

Custodial Operations Policy and Procedures

10.4 Case and Compassionate Inter-Centre Visits

Policy summary

An inter-centre case visit may be approved when an inmate is required to consult with legal representatives and/or co-defendants for upcoming court proceedings. Case visits may also be permitted for civil or family law proceedings.

An application for a case visit must be approved by the Governor/s.

An inter-centre compassionate visit may be permitted between two inmates in custody. These types of visits are not a right and they should be considered a privilege.

The Governor has the discretion to allow a telephone or AVL conference if a visit is

Management of Public Correctional Centres Service Specifications

<i>Outcome</i>	Decency and Respect
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Business Centre:	Custodial Operations
Author:	Stuart Murray
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Scope

This policy and procedures apply to all staff in all correctional centres, inmates and authorised visitors.

Related Documents

Crimes (Administration of Sentences) Act 1999

Crimes (Administration of Sentences) Regulation 2014

Management of Public Correctional Centre Outcome Specifications

Related Custodial Operations Policy and Procedures

10.1 Visits General Controls and Conditions

10.2 Visits Restrictions and Prohibitions

10.3 Visitors to Inmates

20.4 AVL for Court and Legal Matters

Forms and Annexures

Application for inter-centre visit

Inmate application

Definitions

AVL	Audio Visual Link
COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services New South Wales
OIMS	Offender Integrated Management System

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1 Policy

1.1 Inter-centre case visits

Inter-centre case visits may be permitted to assist inmates to prepare for forthcoming legal proceedings. These visits fall into one of the following categories:

- The visit regarding primarily concerns someone other than the inmate, such as a child/ex-partner involved in divorce or custody proceedings. These are generally civil or family law matters, or
- An inmate is a co-accused.

Case visits may be held at the discretion of the Governor if the visit is between two inmates housed at the same correctional centre. Case visits for inmates housed in different correctional centres must be supported by both Governors and must be referred to the respective Director, Custodial Operations.

1.2 Inter-centre compassionate visits

An inter-centre compassionate visit would usually occur between immediate family members who are both in custody. This type of visit is not a right, but should be considered a privilege.

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

2 Procedures

2.1 Case visits where the legal proceedings concern someone other than another inmate.

Governors must be satisfied that the following criteria have been met:

- a request for such a visit has been made in writing, by a CSNSW officer, another government agency, or by the solicitor or barrister representing a party involved
- the request must show that the visit is necessary for the proper determination of the legal proceedings
- the inmate being visited consents to the visit

The supervising officer must ensure that the visit is recorded in the OIMS.

2.2 Case visit where the inmate is co-accused

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

If the proceedings are in a higher jurisdiction, Governors must be satisfied that the following criteria have been met:

- the inmates are co-accused
- each inmate involved in the proceedings consents to the visit
- each inmate is legally represented - if not, ensure assistance has been provided to arrange legal representation
- a letter from the solicitor or barrister for the inmate has been received stating that the visit is necessary for the proper determination of the proceedings involving the inmate
- if the inmate is not legally represented they must provide a statutory declaration stating that the visit is necessary (as per the requirement from a solicitor or barrister)

The supervising officer must ensure that the visit is recorded in the OIMS.

Should the request for a case visit be refused, the Governor must 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:

- they cover the cost
- there are no security issues involved.

The Governor has the discretion to make facilities available for a case conference by telephone or Audio Visual Link (AVL) where a case visit is declined. This AVL communication is in addition to inmate entitlements.

2.3 Compassionate inter-centre visit

A request for a compassionate inter-centre visit can only be made on the appropriate request form.

Inmates who are not participating in any external leave programs should apply for a visit using an ***Application for Inter-Centre Visit***. Inmates who are participating in external leave programs should apply using an ***Inmate Application Form***.

Applications should usually be considered only if the inmate:

- has served at least the first six months of their sentence
- has at least six months of their sentence left to serve.

Generally, applications from an inmate will 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 if the inmates wish to have a case conference with their children and/or their carers to resolve family matters affecting their children.

The application, including recommendations from the Governors of both correctional centres, together with the ***Section 26 Local Leave Permit*** (which is to be issued by the requesting Governor), should be referred to the respective Director, Custodial Operations for approval.

If the Governor considers the visit involves unnecessary expense the inmate should have the option of having the visit at their own expense. The Governor has the discretion to allow a telephone call or AVL between the parties concerned if the visit is not approved.

Inmates on external leave programs who have approval for an inter-centre visit must remain in the company of their sponsor at all times. This should be noted on the application form. The inmate must carry a copy of the approved application form during the visit and produce it when required.

3 Document history

Version	Date	Reason for Amendment
1.0		Initial publication (<i>Replaces section 15.2 and 15.3 of the superseded Operations Procedures Manual</i>)