

Australian Capital Territory

Corrections Management (Visits) Policy 2016 (No 2)

Notifiable instrument NI2016-168

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Visits) Policy 2016 (No 2)*.

2 Commencement

This instrument commences on 1 May 2016.

3 Policy

I make the Visits Policy, attached to this instrument, to facilitate the effective and efficient management of correctional services.

4. Revocation

This instrument revokes the *Corrections Management (Visits) Policy 2013 (No 2)* [NI2013-468] and *Corrections Management (Visits) Policy 2016 (No 1)* [NI2016-151]

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A/g Executive Director
ACT Corrective Services
7 April 2016



ACT
Government

Justice and Community Safety



VISITS POLICY

ALL FACILITIES

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Purpose

To outline a detainee’s entitlement to personal and professional visits while in custody at an ACT correctional centre.

Detainees are able to maintain contact with family and friends in a fair and equitable manner through visits, and have confidential meetings with professional visitors relevant to their imprisonment. This contact will be facilitated in an environment that maintains the good order and security of the correctional centre, and safety of detainees, members of the community and staff.

The impact of this Policy on a detainee’s human rights has been considered consistent with the *Human Rights Act 2004*. A detainee’s human rights are limited only to the extent that it is reasonably and demonstrably justifiable.

Authority

Corrections Management Act 2007, parts 9.4 and 9.8, sections 9, 12, 14, 46, 49, 50, 51, 95 and 99.

Objective

ACT Corrective Services (ACTCS) will facilitate personal and professional visits for all detainees relevant to their imprisonment. This includes appropriate facilities to ensure that visitors with disabilities are able to access the correctional centre.

ACTCS promotes the importance of family connection for detainees during periods of imprisonment enhancing opportunity for successful reintegration upon release. Visits facilitate the maintenance of family ties and friendships to detainees, continue their links with the community and also provide for contact with legal representatives and other accredited persons.

Decisions by the General Manager (or delegate), Custodial Operations (General Manager) are at all times made in the best interests of the security and good order of the correctional centre; in the interests of safety of detainees, their friends and families.

Staff will:

- assist and encourage detainees to maintain positive and supportive relationships with their families and the general community;
- maintain the security of the correctional centre when allowing detainees to communicate with family, friends, and relevant professionals;
- process and facilitate visits in a timely manner;
- treat all visitors and detainees with courtesy and due regard to their privacy and dignity; and
- collect, maintain, use and disclose information in strict compliance with information privacy legislation.

Information dissemination

The General Manager (or delegate) will ensure that detainees are informed of the nature and conditions of personal and professional visits upon reception, in the Detainee Handbook, the detainee information channel, and in accommodation areas.

The General Manager (or delegate) will ensure that visitors are advised of the conditions of visits by notices clearly displayed in locations accessible to visitors (including the entrance to the correctional centre), in the Visitors Handbook and on ACTCS' website.

1. Operating Procedure

1.1 Visiting times

The General Manager (or delegate) will set visiting days and times. These will be displayed in the accommodation areas and each entrance to the correctional centre open to visitors.

Legal and other accredited visitors may enter a correctional centre or visit a detainee seven days a week. If a legal or other accredited visitor needs to enter a correctional centre or visit a detainee on a non-visit day they are required to make booking 24 hours in advance. Visits on a non-visit day will generally occur in an interview room in the Visits Centre, and may occur in the Admissions area dependant on operational requirements of the correctional centre.

The visits reception desk opens 30 minutes before each visits session.

1.2 Visit types

Contact visits

A contact visit is defined as a visit in which detainees and visitors are able to interact without being physically separated by a barrier.

All contact visits will take place in the Visits Centre under the direct supervision of Corrections Officers.

Non-contact visits

A non-contact visit is defined as a visit in which detainees and visitors are physically separated by a barrier. Detainees and visitors subject to non-contact visits are not to have physical contact at any time.

A visitor or detainee may request that a visit be a non-contact visit. In addition, the Area Manager or above may direct that a visit take place as a non-contact visit.

A non-contact visit may be directed on a detainee including but not limited to the following reason/s:

- as part of a segregation or separate confinement order;
- as part of a sanction resulting from a disciplinary breach;
- for the safety of the detainee or any other person;
- as part of a detainee's Management Plan; or
- by the Area Manager or above for the good order or security of the correctional centre.

A non-contact visit may be directed on a visitor including but not limited to the following reason/s:

- finding of a prohibited thing on that visitor;
- after an adult visitor uses the toilet during a visit;
- after a child visitor uses the toilet during a visit;
- for the safety of the visitor or any other person;
- if restricted as part of a visitor approval process; or
- by the Area Manager or above for the good order or security of the correctional centre.

The Area Manager or above may approve a request for a child to sit with the detainee during a non-contact visit. This can only be considered if the detainee is the child's parent or legal guardian, and the Area Manager or above is satisfied it will not facilitate the transmission of contraband or jeopardise the safety of the child or any other person, or effect the safety and security of the correctional centre.

Video conferencing

An application may be made in writing to the General Manager (or delegate) requesting access to video conferencing for the purpose of an interview, assessment or special visit.

1.3 Visits by Family Members or Friends

Unless the grounds to refuse a visit are satisfied in accordance with section 1.25 of this Policy, detainees are entitled to one visit of at least 30 minutes each week with a **family** member. This visit may be a contact or a non-contact visit.

A family member includes:

- spouse or domestic partner;
- children (including foster children, grandchildren and step-children);
- parents (including foster parents, grandparents and step-parents);
- siblings (including step-siblings);
- guardian or carer;
- persons with whom in the opinion of the General Manager (or delegate) the detainee has a close familial bond; or
- those considered family for people of Aboriginal and Torres Strait Islander background, and/or other cultural ethnicities.

A detainee may make a request to the Deputy General Manager (or delegate), Custodial Operations (Deputy General Manager) to have an extended period of visitation in order to spend time with their children, in the case of a family emergency, or where deemed appropriate on compassionate grounds. The Deputy General Manager will attempt to support and facilitate such a visit where it is possible and in the best interests of the child or any other person, taking into consideration operational requirements and security of the correctional centre.

1.4 Ex-detainee visitors

Visitors who have been in full-time or periodic custody in the ACT are excluded from visiting detainees in an ACT correctional centre. Ex-detainees may submit an Ex-detainee Application to Visit Form to the General Manager (or delegate) to enter the correctional centre in extenuating circumstances.

The General Manager (or delegate) will consider the request in accordance with section 1.25, and will either:

- deny the request;
- approve non-contact visits for a specified period of time (at the conclusion of the specified time a review will take place); or
- approve contact visits.

If the ex-detainee is still under supervision by ACTCS, the General Manager (or delegate) will ensure where possible, relevant information is gathered from the General Manager, Community Corrections to assist in the decision making process.

1.5 Visits between detainees in custody

The General Manager (or delegate) may approve visits between detainees at a correctional centre/s in extenuating circumstances.

Detainees who have a family member in custody at the same ACT correctional centre may make application to the General Manager (or delegate) to have a combined visit

with a family member visitor by submitting a Detainee Request Form. If the detainees are in different visit categories, the Area Manager or above is required to specify the time slot for the visit.

Upon receiving a request the General Manager (or delegate) will consider the reason for the request, ensure both detainees consent to the request, and will either:

- deny the request;
- approve non-contact visits for a maximum of two weeks (at the conclusion of the specified time a review will take place); or
- approve contact visits for a maximum of two weeks (at the conclusion of the specified time a review will take place).

Approval for visits between detainees may be revoked by the General Manager (or delegate) at anytime. Detainees will be informed if visits are revoked. If visits are revoked, the detainee must re-apply for intra-centre or inter-centre visits.

1.6 Professional Visits

All professional visits are in addition to the minimum visiting entitlement for each detainee.

The General Manager (or delegate) is responsible for ensuring appropriate visiting arrangements are available to enable professional visits to occur in privacy and in conditions suitable for the purpose of the visit. Professional visits will occur within the sight, but out of hearing, of staff employed or contracted by ACTCS unless exceptional circumstances apply as determined by the General Manager (or delegate).

Unless exempted by the General Manager (or delegate), any person authorised to enter a correctional centre or visit a detainee/s in a professional capacity is prohibited from entering a correctional centre or visiting a detainee/s in a personal capacity. A professional visitor may request an exemption in writing to the General Manager (or delegate). The General Manager (or delegate) will consider the request in accordance with section 1.25, and will either:

- deny the request;
- approve non-contact visits for a specified period of time (at the conclusion of the specified time a review will take place); or
- approve contact visits.

The General Manager (or delegate) will ensure that professional visitors are advised of visit conditions. A professional visitor not complying with the terms of the visit may be directed by the General Manager (or delegate) to leave the correctional centre, and if necessary be removed from the correctional centre.

Professional visitors have access to areas of the correctional centre authorised by the General Manager (or delegate).

Unless agreed to by the detainee, professional visitors are not to have a meeting or interview with a detainee in a common area. If appropriate private facilities are not available, professional visitors should immediately raise the issue with the Area Manager or above.

Community Corrections Officers employed by ACTCS are able to interview detainees either the Visits Centre, Programs Area or in other designated interview rooms within the correctional centre. Community Corrections Officers must adhere to the same safety requirements of Corrections Officers at the correctional centre.

Professional visitors are required to carry appropriate identification at all times.

Applications for Interview or Assess a Detainee

A professional person or agency other than described in this Policy wishing to interview or assess a detainee must apply to the General Manager (or delegate) in writing, a minimum of three working days prior to the visit. The General Manager (or delegate) may approve access within three working days in extenuating circumstances.

The application must be signed and the visit authorised by the General Manager (or delegate) prior to the visit taking place.

All applications must be assessed as to the need for and relevance of the visit.

1.7 Legal Visits

Legal representatives are not permitted to visit detainees other than their own clients without the express permission of the General Manager (or delegate). The visit must be for the purpose of legal representation or advice. On request, the legal representative must provide evidence of their involvement in the particular detainee's legal proceedings and identification that identifies them as a registered legal practitioner.

Legal visitors will be subject to the same standards as other visitors, except:

- legal visitors will be permitted to bring legal documentation into the visit as long as it is in direct reference to the detainee's case (criminal or civil). Those documents will be inspected during the searching process but may not be read;
- legal visits may be conducted in a designated professional visits room. Detainees and legal representatives may make a request to the Area Manager or above for a visit take place in the non-contact or non-private visits areas; and
- legal visitors must request approval, using the Electronic Devices Exemption form, on each occasion from the General Manager (or delegate) to bring in electronic devices or legal information, for example, a laptop computer, that are directly related to the detainees legal representation.

Legal documents may be exchanged during professional visits between a detainee and the detainee's legal representative. Where, in the interests of security, it is necessary to examine the document for contraband, a Corrections Officer will examine the papers in the presence of either the detainee or the legal representative. No electronic devices or information may be given to a detainee under any circumstances, for example, a DVD or USB.

Where the documents are sealed in an envelope, a Corrections Officer will require the legal representative or the detainee to open the envelope to allow the Corrections Officer to inspect it for contraband.

1.8 Other Accredited Visitors

Other accredited visitors representing oversight agencies (including the Ombudsman, the ACT Human Rights and Discrimination Commissioner, the ACT Health Services Commissioner, the ACT Auditor General, and the Public Advocate) are subject to the same standards as legal visitors.

Other accredited visitors can apply in writing to the General Manager (or delegate) to visit detainees outside the Visits Centre, including in the accommodation units.

Refer to the *Official Visitor Policy* for visiting requirements for the Official Visitors.

1.9 Visits by Diplomatic and Consular Staff

Diplomatic and Consular offices have the right to visit a national of their State who is in custody where the detainee has given their written consent.

Diplomatic and Consular Officers will be in possession of an identification card issued by the Department of Foreign Affairs and Trade which is to be accepted as an authorised identification for the purpose of gaining access to the correctional centre in which the national is held.

Diplomatic and Consular staff visitors to nationals in a correctional centre are to be accorded the same entitlements as professional visitors.

1.10 Visits by Police

Police Officers may request to visit a detainee for the purposes of carrying out their professional duties.

A detainee may be questioned by police only if:

- the detainee consents; or
- police have first obtained a court order which permits the questioning to take place.

The court order is to be examined by the Operations Manager or above who is to confirm relevant parts of the order.

The detainee may have their legal representative present during the visit. A Corrections Officer notifying a detainee of a request for a visit by police will advise the detainee of these conditions.

Unless specific authorisation is granted by the General Manager (or delegate) all Police Officers will secure firearms, ammunition, tasers, Oleoresin Capsicum (OC) canisters and batons in the designated storage area. Where a Police Officer refuses to surrender any of these items, they will be refused entry. The Area Manager or above is to be informed immediately.

Police Officers at the rank of Station Officer in Charge (OIC) or above are authorised to carry mobile phones into a correctional centre. Police Officers attending a correctional centre for non-emergency or routine police business are not allowed to enter the correctional centre with a mobile phone. Police Officers responding to an emergency will be permitted to retain their mobile phone within the correctional centre. Any other exemption must be approved by the General Manager (or delegate).

1.11 Visits by Members of Parliament

A Member of Parliament may visit a correctional centre in accordance with normal visiting practices, or, where a special visit is organised by the Minister for Corrections or Executive Director.

Any requests by a Member of Parliament to visit a correctional centre must, as soon as possible, be forwarded to the Executive Director for notification, prior to the visit taking place. The Executive Director will notify the Minister responsible for the *Corrections Management Act 2007* of any visit request, and arrangements may be made for a member of the Minister's staff to be present at the visit. This is at the discretion of the Minister's office.

In instances where the Member of Parliament has already approached the Minister's office and appropriate arrangements are put in place, details of the arrangements must be forwarded to the Executive Director and General Manager (or delegate).

1.12 Visits by Media Representatives

Media are prohibited from visiting an ACT correctional centre and or filming within a correctional centre without the approval of the General Manager (or delegate). All requests for access to the correctional centre must be made through the Justice and Community Safety Directorate media unit.

Members of the media seeking to visit family members or friends who are detainees in the correctional centre, must make their employment status as members of the media known in their application to visit.

1.13 Visits by Authorised Visitors

Prior to entering a correctional centre, all staff and volunteers working for external service providers are required to apply to be an Authorised Visitor by completing the Authorised Visitor Status Form.

To be approved as an Authorised Visitor, a person is required to have a criminal history check, working with vulnerable people registration, and undertake the approved Security Awareness Training annually. It is the responsibility of the organisation the staff member or volunteer is associated with to ensure these requirements are met at all times.

Authorised Visitors are only able to access areas designated by the General Manager (or delegate) that are specific to their meeting times or responsibilities, and may not, under any circumstances, enter non-designated areas without prior approval of the General Manager (or delegate) or in the company of an escorting Corrections Officer.

Unless otherwise approved by the General Manager (or delegate), Authorised Visitors are also required to organise their visit at least 24 hours in advance by making a booking through the allocated Co-ordinator, Area Manager or above at the correctional centre.

All Authorised Visitors are required to carry appropriate identification inside the correctional centre at all times.

A person can only enter a correctional centre without these requirements if granted an exemption by the General Manager (or delegate).

Any Authorised Visitor not complying with these terms may be directed by the Area Manager or above to leave the correctional centre, and if necessary be removed from the correctional centre.

1.14 Other Non Custodial and Directorate Staff

The General Manager (or delegate) may approve non custodial and other Directorate staff access to designated areas of a correctional centre.

Security Awareness training is only required for staff who are visiting an ACT correctional centre on a regular basis, not individuals that visit occasionally and are escorted by Custodial staff during their visit.

Any person accessing areas they are not designated, or who have not undergone the approved Security Awareness Training prior to accessing these areas, may be directed by the General Manager (or delegate) to leave the correctional centre, and if necessary be removed from the correctional centre.

A person can only enter a correctional centre without these requirements if granted an exemption by the General Manager (or delegate).

1.15 Emergency Services agencies attending a Correctional Centre

The Officer in Charge will approve access for Police Officers, ACT Ambulance Service staff, ACT Fire and Rescue staff, ACT Rural Fire Service staff, or ACT State Emergency Service staff to respond to an incident or emergency within the correctional centre.

If approval to access a correctional centre in these circumstances is granted, staff are not required to adhere with the above entry procedures.

In these instances, the responding Officer in Charge is authorised to carry their mobile phone inside the correctional centre.

1.16 Visits to Detainees at Court

Where a detainee is under escort at a court, the escorting Corrections Officer will permit a legal representative acting on the detainee's behalf or relevant accredited persons reasonable access to the detainee wherever possible.

The escorting Corrections Officer may refuse a legal representative, relevant accredited person, family member or friend access to visit a detainee in a court cell in accordance with section 1.25 of this Policy.

The privacy of the visit, may, by necessity, be limited in the interests of security or by the facilities or routines of the court.

1.17 Visits to Detainees in Hospital or a Health Facility

A detainee in hospital or a health facility outside an ACT correctional centre may receive visits where authorised by the General Manager (or delegate). If the detainee is under escort, the escorting Corrections Officer must consider the security of the detainee and the safety of any person and provide a recommendation to the General Manager (or delegate) for consideration and decision prior to the visit. Consideration must be given to hospital policy, hospital visiting times, detainee medical condition and other patient comfort.

Before permitting the visit the Corrections Officer will request photographic identification.

If a visitor is denied access to a detainee, or the visit is no longer considered appropriate for the above reasons by the General Manager (or delegate), the person will be asked to leave the detainee's room or specified area of the hospital. If the visitor does not comply, hospital security will be informed, and if necessary the Police will be called to attend and remove the person.

1.18 Visiting conditions

Visitors must comply with all reasonable directions given to them by Corrections Officers. Failure to comply with a direction may result in the visit being cancelled and/or the visitor being required to leave the correctional centre. If there are any issues or problems the Area Manager or above is to be contacted for guidance.

Before entering or exiting a Correctional Centre

Unless exempted by the General Manager (or delegate), all visitors must undergo iris scanning upon entering and exiting a correctional centre (in accordance with the *Iris Scanning Policy*).

All iris scan data is used in accordance with the *Information Privacy Act 2014*.

Number of visitors

Up to three adults may visit a detainee at any one time, unless specifically approved by the Area Manager or above. A reasonable number of children will also be permitted. If a Corrections Officer is unsure about the number of children to be permitted for a visit, they should refer the issue to the Area Manager or above for a decision.

Children and young people (persons under the age of 18) must be accompanied and supervised at all times by a guardian or parent, unless written approval has been granted by the General Manager (or delegate) in accordance with 1.21 of this Policy.

Booking visits

Family members and friends visiting a detainee must book a visit at least 24 hours in advance. If a family member or friend attends the correctional centre without a scheduled booking, they may be refused entry, unless extenuating circumstances are met.

The Corrections Officer accepting visitor bookings will check the banned visitor status and check whether a court order is in place restricting contact in accordance with 1.25 and 1.26 of this Policy, before confirming a visit. If the visitor is banned or has a court order in place restricting contact, the booking must not be processed, and the reason must be explained to the person at the time. If unsure, seek advice of the Area Manager or above prior to confirming a visit booking.

Any request to have a visit without a scheduled booking, or within 24 hours of the visit request time, must be referred to the Area Manager or above for a decision.

Unless exempted by the General Manager (or delegate), any person authorised to visit a detainee/s in a professional capacity is prohibited from visiting a detainee/s in a personal capacity.

Subject to availability and individual detainee management and privileges, visitors can make application for a self-cook barbeque in the Visits Centre during a contact visit. The barbeque packs must be pre-ordered through the Food Services unit at the correctional centre by the detainee seven days in advance of the scheduled visit. Persons who use the barbeques are responsible for cleaning them, and cleaning materials are provided.

Visit arrival time

Family members and friends visiting a detainee must arrive at least 15 minutes prior to the commencement of their scheduled visit, or they may be refused entry.

The Area Manager or above may approve an unscheduled, late visitor or a visit by a family member or friend outside designated hours in exceptional circumstances.

Exceptional circumstances include but are not limited to:

- death or serious illness in the family;
- if a detainee is seriously ill;
- an interstate visitor; or
- a new or elderly visitor unfamiliar with the visits process.

If a detainee is seriously ill or admitted to hospital, the General Manager (or delegate) will ensure the detainee's nominated next of kin or other emergency contact person (in accordance with the *Next of Kin Policy*) are advised.

Monitoring of visits

Visits will be monitored by Corrections Officers at all times. In addition to this, the internal closed circuit television system (CCTV) may electronically record visits.

1.19 Appropriate dress

All visitors to a correctional centre, including legal representatives, accredited and professional visitors, must be appropriately dressed at all times.

The following will not be permitted:

- clothing that is transparent/provocative/designed or altered to be of a revealing nature (including short skirts or shorts where underwear is visible, bare midriffs);
- clothing that displays offensive/racist slogans or obscene words, phrases or diagrams;
- clothing or jewellery displaying organised crime group club, organisation or gang identification/propaganda (for example, outlawed motorcycle club colours);
- steel capped shoes or boots;
- bare feet;
- hats, unless a sunhat for a child; or
- sunglasses (unless required for visual needs).

Religious headwear or other religious or cultural adornments will be considered on a case-by-case basis. No Corrections Officer is permitted to request removal of religious headwear, other religious or cultural adornments unless approved by the Area Manager or above.

Failure to adhere to appropriate dress standards may result in the visitor being refused entry and the visit cancelled.

Detainee dress

All detainees accommodated in the cell block units must wear issued white overalls during a visit.

The overalls zip at the back and are secured by a cable tie. They are to be worn for the duration of the visit.

Male Corrections Officers and male detainees are not to be present in the change area of the Visits Centre when a female detainee is being searched.

Detainees from all other accommodation cottage areas are not required to wear overalls.

1.20 Acceptable behaviour

Unless instructed otherwise by a Corrections Officer in the instance of an emergency, detainees may only enter/exit the Visits Centre through the detainee entry door. Any detainees not complying with this procedure will have disciplinary action initiated.

Detainees and visitors are expected to behave appropriately. The following rules apply within the Visits Centre:

- no profanity (including swearing);
- no shouting or loud conversations;
- no items to be passed between individuals including but not limited to shoes, watches and jewellery;
- visitors and detainees are allowed to use the external Visits area;
- clothing and shoes must not be removed at any time;
- feet not to be put on chairs or tables;
- all rubbish is to be placed in the bin at the end of the visit;
- if any adult needs to go to the toilet, the visit will be terminated or moved to a non-contact visit;
- if any child needs to go to toilet, that child must be accompanied by a responsible adult (not the detainee) and will be subject to a search process before they have any further contact with anyone in the Visits Centre, or the visit will be moved to a non-contact visit;
- a brief kiss will be permitted at the beginning and the end of the visit;
- no sexually active or provocative behaviour;
- no verbally or physically abusive behaviour towards an adult, child or young person; and
- adults visiting with children must maintain control of those children.

If a detainee displays behavioural issues on the way to the Visits Centre or while a visit is underway, a Corrections Officer may terminate the visit and require the detainee to enter the airlock until the visit time has concluded or they can be returned to their accommodation area.

Violations of these rules may also result in the visitor being asked to remove him or herself from the correctional centre, and/or result in disciplinary action against the detainee, and/or result in the visitor being banned from visiting the correctional centre or detainee for a period of time in accordance with 1.26 of this Policy. The Area Manager or above is required to explain the reasons for removal of the visitor, detainee discipline or a visitor ban being implemented.

1.21 Identification

On the first visit, all adult visitors (18 years of age and over) must complete a Visitors Form and provide one form of identification from List 1 and one form of identification from List 2. The identification must contain the visitor's photograph and their current residential address (this may be on the same identification).

On the first visit the visitor will be enrolled on the iris scanner. A positive iris scan is sufficient identification for future visits.

List 1

- driver's Licence (from any Australian state or territory);
- passport (current or one that has expired in the last 2 years);
- proof of age card; or
- keypass photographic identification.

List 2

- birth certificate (original or extract);
- Electoral Roll (acknowledgment of receipt);
- utility records e.g. water, gas, electricity, telephone (issued within six months of intended visit);
- current registration papers (car or boat);
- marriage certificate;
- Australian citizenship certificate;
- Medicare card;
- current entitlement card used by a Government Department or Authority;
- Department of Immigration and Border Protection papers;
- rent or lease papers;
- credit or debit card (must be signed); or
- other verified identification deemed sufficient and agreed by the General Manager (or delegate).

All identification must be current, valid, and in the name of the proposed visitor. No photocopies or scanned images will be accepted.

Where a visitor does not have photographic identification, but has at least three other forms of identification from list 2, the Visit Reception Officer must contact the Area Manager or above for approval for the person to enter the correctional centre.

Identification for children and young people (persons under 18 years)

A person under the age of 18 wishing to visit a detainee without their parent or legal guardian, must present to the correctional centre with their parent or legal guardian prior to the visit taking place.

Before the first visit, the parent or legal guardian must complete a Child/Young Person Consent Form. The parent or legal guardian of the child/young person must present photo identification, as well as the young child/young person's birth certificate and evidence that they are the parent or legal guardian of the child/young person (such as a Medicare card).

The parent or legal guardian is required to confirm in writing that they give permission for the child/young person to visit with another responsible adult, and must specify which detainee they give permission for the child/young person to visit. A separate Child/Young Person Consent Form must be completed for each detainee the child/young person wishes to visit with details of the nominated responsible adult.

In the instance where a person under 18 years of age does not have a parent or guardian, the General Manager (or delegate) may approve the person's ability to visit a detainee without the Child/Young Person Consent Form. When considering a request, the General Manager (or delegate) may confirm the person's status with an external organisation.

All children/young people 16 years of age and over will be registered on the iris scanner and on JOIST. Children under the age of 16 will be registered on JOIST, and may only be registered on the iris scanner with the approval of a parent or guardian.

1.22 Permitted and prohibited things

A visitor may bring the following things into a visit:

- one clear plastic bottle containing milk/juice/water for a baby (no glass allowed);
- one baby blanket;
- one baby dummy/pacifier;
- a change of clothing for a baby;
- tokens for use in the vending machines; or
- medication approved by the Operations Manager or above.

As stated in the *Prohibited Things Declaration*, visitors may not be in possession of the following things at any time while on correctional centre grounds (including in vehicles or in the car park on correctional centre grounds):

- intoxicating liquor (commercial or homemade);
- drugs and other illegal substances;
- implements used for administering drugs and illegal substances – including but not limited to hypodermic equipment, cones, bongs or any drug paraphernalia;

- any implement designed as or able to be used as a weapon or to assist in aiding an escape;
- firearms, ammunition, knives, any cutting blade, any other type of weapon and replicas of the aforementioned;
- tattoo guns (commercial or homemade);
- explosives or explosive devices (commercial or homemade); and
- any other item deemed inappropriate by the General Manager (or delegate).

Visitors may not progress beyond the metal detector in possession of the following items:

- any electronic devices;
- mobile phones and accessories, including but not limited to SIM cards, batteries, chargers and earpieces;
- cameras and recording devices;
- computers;
- smart watches or devices including but not limited to “fitbits”;
- USB/flash drives;
- prescription drugs other than those authorised by a medical practitioner and approved by the Operations Manager or above, used for emergency treatment of a medical condition (for example, asthma inhalers, angina medication). Only an amount that may be reasonable for personal use during the length of the visit will be permitted;
- cigarette lighters, matches and cigarettes;
- electronic cigarettes;
- any food or drink other than stated above for a baby;
- prams or strollers;
- nappies;
- aerosol spray canisters;
- scissors,
- portable TV/DVD players;
- property belonging to another person;
- cooking equipment;
- tools and cutting implements of any kind;
- non-commercial compact discs (CDs) or digital versatile disks (DVDs);
- recording devices of any format (including MP3 players);
- currency;
- paint;
- oil;
- acid;
- glue;
- herbicide/fungicide/insecticide;
- keys (commercial manufacture or homemade);
- books/magazines;
- documents, unless legal documents;
- offensive material; and

- any other item deemed inappropriate by the General Manager (or delegate).

Medication and medical aides (accompanied by a current doctor's certificate or documentation relevant to the exemption required, presented on entry) for approved visitors may be permitted into the correctional centre depending on medical requirements. This is to be approved by the Area Manager or above before being allowed entry.

ACTCS must facilitate entry of assistance dogs (accompanied by a current doctor's certificate or documentation relevant to the exemption required, presented on entry) for approved visitors. This is to be approved by the Area Manager or above before being allowed entry.

Nappies, prams/strollers and baby changing equipment may be supplied to visitors where required. Visitors who require these items are to approach the Corrections Officers at the x-ray security scanner check point.

Electronic Devices

All electronic devices entering a correctional centre must have prior approval from the General Manager (or delegate). To make an application a person must submit an Electronic Devices Exemption Form to the General Manager (or delegate).

If approved, all electronic devices must be logged in and out of the correctional centre using the Electronic Device Register at the x-ray security scanner check point. This includes the name, date, time and signature of the owner of the electronic device, as well as signed confirmation by the Corrections Officer in charge of the x-ray machine that the device's approval by the General Manager (or delegate) has been checked.

The Corrections Officer in charge of the x-ray machine will confirm the General Manager (or delegate)'s approval of the electronic device by checking the Equipment Approval Register.

All electronic devices must be placed so they can be seen clearly when passing through the x-ray scanner. The person with the electronic device must declare the device to the Corrections Officer in charge of the x-ray machine.

Any electronic device located at the x-ray security point that is not approved will be seized and forwarded to the General Manager (or delegate).

1.23 Searching Visitors

All visitors entering a correctional centre will be searched in accordance with the *Searching Policy* and *Searching Procedure*. This includes all legal representatives, professional visitors and police.

Visitors may be searched at any time while on correctional centre grounds. This includes the car park and Visits Centre. Visitors' cars and contents, and anything in their possession may be searched at any time before and during a visit.

Unless exempted by the General Manager (or delegate), all visitors entering a correctional centre are required to walk through a metal detector.

If exempted by the General Manager (or delegate), the visitor must be scanned by a hand held metal detector, and may be requested to undertake a frisk search as approved by the Operations Manager or above, before proceeding to the iris scanner.

Prior to entering the walk-through metal detector or being scanned by a hand held metal detector all visitors are required to remove overcoats, and any metal (including jewellery) and place items through an x-ray machine.

Children will, on request, be assisted by the accompanying adult for the purposes of this search.

Medical aides will be subjected to searching.

Visitors are not to be strip searched under any circumstances.

Failure to successfully enter through the walk-through metal detector

Unless exempted by the General Manager (or delegate), any visitor that repeatedly fails to successfully enter the walk-through metal detector after voluntarily removing all obvious items restricting entry is not permitted to enter the correctional centre.

In these circumstances an Area Manager or above must be contacted to attend the Gatehouse immediately to discuss the conditions of entry with the visitor.

Entry to the correctional centre by the Area Manager or above must not be allowed unless exceptional circumstances are identified, and the Area Manager or above is satisfied that the security and good order of the correctional centre is not undermined.

If the Area Manager or above approves the visitor entry to bypass the walk-through metal detector, the visitor must undergo a manual hand-held metal detection assessment and may require a further frisk search by a Gatehouse Officer. If a person is wearing religious headwear or other religious or cultural adornments, a Corrections Officer of the same sex as the visitor may request to undertake a visual search under the garment.

Following this, the Area Manager or above may direct a non-contact visit or cancel the visit and ask that the person remove him or herself from the correctional centre. This is to be communicated to the visitor at the time of decision.

The Area Manager or above is required to provide an Officer Report detailing the circumstances entry was allowed to the General Manager (or delegate) and Deputy General Manager (or delegate) as soon as practical.

If metal is detected, or the Area Manager or above believes on reasonable grounds that the visitor is carrying contraband, a more comprehensive ordinary or frisk search of a visitor may be conducted. Frisk searches must be recorded in the Visitors Search Register. In addition, the Area Manager or above may direct a non-contact visit or cancel the visit and ask that the person remove him or herself from the correctional centre. This is to be communicated to the visitor at the time of decision.

Passive Alert Detection (PAD) dog search

Visitors may, at any time, be subject to screening by a range of drug detection means, including PAD dogs. In the event the PAD dog indicates a detection of illicit substances on a visitor, they will be required to undergo a frisk search in accordance with the *Searching Policy and Procedure*.

Where no contraband is located, the Area Manager or above has the discretion to grant a non-contact visit or cancel the visit and direct that the person remove him or herself from the correctional centre. This is to be communicated to the visitor at the time of decision.

Refusal to submit to a search

Any visitor who refuses to submit to a search may have their visit cancelled by the Area Manager or above, and the person will be asked to remove him or herself from the correctional centre. An Officer Report must be submitted and the incident recorded on the detainee's file.

After consultation with an Area Manager or above, visitors who refuse to leave may be removed from the correctional centre by Corrections Officers. Force (in accordance with the *Use of Force Policy and Use of Force Procedure*) may be used for this purpose.

Force must not be used to compel a visitor to complete a search.

1.24 Searching Detainees

All detainees must be searched after each visit, and may be searched prior to a visit in accordance with the *Searching Policy and Searching Procedure*.

This includes:

- an ordinary search (for example, emptying pockets);
- a frisk search;
- a scanning search; or
- a strip search.

Any detainee that is suspected on reasonable grounds that they are concealing contraband is to be strip searched.

In the case of non-compliance to a search request prior to a visit, the detainee will remain in their accommodation area, Corrections Officers in the Visits Centre will be notified, an Officer Report is required to be submitted and disciplinary action may be initiated. This is applicable to all detainees regardless of their accommodation area or the purpose of the visit.

Detainees are only able to carry their detainee identification card to the Visits Centre, unless they have the prior written approval of the Area Manager.

1.25 Refusal or Cancellation of Visits

The Area Manager or above must refuse a visit by a family member or friend if aware that there is:

- a court sanctioned Domestic Violence Order (or equivalent) in place which restricts contact between the detainee and the visitor;
- a court sanctioned Personal Protection Order (or equivalent) in place which restricts contact between the detainee and the visitor;
- a court sanctioned Prohibition Order (or equivalent) in place which restricts contact between the detainee and the visitor; or
- a court sanctioned Non-Association Order (or equivalent) in place which restricts contact between the detainee and the visitor.

The Area Manager or above may refuse, or limit a visit to a non-contact, if they suspect on reasonable grounds that the visit may:

- undermine the security and good order of the correctional centre or person;
- be used to circumvent a process for investigating or reviewing a complaint under the *Corrections Management Act 2007*;
- re-victimise a victim;
- have the purpose of causing community distress;
- be used to plan or commit an offence;
- pose a risk to the health, welfare or sexual safety of children;
- negatively impact the detainee's rehabilitation, in the event that the circumstances are deemed inappropriate by the General Manager (or delegate).

The Area Manager or above may also refuse or limit a visit to a non-contact, if the detainee is limited visits as part of a:

- segregation or separate confinement order; or
- sanction resulting from a proven disciplinary breach.

In the instance where a visitor tells a Corrections Officer that they do not wish to visit a detainee (for example if the visitor is being stood-over or threatened to visit), the Corrections Officer must contact the Area Manager or above and the circumstances must be documented in an Officer Report. The Intelligence Unit must also be informed.

A detainee may, at any time, refuse a visit. The Area Manager or above must ensure that any refusal is documented on a Visit Refusal Form signed by the detainee.

The Area Manager or above will provide the detainee and visitor with reasons for a visit being refused as soon as practicable, unless doing so may compromise the safety of the detainee or visitor. In this instance, the detainee or visitor is to only be informed that the visit has been refused.

In addition, the General Manager (or delegate) may cancel or suspend all visits for a period of time due to operational requirements. In this instance detainees must be notified. All visitors who have booked a visit are to be contacted and informed that the visit has been cancelled or suspended.

1.26 Banning Visitors

The General Manager (or delegate) may direct that a visitor be banned from visiting a detainee. Where a visitor is banned from visiting a correctional centre that ban applies to all correctional centres in the ACT. A visitor may be banned from a correctional centre for the following reasons:

- attempting (or suspicion of an attempt) to introduce a prohibited thing into a correctional centre;
- being in possession of a prohibited thing;
- inappropriate behaviour before, during or after a visit;
- abuse of staff or detainees; or
- any other reason that the General Manager (or delegate) believes to be contrary to the good order and security of the correctional centre.

A visitor may be given a written warning or ban from visiting a correctional centre for any period deemed appropriate by the General Manager (or delegate).

A visitor may be banned from visiting any detainee or a particular detainee at the discretion of the General Manager (or delegate).

The General Manager (or delegate) will determine the length of the ban taking into consideration the following:

- the nature, seriousness and circumstances of the incident;
- any injury, loss or damage resulting from the incident;
- the result of the actions of the visitor;
- any action taken to make reparation for any injury, loss or damage resulting from the matter; and
- whether the visitor has accepted responsibility for the incident.

The length of ban will be based on the least punitive timeframe, taking into consideration the nature of the contravention, any previous non compliance and information provided by the Intelligence Unit.

The General Manager (or delegate) will provide the visitor with reasons for the decision at the earliest possible opportunity. The letter must include the period of the ban as well as any procedure for appeal.

All banned visitors need to re-apply to the General Manager (or delegate) to visit a detainee when the banned period of time expires.

Visitors may apply for a review of their ban or suspension by writing to the Executive Director, ACTCS.

2. Forms and Templates

Authorised Visitor Status Form
Child/Young Person Consent Form
Detainee Request Form
Electronic Devices Exemption Form
Electronic Device Register
Ex-detainee Application to Visit Form
Equipment Approval Register
Identification Form
Metal Detector Exemption Form
Medical Exemption Form
Officer Report
Visit Refusal Form
Visitors Form
Visits Search Register

3. Related Policies and Procedures

Declaration of an Emergency Procedure
Detainee Discipline Policy
Detainee Discipline Procedure
Hierarchy of Privileges Policy
Incident Response Policy
Iris Scanning Policy
Next of Kin Policy
Official Visitor Policy
Policies, Procedures and Superintendent's Instructions Policy
Possession of Prohibited Thing Policy
Prohibited Things Declaration
Schedule of Penalties Policy
Searching Policy
Searching Procedure
Use of Force Policy
Use of Force Procedure

4. Relevant Documents

A guide to reporting child abuse and neglect in the ACT

Detainee Handbook
Guidelines and Criteria for the Assessment of Community Organisations to Enter
Correctional Facilities as Authorised Visitors
Visitors Handbook
Visits Schedule

5. Relevant Memorandums of Understanding

Memorandum of Understanding between the Australian Federal Police and Justice
and Community Safety Directorate (under the auspices of ACT Corrective Services)
on Working Relationships

6. Legislation Requirements

Corrections Management Act 2007
Children and Young People Act 2008
Crimes (Sentencing) Act 2005, Part 3.4
Crimes (Child Sex Offenders) Act 2005, Chapter 5A
Domestic Violence and Protection Orders Act 2008
Human Rights Act 2004
Information Privacy Act 2014
Privacy Act 1988
Victims of Crimes Act 1994, Section 4

7. Document Properties

Document Properties	Approval Details
Date approved:	04 April 2016
Date effective:	01 May 2016
Approved version:	Version 5
Approved by:	A/g Executive Director
Review date:	-
Expiry date:	-

Amendment History Version No	Issue date	Notifiable Instrument No
Version 1	28 March 2009	NI2009-166
Version 2	25 June 2013	NI2013-284
Version 3	18 October 2013	NI2013-468
Version 4	29 March 2016	NI2016-151