

Custodial Operations Policy and Procedures

10.2 Visits Restrictions and Prohibitions

Policy summary

Corrective Services NSW (CSNSW) may restrict or prohibit visitors where necessary to ensure the safety and security of correctional centres. As inmate contact with family and friends helps maintain relationships and links to the community, CSNSW will not unreasonably impose restrictions and prohibitions.

A Governor may impose a restriction on, or prohibit entry to, a visitor to the correctional centre(s) over which they have control. The Commissioner can place a general restriction or prohibition on a visitor, applying to some or all inmates or correctional centres.

The Visitor Review Unit reviews and makes recommendations to the Commissioner relating to visitor restrictions and prohibitions.

Management of Public Correctional Centres Service Specifications

Outcome	Safety and Security
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Date of Effect:	
Next Review Date:	
File Reference:	D17/381990
Version number:	1.0

Scope

This policy applies to inmates and visitors in all correctional centres in NSW, and all CSNSW employees

Related Documents

Crimes (Administration of Sentences) Act 1999

Crimes (Administration of Sentences) Regulation 2014

Management of Public Correctional Centre Outcome Specifications

Summary Offences Act 1988

Related Policy and Procedures

3.5 Management of specific inmates

10.3 Visitors to inmates

10.4 Case visits and compassionate intercentre visits

10.5 Legal Practitioners and their employees

10.6 Visits from program and training deliverers

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Forms and Annexures

15.22 A Guide to Visitor Restrictions and Prohibitions

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15.24 Non-contact Visiting Restriction (clause 100)

15.25 Warning Letter

15.26 Application for clause 108 Restriction or Prohibition

15.27 Clause 108 Visitor Restriction or Prohibition Coversheet

15.28 Intention to Impose State-wide Prohibition or Restriction

Definitions

ADVO	Apprehended Domestic Violence Order
APVO	Apprehended Personal Violence Order
AC	Assistant Commissioner
AVO	Apprehended Violence Order
COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services New South Wales
IRM	Incident Reporting
OIMS	Offender Integrated Management System
S&I	Security and Intelligence
SAS	Senior Assistant Superintendent
SOG	Security Operations Group
Visitor	A person not employed at the correctional centre and attempts to visit.
VRU	Visits Review Unit

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1 Restrictions and Prohibitions Imposed by the Governor

The Governor can prohibit entry to a visitor if of the opinion that the visit would prejudice the security, safety or good order of the correctional centre or complex. Under clause 106 of the *Crimes (Administration of Sentences) Regulation 2014* (the Regulation) a Governor can prohibit entry on any occasion the person attempts to visit.

A Governor cannot prohibit a visitor indefinitely, or for a fixed period. If the Governor thinks such a prohibition is necessary (where there is evidence of a significant and continuing risk to safety, good order or security), they must send an application to the Commissioner (via the Visitor Review Unit) for a direction under clause 108 of the Regulation direction.

If it is necessary to prohibit entry to a visitor, or stop a visit that is underway, the Governor must ensure that the facts are recorded on the Incident Reporting Module (IRM). This must be done in addition to any IRM reports entered by the Security Operations Group (SOG) when contraband or a positive indication for contraband has been detected.

The Governor (or delegate) must explain to the visitor why they are being refused entry, or their visit is being terminated.

1.1 Non-contact restrictions imposed by the Governor

The Governor of a correctional centre can impose a non-contact restriction on a visitor to that centre because of the risk to security, safety or good order of the centre under clause 100(2) of the Regulation. The Governor may restrict the visitor to non-contact visits on a single occasion, or for a fixed term of no longer than three months. The Governor may lift such a restriction at any time.

The decision to impose or lift a non-contact restriction must follow a risk assessment. Problematic behaviour on one visit should not necessarily result in a continuing restriction. The Governor should impose a restriction only if there is no other way of controlling the risk, and the weight of evidence supports it.

Such restrictions apply only at the Governor's correctional centre. If the Governor considers a restriction for longer than three months is required, or it should apply at other correctional centres, the Governor must complete an application for a visitor restriction or prohibition under clause 108 of the Regulation and forward it to the Visit Review Unit.

1.2 Procedure for visitor restriction imposed by the Governor

	Procedure	Responsibility
1.	Following an incident deemed to be a risk to the security and good order of the correctional centre, complete a risk assessment on the visitor.	SAS Intel
2.	If intending to impose an interim non-contact restriction, write to the visitor informing them of the intention. Include reasons, and invite the visitor to respond and give reasons why their visits should not be restricted. Inform the visitor that until a	Governor/delegate

	decision is made, the interim restriction will be imposed at the correctional centre. Allow the visitor 14 days to reply.	
3.	Enter the interim restriction onto OIMS.	Authorised officer
4.	If the visitor replies (or the 14 days has expired), consider the information before making a decision, including the person's visiting history, their relationship to the inmate, and the effect on any children involved.	Governor
5.	Once a decision is made, write to the visitor advising them of the decision. If a restriction is imposed, include reasons and time frame (not more than three months).	Governor
6.	Alternatively, a warning letter may be appropriate, stating no further action will be taken on this occasion.	Governor
7.	Inform the VRU of the final decision. Email the complete package to visits.reviewunit@justice.nsw.gov.au , who will finalise the matter in OIMS.	Governor/delegate
8.	Ensure a record is kept in the Governor's journal	Governor

2 Restrictions and Prohibitions Imposed by the Commissioner

Governors may apply to the Commissioner for an overarching restriction or prohibition on a visitor. A Governor's recommendation for a visitor restriction or prohibition under clause 108 of the Regulation should be based on, and show evidence of, a significant and continuing risk to safety, security or good order of a correctional centre.

The Commissioner (or delegate) can prohibit a person from visiting a correctional centre, a group of correctional centres, or all correctional centres. The Commissioner can impose restrictions on which inmates a person can visit. The Commissioner can impose a restriction or prohibition for a fixed period of time, or indefinitely.

A Commissioner's direction restricting or prohibiting a visitor does not take effect until the Commissioner has approved it. Until the Commissioner makes a decision on the application, the Governor must write to the visitor telling them they will be refused a visit each time they attend, or that a non-contact restriction will be imposed, pending the Commissioner's decision.

2.1 Procedure for restrictions and prohibitions imposed by the Commissioner

	Procedure	Responsibility
1.	Complete a risk assessment on the proposed visitor.	SAS Intel
2.	Write to the visitor about the intention to seek a restriction or prohibition order from the Commissioner	Governor/delegate

	and give reasons. Explain what the effect may be for the visitor. The visitor must be invited to write back to the Governor and explain why such a restriction or prohibition should not be imposed or provide other mitigating evidence. The letter must also tell the visitor that until a decision is made, they may be refused entry to the correctional centre or restricted to non-contact visits.	
3.	Enter the interim restriction onto OIMS.	Authorised officer
4.	Allow the visitor 14 days to reply.	Governor
5.	Email a completed <i>Application for clause 108 Visitor Restriction or Prohibition</i> and all associated evidence to the VRU at visits.reviewunit@justice.nsw.gov.au Evidence may include, but is not limited to: • a copy of the intention letter to the visitor • video recordings • written reports and statements • descriptions/photos of seized items • information or witness reports • information about any police prosecution • a statement or letter or representations from the visitor. The evidence must detail the specific risks and demonstrate how safety, security or good order will be adversely affected if the order is not made. The VRU administers the receipt, processing and response to clause 108 applications.	Authorised officer
8.	The Commissioner may approve the clause 108 direction or may refer it back to the Governor for management under clause 100.	Commissioner/delegate
9.	The VRU corresponds with the visitor on behalf of the Commissioner, and will inform them and the Governor of any restriction or prohibition order that is subsequently imposed.	Commissioner/delegate VRU
10.	The VRU will enter the Commissioner's decision on OIMS.	VRU
11.	Keep a record of the application and outcome in the Governor's journal.	Governor/delegate

2.2 Review of Commissioner's Restriction or Prohibition

Restrictions or prohibitions will automatically expire if the Commissioner imposes a fixed term. Only in the most exceptional circumstances will the Commissioner impose a restriction or prohibition with no expiration date.

An affected person can request an appeal of the decision to impose a restriction or prohibition. The determination of this appeal is final and will not be reviewed.

The affected person may write to the VRU to ask the Commissioner to review a decision to impose a restriction or a prohibition. The Commissioner may delegate an officer to conduct the review, but it must not be the same officer who initially imposed the restriction or prohibition.

The VRU will advise the visitor of the decision and update OIMS accordingly.

Where an indefinite period of restriction or prohibition has been imposed, a review will not be conducted sooner than two (2) years from the completion of their previous review. The VRU will administer this process and update OIMS accordingly.

2.3 OIMS Alert Interim Restriction

A Governor's interim restriction must be entered in the OIMS. This interim restriction will ensure that staff are aware of the pending action from either the Governor or the Commissioner in relation to this inmate and their visitor.

2.4 Procedure for OIMS Alert

1.	When a Governor is considering a response to the incident that led to a refusal of entry or restriction, an interim restriction must be entered in OIMS on the day of the incident stating: <i>"A clause 100 (or 108) restriction is pending. Consideration should be given to refusing any visits or only allowing a non-contact visit."</i>	Authorised officer
2.	When the Governor is waiting on a decision from the Commissioner on a clause 108 application, an interim restriction must be entered as above.	Authorised officer

Interim restrictions should be removed only after a determination is made of the incident such as:

- warning letter stating no further action
- non-contact visits only at the correctional centre for a specific period (clause 100)
- non-contact visits only at all (or specified) correctional centres (clause 108) or
- the visitor is barred from visiting all correctional centres for a specified period of time (clause 108).

3 The Visits Review Unit

The VRU provides support and advice to Governors regarding the imposition of any visitor restriction or prohibition. All applications for a Commissioner's restriction or prohibition under a clause 108 direction should be forwarded to the VRU for processing.

The VRU is responsible for:

- recording the clause 108 direction application on OIMS
- forwarding the clause 108 direction application to the Commissioner/Delegate for a determination
- advising the visitor and the Governor of the outcome of the application
- entering the determination on OIMS
- liaising with the visitor regarding their visiting restrictions, prohibitions, application for a review, and the outcome of any review
- recording on OIMS the outcomes of any clause 100 (2) determinations.

3.1 Statutory restrictions and prohibitions

If a visitor is currently on an order supervised by community corrections, they are permitted only non-contact visits, unless they have been given permission by the Governor of the centre for a contact visit/s. A visitor currently on an order supervised by community corrections cannot visit an inmate if a condition of their order would prohibit this.

Specific instructions apply to visitors to AA, Category 5 and EHS, EHRR and National Security Interest inmates. ***Refer to COPP section 3.5 Management of Specific Inmates.***

3.2 Visitors to a correctional complex

Any visitor involved in an incident, or found on a correctional complex will be managed under ***COPP section 17.3 Stop, detain search visitors and staff.*** If a Governor decides a restriction or prohibition may be warranted the incident will be referred to the VRU.

3.3 Guide to the length and type of restrictions or prohibitions

Further information is available in the annexure, ***A Guide to Visitor Restrictions and Prohibitions.*** It grades a variety of incidents against risk, and suggests the length and types of restrictions or prohibitions that could be imposed. Each case must be considered on its merits and the degree of risk to safety and security of the correctional centre.

4 Document history

Version	Date	Reason for Amendment
1.0		Initial publication (<i>Replaces section 15.25 of the superseded Operations Procedures Manual</i>)