

Australian Capital Territory

Corrections Management (Prisoners' Mail) Policy 2007*

Notifiable instrument NI2007-466

made under the

Corrections Management Act 2007, section 14(1) (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Prisoners' Mail) Policy 2007*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policies and operating procedures

Under section 14 of the *Corrections Management Act 2007* (the Act), I make the

PRISONER'S MAIL POLICY

in Schedule 1 to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
17 December 2007

*Name amended under Legislation Act, s 60



**Belconnen Remand Centre (BRC)
Symonston Temporary Remand Centre (STRC)**



PRISONERS' MAIL POLICY

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Purpose

- To provide the opportunity for prisoners and their families to develop and foster relationships during the period of incarceration.
- To regulate and monitor all mail entering the BRC/STRC.

Authority

Legislation

Corrections Management Act 2007, sections 14, 48, 81, 104, 105, 106, 125, and 224

Policy

1 Principles

- 1.1 All prisoners have the right to send and receive mail.
- 1.2 Prisoner mail is an effective way of fostering family and community integration.
- 1.3 Strong family and community ties are important in realising the rehabilitative goal of ACTCS.
- 1.4 Prisoners must have reasonable access to legal representation and other accredited persons such as the Official Visitor, the Human Rights Commissioner, the Public Advocate, and the Ombudsman.
- 1.5 Prisoner mail is considered an important tool to facilitate this process. All prisoners have the right to correspond with family, friends and legal advisors by mail.

2 Sending and receiving mail

- 2.1 All prisoners may, as far as practicable, receive unlimited mail.
- 2.2 All prisoners may send unlimited mail from the BRC/STRC at his/her own cost.

- 2.2.1 Prisoners must supply their own envelopes and writing materials. Stamped envelopes may be purchased from the prisoner buy-up system.
- 2.2.2 A prisoner without funds is entitled to send two letters at public expense per week. In order to access this, the letter must be accompanied by a Request to Send a Letter Form.
- 2.3 All incoming and out-going mail shall be recorded on the Prisoner's Mail Card along with whether or not the mail has been searched and read by the Induction and Visits Officers processing the mail.
- 2.4 All mail received shall be opened, searched, and when appropriate, read (except in the case of protected mail) prior to being delivered to the prisoner.
- 2.4.1 A corrective services dog may be used to screen all mail, including protected mail.
- 2.4.2 Mail may be read if there is a reasonable suspicion that the mail may:
- undermine the security or good order at the a correctional centre;
 - revictimise a victim; or
 - circumvent and process for investigating complaints or reviewing decisions under the *Corrections Management Act 2007*.
- 2.4.3 Where this suspicion exists, the mail must be forwarded to the Security Intelligence Officer to be read.
- 2.4.4 Where a letter is read, this must be recorded in the mail register. The notation must include the reasons for the letter being read.
- 2.5 All mail sent by a prisoner shall be sealed in the presence of a Corrections Officer.
- 2.6 All incoming and outgoing mail will be checked against the register of Domestic Violence Orders and Apprehended Violence Orders.
- 2.7 All mail must include the sender's details.
- 2.7.1 In the case of the prisoner, this must include the prisoner's PID number and the correctional centre where the prisoner is located.
- 2.7.2 All incoming mail that does not include the sender's details will be read.

2.8 Items of property may only be received by mail following a request being approved by the Superintendent.

2.8.1 Where an item of property is sent to the BRC/STRC by mail but has not been approved by the Superintendent, the item will either be returned to the sender or placed in the prisoner's property.

2.8.1.1 This discretion rests with the Superintendent.

2.8.1.2 Mail that is to be stored in a prisoner's property will be opened and inspected in accordance with 2.4. Items of contraband will be removed and a Seized Article Receipt will be included in the envelope.

3 Protected mail

3.1 Protected mail is mail that is sent to and received from:

- an accredited legal professional representing the prisoner (must be registered as a legal practitioner);
- the Official Visitor;
- the Human Rights Commissioner;
- the Public advocate; or
- the Ombudsman.

3.2 Where mail is easily identifiable as having been sent to, or received from, a protected person the mail must be delivered to the prisoner unopened.

3.2.1 The prisoner must open the envelope in the presence of a Corrections Officer.

3.2.2 A Corrections Officer may open protected mail in the presence of the recipient prisoner if they suspect, on reasonable grounds, that the mail contains:

- something that may physically harm the addressee; or
- a prohibited thing.

3.2.2.1 Where a Corrections Officer opens protected mail in this manner, an incident report must be submitted and must include:

- the reasons for the suspicion; and
- any results of the search.

3.2.3 Items may be identified as protected mail if there are markings on the envelope which indicate the source or the intended recipient is a protected person.

3.2.3.1 Alternatively, the 'two envelope system' may be used. When a notification is included in the inside

of the external envelope indicating that the article has been sent from a protected person, the internal envelope must be forwarded to the prisoner unopened.

Forms/Templates

Prisoner's Mail Card

Request to Send a Letter Form

Seized Article Receipt

Related policies and procedures

Searching Policy

Searching Procedure

Contraband Policy