8.1 Inmate mail

Policy summary

Inmates may send letters or parcels, and receive letters or parcels from, any other person, subject to consideration of any applicable legal orders restricting contact between certain individuals.

This policy sets out procedures to ensure that letters and parcels being sent to or received by inmates comply with legislative provisions and do not pose a threat to the safety of any individual or the security of a correctional centre.

There are letters and parcels between an inmate and certain individuals or bodies which are exempt from inspection due to 'privileged communication'.

Specific additional requirements also apply to inmates of certain classifications and designations.

Prior to any letter or parcel being delivered to an inmate, the identity of the inmate to whom the letter is addressed must be confirmed. If this cannot be done, the mail must not be delivered to the inmate and should be returned to the sender where reasonable and practicable to do so. Where the mail does not provide a return address, the mail must be destroyed.

Inmates must only receive a colour photocopy of their non-privileged mail, not the original mail item/s. The Governor must be informed when mail with prohibited goods is discovered. All original non-privileged mail that does not contain prohibited goods must be placed in a secure bin or if unsuitable to be placed in a secure bin, shredded.

Management of Public Correctional Centres Service Specifications

Service specification	Safety and security

Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW), and all CSNSW employees.

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1 Inmate mail

1.1 Governor may nominate staff members to act as a nominated officer

The Governor of a correctional centre may nominate any individual correctional or departmental officer or any correctional officer position or departmental officer position to perform any of the various functions of the 'nominated officer' for the purposes of this policy and Part 5, Division 6 of the *Crimes (Administration of Sentences) Regulation*.

The nomination of a staff member should be in writing.

1.2 Processing incoming inmate mail

All mail addressed to an inmate must clearly identify their name, MIN and correctional centre. An inmate's identity must be confirmed before any mail is provided to them, particularly if there is more than one inmate with the same name. Refer to part **[1.15]** *Procedures for confirming the identity of inmates receiving mail*.

For all mail that is non-privileged and does not contain prohibited goods:

- Colour photocopy the mail including letter, front and back of envelope and attachments;
- Deliver the colour photocopy to the inmate;
- Place the original mail in a secure bin or shred the mail if it is not suitable to be placed in a secure bin.

The above applies to all mail items including children's drawings and any cards received unless an exemption applies (see below in this section). Mail may be photocopied in black and white if the colour printing function of a printer is temporarily unavailable. Colour photocopying must be restored as soon as possible.

Photographs may be issued to an inmate if they have been identified as not having been tampered with subject to:

- the photographs not being prohibited (e.g. obscene or offensive etc); or otherwise not being appropriate to issue to the inmate (e.g. an unauthorised photograph of a child sent to an inmate who is a child sex offender);
- photographs to be no larger than a standard 4 x 6-inch (10 x 15cm) photo (no polaroids or laminated photos).

For correctional centres with the facilities to deliver mail electronically (e.g. provided via a tablet), mail may be scanned for electronic delivery instead of photocopied.

Nominated officers are responsible for maintaining accurate records as per Local Operating Procedures (LOPs) to detail:

- money, cheques and money orders received (refer to part **[2]** *Postal Remittances*);
- items that are not prohibited goods but are not permitted to be delivered to an inmate (see permitted property in **COPP Section 4 Inmate Property);**
- the date when correspondence is returned to sender because the inmate is not in custody;
- the date when mail is destroyed where the inmate's identity cannot be confirmed, and the sender is not identified. The mail is therefore considered unclaimed property;
- correspondence for a Cat 5, AA, Extreme High Risk Restricted (EHRR) or National Security Interest (NSI) inmate (Refer to section 3 ***Other considerations for inmate mail*** of this policy);
- the discovery and handling of prohibited goods.

Inmates who are unable to read or write should be given the assistance of a person to help them in preparing and reading correspondence. The inmate's case officer, accommodation area officer, Services and Programs Officer (SAPO) or Education Services Coordinator (ESC) will provide this assistance.

Exemptions to photocopying inmate mail

The Governor is authorised by the Commissioner to allow delivery of original mail on an individual mail item basis. The original mail item should be issued or stored in the inmate's property for other documents sent by people or organisation to inmates (where the original document is required) such as records, government forms and legal documents (unable to be sent as privileged mail). If unsure whether a mail item should be given to an inmate or photocopied, further guidance should be sought from a Functional Manager.

General exemptions:

- Official documents such as birth certificates, identification, passports, applications and certificates must not be photocopied or shredded. The original item must be registered and stored in the inmate's property, as per **COPP Section 4.1 *Property on Reception***.
- Course materials from approved faith-based external organisations. Approved faith-based external organisations are Emmaus Correspondence School (NSW) and Crossroads.
- Inmates who identify as Jewish may receive original copies of the Jewish News from JewishCare.

1.3 Reading incoming and outgoing inmate mail

All incoming letters or parcels that are not subject to privilege must be opened and inspected by an officer nominated by the Governor.

At the Governor's discretion, outgoing mail that is not subject to privilege should also be opened and inspected by an officer(s) nominated by the Governor.

If a nominated officer is inspecting any mail and there is a reasonable basis to conclude that the mail is subject to privilege, the officer must immediately stop reading it.

Information about letters or parcels that are subject to privilege and what must occur with privileged correspondence is outlined in the following subsections:

- 1.8 Privileged correspondence
- 1.9 Privileged correspondence from Legal Aid NSW
- 5.2, 5.3, 5.4 for privileged correspondence for Cat AA, Cat 5, EHRR and NSI inmates.

If mail addressed to an inmate contains prohibited goods, the mail must be confiscated. An inmate must be informed of the confiscation of such mail. Follow the policy and procedures at Part **[1.5]** *Confiscating mail containing prohibited goods* and **[1.6]** *Procedure for handling mail containing prohibited goods* below.

Inmates must request the approval of the Functional Manager (FM) or Officer in Charge of the property store or reception room before any property item is sent to a correctional centre. If property items have been delivered but have not been approved, the Governor (or delegate) must decide whether the items may be retained by the centre for issue to the inmate on their release from custody.

Items that the Governor (or delegate) determines may not be retained is to be made available for collection by a person nominated by the inmate within 30 days. If the inmate fails to nominate a person to collect the property, or the nominated person fails to collect the property within 30 days of being notified of its availability for collection:

- the property may be disposed of in the way the Governor (or delegate) considers appropriate; and
- if the property is sold, the proceeds of the sale are to be held to the credit of the inmate.

Officers must not misuse information obtained during the course of their duties. This includes passing information to a person not authorised to receive it (i.e. family, inmates, officers, media, and members of the public). This is a serious breach of discipline and may also constitute a criminal offence (see section 257 of the *Crimes (Administration of Sentences) Act 1999)*.

1.4 Procedures for processing and reading incoming inmate mail

	Procedure	Responsibility
1.	Ascertain that the inmate to whom the mail is addressed is housed in the correctional centre. If not refer to Parts **[1.13]** *Processing mail to transferred and discharged inmates* and **[1.14]** *Confirming the identity of inmates receiving mail*.	Nominated officer
2.	Open and inspect all incoming letters and parcels addressed to inmates. Where possible, two nominated officers should work together in opening and inspecting inmate mail.	Nominated officer
3.	Retain and confiscate any mail that contains prohibited goods and inform the Governor (follow procedures at **[1.6]** *Procedure for handing mail containing prohibited goods* and **[1.7]** *Additional procedures for mail containing illegal drugs or substances* below).	Nominated officer

	Procedure	Responsibility
4.	Colour photocopy any non-privileged mail that does not contain prohibited goods including the letter, front and back of envelope and attachments and deliver the photocopy to the inmate.	Nominated officer
5.	Decide whether the correctional centre will retain (for issue on an inmate's release) items in mail that: • are not able to be photocopied; • are not privileged mail; • are not prohibited goods; and • are not approved for issue to inmates (see **COPP section 4 *Inmate property***) If the Governor (or delegate) decides that the item/s should not be retained by the centre, ask the inmate to nominate a person to collect the item/s from the centre. If a person is not nominated or the item is not collected within 30 days of notification of the nominated person, dispose the item/s as considered appropriate or sell the item/s and credit the inmate's account.	Governor or delegate
6.	Place all original mail items that are not privileged and do not contain prohibited goods in a secure bin (or shred if not suitable to be placed in a secure bin). Only place mail in a secure bin or shred mail after delivery of the photocopy to the inmate is confirmed.	Nominated officer
7.	Place in a secure bin (or shred if not suitable to be placed in a secure bin) where the inmate's identity cannot be confirmed, and the sender is not identified.	Nominated officer
8	Ensure accurate records are kept according to LOPs.	Nominated officer

1.5 Mail containing prohibited goods

The nominated officer must retain the original of any non-privileged article, written or pictorial matter contained in a letter or parcel addressed to an inmate that is considered prohibited goods and will be used as evidence (as per **COPP section 13.8 *Crime Scene Preservation***, subsection 3 Forensic evidence and exhibits). If the mail is not to be used as evidence, the mail item must be immediately destroyed by placing in a secure bin (or shredding if not suitable to be placed in a secure bin). Money should not be destroyed. (*refer to subsection 2.1*)

There are several reporting requirements that must occur if prohibited goods are found in mail including:

- The Governor, Officer in Charge (OIC), or delegated officer: must be notified and shown the item (s) for their review.
- Where appropriate, the Governor may direct that the mail be passed to the:
    - Assistant Commissioner, Custody (ACC)

- Custodial Director
- General Manager, Corrections Intelligence Group (GM CIG)
- Manager of Security (MOS)
- FM Intelligence
- NSW Police Force (NSWPF)

Referral to CIG via the IIS must always occur when mail is confiscated that:

- jeopardises the good order and security of the correctional centre; or
- relates to a criminal offence which has been or may be committed.

Where mail contains prohibited goods, the finding officer must complete a Contraband located IRM and, where necessary enter an Information Note (IN) or Communication Review (CR) via the IIS detailing the incident. IN and CR's are reporting tools that can be used by staff to report information to correctional centre intelligence officers. Centre based Intelligence Officer's will review all IN and CR's from their location and submit to CIG.

1.6 Procedure for handling mail containing prohibited goods

	Procedure	Responsibility
1.	Retain and confiscate any mail that contains prohibited goods and submit an incident report to the Governor/delegated officer.	Nominated officer
2.	Enter the details of all confiscated prohibited goods in the *Evidence Register* (as per **COPP section 13.8 *Crime Scene Preservation***, subsection 3*)*	Nominated officer
3.	Report all information about prohibited goods in the IIS via an IN or CR The IN and CR are webforms available via the Windows 'Start' menu, under the Integrated Intelligence System (IIS folder).	Finding officer
4.	Complete a Contraband located IRM (if necessary).	IRM Reporting officer
5.	Inform the inmate when mail sent by or to the inmate is confiscated.	FM or Nominated officer
6.	Decide whether to inform and/or provide the contents of any mail which contains prohibited goods to the: • ACC • Custodial Director • GM CIG • NSW Police	Governor
7.	Immediately destroy any non-privileged mail containing prohibited goods that is not required to be kept as evidence (when it is decided that Police or correctional centre charges will not be pursued).	Nominated officer

1.7 Additional procedures for mail containing illegal drugs and/or substances

	Procedure	Responsibility
1.	Using safe handling and continuity of evidence procedures (see **COPP section *13.11 Discovery and disposal of drugs***).	Finding officer
2.	Complete incident/misconduct report.	Finding officer
3.	Complete an IRM incident report.	Finding officer
4.	Report all information about prohibited goods in the IIS via an Information Note (IN) or Communication Review (CR)	Finding officer
5.	Secure the contraband in the centre's exhibit safe.	Finding officer
6.	Contact the local police to initiate necessary action if appropriate.	Finding officer
7.	Make sure the *Evidence Register* is updated for any movements of exhibits.	Nominated officer
8.	Arrange for disposal of the illegal drugs or substances when all criminal or disciplinary processes have been completed **(refer to COPP section *13.11 Discovery and disposal of drugs*)**. The Governor may elect to deal with the matter as a breach of discipline if the inmate is not charged by the police **(refer to COPP section *14.1 Inmate Discipline*)**.	Governor/FM

1.8 Privileged mail

A letter or packaged received from exempt persons or bodies must be treated as privileged and must be posted or delivered to the inmate without opening, inspecting or reading it (Clause 113 of the Crimes (Administration of Sentences) Regulation 2014 (the Regulation). There are variations and additional requirements that apply to inmates who are Category AA, Category 5 or have a designation of Extreme High Risk Restricted (EHRR), Extreme High Risk (EHS), or National Security Interest (NSI). Refer to subsection 5 for further information.

Exempt bodies and persons are listed under clause 3 of the Crimes (Administration of Sentences) Regulation 2014. The Commissioner CSNSW may, at times, direct certain other correspondence to be treated as privileged.

Exempt bodies include:

- NSW Ombudsman
- NSW Judicial Commission
- NSW Crime Commission
- NSW Law Enforcement Conduct Commission
- NSW Anti-Discrimination Board
- NSW Civil and Administrative Tribunal

- NSW Information and Privacy Commission
- NSW Legal Aid Commission
- Independent Commission Against Corruption
- Inspector of Custodial Services
- The Office of the NSW Legal Services Commissioner
- Commonwealth Ombudsman
- Australian Human Rights Commission
- Australian Criminal Intelligence Commission

Agencies approved by the Commissioner to have their correspondence treated as exempt bodies include:

- Abuse in Care Royal Commission of Inquiry – New Zealand (CI 2020/81)
- Commonwealth Department of Social Services (DSS) (to facilitate the National Redress Scheme) (CI 2023/22)
- Department of the Commonwealth National Indigenous Australian Agency (NIAA) (CI 2025/01).

Exempt persons include:

- Member of Parliament
- Legal Practitioner
- Police Officer

Letters or packages from an exempt body or person to an inmate from an exempt body or exempt person must be delivered as soon as practicable to the inmate without being opened, read or inspected. For CSNSW to identify that a letter or package is from an exempt body or person:

- It should be contained in an envelope or package that is addressed to the Governor; together with an
- explanatory cover note (e.g. letter or stamp) that states the letter, or parcel is to be delivered to the inmate without being opened, inspected or read by any person other than the inmate.

If these requirements are not met, and on opening, inspecting or reading the letter or package it appears to be privileged correspondence, the officer must immediately cease and return the mail to the sender with a copy of the *Privileged correspondence factsheet (for exempt bodies and persons).*

Legal material may also be sent to an inmate on a removable storage device by an inmate's legal representative or an exempt body. It must be accompanied by a letter addressed to the Governor stating the contents of the removable storage device contain material relevant to the inmate's current legal matter. Staff must not view the contents of any removable storage device containing legal material that has been supplied with a supporting letter by an inmate's legal representative or an exempt body. The contents are subject to legal privilege.

Exempt bodies or persons may send privileged mail in a bundle, but a separate cover note for each inmate must be provided to the Governor.

Privileged inmate mail must never be placed on an inmate's Case Management File (CMF). As a record of delivery, the cover note received by the Governor must be signed by the inmate and placed on the CMF. The inmate must never be allowed to retain a cover note.

All privileged mail must be carefully examined (externally) to establish whether the mail has been tampered with.

Mail that appears to have been tampered with may be:

- x-rayed or other mail inspection security device used) and,
- the inmate may be required to open the sealed letter or parcel in the presence of the Governor or nominated officer. The Governor or nominated officer may physically inspect the contents to confirm whether the privileged mail has been tampered with. The Governor or nominated officer must not read the mail during inspection.

If inspection reveals mail contains prohibited goods, refer to **[1.5]** *Mail containing prohibited goods*.

When inspection of mail confirms that mail has been tampered with, the FM (Intelligence) must be informed and a CR or IN submitted. The nominated officer or Governor must contact the purported sender of the mail to confirm whether they sent the mail. The response of the purported sender must be noted in the CR or IR.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

1.10 Additional mail monitoring

Inmate mail is subject to monitoring; however, additional mail monitoring practices may occur due to:

- Police warrant/subpoena
- local intelligence
- active AVO/DVO orders.

The Governor must ensure there is a process in place to notify staff of correspondence that is subject to such additional monitoring.

Mail identified as part of additional mail monitoring must be sent to FM Intel/assigned officer for review prior to being sent or received by the inmate.

If prohibited items are located, refer to [1.5] Mail containing prohibited goods.

1.11 Inmate mail not to be delivered

Mail must NOT be delivered to inmates where:

- There is an active Apprehended Domestic Violence Order (AVO) in place and there are relevant conditions and restrictions in place that prohibit communication occurring. **(refer to COPP section *20.1 AVOs*)**.
- The Commissioner (or delegated officer) has directed that an inmate not to send or receive a letter or parcel from a restricted associate.
- If it contains contraband or prohibited goods, refer to **[1.5]** *Mail containing prohibited goods.*

1.12 Inmate mail sent from a correctional centre

In accordance with Regulation 111 of the Crimes (Administration of Sentences) Regulation 2014, an inmate must not send any threatening, offensive, indecent, obscene or abusive written or pictorial matter, or any offensive, indecent or obscene article.

The Governor will nominate officers who will be responsible for the security and prompt dispatch of outgoing inmate mail.

Whether non-privileged outgoing mail is to be opened, inspected and read is at the discretion of the Governor. A letter or parcel sent from an inmate to an exempt body or person is to be sent to the addressee without being opened, inspected or read.

The front of envelopes sent by an inmate from a correctional centre must be clear of all markings, other than the name and address and post code of the intended recipient.

The inmate's name and the post office box number of the correctional centre from where the letter will be sent must be written on the back of the envelope. The inmate's Master Index Number (MIN) may also be included.

1.13 Processing mail to transferred and discharged inmates

When correspondence is received at a correctional centre for an inmate who is not in custody at that centre, the following procedures must occur:

	Procedure	Responsibility
1.	For mail addressed to inmates who have been transferred to another correctional centre: • check the Offender Integrated Management System (OIMS) to find the new location • re-address the mail and send it on via the internal mail system Correspondence which has been opened for inspection should be resealed prior to being forwarded on or returned to sender. **Note:** Important official documents like birth certificates, ID's or passports are handled differently and must be processed correctly, so they can be registered and stored in the inmate's property, forwarded to the correct centre or sent to SAPO if the inmate has been released.	Nominated officer
2.	Mail to inmates who have been released from custody must be returned to the sender. **Note:** Returning mail to Legal Aid – Conceal all inmate details on the envelope with a ***sticker*** (any type) to ensure privacy.	Nominated officer

1.14 Confirming the identity of inmates receiving mail

Before any mail is delivered to an inmate, the identity of the inmate to whom the letter is addressed must be confirmed; their name and MIN should generally be enough to do this. However, if there is more than one inmate with the same name, further confirmation may be sought by checking the name of the sender against the inmate's approved visitors and approved telephone contacts on the Offender Telephone System (OTS).

If an inmate recipient's identity cannot be confirmed, CSNSW employees must not deliver the mail to any inmate. It should be returned to the sender where reasonable and practicable. If no sender details are listed the mail will be considered unclaimed property and should be destroyed. A record must be made of all returned/destroyed mail.

If an inmate receives mail without a MIN listed on the envelope, CSNSW employees should inform the inmate that the sender should include this on any future correspondence.

1.15 Procedures for confirming the identity of inmates receiving mail

	Procedure	Responsibility
1.	Confirm the identity of the inmate to whom the letter is addressed as per policy (Refer to part **[1.14]** *Confirming the identity of inmates receiving mail* of this policy).	Nominated officer
2.	If the identity of the inmate cannot be confirmed, return the mail to the sender. If no sender details are listed, destroy the mail by placing it in a secure bin (or shredding if the item is not suitable to be placed in a secure bin).	Nominated officer
3.	Make a record of any mail returned to sender.	Nominated officer

2 Postal remittances

2.1 Policy

An inmate is never permitted to receive cash through the mail. Generally, no money orders or cheques will be received for inmates through the post. If these items are received, they must be returned to the sender, accompanied by documentation explaining the requirement to use e-Banking Services.

However, money orders and cheques may be accepted in the following circumstances:

- from a Consulate and Embassy of a foreign national inmate
- pre-approved special purpose deposits for the:
    - cost of fees and textbooks for external/distance education courses endorsed by the ESC
    - cost of medical/dental treatment by external providers, as endorsed by Justice Health & Forensic Mental Health Network (JHNSW)
    - cost of a private escort, as approved by the Governor
- deposits from corporate remitters, including federal and state government agencies, or work-release employers
- pre-approved deposits from an inmate's external bank account

All remittances must be in the form of a bank cheque or money order in Australian dollars (refer to **COPP section *8.7 Inmate financials***).

2.2 Procedures

	Procedure	Responsibility
1.	Record all postal remittances in the *Remittances by Post Book.*	Authorised officer
2.	Witness the receipt and recording of the remittance.	Second Authorised officer

3.	Forward remittance to the Administrative Officer.	Authorised officer
4.	Issue a receipt for the remittance.	Administrative officer
5.	Record the receipt number against the appropriate entry in the *Remittances by Post Book*.	Authorised officer
6.	Send the receipt to the payer of the remittance or, if they do not require one, give it to the inmate.	Authorised officer

3 Other considerations for inmate mail

3.1 Correspondence to inmates addressed in a language other than English

If a letter or parcel arrives at the correctional centre and the addressee cannot be determined because the address is written in a language other than English, all reasonable means must be taken to determine the identity of the intended recipient.

Information is available on the *Cultural and Linguistic Diversity* page of the Justice intranet, including a list of CSNSW officers participating in the Community Language Allowance Scheme (CLAS). Alternatively, the use of an accredited interpreter service may be appropriate (refer to ***COPP section 11.1 Language services***).

If the addressee of the letter or parcel is an inmate at that centre, the letter must be opened, inspected, and where considered necessary translated by a CLAS officer or an accredited interpreter. Where the addressee is an AA, Category 5, EHRR or NSI inmate, further restrictions apply as per **section 5 *Correspondence with AA, category 5 EHRR and NSI inmates*** below.

3.2 Correspondence between inmates

An inmate is allowed to correspond via internal mail with another inmate at another correctional centre and may do so at the expense of CSNSW. The inmate should use a plain envelope in which to place their correspondence.

Instruct the inmate to place the letter in an unsealed envelope and address the envelope as follows:

- name, Master Index Number (MIN) and correctional centre of the inmate recipient on the front of the envelope
- name, MIN and correctional centre of the inmate sender on the back of the envelope.

Mail must not be sent to another correctional centre unless all of the above details are on the front and back of the envelope.

If the inmate who wants to send mail does not know the MIN or correctional centre of the intended recipient, the inmate may request those details by completing an *Inmate request form*. The Functional Manager (Accommodation) must ensure that the inmate who wishes to send mail is provided with the correct details of the recipient inmate, especially where there are multiple inmates with the same name.

3.3 Responsibility for costs of sending mail

Inmates must meet the cost of correspondence external to CSNSW, with the exception of outgoing mail sent to the Ombudsman, where the cost of envelope and mail is to be met by CSNSW (refer to **COPP 9.6 *Inmate complaints to Ombudsman***).

Inmates must purchase pre-stamped envelopes or aerogrammes from their weekly buy-up or a special buy-up if they wish to have correspondence posted from a correctional centre.

There is no restriction on the amount of pre-stamped envelopes and aerogrammes an inmate may purchase or post.

Inmates without funds may be allowed to post a maximum of two letters per week at the expense of CSNSW and correctional staff in the accommodation area must arrange this.

This must be explained to inmates during the induction process.

3.4 Supply of information concerning offences to police

A nominated officer must immediately report the circumstances to the Governor or delegated officer when a letter, parcel or other article contains information or any other thing that the officer has reasonable grounds to believe:

- is likely to prejudice the good order and security of a correctional centre; or
- relates to a criminal offence which has been or may be committed.

If, in the Governor's opinion, a letter, parcel or other article subject of a report by a nominated officer contains information or anything that may be required for the purposes of the administration of justice (for example help with the detection or investigation of a criminal offence) they may give particulars of, and/or deliver the letter, parcel or article to a police officer.

These referrals must be recorded in detail and CIG (via a CR or IN in IIS) must also be notified.

All requests from a law enforcement agency to CSNSW to monitor and report on information contained in any correspondence addressed to or from an inmate, must be directed to the Police Corrections Intelligence Unit (PCIU).

All requests for access to mail in relation to a criminal investigation or legal proceedings must be accompanied by a search warrant, subpoena or other legal order. The PCIU is responsible for obtaining this, if the request does not have this document attached.

3.5 Use of fax machine or email for private purposes

Inmates are not to receive personal mail by fax or email unless they have prior approval from the Governor.

Governors must ensure inmates receiving messages from fax machines or printed emails are charged a fee of 50 cents per page. If an inmate does not have sufficient

funds to pay, the mail must be placed in the inmate's personal property until the inmate has paid the fee. The inmate must be told that this action has taken place.

An inmate will not be charged a fee for printing a fax or email in the following circumstances:

- where it is from any court or government agency where the subject of that transmission concerns the inmate's imprisonment and any associated legal process.
- in approved circumstances where CSNSW assistance has been requested by a legal representative or (self-representing inmates) as outlined in **COPP section 20.13 *Printing, signing and scanning of legal documents*.**

In these circumstances, the fax or email must be provided to the inmate as soon as practicable.

Inmates must not send messages via CSNSW fax machines except in exceptional circumstances (and only on application), or for official CSNSW business including CSI business.

4 Complaints from public about inmate correspondence

4.1 Policy

Complaints may be received by CSNSW from a member of the public about having received correspondence from an inmate that is threatening, offensive, indecent, obscene or abusive or just unwanted.

Officers receiving such complaints must be sensitive to the persons concerns, display empathy and assure the person that CSNSW will take immediate appropriate action to limit the inmates' opportunities to send such mail to them in the future. The complainant should be encouraged to write to the Governor about their concerns, including the name of the inmate.

Governors should consider options such as placing the inmate on an additional mail monitoring list, informing NSW Police, informing the inmate they are not to send mail in response to the complaint.

4.2 Procedures

	Procedure	Responsibility
1.	Advise the person to write to the Governor about their concerns, including the name of the inmate who sent the letter.	Nominated officer
2.	Direct the nominated officer to monitor, read and/or inspect any further correspondence letter/s sent by the identified inmate to the complainant and to confiscate the letter if it contains prohibited goods.	Governor

	Procedure	Responsibility
3.	Ensure the inmate is informed of any confiscated mail/items and if the mail contained prohibited goods, follow [1.8] *Procedure for confiscating mail containing prohibited goods*.	Nominated officer
4.	Place unwanted letters in the inmate's property.	Nominated officer

5 Correspondence with AA, Category 5, EHRR and NSI inmates

5.1 Policy

The Governor or nominated officer must open, inspect, read and copy the contents of any letter or parcel sent to or from an AA, Category 5 and any inmate designated as EHRR or NSI by the Commissioner (unless exemptions apply). The FM must send copies of all mail (other than those subject to privilege) to the CIG via the *Integrated Intelligence System* (IIS).

If the nominated officer is inspecting outgoing letters or parcels and there is a reasonable basis to conclude that they are subject to privilege, the nominated officer must immediately stop reading it. Nominated officers cannot read privileged mail once they become aware that it is privileged.

All correspondence from EHRR or NSI inmates to any other person (other than an exempt body) must be written in English unless the Commissioner has authorised the use of another language by the inmate.

If a letter or parcel from an EHRR or NSI inmate is sent to any person (other than an exempt body) containing any correspondence written in a language other than English, the Governor or FM must arrange for a translation of the correspondence **(**refer to **COPP section *3.5 HS, EHS, EHRR, NSI, AA and Cat 5*)**.

5.2 Correspondence to exempt bodies

A nominated officer must not open, inspect or read mail from an AA, Cat 5, EHRR or NSI inmate addressed to an exempt body, and must ensure it is posted as soon as practicable.

5.3 Privileged correspondence from exempt bodies or legal practitioners

Correspondence, including faxes and emails, to and from an exempt body or the inmate's confirmed legal practitioner to an AA, Category 5, EHRR or NSI inmate must be delivered to the inmate without opening, inspecting or reading its contents.

Correspondence to these inmates must be accompanied by a note addressed to the Governor:

- requesting the correspondence is delivered to the inmate without being opened, inspected or read by any person other than the inmate;

- declaring that it does not contain any prohibited goods;
- states the name and contact details of a person who can be contacted to confirm that the letter or parcel was in fact sent by the exempt body or legal practitioner;
- claiming that the contents relate to the inmate's affairs and are legally privileged (required for mail from legal practitioners only).

The nominated officer must confirm with the exempt body or legal practitioner that they sent and addressed the correspondence to the inmate.

If correspondence not addressed to the Governor with an explanatory note is received, but upon reading, appears to be privileged correspondence, the nominated officer must immediately stop reading it and return the mail to the sender with a copy of the *Privileged correspondence factsheet* (for exempt bodies and persons).

For using x-ray (or other mail inspection security devices) and requiring an inmate to open mail in the presence of the Governor or nominated officer refer to **[1.8]** *Privileged correspondence* which applies to all classifications and designations of inmates.

5.4 Application to be treated as an exempt body

In the case of AA, Cat 5, EHRR or NSI inmates, exempt persons (other than legal practitioners), must apply to the Commissioner for an order permitting correspondence to and/or from them to a AA, Category 5, EHRR or NSI inmate, to be treated in the same way as if it is to and/or from an exempt body. The Commissioner will specify the exact order made following an application from an exempt person.

5.5 Procedures for register of correspondence with AA, Category 5, EHRR and NSI inmates

The Governor must maintain a register of the details of correspondence sent to and from AA, Category 5, EHRR and NSI inmates. Inspection of the register by inmates should not be allowed and copies of these registers should not be provided to any inmate, unless required by a court order.

	Procedure	Responsibility
1.	Record the: • date that the letter or parcel was received or sent by the inmate • inmate's name • name of the person or body to whom it is addressed or who sent the item • nominated officer's name • that a photocopy of the mail was delivered to the inmate (if incoming mail)	Nominated officer
2.	Record if the correspondence is in a language other than English and has been translated.	Nominated officer
3.	When a letter or parcel is received/sent from/to an exempt body or legal practitioner, record the date the confirmation is	Nominated officer

	Procedure	Responsibility
	given by the exempt body or legal practitioner that it did in fact send/receive the letter or parcel.	
4.	Record particulars of any further action taken with respect to the mail and its contents, such as; • the date of confiscation or disposal of the mail and/or any of its contents • if it was returned to the sender, the name of the sender and date returned • where no sender identified, the date the mail was destroyed.	Nominated officer
5.	Ensure the AA, Category 5, EHRR or NSI inmate who receives/sends a letter or parcel signs a document that is attached to the register to acknowledge the action of any such letter or parcel.	Nominated officer

6 Quick links

- *Related COPP*
- *Forms and annexures*
- *Related documents*

7 Definitions

ACC	Assistant Commissioner Custody (Metro/Regional)
AVO	Apprehended Violence Order
CIG	Corrections Intelligence Group
CLAS	Community Language Allowance Scheme
CMF	Case Management File
COPP	Custodial Operations Policy and Procedures
CR	Communication Review
CSNSW	Corrective Services New South Wales
EHRR	Extreme High Risk Restricted
ESC	Education Services Coordinator
Exempt body	NSW Ombudsman NSW Judicial Commission NSW Crime Commission NSW Law Enforcement Conduct Commission NSW Anti-Discrimination Board NSW Civil and Administrative Tribunal NSW Information and Privacy Commission NSW Legal Aid Commission Independent Commission Against Corruption Inspector of Custodial Services The Office of the NSW Legal Services Commissioner Commonwealth Ombudsman Australian Human Rights Commission Australian Criminal Intelligence Commission

	Approved by the Commissioner: Abuse in Care Royal Commission of Inquiry – New Zealand (CI 2020/81) Commonwealth Department of Social Services (DSS) (to facilitate the National Redress Scheme) (CI 2023/22) Department of the Commonwealth National Indigenous Australian Agency (NIAA) (CI 2025/01) The Commissioner may make an order for an exempt person to be treated as an exempt body for the purposes of clause 115 *Correspondence with Category AA male inmates, Category 5 female inmates, extreme high risk restricted inmates and national security interest inmates*. This would allow an AA, Cat 5, EHRR or NSI inmate to send correspondence to the exempt person without it being opened, inspected or read, and for the exempt person to send correspondence to the inmate without it being opened, inspected and read provided they address the mail to the Governor with the required explanatory note.
Exempt person	• Member of Parliament • Legal Practitioner (EHRR/NSI inmates – may only send/receive exempt mail to/from their approved Legal practitioners) • Police Officer
FM	Functional Manager
Governor	Governor includes a MOS in charge of a correctional centre and includes any person who is for the time being in charge of the correctional centre or authorised by the Commissioner to be in charge of the correctional centre (see section 3, *Crimes (Administration of Sentences) 1999*)
GM	General Manager
IN	Information Note
IR	Intelligence Report
IIS	Integrated Intelligence System
IRM	Incident Reporting Module
JHNSW	Justice Health and Forensic Mental Health Network
Letter	Means any letter, card, telegram, document or other similar form of written communication, whether or not contained in a parcel, and includes an envelope containing any of those things.
MIN	Master Index Number

Nominated officer	An individual officer or an officer who is in a position that the Governor (or MOS) in charge of a correctional centre has nominated to perform a particular duty or task.
Non-privileged mail	For mail sent to Category AA, Category 5, EHHR or NSI inmates: • Mail that is not from an exempt body or legal practitioner; or • Mail that is from an exempt body or legal practitioner who has not accompanied the mail with a note addressed the governor referred to in *Crimes (Administration of Sentences) Regulation 1999* subclauses 115 (3)(a) or (4)(a). For all other inmates: • Mail that is not from an exempt body or person; or Mail that is from an exempt body or person who has not included a note addressed to the Governor to the effect that is to be delivered to the inmate without being opened, inspected or read by any person other than the inmate referred to in clause 113 (3).
NSI	National Security Interest inmate
NSWPF	NSW Police Force
OTS	Offender Telephone System
OIMS	Offender Integrated Management System
Parcel	Means any parcel, package or other similar article, and includes any parcel or package containing any book, newspaper, magazine or other similar printed material.
Privileged communication	In relation to an inmate, means a letter or parcel which has been addressed by the inmate to, or to the inmate from an exempt body or exempt person.
Prohibited goods	In accordance with clause 3 of the *Crimes (Administration of Sentences) Regulation 2014,* prohibited goods means: • money; or • anything that, in the opinion of a nominated officer, is likely to prejudice the good order and security of a correctional centre; or • any threatening, offensive, indecent, obscene or abusive written or pictorial matter; or • any offensive, indecent or obscene article; or • anything that could constitute a risk to national security (for example, because of a perceived risk that it may be used in connection with terrorist activities); or

	• anything that, in the opinion of a nominated officer, is intended to facilitate, incite or be used in connection with any unlawful activity.
PCIU	Police Corrections Intelligence Unit
Restricted association	Restricted associate is referred to in Clause 112A of the Crimes (Administration of Sentences) Regulation 2014 and it allows the Commissioner (or Delegated Officer) to direct an inmate not to send or receive a letter or parcel to or from a restricted associate of the inmate. According to clause 3 of the Crimes (Administration of Sentences) Regulation 2014, a restricted associate is a person with whom the inmate has been directed not to associate or make contact under an interim supervision order or extended supervision order made in respect of the inmate but only if: • the order is suspended (or the inmate's obligations under the order are suspended), or • the order expired because a continuing detention order (that is still in force) was made in respect of the inmate, or the order has been made but is yet to commence.
Removable storage device	A removable storage device, is a type of storage device that can be removed from a computer, eg: hard drive, USB, CD/DVD, SD, Micro SD card, etc.
SAPO	Services and Services Officer

8 Legislation references

The below sections are the sections which relate to inmate mail in our legislation, they are listed below as a quick reference.

Note: other sections of legislation may apply in different circumstances

Crimes (Administration of Sentences) Regulation 2014	**Division 6 Written Communications with inmates:** **110** Correspondence generally **111** Certain articles prohibited **112** Opening of letters and parcels generally **112A** Commissioner may prevent correspondence with restricted associates **113** Certain correspondence privileged **114** Certain correspondence not to be sent to exempt bodies and exempt persons

	115 Correspondence with Category AA male inmates, Category 5 female inmates, extreme high risk restricted inmates and national security interest inmates **116** Additional requirements for correspondence from extreme high risk restricted inmates and national security interest inmates **117** Register of correspondence with Category AA male inmates, Category 5 female inmates, extreme high risk restricted inmates and national security interest inmates **118** Correspondence with legal practitioners **Clause 3** of the Crimes (Administration of Sentences) Regulation 2014 defines Exempt person and exempt body

9 Document information

Business centre:	Security and Custody
Approver:	Leon Taylor (Deputy Commissioner Security and Custody)
EDRMS container:	18/7202

Version	Date	Reason for amendment
1.0		Initial publication *(Replaces section 3.1 of the superseded Operations Procedures Manual)*
1.1	12/02/19	Clarification of Governors' ability to restrict mail received by inmates
1.2	30/05/19	Amendment to part [1.2] regarding notation of privileged correspondence
1.3	03/06/19	Addition of information about identifying inmate mail recipients, including subsections 3.11 and 3.12. 6.5 amended regarding inmate access to the correspondence register
1.4	12/03/20	General formatting update and improvements
1.5	17/09/20	To combat contraband entering correctional centres in mail, the *Crimes (Administration of Sentences) Amendment (Inmate Mail) Regulation 2020* was introduced. The policy has been amended to provide policy and procedures for staff to deliver a photocopy of non-privileged mail to inmates. For a fax or email to be delivered from a legal practitioner to an inmate, a legal practitioner must state that exceptional circumstances exist and provide certification to that effect. A general review of the policy and procedures has also been undertaken to provide clarity, practicality and to better align with legislation. For a more detailed description of changes see *ACCC Memo 2020/20 - Photocopying inmate mail*.
1.6	02/11/20	Inclusion at [1.2] *Processing incoming inmate mail* to advise staff that identification, birth certificates, passports and certificates must be placed in an inmate's property and must not be photocopied or shredded.
1.7	27/11/20	Policy amended to align with *Commissioner's Instruction 2020/86 – Amendment to photocopying inmate mail* regarding the delivery of official documents in mail and original mail items allowed to be delivered by the Governor. See [1.2] *Processing incoming inmate mail*.
1.8	08/12/20	Insertion at [1.2] *Processing incoming inmate mail* allowing correctional centres with facilities to deliver mail to inmates electronically, to scan mail instead of photocopying. Also included at [1.2], original copies of the Jewish News from Jewish care to be deliver to inmates who identify as Jewish.
1.9	15/06/21	Insertion at [1.2*] Processing incoming inmate mail* which provides an exemption to the requirement to photocopy mail

		for course materials sent by approved faith-based external organisations (Emmaus Correspondence School and Crossroads). [1.2] has been reorganised to clearly show allowed exemptions to the requirement to photocopy mail.
1.10	25/11/21	Addition of 1.9 *Privileged correspondence from Legal Aid NSW* on introduction of tamper-roof security tape. Amendment to 1.2 Processing incoming inmate mail preventing issue of unauthorised photographs of children to an inmate who is a child sex offender (rather than an inmate with a B alert). Amendment at 1.5 *Confiscating mail containing prohibited goods* to give the Intelligence officer responsibility for ensuring submission of CR or IR Amendment at 1.8 *Privileged correspondence* to state that when any prohibited goods are found and confiscated, the mail itself must also be held as evidence.
1.11	21/06/24	Addition to Section 7 Definitions - Exempt Body – Commonwealth Department of Social Services to be treated as Exempt Body.
1.12	08/04/25	Addition of 1.10 to provide clarity on inmates with additional mail monitor. Moved previous subsections 3.7 Processing mail to transferred and discharged inmates to subsection 1.13 to reflect correct workflow. Moved previous subsection 3.8 Confirming the identity of inmates receiving mail to subsection 1.14 to reflect correct workflow. Moved previous subsection 3.9 Procedures for confirming the identity of inmates receiving mail to subsections 1.15 to reflect correct workflow. Amendment at 1.2 *Processing incoming inmate* mail to specify the maximum allowable size of photographs of 6x4” (10x15cm). Amendment at 1.8 *Privileged correspondence* to include clause 113 of the *Crimes (Administration of Sentences) Regulation 2014* and requirement for a nominated officer to cease reading correspondence if they conclude on a reasonable basis that it contains legal documents subject to legal privilege. Addition to subsection 1.11 *Inmate mail sent from a correctional centre* requiring mail sent to an exempt body or person from an inmate not to be opened, inspected or read. Requirement at 5.1 *Policy* to cease reading mail sent by AA, Cat 5, EHRR and NSI to legal practitioners if the nominated officer concludes on a reasonable basis that the correspondence are legal documents subject to legal privilege. Addition of 5.2 *Correspondence with AA, Category 5, EHRR and NSI inmates* that requires correspondence sent by AA, Cat 5, EHRR and NSI inmates to exempt bodies not to be opened, inspected or read by nominated officers. Updates in line with CSNSW restructure: removal of Security and Intelligence references; inclusion of Custodial Director and updating abbreviation from JH&FMHN to JHNSW. Added in instructions on how to access IIS to create a IN/CR.

		Added definition of removable storage device Inclusion of part 9 *Legislation references*
1.13	17/07/25	Update of policy (at 3.5) to remove specific circumstances where printing of legal documents may be exempt, and replaced with reference to new policy 20.13 Legal printing for inmates that outlines when this may occur. Update to definition for 'Exempt body' to include Department of the Commonwealth National Indigenous Australian Agency (NIAA) (CI 2025/01)