

Custodial Operations Policy and Procedures

10.8 Visits by Officials

Policy summary

CSNSW provides access to correctional facilities to certain authorised officials for the purposes of official business.

A person approved or authorised undertake any review, interview, investigation, inspection or performance monitoring, must be provided with free and unfettered access to the correctional centre, correctional complex, staff and inmates.

Security and safety of the correctional facility must be the primary consideration of the Governor of the correctional centre during any visit by an authorised official.

Management of Public Correctional Centres Service Specifications

<i>Outcome</i>	Professionalism and Accountability
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Scope

All staff who work within correctional centres, inmates and authorised visitors are affected by this policy.

Related Documents

Crimes (Administration of Sentences) Act 1999

Inspector of Custodial Services Act 2012

Crimes (Administration of Sentences) Regulation 2014

Management of Public Correctional Centre Outcome Specifications

Related Custodial Operations Policy and Procedures

9.6 Ombudsman

9.8 Official Visitors

10.1 Visits General Controls and Conditions

10.2 Visits Restrictions and Prohibitions

10.3 Visitors to inmates

Definitions

COPP	Custodial Operations Policy and Procedures
COS	Community Offender Services
FMHN	Forensic Mental Health Network
ICAC	Independent Commission Against Corruption
JH	Justice Health and Forensic Mental health Network
MOS	Manager of Security
SAS	Senior Assistant Superintendent
SORC	Serious Offender Review Council
WHS	Workplace Health and Safety

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1 Visits by officials

Under the **Crimes (Administration of Sentences) Regulation 2014**, the Commissioner of Corrective Services (the Commissioner) may visit and must be admitted to a correctional centre at any time.

Clause 78(2) of Regulation provides that certain other persons also are to be admitted to a correctional centre. These persons can be admitted to a correctional centre without prior approval of the Commissioner.

These include:

- a correctional officer or departmental officer employed at the centre
- the Minister responsible for corrective services
- an Official Visitor appointed to the centre
- the Inspector of Custodial Services
- a member of the Serious Offenders Review Council
- a Judge of the Supreme Court or District Court, a Magistrate or Coroner
- a government official engaged on official duties
- any person in the exercise of a power conferred by or under an Act (including a Commonwealth Act).

All officials must produce proof of identity, and of their office or position. The Governor of the correctional centre must be satisfied that their office or position allows them to enter a correctional centre.

CSNSW will provide access to a private office, telephone and office facilities for officials when requested.

During any visit by the Commissioner or any official, the safety and security of the correctional centre will remain paramount. The Governor of the correctional centre is responsible for ensuring that all systems necessary to maintain the safety and security of the correctional centre and/or correctional complex are fully operational at all times.

Officials may be refused entry to a correctional centre only if a security operation is underway or where there are security concerns that override the need for the visitor to access the correctional centre. Intending visitors should be notified about restricted access to the correctional centre at the earliest possible time.

2 Minister Responsible for Corrective Services

Where the Minister responsible for Corrective Services wishes to visit a correctional centre, the Departmental Liaison Officer in the Minister's office will contact the Commissioner's office.

2.1 Procedures for Minister Responsible for Corrective Services

	Procedures	Responsibility
1.	Advise the relevant Governor and Director Custodial Operations of arranged visit for Minister responsible for Corrective Services	Commissioners Office

	If a Briefing Note is required the Commissioner's office will ask Corrections Executive Services & Complaints Management to coordinate it with input from the correctional centre.	
2.	Advise the centre's Official Visitor of the arrangements for the proposed visit and invite them to attend.	Governor

3 Inspector of Custodial Services

The Inspector of Custodial Services is appointed by the Minister responsible for Corrective Services.

The functions of the Inspector of Custodial Services are defined under the *Inspector of Custodial Services Act 2012*. The NSW Inspector of Custodial Services also administers the Official Visitors Program.

The role of the Inspector of Custodial Services is to provide independent scrutiny of the conditions, treatment and outcomes for adults and young people in custody. The Inspector has jurisdiction over all correctional facilities, including publicly and privately-run correctional centres, juvenile justice centres, court custody centres, police cells managed by CSNSW, transitional centres, inmate/detainee transport, and custodial residential facilities. The Inspector is able to examine correctional and juvenile justice facilities at any time and make recommendations about issues of concern.

Inspections may be instigated by the Inspector or at the request of the Minister responsible for corrective services or a Parliamentary Joint Committee or any public authority or public official. Inspector may also exercise the power to conduct an unannounced inspection at any time without giving prior notice to CSNSW.

The Inspector reports to Parliament and is subject to oversight by the Parliamentary Committee on the Ombudsman, The Law Enforcement Conduct Commission and the Crime Commission.

3.1 Procedure for Inspector of Custodial Services

The Inspector will alert the Commissioner of an intention to visit a correctional centre or facility. The office of Assistant Commissioner, Governance and Continuous Improvement (GCI) is the liaison point for these visits.

	Procedures	Responsibility
1.	Contact the Governor of the centre or facility, and the relevant Director Custodial Services to inform of any intention to visit by the Inspector of Custodial Services.	Office of the Assistant Commissioner GCI
2.	Provide access to the Inspector of Custodial Services to inmates, staff and any area or records of the correctional centre they wish to visit. If an unannounced inspection occurs, the Inspector must still be granted full access to the correctional centre.	Governor

4 Official Visitors

Official Visitors are appointed by the Minister responsible for Corrective Services and are independent of CSNSW. Official Visitors are assigned to specific correctional facilities which they must visit at least once each month, or fortnightly, for the purpose of giving interviews to inmates and staff, and to examine the facility. They must be admitted to correctional facilities without hindrance.

Photographs of the Official Visitors must be provided to correctional facilities, including their name and period of appointment. Official Visitors are issued with identification and name badges and are expected to wear them while in correctional centres or facilities.

Official Visitors generally are able to resolve inmate inquiries or complaints through discussion with staff or by bringing them to the attention of the Governor, MOS or relevant SAS. Official Visitors must be able to examine correctional facilities without hindrance, and must be given free access to staff, inmates and relevant documentation in the course of their duties. 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, other staff of CSNSW, staff of JH&FMHN, or inmate. Official Visitors may interview inmates or staff only with their consent.

Official Visitors may not deal with an inquiry or complaint from a Category AA male inmate, Category 5 female inmate, extreme high risk restricted or national security interest inmates. Official Visitors are not authorised to conduct investigations or to carry out audits.

Official Visitors must report to the Minister and the Inspector of Custodial Services at least once every six months, providing an independent view of conditions within correctional facilities, and the types of issues that are of concern to the inmates and staff.

Official Visitors also report quarterly to the Commissioner of Corrective Services, and provide statistics on the number of complaints and inquiries received from inmates.

Copies of these reports are provided to the respective Governor responsible for the facility, and the General Manager, Operational Performance Review Branch, CSNSW, for privately managed facilities.

4.1 Procedure for Official Visitors

	Procedures	Responsibility
1.	Display photographs of the Official in appropriate inmate accessible areas.	Governor/Authorised officer
2.	Remove and replace any photographs that become damaged or out-dated. Requests for replacement photographs should be directed to: Official Visitor Coordinator, Inspector of Custodial Services	Authorised officer

5 NSW Ombudsman

CSNSW has a statutory responsibility to take all steps necessary to facilitate the making of a complaint by an inmate to the NSW Ombudsman. An inmate should be provided with information regarding access and the process for resolving requests and complaints with the Ombudsman.

A complaint may be made to the Ombudsman in writing, by telephone or in person when a staff member from the Ombudsman's office visits the correctional facility. The Governor of the correctional centre must be advised by telephone or email of the date of the proposed visit with a staff member from the Ombudsman's office.

The inmate should also be advised that communications between the inmate and the Ombudsman are not monitored or read by CSNSW.

5.1 Procedure prior to a visit from the NSW Ombudsman's office

	Procedures	Responsibility
1.	Ensure availability for any visit, or advise that visit by the NSW Ombudsman office be rescheduled when available, or make arrangements with the Ombudsman's staff for them to meet with a delegated officer	Governor
2.	Advise the respective Director Custodial Operations, and the Official Visitor/s for the facility, of the date and arrangements for the visit.	Governor
3.	Ensure lists of inmates requesting an interview with Ombudsman's staff are collected prior to the day of the visit. This enables the Governor and Ombudsman's staff to properly co-ordinate their time in the centre.	Delegated officer

5.2 On the day of the visit from the NSW Ombudsman's office

	Procedures	Responsibility
1.	Attend and facilitate the visit with the Ombudsman	Governor or delegate
2.	Provide the necessary facilities for the Ombudsman's staff for the duration of the visit (such as an interview room and telephone)	Governor or delegate
3.	Provide all necessary assistance to staff from the Ombudsman's office. This includes providing access to inmates and CSNSW staff, as well as to documents, records and files if requested.	Governor or delegate
4.	Ensure that all inmates that have requested to see the Ombudsman's staff are readily available	Governor or delegate
5.	Provide any necessary assistance throughout the day to the Ombudsman's staff, in order to assist with the resolution of complaints at the time of the visit. Attend an exit interview with the Ombudsman's staff	Governor or delegate
6.	Record any concerns brought to their attention by the Ombudsman's staff	Governor or delegate
7.	Undertake to resolve any outstanding matters	Governor

6 Independent Commission Against Corruption

Staff of the Independent Commission against Corruption (ICAC) who are dealing with complaints must be admitted to a correctional centre, and do not require prior authority from the Commissioner.

ICAC staff will advise the Governor of the date and time of the intended visit.

7 Anti- Discrimination Board

An officer of the Anti-Discrimination Board of NSW (ADB) who is dealing with a complaint must be admitted to a correctional centre, and does not require prior authority from the Commissioner.

The ADB will advise the Governor of the date and time of the intended visit.

8 Members of Parliament

Members of Parliament who wish to visit a correctional centre that is not in their electorate must contact the office of the Minister responsible for corrective services to seek approval. The Minister's office will consider the request and advise the Commissioner's office if the visit is approved.

If the visit is approved it will be managed in the same way as 2.1 above. Should the Member of Parliament make direct contact with any CSNSW officer or centre, they should be advised to contact the Minister's office.

Members of the NSW Parliament who wish to visit a correctional centre or facility that is in their electorate may liaise directly with the Governor of their local centre/facility to arrange a visit.

8.1 Procedure for Members of Parliament

	Procedures	Responsibility
1.	Advise the relevant Director Custodial Operations of all proposed visits by MPs.	Governor
2.	Advise the Commissioner's office of requests for such visits.	Director

9 SafeWork Inspectors

SafeWork NSW inspectors may enter a correctional centre or other place of detention without notice in order to conduct a routine inspection of the premises or an inspection of a specific nature.

A SafeWork NSW inspector must produce formal authority and identification before being admitted to a correctional centre or other place of detention.

10 Members of the Judiciary

Members of the judiciary will advise the Governor of the correctional centre of their requirement to visit a correctional centre, stating date, time and reason for the visit

The Governor must advise the relevant Director Custodial Operations of an intended visit by a member of the judiciary

A member of the judiciary, and any staff member from the office of the Judicial Officer, is required to provide official identification. The Governor or a nominated officer must assist the Judicial Officer with all requests and requirements during the visit to the correctional centre.

11 Department of Human Services (Centrelink) Employees

Under the Program Protocol between Centrelink and CSNSW 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.

11.1 Procedures for Department of Human Services

	Procedures	Responsibility
1.	Provide timely, adequate, safe and supervised access to inmates by Centrelink staff subject to operational constraints	MOS/SAS Security
2.	Ensure Centrelink staff undertake security awareness training and are kept informed of all local safety and security protocols	MOS/SAS Security
3.	Ensure Centrelink staff have access to debriefing mechanisms after critical incidents	MOS/SAS Security
4.	Provide adequate office facilities that take into consideration security, safety and confidentiality in an area where regular officer patrols occur	Authorised officer
5.	Provide notification on inmate accommodation notice boards with regard to visiting timetables and access protocols	Authorised officer
6.	Provide reasonable telephone, printer and facsimile access for Centrelink staff engage a telephone interpreter when required for interviewing purposes	Authorised officer
7.	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 CSNSW's safe keeping when Centrelink applications are being assessed.	Authorised officer

Document history

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1.0		Initial publication (<i>Replaces section 15.16, 15.17, 15.19, 15.20, 15.21 15.22, 15.23 of the superseded Operations Procedures Manual</i>)