

Australian Capital Territory

# Corrections Management (Private Family Visits) Policy 2009

Notifiable instrument NI2009-155

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 (Private Family Visits) Policy 2009*.

## 2 Commencement

This instrument commences on the day after it is notified.

## 3 Policy

I make the

PRIVATE FAMILY VISITS POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan  
Executive Director  
ACT Corrective Services  
25 March 2009



Alexander Maconochie Centre (AMC)



## PRIVATE FAMILY VISITS POLICY

<b>Purpose</b>	<b>1</b>
<b>Authority</b>	<b>1</b>
<b>Policy</b>	<b>1</b>
Principles	1
Terms	2
Objective	2
Application for Private Family Visits	2
Private Family Visits Panel	3
Prisoner Eligibility Requirements and Considerations	3
Visitor Eligibility and PFV Process	4
Conditions of PFV	5
Acceptable Behaviour	5
Duration and Frequency	5
Supervision	6
Emergencies	6
Searching	6
Permitted Articles	6
Children – Duty of Care	6
Withdrawal	6
<b>Forms/Templates</b>	<b>6</b>
<b>Related Policies and Procedures</b>	<b>7</b>

### **Purpose**

To outline the private family visits policy.

### **Authority**

#### **Legislation**

*Corrections Management Act 2007*, sections 14, 49 and part 9.8.

### **Policy**

#### **Principles**

PFV's provide a means of maintaining family and conjugal ties during imprisonment, and can help to reduce the impact of separation experienced by families and partners.

PFV support the rehabilitation of prisoners before they rejoin the community. PFV programs support this aim. The active maintenance of family relationships, including intimate relationships, during imprisonment has been shown to improve the overall wellbeing of prisoners and supports their successful social reintegration on release.

PFVs will be of two categories:

- A visit with family members, including children; and
- A conjugal visit with a spouse or partner

The program aims to reinforce prisoners' social identity and relationships in the community, thereby contributing to improved levels of motivation. Additionally, opportunities have extended to visiting with family and partners in a private, residential-style area can minimise the experience of social isolation and improve the prisoner's morale.

### **Terms**

*Family Member* – spouse, common-law partner, child, parent, foster parent, sibling, grandparent and persons with whom, in the opinion of the Superintendent, the prisoner has a close familial bond.

*Private Family Visits (PFVs)* – Extended visits for eligible prisoners with a family member/s in domestic surroundings at the AMC visits centre to promote personal relationships under reduced supervision.

*Common-law Partner* – A person, who, at the time of the prisoner's conviction, had lived with the prisoner for at least six (6) months and was considered the prisoner's partner in the community in which they lived. Same-sex partners are also considered Common-law partners.

*Caregiver Program* – A program for eligible female caregivers to maintain parenting responsibilities while in custody at the AMC, including full and part-time residential arrangements, and extended visiting schedules to facilitate nursing and bonding.

### **Objective**

PFVs encourage eligible prisoners to develop and maintain family ties and intimate relationships, and to lessen the negative impact of medium and long-term imprisonment on these relationships.

PFVs offer eligible prisoners the opportunity to spend extended time with family members in a private, domestic setting located within the visits centre. These visits will take place under reduced supervision. PFVs support prisoners to identify themselves as parents and partners, and to develop strategies to maintain these roles during and after imprisonment.

The majority of prisoners who apply for PFVs will be sentenced, however, at the discretion of the Superintendent, remandees may also be considered suitable to participate in the program.

The Private Family Visits Policy should be read in conjunction with the Private Family Visits Procedure and other relevant policies and procedures. Of particular note are the Visits Policy and Procedure, the Searching Policy and Procedure, and the Caregiver Policy.

### **Application for Private Family Visits**

The application for PFVs is administered by the prisoner's case manager. Forms are held by case officers who will facilitate referral of the prisoner's application to their case manager and the private family visits panel.

Applications for PFVs will include:

- A prisoner request which should include any specific conditions to be considered (e.g. conjugal or family visits);
- A supporting statement from the prisoner's case officer;
- The case manager's summary of a family screening interview;
- A supporting statement and recommendations from the case manager; and
- Recommendations from the PFV panel.

Additional information that may be required for a PFV application includes:

- Details of any relevant court orders pertaining to the prisoner's contact with the proposed visitors, including dependent children's care orders;
- A copy of the prisoner's rehabilitation plan where relevant; and
- Information regarding any previous PFVs, including details of previous visit conditions and post PFV interviews.

Where a proposed PFV relates to children who are clients of the ACT Care and Protection Unit of the Officer for Children, Youth and Family Services (OCYFS) should be contacted to ensure that all relevant information is presented to the PFV Panel and Superintendent prior to a decision being made.

The assessment of applications for PFVs will be finalised within 21 days.

### **Private Family Visits Panel**

A private family visits panel will assess a prisoner's eligibility for the program.

The panel will be comprised of:

- the Deputy Superintendent;
- the prisoner's Case Manager;
- the Offender Services Manager;
- the Indigenous Liaison Officer where appropriate; and
- any other person deemed relevant by the Deputy Superintendent.

The panel will consider a prisoner's application for a PFV with reference to the eligibility requirements (set out below) and will subsequently make a recommendation to the Superintendent in support of, or against, the application. This recommendation should include any suggested conditions of the visit.

### **Prisoner Eligibility Requirements and Considerations**

Eligible prisoners may apply to participate in the PFV program. However, PFVs are an earned privilege and eligibility is subject, in the first instance, to an Intelligence assessment of a prisoner's classification and offending background. Generally only low security prisoners, serving sentences of 12 months or more (or having served a remand period of over 12 months) will be considered eligible for the PFV program. The consideration of a prisoner's eligibility for a PFV will take into account the following criteria:

- A consistent record of good conduct at the AMC, usually over a *minimum* period of three months, including an absence of contraband breaches;
- The absence of any evidence of drug use, including adverse urinalysis results and possession of drugs/ drug implements, for a *minimum* period of at least three months;

- A consistent record of regular visiting with the proposed family members/children;
- The absence of current AVOs/DVOs in relation to the proposed family members or a known history of family violence;
- The absence of contravening court orders relating to the children;
- The support of the PFV Panel and recommendations for proposed PFVs; and
- Compliance and participation with prisoner rehabilitation plan.

Subject to a prisoner's ability to demonstrate eligibility against the above criteria, other conditions may be imposed by the Superintendent on an individual basis. For further information see Conditions of a PFV.

Prisoners are not eligible to participate in private family visits with other prisoners.

### **Visitor Eligibility and PFV Process**

Family members and persons with whom, in the opinion of the private family visits panel, the prisoner has a close personal bond are eligible to participate in the PFV program.

All relevant family members and close associates must have a consistent record of regularly visiting with the prisoner and of adhering to ACTCS policies and procedures during visits.

Family members involved in PFVs must participate in an initial screening interview with the prisoner's case manager.

At this interview, the case manager will:

- provide family members with an overview of the PFV program;
- assess family members' readiness/willingness to participate in PFVs; and
- provide an opportunity for family members to discuss any issues they may have with the proposed visit.

Where a PFV has been approved by the Superintendent, family members will need to participate in an additional briefing interview with the case manager, prior to the arranged PFV.

At this briefing, the case manager will:

- outline the individual conditions of the PFV as specified by the Superintendent; and
- address any questions or issues raised by the family member.

Following the initial PFV (and subsequent visits where it is deemed necessary), the case manager will conduct a follow-up interview with family members to ensure that there are no issues arising from the visit and to assess their ability to participate in future PFVs.

On the basis of a positive assessment of the initial visit, regular future visits may be applied for.

Unaccompanied children are not able to participate in the PFV program. In cases where there are no adult family members able or willing to participate in a PFV, or where the child resides at the AMC with their mother (who is also a prisoner), alternative voluntary escorts/companions must accompany the child at a PFV.

**N.B.** The prisoner should also be interviewed by the case manager on application and advised of the conditions/ responsibilities following PFV approval.

### **Conditions of PFV**

Subject to the discretion of the Superintendent, conditions may be imposed on PFVs. Conditions may relate to:

- the level of supervision/monitoring applied to the visit/s;
- approval for conjugal visits; or
- anything else deemed appropriate by the Superintendent.

In certain circumstances, depending on the extent to which an individual can demonstrate eligibility for the PFV Program, prisoners may have the opportunity to spend extended, private time with spouse/partners by participating in conjugal visits. Where such a visit is approved, condoms will be provided in visits rooms.

Prisoners and adult visitors are responsible for ensuring that the prescribed conditions of the visit are adhered to. Breaches of individual conditions will result in the loss of future access to the PFV program. For example, a breach will occur where conjugal activities occur during non-conjugal visits.

### **Acceptable Behaviour**

Prisoners and visitors are expected to behave appropriately during a PFV. Visitors must adhere to the guidelines for dress and general conduct as set out in the Visits Policy.

Parents and carers, including prisoners, are responsible for the care and behaviour of children participating in a PFV.

In addition, prisoners and adult visitors are responsible for returning the PFV facilities to good order at the completion of their visit in readiness for the next PFV session, including cleaning. In the case of conjugal visits, this includes changing linen.

Prisoners and adult visitors are expected to adhere to the individual conditions of their visit. Where conditions of the visit are breached, eligibility for future visits may be compromised.

Offensive, aggressive, and inappropriate behaviour will result in the cancellation of a PFV.

### **Duration and Frequency**

The PFV program will operate within the standard visits schedule.

PFVs will be available to eligible prisoners on a bi-monthly basis, operational factors notwithstanding.

### **Supervision**

While PFVs provide prisoners and their families with an opportunity to spend extended private time together in a domestic setting, some supervision of the visit may still be necessary. In order to support the intention of the PFV program while meeting the AMC's obligation to provide a duty of care, PFV rooms will be fitted with duress alarms and intercom units.

Subject to the Superintendent's direction, corrections officers may provide differing levels of supervision, particularly where children are involved. The level of supervision required will be determined by the Superintendent and will be explained to the prisoner and their visitor/s before the visit commences.

### **Emergencies**

Either party can terminate a PFV at any time. Where visitors or prisoners require the early termination of PFVs they may use the intercom.

### **Searching**

Family members (including children) participating in the PFV program will undergo standard visits searching procedures, as set out in both the *Searching Policy* and *Procedure* and the *Visits Policy*.

### **Permitted Articles**

Family visitors must comply with the directions of the *Visits Policy* in relation to the carriage of permitted articles while participating in a PFV.

### **Children – Duty of Care**

While ACTCS acknowledges a general duty of care in relation to the welfare of all persons participating in the PFV program, parents and/or carers have the primary responsibility for the care and wellbeing of their children during PFVs.

Any participation of children in the PFV program may be subject to advice received from OCYFS. At all times, the best interests of the child or children will be given the highest consideration.

### **Withdrawal**

A prisoner's ability to apply for a PFV may be withdrawn if:

- the prisoner is found guilty of any disciplinary breach;
- the prisoner has breached the conditions of a previous PFV;
- the prisoner is found guilty of committing an offence involving a family member during a PFV; or
- a visitor is found to have acted inappropriately while at the AMC.

A re-assessment of a prisoner's eligibility for the PFV program may be conducted at the request of a prisoner after three (3) months from their initial withdrawal.

All decisions relating to the withdrawal of PFVs will be provided to the prisoner in writing within 21 days.

### **Forms/Templates**

Private Family Visits Application and Authorisation Form

## **Related Policies and Procedures**

Family Screening Interview

Searching Policy and

Searching Procedure

Visits Policy