or
- any current photo identification issued by a Government Department or Authority.

List 2

CSNSW will accept **any three** of the following **secondary forms of identification**:

- an original or extract of a birth certificate;
- an electoral roll enrolment card or other evidence of enrolment;
- a public utility record issued within six months of the date of intended visit e.g. a telephone, gas or electricity bill, or a water rates, council rates or land valuation notice;
- a current vehicle or boat registration papers;

- a marriage certificate;
- an Australian naturalisation or citizenship document or immigration papers issued by the Commonwealth Department of Immigration and Multicultural Affairs;
- a current entitlement card issued by a Government Department or Authority; or
- a credit or debit card with the holder's signature.

Note: Correctional staff are reminded that proof of identification for a child visitor is not compulsory when accompanied by a responsible adult. However, where the 'responsible accompanying adult' is able to provide identification with respect to the child visitor's age, details of the proof of identification document/card must be recorded on the visitor form.

15.3.2. Identification of Visitors

This will occur in two stages:

15.3.2.1. Initial identification

On the initial occasion that a person visits an inmate in custody s/he will be allocated a Visitor Identification Number (VIN), provided s/he produces appropriate forms of identification. An electronic record of the visitor's personal details will be created on the OIMS visitor database.

A VIN must not be issued unless the officer allocating the VIN is satisfied as to the person's identification (that is they are who they claim to be), their place of residence and that they have a proper reason for their visit to the correctional centre. This process will require the visitor to remove any face covering (see below s.15.3.5) if the identification relied on by the visitor to justify production of a VIN includes photo identification.

Visitors must produce the appropriate forms of identification. If these cannot be produced, the General Manager (delegate) of the correctional centre may permit the person to visit an inmate **on that one occasion**. In this case, it would be appropriate to facilitate a box visit. The visitor should be given the benefit of the doubt and the visit should be a one-off occurrence with the proviso that the appropriate forms of identification be produced at all subsequent visits.

15.3.2.2. Biometric Identification System

Where a Biometric Identification Device (BID) is installed, the capture of each visitor's fingerprints and image will be undertaken. Until the BID in participating correctional centres is networked, visitors are required to undergo the process of having their fingerprints and images captured at each of these centres.

If a visitor has previously satisfied the initial identification requirements and subsequently received a VIN but has not had his/her fingerprint template and image captured on a BID, there is no need for the initial process of identification to be repeated unless the officer enrolling the visitor on the BID cannot be satisfied as to the identity of the person claiming the VIN. In these circumstances, the officer must satisfy himself/herself as to the identity of the VIN holder by reference to the identification details recorded on OIMS for the issue of the VIN. Enrolment on the BID will require the visitor to remove any face covering so as to capture their image. (See 15.3.5 below)

If the visitor cannot satisfy the officer as to their identity to enrol on the BID when they have already enrolled on the BID at another centre, the officer may contact the previous centre and arrange for a printout of the visitor's image to be faxed / emailed to them for comparison. This will be possible provided the previous centre has the staff available to carry out this request. See 15.3.5

Legal practitioners, who present a current valid identification card issued by either the NSW Law Society or the NSW Bar Association, do have to register on the BID system; however they will be given priority processing. They may go directly to the visits processing officer and once they have identified themselves, they will be processed into visits ahead of other visitors. (Refer to *Commissioner's Memorandum 2013/50*).

15.3.2.3. Subsequent and on-going identification

The identification of a visitor at any subsequent visit can be effected, via the production of a primary/secondary form of identification or, where a BID is installed and the visitor has been enrolled on the database of that device.

Where a BID is installed and the visitor's fingerprint template and image are stored in the BID, a visitor will not need to produce any form of identification to secure a visit. The visitor will complete a *Visitor Information* form and hand it to the visits officer to have his/her details verified against the BID database. Any visitor who enters via BID verification must also pass through the BID prior to leaving so that their identity is verified again.

As the BID and the OIMS are not linked, officers working in the visits area must verify the visitor's details on the OIMS. This will ensure that prohibited or restricted visitors are identified before a visit takes place.

Where a BID is not installed, the identification required for any subsequent visit will be:

- one primary form of identification or the ability to verify the residential address recorded on the OIMS; or
- one secondary form of identification with a current residential address, which must match the one recorded on the OIMS.

Verification of the visitor's identity against the form of identification may require the visitor to remove any face covering (see 15.3.5).

15.3.3. Change of Visitor details

Where a visitor's name or residential address changes, the visitor's record on the OIMS is to be amended accordingly. Staff should not create either a new VIN or record. The previous details will be recorded as history under the current VIN.

Proof of the change of details must be sighted prior to the amendment on the OIMS. Visitors should be informed that identification required for further visits must correspond with the new details recorded on the OIMS.

15.3.4. Visitor Forms

Visitors' information forms are an important record and must be retained at the correctional centre as they may be used in evidence by CSNSW in the event of a prosecution. As such, officers working in visiting sections are to ensure that:

- all visitors record their relevant personal information correctly on the *Visitor Information* form;
- all visitors present acceptable forms of identification with the visitor information form. These details will be entered into the OIMS on the initial occasion that the visitor attends a correctional centre to visit an inmate. On subsequent visits the details provided in the *Visitor Information* form will be verified with data maintained on the OIMS;
- Information relating to child visitor, e.g. name, age, gender and relationship to the inmate are correctly recorded on the *Visitor Information* form; and
- the child visitor is permitted to visit the inmate.

Note: Before a visit is permitted to proceed, the officer in charge of the visits area must ensure that the visitor's details have been correctly entered onto the OIMS, or the information verified with the data maintained on the OIMS database. This is to ensure that a visitor who is flagged as prohibited or restricted is identified before the visit takes place.

15.3.5. Removal of face covering

The verification of the identity of a person may require the removal of a face covering by the visitor so that the officer may satisfy themselves through viewing the visitor's face that the visitor is the person whom they claim to be. It is also vital that any person not be allowed to leave a correctional centre unless the officer permitting egress is satisfied that the person leaving the centre is the same person they admitted.

Face for the purposes of this policy means a person's face from the top of the forehead to the bottom of the chin, and between (but not including) the ears.

A face covering means an item of clothing, helmet, mask or any other thing that is worn by a person and prevents the person's face from being seen (whether wholly or partly)

Requests for visitors to remove face coverings must be carried out in a culturally sensitive manner and in accordance with the following procedures:

In requesting a visitor to remove their face covering, the correctional officer:

- Must ask for the visitor's co-operation and explain why it is necessary to view their face;
- Carry out the viewing in a way that affords reasonable privacy for the visitor (eg. use an adjoining office area) if the visitor requests privacy;
- Conduct the viewing as quickly as is reasonably practicable; and
- If the visitor requests it, arrange for the face viewing to be carried out by an officer of the same sex as the visitor or if an officer of the same sex is not available, by another person of that sex at the direction of the correctional officer.

It is only necessary for the visitor to remove so much of the face covering that prevents their face from being seen.

If the visitor wearing a face covering is under 12 years of age, they may only be required to remove their face covering if a responsible person for the child is present during the viewing – the viewing should be carried out by a female correctional officer if the child's responsible person requests it and, if a female correctional officer is not available, a female person at the direction of the correctional officer.

It is not an offence to refuse to remove a face covering when requested to do so by a correctional officer. Failure to do so may require that the visitor not be admitted to the correctional centre due to an inability to verify their identity. Refusals to remove a face covering should be referred to the Manager Security or General Manager to determine if a visit will proceed.

If the Manager Security or General Manager decide to refuse the visit or to vary a contact visit to a box visit, he/she must report the incident in the IRM (under Miscellaneous Incident)..

A visitor may lawfully refuse to remove their face covering if they can establish to the satisfaction of the correctional officer that they have a special justification for not removing their face covering, including a legitimate medical reason.

15.3.6. Dress Standards for Inmate Visitors

This policy is not intended to set an overarching arbitrary standard of dress for inmate visitors because of the variation in climate within the state and individual tastes and beliefs about what is deemed acceptable and unacceptable.

For these reasons, a decision about a visitor's dress is to be made by the Manager Security or General Manager, or officer acting in one of these capacities.

If the officer-in-charge of inmate visits believes that a person is inappropriately dressed they are not to automatically refuse entry to the visitor. In the first instance, the officer-in-charge is to contact the Manager Security, General Manager or person acting in one of these capacities and inform them of the situation. They must then attend the location where the visitor is waiting and make their own assessment of the person's dress. The criteria to be used by the Manager Security or General Manager in deciding the issue is the affect of the visitor's dress upon the security and good order of the correctional centre.

If the Manager Security, General Manager or person acting in one of these capacities then makes a decision that the visitor's attire does not adversely affect the security or good order of the correctional centre, then the visit may proceed. If the Manager Security or General Manager believes the visitor's dress is inappropriate, then in a private area and in a manner that respects the visitor's dignity, the Manager Security, General Manager or officer acting in one of these capacities must explain to the visitor why they are refusing the visit. The visitor must then be given the opportunity to change or adjust their dress and if it is then acceptable, the visit should be allowed.

If the visitor is unable or unwilling to adjust their dress and the visit is refused then a written report must be submitted and forwarded to the duty officer. The report must include a detailed description of the visitor's dress and why it was deemed inappropriate.

15.4. Security Clearance Checks

Members of the public who are engaging in normal contact visits do **not** require security clearances.

However, Authorised Visitors (refer section 15.13) and visitors to extreme high security inmates and extreme high risk restricted inmates (refer section 15.6), are required to complete and sign a [CRIMINAL RECORD INQUIRY \(NON OFFENDER\)](#) form. A CSNSW employee must witness the visitor signing the form. The CSNSW employee must then record their name and signature in the space provided on the form.

The [CRIMINAL RECORD INQUIRY \(NON OFFENDER\)](#) form can be found on the Corrections Intelligence Group's intranet web page under:

Home → Organisation → Offender Management and Operations → Security → CIG → Request Forms

All completed [CRIMINAL RECORD INQUIRY \(NON OFFENDER\)](#) forms should be faxed to the Correctional Intelligence Group (CIG) on fax no:(02)9748-0624. It will normally take up to 5 days for the security clearance to be processed. The results will be automatically forwarded to the General Manager (delegate) as soon as CIG completes the inquiry.

If the security check shows that the applicant has a trace of:

- a current conviction against his/her name, authorised visitor status must **not** be granted. In such cases, the visitor must visit through the normal contact visits facilities; or
- a conviction, but that the conviction is spent (i.e. that is more than 10 years old) access should be granted unless there are other extenuating prohibitive circumstances.

To contact the CIG, telephone (02) 9289-5544 or fax (02) 9748-0624.

15.5. Contact Visits

In order to assist inmates in maintaining family relationships, contact visiting facilities are provided at each correctional centre.

15.5.1. Visiting inmates at Court or Police cells

Most of the court and police cells managed by CSNSW are not physically suitable for family visits. In addition, there are other constraints that would preclude family visits including the necessary movement of inmates from the cells to the court, security, and staff availability. As a consequence of these operating constraints, CSNSW does not ordinarily allow family members to visit inmates while in court or police cells.

However, an inmate who is being held at a Court or Police cell *may* receive family visits (including de-facto partners) if approved by the correctional officer who is in charge of the Court or Police cells. The officer-in-charge should approve a visit provided that:

- There are adequate and secure facilities;
- There are sufficient supervisory personnel;
- The operations of the cells are not adversely affected; and
- The visitors are scanned with a metal detector.

(Note that if these conditions cannot be met, then the visit must not be approved.)

In addition, the same policies and procedures apply to a family visit in a Police or Court cell as they do in a correctional centre. Some of these policies and procedures are set out below. Other relevant policies and procedures that affect visitors, inmates, and staff can be found elsewhere in the OPM, including the other subsections of section 15, and section 12.5 OPM.

15.5.2. Policies and Procedures for Contact and Non-Contact Visits

The following procedures apply to contacts visits:

- 1)** When an unconvicted inmate has been received into a correctional centre, s/he may be visited once, then twice weekly thereafter.
- 2)** An inmate may be visited once soon after being convicted, and then thereafter as often as the General Manager (delegate) of the correctional centre may determine. This is subject to the security provisions contained in point 8 below.
- 3)** Subject to appropriate staffing arrangements, suitable facilities, and security considerations, the General Manager (delegate) may permit additional contact visits.
- 4)** Where special circumstances exist and are verified by either an OS&P Officer a special contact visit between an inmate and a family member or close friend of the inmate, may be arranged subject to the General Manager's (delegate) approval. Such contact visits are additional to normal entitlements.
- 5)** It is recognised that exceptional medical circumstances exist where visitors may require the use of toilet facilities during a visit. Visitors (visiting medium and maximum security correctional centres) who wish to be given special consideration in relation to a medical condition, are required to complete Annexure 15.21, and produce a medical certificate establishing that they have a condition that warrants special consideration in relation to access to toilet facilities. This special consideration may also be for the purpose of taking medication outside of the visiting facility. The medical certificate should specify the duration for which the exemption is required.

It should be noted that where the medical condition is ongoing, such evidence will need to be renewed after 12 months. Visitors **must** also be made aware that any medical evidence tendered will be subject to verification with the designated doctor or specialist.

The OIC of the visits area must:

- notify the applicant of the decision made by the General Manager (delegate) of the correctional centre;
- place the original application in a file at the visits area, and
- place a copy of the medical certificate and the application on the inmate case management file.

The OIC of visits area must forward a copy of the application and return the original medical certificate to the applicant as soon as practicable.

Note: Where an application for special medical consideration is approved, visitors are permitted to continue the visit (following use of toilet facilities), provided they are re-screened prior to re-entry into the visit area. Correctional centres are also required to review all current applications for special medical consideration annually.

- 6) It is also recognised that some children may need to use toilet facilities during a visit (in medium and maximum security correctional centres) and some may need to be accompanied by an adult visitor. The visit may be permitted to be continued conditional upon re-screening prior to re-entry into the visiting facility. In such cases, visitors should be given priority to re-enter the visits area, time permitting.
- 7) In relation to point 5) above (where a visitor has applied for special consideration in relation to a medical condition and requires to take medication outside of the visits area), the following conditions apply regarding carrying of medication (drugs and/or Epipen) into a place of detention:
 - a) a person has lawful authority to be in possession of or carry drugs and/or an Epipen for medication (as per the Poisons Standard for the purposes of the Commonwealth *Therapeutic Goods Act 1989*) into a place of detention if the medication is:
 - contained within its original packaging, and is clearly labelled as prescribed to the person carrying it, or the medication is accompanied by a prescription made out to the person carrying it, or by a letter from the prescribing doctor;
 - stored securely in a vehicle or locker, in the case of medications other than an Epipen; and
 - in the case of an Epipen, retained by the authorised person, subject to inspection by staff on entry to and egress from the visiting area.
 - 8) Visiting hours and length of visits are at the discretion of the General Manager (delegate) and subject to any minimum requirements provided in the Regulations. At a court or Police cell, the length of the visit will be determined by the officer-in-charge and will depend upon the operations of the court or police cell, the continuing good behaviour of the inmate's family, and there being adequate numbers of correctional officers on duty to supervise the visit.
 - 9) Smoking is not permitted on CSNSW premises with the exceptions of those designated areas that have been approved as such by the Commissioner.
 - 10) Where there is reason to believe that contraband has been passed to an inmate during a contact visit, the General Manager (delegate) may direct that the visit or future visits to the inmate be held as a non-contact visit under close supervision.

11) Visitors classified under one of the following categories at the time of the proposed visit are only to be permitted **non-contact (box) visits** with an inmate:

- persons who are on probation, parole or bonds;
- persons who are serving a term of periodic detention; or
- persons who have been sentenced to Community Service Order or Home Detention Order.

However, if the visitors are members of the inmate's **immediate family**, then they may be permitted a contact visit.

Persons who have been released on bail are to be treated as ordinary citizens.

The onus of proof that a visitor is no longer classified under one of the above categories rests with the visitor.

12) A visitor may not visit more than one inmate on each occasion except where the General Manager (delegate) is satisfied that time does not permit relatives to see members of the same family individually.

13) Where any doubt exists as to the age of the visitor or the person is known to be under eighteen years of age, s/he may be permitted to visit an inmate only under the following circumstances:

- the young person must be accompanied by an responsible adult over the age of eighteen years, or a guardian; or
- if not accompanied by an adult, s/he should produce written evidence of a direct relationship with the inmate e.g. birth certificate, marriage certificate (if married to inmate), adoption documents, or a statutory declaration confirming the relationship.

14) Contact visits to inmates who are identified extreme high security (refer 15.6.1) will occur only after all other visits in the centre have been completed, or in a separate area to normal contact visits.

15) All maximum and medium security inmates **must be strip-searched**, and minimum-security inmates **randomly strip-searched** after each visit.

16) An authorised officer of CSNSW may require a visitor to submit to a search in accordance with S12 of the OPM, and clause 93 of the Regulation.

17) An inmate may refuse to receive a visitor, other than a government official engaged in official duties.

18) The policy and procedures for stopping, detaining and searching visitors is set out in Section 12.5 OPM.

15.5.3. Managing Children Visitors- Best Practice

15.5.3.1. Promoting contact visits for children and inmate parent - carers

It is important that children maintain positive contact with adults with whom a significant parental/carer relationship exists. Restricting children visitors to non-contact (box visit) could impact heavily on their ability to maintain a positive relationship with parents who are in custody. Children visitors should not be disadvantaged due to the behaviour of their adult parent/carer.

Many correctional centres make arrangements to ensure a child has contact visits when the inmate or accompanying adult are subject to non-contact visits and this practice is viewed as best practice.

Allowing children to have a contact visit with their inmate parent/carer is not intended to weaken sanctions imposed for the good order and security of a correctional centre, but intended to put the focus on the best interests of the child.

General Managers (delegate) are encouraged to exercise their discretion to allow children to have a contact visit with their inmate parent/carer when that inmate or the adult accompanying the child on visits is subject to a non-contact (box) visit. In such circumstances, only the inmate parent/carer and child will have contact; the accompanying adult would not have contact with the inmate unless deemed appropriate by the General Manager (delegate).

15.5.3.2. Age appropriate behaviour

Correctional staff are expected to be tolerant of children exhibiting age appropriate behaviour during visits and not place unrealistic demands on them. Correctional staff should not impose arbitrary constraints on children such as expecting them to remain seated during visits, or intervening in visits when appropriate physical affection is occurring between a child and the inmate parent/carer.

Whilst correctional staff must have regard to security, safety and the rights of other visitors in the visits area a reasonable balance needs to be struck to ensure unrealistic demands are not imposed on children.

15.5.3.3. Searching of child visitors

Procedures for searching children are set out under *Section 12 Powers to Stop, Detain and Search, of the Operations Procedures Manual*.

Correctional staff have no lawful authority to strip-search child visitors (including babies and toddlers) to a correctional centre.

Correctional staff should not remove a child's nappy for the purpose of searching.

Correctional staff are not permitted to ask or allow a child's carer to remove a child's nappy in the presence of correctional staff for the purpose of checking for contraband. If intelligence exists that indicates drugs or contraband may be contained in a child's nappy and a search is considered appropriate, the police must be contacted as required for any strip search of a visitor, as outlined in CSNSW's procedures.

15.5.3.4. Provisions for babies and toddlers during visits to a correctional centre

Children visitors under the age of 3 may have specific food and provisional needs which cannot be met by vending machines.

Correctional staff need to appreciate the different dietary needs of children at this age group and exercise discretion when accommodating these needs. A baby's parent/carer should be permitted to bring in adequate provisions to meet a young child's needs during visits.

Visitors with young children should be permitted to bring some of the following dietary items into a visits area or it be kept by correctional staff in a secured area for use as needed;

- Bottles of breast milk, sterilised water, formula powder and/or made up formula bottles adequate to meet the needs of a young child during the visit. It is up to the carer to determine whether the formula is already made up or carried separately.
- Sealed jar/cans of baby food to meet the needs of young children during the visit.

Note: Subject to the good order and security of the correctional centre, visitors to minimum security correctional centres should be allowed to bring with them more than one item of the above dietary list.

Many correctional centres provide baby changing tables, baby wipes, nappies etc, or allow these items to be brought into the correctional centre for use. While some correctional centres allow spare nappies to be brought into the visits area, others insist that only nappies provided by the correctional centre are to be used by parents. This is not always adequate as there is no 'one size fits all' and the nappy may not meet the needs of the individual child. Correctional staff should use discretion in determining what provisions are permitted to be used by parents to meet the needs of their child during the visit while maintaining correctional centre security.

In instances where correctional centres are unable to provide nappies, baby wipes, sunscreen, tissues and other items deemed necessary for children visitors, adult visitors should be allowed to bring these items into the visits area or be kept in a secured area by the correctional staff.

Restrictions are not to be placed on where and when nursing mothers feed their child. Refer Section 15.9 Nursing mothers.

15.5.3.5. Use of lawful physical discipline of children during visits

It is CSNSW's policy that children should not be physically disciplined by an inmate or visitor during a visit to a correctional centre. While using appropriate physical discipline on children is a personal matter for parent/carers, CSNSW does not support any physical punishment/discipline or verbal abuse of children whilst visiting correctional centres.

If an inmate parent/carer or adult visitor physically disciplines a child, correctional staff should intervene by explaining to the inmate and accompanying adult visitor that physical discipline of a child is not permitted during a visit. Correctional staff should not terminate the visit unless the behaviour continues; the physical discipline was of such a nature as to threaten the good order of the centre; or there is a record indicating the inmate or adult visitor has previously been warned in relation to this issue.

15.5.3.6. Unlawful assault of a child in or within proximity to a correctional centre

Correctional staff should note that it is a criminal offence under Section 61AA of the *Crimes Act 1900* for a person to use physical force to any part of the head or neck of a child, unless that force can reasonably be considered trivial in the circumstances. Likewise the use of physical force to any other part of a child's body is not permitted if it causes harm to the child that lasts for more than a short period.

If correctional staff witness an assault of a child (separate from the application of reasonable physical force for disciplinary reasons), either inside or within proximity of a correctional centre, they have the same powers as any member of the public to intervene and detain the alleged offender. Procedures relating to correctional staff powers to stop, detain and search are outlined in Section 12 of the OPM.

Correctional staff witnessing such behaviour should complete *Reporting Risk of Harm* (Annexure 8.16) and report the incident to the Department of Community Services' (DoCS) helpline and intervene appropriately to protect the child and contact the police

15.5.3.7. Identifying and responding to children at risk of harm

It is critical that if correctional staff reasonably suspects that a child is at risk of harm, s/he must make a report to DoCS, Helpline 133627.

Procedures for reporting risk of harm to children are outlined in [Section 8.32, Reporting Risk of Harm](#) (Annexure 8.16) to the Department of Community Services (DoCS), and OPM.

Note: When in doubt about the procedures, correctional staff should contact the Child Protection and Coordination Support Unit (CPCSU) on (02) 8346-1008 for advice.

15.5.3.8. Visits by a person with an active apprehended violence order

An Apprehended Violence Order (AVO) is an order made by a court, following an application by a person or a police officer seeking protection on behalf of a person. The AVO prohibits specified conduct by the defendant towards the protected person(s). It is a specific criminal offence to breach the provisions of an AVO.

The court may make an AVO if it is satisfied that the person making the complaint has reasonable grounds to fear an act of personal violence, conduct amounting to harassment or molestation or engagement in stalking by the defendant, or other conduct that intimidates the person.

Further information concerning AVO's is available in the policy *Apprehended Violence Orders* (OPM 8.40).

For the purpose of this policy, AVOs are divided into two types:

Type 1

A **Type 1** order is distinguishable from a **Type 2** order by the existence of conditions that prohibit the defendant from intimidating, stalking, harassing, threatening or otherwise interfering with the protected person but which does not prohibit contact or communication between the parties (refer to conditions contained in S8.40 OPM). Supervised contact between the defendant and the protected person may proceed for Type 1 AVOs. However, if during a supervised visit the defendant threatens, assaults or harasses the protected person, the visit must be terminated immediately, the Manager Security advised of the incident and details of the incident must be recorded on the Offender Integrated Management System (OIMS) and the offender's case management file. Additionally, an alert is to be placed in OIMS to the effect that no further visits between the defendant and the protected person are to be permitted.

Type 2

A Type 2 order contains conditions prohibiting stalking or harassing the protected person, but most importantly will also have a condition prohibiting the defendant from contacting or communicating with the person in need of protection (refer to conditions in S8.40 OPM). Accordingly, no visits or contact by way of mail or telephone is permitted whilst this type of AVO remains active. This prohibition extends to box visits.

If correctional centre staff are in doubt as to whether a visit should proceed between a defendant and a protected person, they must contact the Legal Services Branch, Head Office, on telephone number (02) 8346-1256.

It is important to note that an AVO can only be amended by application to court. If a protected person/defendant seeks to visit an offender in custody, when CSNSW records indicate an active AVO prohibiting all forms of contact between the two parties, but the visitor asserts that the conditions of the AVO have been altered to allow contact, the OIC of visits area must:

- ask the visitor to produce a copy of the amended AVO conditions; and
- inform the visitor that a visit (including box visit) cannot proceed until the amended AVO conditions are verified and CSNSW records (Visitor Restrictions screen) are updated by the Manager Security (delegate);

Note: If the visitor does not or cannot provide an amended copy of the AVO conditions, the OIC of visits area must inform them that the visit (including box visit) will not proceed.

15.5.3.9. Procedures for requesting an AVO check

Correctional and community based staff can request an AVO check on new and existing offenders. The following are the procedures for requesting an AVO check:

1. The requesting officer must complete *Criminal Record Inquiry/Request for Information (Offenders)*. This form can be located on the Corrections Intelligence Group (CIG) forms page on the intranet (Organisation – Security & Intelligence – Corrections Intelligence – Request forms.).
2. The requesting officer must fax the form to the Corrections Intelligence Group on (02) 9748-0624.
3. The CIG will conduct a thorough check of the COPS and other systems to ascertain whether an AVO exists and if so, the type of AVO i.e. Type 1 or Type 2.
4. The CIG will enter the result of the AVO check on the OIMS (IVO) screen. If an AVO exists, the Visitor Restrictions screen will read Type 1 AVO '*supervised contact between the defendant and the protected person is permitted*', or Type 2 AVO '*no contact between the defendant and the protected person is permitted*'. The Visitor Restrictions screen will alert booking and visits staff of the existence and type of AVO.
5. After completing the AVO check, the CIG will email the result to the General Manager of the correctional centre where the inmate is currently held.

Note: If the correctional centre is advised that the AVO is Type 2, appropriate steps must be taken to ensure that the offender does not contact the protected person by either phone or letter (refer to S8.40OPM).

15.6. Visits to Extreme High Security and Extreme High Risk Restricted Inmates

Refer to Section 17 High Security, Extreme High Security and Extreme High Risk Restricted Inmates for policy and procedures regarding visits for these designated inmates.

15.7. Clothing Worn By Maximum and Medium Security Inmates

All inmates housed in maximum and medium security correctional centres (except in the Violent Offenders Therapeutic Program – VOTP*) shall be required to wear white pocket less overalls which are zippered and secured at the back, during contact visits. Refer to Section 15.6.1 (10) for clothing worn by extreme high security inmates.

Inmates must be supervised when exchanging their clothing for visit overalls. The overalls are to be checked for damage and/or serviceability before and after each visit.

* Inmates participating in the VOTP may wear their correctional centre clothing whilst on a visit.

15.8. Disposal of Food Following Visits

Items of food and drink not consumed during the visit are to be disposed of prior to the inmate leaving the visit area. Food or drink **must not** be taken back to the inmate's accommodation unit.

15.9. Nursing Mothers

Nursing mothers are permitted to breastfeed their children whilst on a visit to an inmate in a correctional centre. While some correctional centres may offer female visitors a more

private area to breastfeed, at no stage should correctional staff direct a nursing mother to remove herself from the visit area.

15.10. Religious Visits and Ministrations

15.10.1. Accreditation of Chaplains or Spiritual Advisors

The following procedures apply in respect of the appointment of correctional centre chaplains and spiritual advisors.

- 1) Persons seeking to act as chaplains or spiritual advisors to groups of inmates require formal endorsement by the Civil Chaplaincies Advisory Committee (CCAC).
- 2) The application, with the appropriate endorsement of the CCAC will be forwarded to the Commissioner for accreditation.
- 3) A person who is, or who purports to be, a minister or advisor of religion who wishes to see individual inmates in a religious capacity (so that the inmate does not lose a visit) will not be admitted into the correctional centre until the General Manager (delegate) has consulted a chaplain nominated by the CCAC for that centre.
- 4) Representatives of religious organisations wishing to provide services other than chaplaincy services to inmates, are to be directed to contact the Director, Offender Services & Programs: Telephone (02) 8346-1059 Address: GPO Box 31, Sydney 2001.

The granting of authorised visitor passes to such organisations will be dealt with through the appropriate OS&P unit (refer 15.12).

15.10.2. Participation of inmates in spiritual observances

Many religious festivals are observed by the partaking of a special diet. Some religious denominations have supplied inmates with the necessary dietary supplements on these occasions. To prevent this privilege from abuse, General Managers (delegate) must ensure that:

- appropriate identification is produced by any person/s purporting to represent a religious denomination;
- confirmation with the chaplains/spiritual advisors or their governing bodies that a religious festival is forthcoming is established; and
- any parcel delivered to the correctional centre by a representative of a religious denomination is carefully searched and the contents given to the appropriate staff for distribution.

15.10.3. Christian Religious Services: Use of Sacramental wine

The Summary Offences Act 1988 states that it is an offence to take any spiritous or fermented liquor into a correctional centre. However, it is recognised that the use of sacramental wine is essential in some Christian religious services.

To enable chaplains/spiritual advisors to take sacramental wine into correctional centres to conduct religious services, the following procedures must apply.

- 1) Accredited chaplains/spiritual advisors who perform religious services may take **up to 300 ml** of sacramental wine (and a greater quantity on occasion with the permission of the General Manager) into correctional centres.
- 2) Any unused sacramental wine must be taken out of the correctional centre by the chaplain/spiritual advisor.

- 3) The sacramental wine must be transported in a secure container.
- 4) The chaplain/spiritual advisor must declare the sacramental wine to custodial officers who work at the entrance to correctional centres and/or complexes.
- 5) Officers working at the gate are required to notify the Manager Security when a chaplain arrives at the gate with sacramental wine.

Whilst chaplains/spiritual advisors are required to use sacramental wine wisely, they should be guided by advice from correctional centre staff, particularly if any problems related to the use of sacramental wine are experienced.

15.11. Members of the Legal Profession and Other Professional Bodies

An inmate is entitled to be visited by his/her **legal practitioner** and members of other professional bodies. These visits are additional to the inmate's visits entitlement and all such visits should be booked in advance.

A legal practitioner is required to:

- hold a current practicing certificate issued under the Legal Profession Act 1987 and is currently practicing in NSW; or
- hold a current practicing certificate issued under the Legal Practitioners Act 1970 and is currently practicing in the ACT; or
- is qualified to practice, and is practicing in another State or Territory of Australia and is entitled to a right of audience in any court in NSW; and
- hold a current valid identification card issued by the governing body of his/her profession. (If the legal practitioner does not hold a current valid ID card, s/he will be subject to the same proof of identity requirements as normal visitors).

15.11.1. Identification Requirements

15.11.1.1. Legal practitioners

To facilitate legal practitioners' visits with inmates, the Commissioner has modified the requirements in respect of record keeping and proof of identity required for such visitors. The Commissioner has deemed the following identification as sufficient:

- a current valid Law Society identification card; or
- a current Bar Association identification card; or
- a current Legal Aid identification card.

There is no requirement for a legal practitioner to produce a driver's licence or provide any other personal details for recording provided one of the above-mentioned cards is produced. However, legal practitioners unable to produce a current valid ID card will be subject to the usual visitor requirements in relation to proof of identity.

Legal practitioners may elect to comply with either of the following procedures:

- a photograph may be taken and the image stored on CSNSW's database, or
- a current valid Law Society, Bar Association, or Legal Aid ID card may be deposited in a secure area at the gate or visitor reception area if there is no legal visits waiting room. Local procedures should be implemented.

Legal practitioners, who present a current valid identification card issued by either the NSW Law Society or the NSW Bar Association, do have to register on the BID system (see section 15.3.2.2).

15.11.1.2. Field officers of the Coalition of Aboriginal Legal Services (COALS)

COALS forms a peak body representing the following six regional Aboriginal Legal Services (ATSILS) – Kamilaroi Aboriginal Legal Service; Many Rivers Aboriginal Legal Service; Western Aboriginal Legal Service; Wiradjuri (Central Southern) Aboriginal Legal Service; Southern Eastern Aboriginal Legal Service; and Sydney Regional Aboriginal Corporation Legal Service.

Field officers of the Coalition of Aboriginal Legal Service:

- are permitted to visit **all** Australian Aboriginal inmates (including those in confinement to cells);
- must book their visits through the normal channels before visiting an inmate;
- must produce a letter of introduction from their respective Service as proof of identity and appointment by that Service (the letter must be valid for 12 months from the date of issue);
- hold an authorised visitor identification card issued by CSNSW; and
- will conduct their visits in the same way as legal visits, and in the same visiting areas.

15.11.1.3. Visits by law clerks, public enquiry agents, private investigators, and other legal professional visitors

A legal practitioner may engage either the services of a public enquiry agent, private investigator, or other professional, or use the assistance of a law clerk. If the visitor is unaccompanied, the legal practitioner must provide the person assisting him/her with a valid letter of introduction on official letterhead of the firm to facilitate his/her entry into a correctional centre to conduct business.

The letter will contain:

- the date on which it was written;
- the identity of the person nominated to visit the inmate;
- sufficient details indicating the nature of the legal business being conducted;
- an office telephone contact number (should clarification or confirmation of details be required by the correctional centre); and
- the authority for the bearer to act on the legal practitioner's behalf and to receive instruction from his/her client.

The bearer of the above letter of introduction must obtain a replacement letter prior to the next visit if the date on the letter is more than three months old. Entry is at the General Manager's (delegate) discretion until the requirement is fulfilled.

If a law clerk, public enquiry agent, private investigator, or other professional visitor accompanies a legal practitioner into a correctional centre, s/he is not required to produce a letter of introduction. However, one primary and three secondary forms of identification should be produced to confirm his/her identity.

15.11.1.4. Medical personnel, allied health workers, psychiatrists, psychologists, and interpreters

Inmates may sometimes choose to be visited by their own:

- medical specialist;
- general practitioner;
- allied health worker; or

- psychiatrist

rather than by those contracted to Justice Health (JH).

In such cases, the visiting professional must provide a letter of introduction prior to the scheduled visit to:

- convey his/her intention to the General Manager (delegate) of the correctional centre, seeking approval to visit; and
- notify JH of the intention to visit the inmate.

The General Manager (delegate) of a correctional centre may require professional qualifications to be produced to verify the authenticity of the visitor.

Visiting medical officers and psychiatrists contracted to JH are considered to be JH staff and therefore do not need a letter of introduction.

15.11.1.5. Registered migration agents

If a registered migration agent declares that the immigration assistance to be transacted with an inmate at a correctional centre relates to the preparation for court proceedings, or a review authority relating to a visa application or a cancellation or review of an application, legal visits may be used if practicable.

Other migration assistance, such as the preparation of a visa application or the dispensing of advice, should be provided using the normal visits facilities.

Visitors should produce proof of identification such as their registration with the Migration Agents Registration Authority (MARA) together with photo identification. A business card is not sufficient evidence for proof of identification.

15.12. Preferred Access to Inmates by Members Of The Legal Profession

Members of the legal profession will be given preferential access to inmates except on weekends. This means that solicitors and barristers do not have to queue with other visitors at centres where visits are held through the week. Once a solicitor or barrister has identified him/herself to a visits officer, the processing of the visit will be given priority over other visits.

To ensure that legal practitioners are aware of this service, signs advertising the service should be posted in legal visits areas. This service will not be extended to law clerks, public enquiry agents, and private investigators who are not accompanied by a solicitor or barrister.

15.12.1. Information regarding inmate placements

Solicitors and barristers may contact the inmate placement unit to establish the location of any inmate on telephone (02) 9289-5135.

15.12.2. Telephone Conference Facilities

An individual, organisation, or agency granted authorised visitor status may request the use of telephone conference facilities if the physical distance of the correctional centre is prohibitive for the visitor to visit the centre in person to conduct legal business with an inmate. The decision will be at the General Manager's (delegate) discretion.

The inmate will be responsible for the cost of the conference call, which will be debited to his/her personal account. Staff allocated to set up the conference will:

- make reservations through Conferlink Phone on **1800 011 080**;
- be given a reservation number by Telstra; and

- quote the reservation number when recalling Conferlink Phone at the conclusion of the conference for the cost of the service.

Local procedures will be implemented to enable the recording of the cost of the conference call. A *purchase request* form needs to be completed by the inmate to facilitate payment of this call.

Conference calls will neither be monitored nor recorded by correctional centre staff but may be recorded by the Telstra operator as part of the service if using ConferLink – Operator Hosted facilities.

15.12.3. Mobile telephones and personal pagers

Legal practitioners and other professional visitors are **not permitted** to take mobile telephones into correctional centres, periodic detention centres, or court cell complexes. However, the use of personal pagers inside such centres and complexes is permitted. Mobile telephones may be secured either in the visitor's motor vehicle or in a secured locker provided by the correctional centre.

In the event that a professional visitor requires the use of a fixed line telephone in a private area during the course of an interview, arrangements may be made with the General Manager or Officer in Charge of the centre or court complex at the time of visit. Wherever possible, this request will be met.

A list of Justice Health staff and other persons contracted by JH who are permitted to carry and use a mobile phone in correctional centres is published on CSNSW's Intranet.

These persons must:

- provide details of the mobile phone (including the serial number) for recording at each correctional centre they attend;
- not permit an inmate or any other person to possess or use the mobile phone in a centre; and
- they must immediately report to a correctional officer any loss of the mobile phone in a correctional centre.

Employees of SSL Asset Services Pty Limited (which is contracted to provide maintenance at certain metropolitan centres) are authorised to carry and use mobile phones in correctional centres and periodic detention centres **during emergencies only**, as identified by the General Manager or Officer-in-Charge of the centre, until further notice, subject to the same conditions specified above.

Field officers at the Metropolitan Periodic Detention Centre are authorised to take the three identified mobile phones for filed use only, into the PDC for the purposes of being secured and recharged in the OIC's office.

15.12.4. Inmate access to Legal Visits during industrial action by Correctional Centre Officers

Legal visits will be made available to inmates on a strictly limited basis, and by appointment only, during any period of industrial action by custodial officers.

General Managers (delegate) will be responsible for approving and arranging legal visits during any such action. While it is recognised that some difficulty may be experienced in arranging legal visits, particularly in larger correctional centres, when industrial action occurs at short notice and for a relatively brief period (i.e. 12 to 48 hours), General Managers (delegates) should make every effort to allow legal representatives reasonable access to their inmate clients.

When making a decision about whether a legal visit should be approved, General Managers (delegate) are advised to consider the following:

- duration of the industrial action;
- the availability of correctional centre executive staff to supervise the visit; and
- adequate security arrangements whilst the visit is in progress.

15.13. Authorised Visitors

15.13.1. Policy Overview

This policy refers to individuals and organisations seeking entry into a correctional centre to provide programs (e.g. developmental, scientific, religious, educational, cultural, recreational, social or rehabilitative) and/or services to inmates, other than by contractual arrangement. Under *Clause 83 of the Crimes (Administration of Sentences) Regulation 2008*, the entry of such individuals and organisations into a correctional centre must be approved by the Commissioner. The Commissioner has delegated his powers under this clause to the Assistant Commissioner, Offender Services and Programs (AC, OS&P).

Approval is limited to providers of programs and/or services which conform to Corrective Services NSW Statement of Purpose: to deliver professional correctional services to reduce re-offending and enhance community safe.

15.13.2. Policy

Individuals and organisations seeking to deliver programs and/or services in a correctional centre may be given approval to do so by the AC, OS&P providing the programs and/or services conform to Corrective Services NSW Statement of Purpose (refer to [CSNSW Corporate Plan 2009-12](#)).

An application by an organisation will be considered by the Authorised Organisation Review Committee, whose task is to assess the organisation's capacity to deliver programs and/or services that conform to CSNSW's Statement of Purpose.

The individuals who will deliver the program and/or service must have satisfied a security and criminal history check and completed the CSNSW Security Awareness Course (on-line) prior to entry to a correctional centre.

15.13.3. Procedures

There are two (2) approval processes: the first, concerns approval of the organisation and the programs and/or services they wish to provide; the second, concerns the individuals who deliver the programs and/or services

15.13.3.1. Approval to provide a program and/or service

An organisation which wishes to provide services and/or programs in a correctional centre must:

- complete and submit an *Application for Organisation to Provide Programs and/or Services in Places of Detention* under Clause 83 of the *Crimes (Sentence Administration) Regulation* (refer Annexure 15.5). The application is to be submitted to the Authorised Visitors Co-ordinator, Offender Services and Programs, Corrective Services NSW:
 - Via post: PO Box 31, Sydney NSW 2000
 - Via email: AuthorisedVisitorCoordinator@dcs.nsw.gov.au
 - Via fax: 02 83461461

- provide details of their constitution and funding, their objectives in entering a correctional centre, a description of the program and/or service they will provide, and a contact person;
- endorse the applications of all individuals who will deliver the program and/or service on their behalf;
- apply for renewals (refer Annexure 15.6a) on behalf of the individuals delivering their programs and/or services. Renewal applications must be accompanied by a CSNSW On-line Security Awareness Course enrolment form completed by the applicant.

An organisation's application to provide programs and/or services will be considered by the Authorised Organisation Review Committee, which will be chaired by the Authorised Visitors Co-ordinator, Offender Services and Programs and include relevant Offender Services and Programs officers. This Committee will make recommendations to the Assistant Commissioner, Offender Services and Programs regarding an organisation's capacity to provide programs and/or services that conform to CSNSW's Statement of Purpose (refer *Authorised Organisation Review Committee Recommendation - Annexure 15.5a*).

The contact person nominated by each organisation is responsible for ensuring that Corrective Services NSW is informed of any change to the criminal record status of applicants approved to visit correctional centre(s), and for initiating the renewal process eleven months after an application is granted.

Information about the application process and relevant forms can be downloaded from the [Corrective Services NSW internet site](#).

15.13.3.2. Approval to enter a correctional centre

Individuals who will deliver the program and/or service must complete and submit the following forms:

- *Authority to carry out a Criminal Record Inquiry (Non-Offenders)* (Annexure 12.3). Note: The applicant's signature on the CRI form must be witnessed by a Corrective Services NSW employee. The witness is required to print his/her name and Corrective Services NSW Serial Number on the form, and sign it;
- *Application for authority to enter a place of detention as an Authorised Visitor under Clause 83 of the Crimes (Administration of Sentences) Regulation* (refer Annexure 15.6). Note: The organisation must complete the Organisation Declaration section of the form. The applicant must provide a photocopy of a required form of identification (see Annexure 15.6 for types of identification);
- *Standard Contract Agreement for Authorised Visitors* (refer Annexure 15.6b)
- Course Application (refer Annexure 15.7) for enrolment in the Corrective Services Academy On-line *Security Awareness Course*.

The forms must be submitted to the Authorised Visitors Co-ordinator, Offender Services and Programs, Corrective Services NSW (see contact details in 15.13.3.1.).

The results of the criminal record inquiry are assessed by the Superintendent, Operations, against the criteria in the CSNSW [Security and Criminal Record Checks Policy and Guidelines](#) which can be viewed on the CSNSW website. If approved, the authority to enter correctional centres is valid for a period of 12 months. The organisation will be advised by the Authorised Visitor Co-ordinator of the result of the assessment, as will the General Manager/Officer-in-Charge of the correctional centre/place of detention where the program and/or service is to be delivered.

In cases where there are concerns about the results of the criminal record inquiry, the application will be reviewed by the Assistant Commissioner Offender Services and Programs, who will be responsible for a final determination. The organisation will be advised by the Authorised Visitor Co-ordinator of the result of the assessment.

In ordinary circumstances, applicants will receive the result of their application within 2 weeks. However, in some circumstances the process may take up to 6 weeks.

Once approval has been given to enter a correctional centre, the Authorised Visitors Co-ordinator will enter details of the authorised visitor into the Offender Integrated Management System (OIMS) which will assign the authorised visitor a Visitor Identification Number.

Applicants who represent government organisations which already conduct criminal record checks on their employees may not be required to complete a *CRF* form. Exemptions will be decided by the Assistant Commissioner, Offender Services and Programs on a case by case basis.

15.13.3.3. Annual Renewal of authority to enter a correctional centre

One month before the authority expires the organisation must submit a *Renewal Application – Authority to Enter a Place of Detention as an Authorised Visitor* (refer Annexure 15.6a) for each of its representatives, in order for each representative's authority to be extended a further 12 months. A CSNSW On-line Security Awareness Course enrolment form completed by each representative must be attached. A new *CRF* form is not required, however, the individual must affirm that he/she has not engaged in any criminal activity during the preceding period that would disqualify him/her from entry, as far as it is aware. The organisation must provide a similar affirmation based upon their knowledge of the individual.

The CSNSW On-line Security Awareness Course must be completed on an annual basis as part of the renewal process (see section 15.13.3.4.).

15.13.3.4. Security Awareness Training

Applicants are required to complete the Corrective Services NSW on-line *Security Awareness Course* before being approved to enter a correctional centre. Applicants are required to complete an enrolment form at the time of application. Applicants with a satisfactory criminal record inquiry result will be provided with on-line access to the course by Corrective Services Academy.

Applicants must also complete a local security and safety awareness briefing before entering any correctional centre. Prior to commencing the delivery of the program and/or service, the applicant must contact the Manager Offender Services and Programs (and Employment) (MOSP(E) prior to the due date of commencement of the program or service.

It is the responsibility of the MOSP(E) to liaise with the Manager Security to schedule the briefing. The Manager Security will deliver the security awareness course that has been designed to inform the authorised visitor about security matters relevant to that particular centre.

It is the responsibility of the Manager Security to ensure that the briefing takes place before the program and/or service commences.

The CSNSW On-line Security Awareness Course must be completed on an annual basis as part of the renewal process. A renewal authority will not be approved by the Superintendent, Operations until the CSNSW Academy advise the Authorised Visitor Co-

ordinator, Offender Services and Programs that the applicant has successfully completed the course.

15.13.3.5. Visitor Identification Number (VIN)

Approved applicants will be given a Visitor Identification Number (VIN). This will be recorded on OIMS, together with fields indicating:

- the person is an approved program/service provider under Clause 83;
- the person has completed the Security Awareness Course
- the person has permission to enter specified correctional centre/s;
- the permit is current; and
- any restrictions which may apply.

Information on OIMS must be checked every time the approved applicant seeks entry to a correctional centre. This is important, as permits issued under Clause 83 can be revoked at any time.

Approved applicants must provide valid proof of identity to the Gate Officer, in one of the following forms:

- Current photo driver's licence;
- Photo card issued by NSW RTA or interstate equivalent;
- Current passport, or one that has expired within the last two years; or
- Any current photo ID issued by an Australian government department or authority.

Local records should be checked to determine if the applicant has undertaken a local security and safety briefing.

15.13.3.6. Record of visits

A record of date and time of entry and exit of authorised visitors must be maintained on OIMS.

15.13.4. Conditions and restrictions applying to all visitors

Other conditions and restrictions that apply to visitors to correctional centres also apply to authorised visitors.

Reviewed	December 2011	Next Review	December 2013
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15.14. Centrelink Employees

Under the Program Protocol between Centrelink and CSNSW (effective 2006 – 2009) the following arrangements and standards apply in all correctional centres in relation to approved Centrelink staff visiting offenders.

Correctional centres will facilitate access for Centrelink staff providing a service in correctional centres. The General Manager of each correctional centre will:

- provide timely, adequate, safe and supervised access to inmates by Centrelink staff subject to operational constraints;
- ensure Centrelink staff undertake security awareness training, and are kept informed of all local safety and security protocols;
- ensure Centrelink staff have access to debriefing mechanisms after critical incidents;
- ensure telephone enquiries from Centrelink staff are responded to in a timely manner;

- provide adequate office facilities that take into consideration security, safety and confidentiality in an area where regular officer patrols occur;
- provide notification on accommodation notice boards with regard to visiting timetables and access protocols;
- provide reasonable telephone, printer and facsimile access for Centrelink staff;
- provide reasonable access to training facilities and aids such as video/DVD players and whiteboards;
- provide access for Centrelink staff to existing phone line connections in order to plug in approved Centrelink laptop computers (see technical details below);
- ensure that access to a phone line will be made available to Centrelink staff to engage a telephone interpreter when required for interviewing purposes;
- ensure that the correctional centre provides assistance to Centrelink staff with offenders' proof of identity, with the offenders' informed consent. This occurs by providing any current proof of identity (or a certified copy) in the offender's possession and/or in the corrective services' safe keeping when Centrelink applications are being assessed;
- adhere to the detailed guidelines specified in the relevant *Centrelink Services Implementation Pack* (there are separate versions for correctional and community centres). This document is the basis for development of centre specific procedures, a version of which will be developed for each centre.

15.14.1. Laptop computers for Centrelink staff

Centrelink staff are permitted to use authorised Centrelink laptop computers to process claims and other enquiries during interviews with offenders. These secure laptops plug into existing telephone lines and have restricted access to Centrelink's Remote Access Service which provides access to Centrelink's mainframe, thereby linking to Centrelink's internal intranet and email as well as a limited number of secure government websites. The mainframe will be password protected using Centrelink's Security Accesslink Cards. The card will require a PIN number which displays a password valid for approximately 30 seconds. Cards lost or stolen will be deactivated immediately. Email access will require an additional password.

15.15. Foreign Nationals

15.15.1. Visits to Foreign National inmates by Diplomatic / Consular or Humanitarian Organisation Representatives

- 1) An inmate of a foreign country may be visited by:
 - a diplomatic or consular representative, in Australia or New South Wales, of the foreign country that assumes responsibility for the inmate's interests; or
 - a representative of a national or international organisation (such as Amnesty International) that is recognised by the Commonwealth Government as having a humanitarian interest in an inmate who is a refugee or stateless person.
- 2) The office of such representatives should write to the General Manager (delegate) of a correctional centre indicating the intention to visit. Details regarding the visit should be outlined in the correspondence. Ample time should be given to allow for all inmates of that nationality or category to be advised of the intended visit.
- 3) Inmates wishing to see the diplomatic, consular or humanitarian visitor should submit their names to the Assistant Superintendent.

- 4) In correctional centres where visits are held through the week, such visits will be held in a separate area for privacy reasons. However, these visits will take place in the normal visits area in centres where visits occur during the weekend.
- 5) These visits are additional to the inmate's normal entitlements and bear no time frame, except that set for normal lock-ins.

15.15.2. Visits by Dignitaries, officials and staff of correctional centres from other countries

Requests received from visitors from correctional centres in other jurisdictions or other countries must be in writing to the Office of the Commissioner. The request should be on official letterhead and should outline:

- the reason for the visit;
- the area or centre they specifically wish to visit;
- the number of people in the group;
- the name and status of the group;
- the date and duration of the proposed visit.

Representatives of the Office of the Commissioner will liaise with the group making the request, and with the General Managers (delegate) of correctional centres nominated as part of the visit.

15.16. Official Visitors

15.16.1. Appointment of Official Visitor

Official Visitors are appointed by the Minister responsible for Corrective Services and are independent of Corrective Services NSW. Official Visitors are assigned to correctional facilities to assist inmates and staff to have inquiries and complaints resolved at the local level, and to examine the facility.

Official Visitors report each six months to the Minister providing an independent view of conditions within correctional facilities and the types of issues that are of concern to the inmates and staff. In doing so, they play a significant role in maintaining the integrity of the NSW corrections system.

Official Visitors also report quarterly report to the Commissioner of Corrective Services. Copies of these reports are provided to Regional Assistant Commissioners and the NSW Ombudsman.

15.16.2. Role of Official Visitors

Official Visitors generally are able to resolve inmate inquiries or complaints through discussion with staff or by bringing them to the attention of the Manager of Security or General Manager.

Official Visitors must be able to examine correctional facilities without hindrance, and must be given free access to staff, inmates and relevant documentation.

Management and staff must treat Official Visitors with courtesy and respect and make every effort to assist them in their duties, including providing timely responses to queries raised by them.

In dealing with a complaint or inquiry an Official Visitor must not interfere with the management or discipline of a correctional centre or give any instruction to any correctional officer, or other officer of CSNSW, or medical officer, nursing officer or inmate.

Official Visitors may interview inmates or staff only with their consent. Staff may seek assistance from an Official Visitor. However, where a means of resolving their concern exists within CSNSW staff are expected to use that avenue before taking their concern to an Official Visitor.

Official Visitors may not deal with an inquiry or complaint from a Category AA, Category 5, or extreme high risk restricted inmate.

Official Visitors are not authorised to conduct investigations or to carry out audits.

15.16.3. Identification of Official Visitors and attendance at correctional facilities

All Official Visitors carry unique identification and name badges. Official Visitors usually attend the correctional facilities to which they are assigned fortnightly. They must be admitted to correctional facilities without hindrance.

15.16.4. Photographs of Official Visitors

Photographs of Official Visitors are provided to correctional facilities and are to be displayed in appropriate inmate accessible areas. The Official Visitor's name and period of appointment are included with the photograph. Any photographs that become damaged or outdated should be removed and a replacement requested.

15.17. Media Visits & Public Statements by Officers

Refer to Section 20 OPM, which deals with CSNSW's media policy.

15.18. Independent Commission Against Corruption (ICAC)

Staff members from the ICAC, who deal with complaints, must be admitted to a correctional centre without prior authority from the Commissioner, on a regular basis in order to speak with inmates who may then approach ICAC officers in confidence.

15.19. Officers of the Anti-Discrimination Board

Officers from the Anti-Discrimination Board may be admitted to a correctional centre without the prior authority of the Commissioner. Before visiting a centre, the Board will contact the General Manager (delegate) to advise of the visiting officer's details and date of intended visit.

The Board must be advised that the visitor(s) will be required to produce credentials verifying his/her employment with the board.

Visits must be conducted during established visiting hours in a suitable interview room to allow for privacy. Such visits will be additional to an inmate's entitlements.

15.20. Members of Parliament

All Members of Parliament whose electorate does not contain a correctional facility must contact the office of the Minister of Corrective Services to seek approval to visit any correctional facility in New South Wales.

The Director, Executive Support, will advise the relevant CSNSW officer/s of the Minister's decision. Should the Member of Parliament make direct contact with any CSNSW officer, s/he should be advised to contact the Minister's office.

Members of Parliament, whose electorates contain a correctional centre, or facility such as periodic detention centres and probation and parole attendance centres and offices, may liaise directly with the administration of their local centre/facility to arrange visits.

The General Manager (delegate) or officer in charge must advise his/her Assistant Commissioner promptly of all proposed visits. The Assistant Commissioner must then advise the Director, Executive Support Unit of such visits.

For further information please contact the Director, Executive Support on telephone number (02) 9289 1358.

15.21. Minister for Corrective Services

When the Minister for Justice wishes to visit a correctional centre, the Director, Executive Support, Office of the Commissioner, Executive Support and Ministerial Liaison, in the Office of the Commissioner will be the initial point of contact.

The Director, Executive Support, Office of the Commissioner will liaise with the relevant Assistant Commissioner who will then advise the General Manager (delegate) of the relevant centre.

The relevant Assistant Commissioner will organise for briefing notes and a program to be prepared for the visit. A hard copy and an e-mail of these notes should be sent to the Director, Executive Support, Office of the Commissioner, Executive Support and Ministerial Liaison in advance of the visit (preferably no less than five days).

The General Manager (delegate) should advise the centre's Official Visitors of the arrangements for the proposed visit and invite them to attend.

15.22. Workcover Inspectors

WorkCover inspectors may enter a correctional centre or other places of detention without notice in order to conduct:

- a routine inspection of the premises; or
- an inspection of a specific nature.

A WorkCover inspector must produce the written authority of the powers invested in him/her by WorkCover before s/he can gain entry to a correctional centre or other places of detention.

The authority must show the following details:

- the name of the Act under which it is issued;
- the name of the person to whom it is issued;
- the description of the nature of the powers invested and the source of those powers;
- the date on which the authority expires;
- a description of the kinds of premises to which the powers extend; and
- the signature of the General Manager of the WorkCover Authority or an officer approved by the General Manager for the purposes of this policy.

During such visits, the Inspector should notify the General Manager of the centre of his/her presence. The Inspector may be accompanied by both CSNSW's Work Health and Safety (WH&S) manager, and the centre's WH&S representative.

WorkCover Inspectors may be refused entry to a correctional centre or other places of detention only when a situation relating to a security issue arises, possibly putting visitors at risk.

15.23. Inter-Centre Visits By Corrections Staff

- 1) Correctional staff wishing to visit from other states should make their request in writing to the General Manager (delegate) of the relevant centre. Staff visiting from other NSW correctional centres may contact the General Manager (delegate) of the centre via telephone. In either case, the request should outline:
 - the reason;
 - the numbers in the group;
 - the date; and
 - the duration of the visit.
- 2) The General Manager (delegate) of the centre will be responsible for liaising with the visitor.
- 3) Inter-state visitors should produce a letter of introduction to the General Manager (delegate) of the centre on the day of the visit.
- 4) NSW correctional officers are required to wear their identification badges.

15.24. Visits to Correctional Centres by Students

15.24.1. School Groups

CSNSW will not, under any circumstances, grant permission for school groups to visit correctional centres. Such visits can generate or compound logistical problems such as:

- the security and good order of the centre;
- the disruption to correctional centre routine;
- staffing difficulties; and
- the management of large groups.

15.24.2. Students from Universities or Other Institutes of Higher Education

CSNSW recognises that students engaged in studies through universities and other institutes of higher education may have legitimate reasons for wishing to visit correctional centres.

University professors or lecturers with a group of selected students, or individual students wishing to visit a correctional centre as a complimentary activity to their studies must apply in writing to the Commissioner.

In all instances the following information must be provided:

- a list of the names of students in the group (where applicable);
- the relevance of the visit to the subject being studied;
- the lecturer/professor's recommendation regarding the relevance or appropriateness of the visit;
- an outline of agenda for the visit;
- the proposed date of the visit (advance notice is necessary); and
- the expected duration of the visit.

Each application will be considered on its own merits and forwarded to the Deputy Commissioner, Offender Management, who will consult with the General Manager (delegate) of the centre for which the application is made, on the appropriateness of the visit.

15.25. Visitor Complaints

Any complaints from the public should be submitted in writing and should be deposited in the **complaints box** kept at the front gate of a correctional centre.

Complaints from professional legal bodies and other professional bodies should be submitted in writing and addressed to the General Manager (delegate) of the correctional centre.

General Managers (delegates) will ensure that all complaints are properly investigated and the appropriate steps taken to address the issues.

15.26. Monitoring and Evaluation

General Managers (delegates) are responsible for the overall efficacy of these procedures.

They must ensure that:

- all officers responsible for the operation of visits facilities are familiar with the procedures outlined in this document;
- regular meetings with such officers are held to determine whether the objectives of the document are being met;
- if non-compliance is an issue, determine what the reasons are, and how they may be addressed; and
- ensure that officers are accountable in the carriage of their duties e.g. completing and keeping the necessary documents and records where the procedures require this to occur.

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Document History

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1.1	04/08/2006	Amendments to 15.5 as per COPM 2006/017
1.2	24/10/2006	Amendments to 15.12 as per COPM 2006/024
1.3	01/11/2006	Addition of 15.35 as per COPM 2006/021
1.4	15/01/2007	Amendments of 15.5.1 as per COPM 2007 /001 Managing Children Visitors- Best Practice
1.5	30/04/2007	Amendments of 15.5.1.8 as per COPM 2007/011 Visits by a person with an active apprehended violence order
1.6	July 2007	Amendments as per DCOMO Memo 2007/043 and COPM 2007/017
1.7	04/03/2008	Amendments to 15.4 Security clearance checks; 15.6.1 Procedures for visits to extreme high security inmates; and 15.13 Authorised visitors; as per COPM 2008/005
1.8	25/02/2011	Amendments to 15.15 Official Visitors as per DCOMO 2010/17 and COPM 2010/05
1.9	08/06/2011	Amendment to 15.2.1 as per DCOMO 2011/58 and COPM 2011/21

1.10	12/08/2011	Amendments to 15.4 as per DCOMO 2011/86 and COPM 2011/43
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