

Australian Capital Territory

Corrections Management (Interim Visits Guidelines for the Alexander Maconochie Centre) Policy 2021

Notifiable instrument NI2021-720

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Interim Visits Guidelines for the Alexander Maconochie Centre) Policy 2021*.

2 Commencement

This instrument commences on the sixth day of December 2021.

3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

4 Revocation

This operating procedure revokes the *Corrections Management (Interim Visits Guidelines for the Alexander Maconochie Centre) Policy 2020 (No 2)* [NI2020-778].

Ray Johnson APM
Acting Commissioner
ACT Corrective Services
2 December 2021



ACT
Government

ACT CORRECTIVE SERVICES

Interim Visit Guidelines for the Alexander Maconochie Centre

Justice and Community
Safety Directorate

6 December 2021

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PURPOSE

On 12 August 2021, ACT Corrective Services (ACTCS) suspended social visits to the Alexander Maconochie Centre (AMC) due to the COVID-19 pandemic. This was a difficult decision, but a necessary one, as part of extensive work aimed at limiting the risk of infection to staff, detainees and their loved ones from COVID-19.

As restrictions start to ease, it is important that social visits are reinstated within the AMC, but in line with the easing of restrictions in the community it is equally important that this is done in a safe and gradual way to continue to protect the health and wellbeing of all within the centre.

The interim guidelines are necessary to ensure that ACTCS meet both public health advice and workplace health and safety guidelines in this unprecedented and challenging time. These measures are also necessary to minimise the entry of contraband items into the AMC and the harm caused by illicit substances and other prohibited items.

I appreciate that these arrangements are less flexible than pre COVID-19, however they are necessary for ACTCS to be able to recommence visits at this time. It is important that staff, visitors and detainees continue to show patience and understanding and work together for the health and wellbeing of all.

Ray Johnson ^{APM}
Commissioner

RESUMPTION OF VISITS

Limited in person social visits at the AMC recommenced on Monday 6 December 2021.

SAFETY DURING COVID-19

Tighter visitor restrictions have been implemented to meet social distancing requirements and minimise the risk of transmission of COVID-19.

Under the new social visitor arrangements:

- maximum of four visitors per detainee, with no more than three adults per visit will be permitted
- limited numbers of social visits are available due to social distancing requirements and will be booked on a 'first come first served' basis
- detainees will be able to access one audio-visual and one in person visit each week
- visitors and detainees must comply with allocated seating and physical distancing requirements
- visits will be for 45 minutes to ensure enhanced cleaning between visits slots
- no access to toilet facilities during visits due to cleaning requirements
- the barista will not be available
- the BBQ area and outdoor play equipment will not be accessible.

Hygiene protocols will be followed to ensure seating and surfaces are regularly sanitised and cleaned between use.

WHO CAN VISIT?

ACTCS is introducing a new system of approved visitors for the AMC.

Approved social visitors

Detainees can nominate up to 10 visitors they would like to receive visits from by completing a *Visitor Nomination Form*.

Only in the first five (5) days of custody will a person not listed on a detainee's *Visitor Nomination Form* be permitted to book a visit with a detainee.

No visits will be approved where there is an existing Family Violence Order, Personal Protection Order, or Non-Association Order, unless the order expressly permits the contact to occur.

Detainees may amend their nominated visitors once per month, unless in extenuating circumstances, by amending their [Visitor Nomination Form](#). In exceptional circumstances detainees may apply direct to the General Manager AMC for consideration of any additional changes.

Children unaccompanied by a legal guardian

Approved social visitors who wish to visit with a child under the age of 18 years, but are not the child's legal guardian, must complete the following steps:

1. The parent or legal guardian of the child must complete the [Child/Young Person Consent Form](#) and statutory declaration.
2. The parent or legal guardian must have the statutory declaration witnessed by a Justice of the Peace. Detainees are not permitted to complete this step for their child.

Where a parent or legal guardian wishes to remove their consent for a social visitor to bring their child to the AMC, they must contact AMC Executive Support as soon as possible by calling **1300 286 583**.

BOOKING PROCESS

All visits must be booked by calling AMC Executive Support on **1300 286 583** and leaving a message.

With the exception of newly admitted detainees, who may book a visit within 24 hours of their first admission, all visits must be booked a minimum of 72 hours prior to the intended visit. In exceptional or emergency circumstances, detainees or visitors may apply in writing to the General Manager for a visit at short notice by emailing AMCExecSupport@act.gov.au.

Visitors will receive a text message confirming the outcome of their booking enquiry. Visitors without a mobile phone will be contacted by telephone.

If a visit has already been booked for a detainee on the requested day, further visits are not available, and a visitor will be informed that there are no remaining visits on that date.

Visits to multiple detainees at one time are not permitted to ensure suitable access to visits for all detainees and to meet social distancing requirements.

REGISTERING AS AN APPROVED SOCIAL VISITOR

First time social visitors who attend the AMC from 6 December 2021 onwards, will be required to:

- provide a completed [Application to visit a detainee](#) to the Visits Reception
- have their photograph taken and retained for the purposes of identification on future entry
- have a biometric scan of their iris taken and retained for the purposes of identification on future entry
- have the 100 points of identity to bring to the AMC, including at least one (1) primary photographic identification:

Primary document	Points
Driver licence	70
Birth certificate	70
Passport	70
Proof of age or photographic proof of identity card, including student identity card	70
Working with Vulnerable People card	70
Secondary document	Points
Medicare card	40
Bank account card	40
Centrelink or Veteran concession card	40
Citizenship Certificate	40
Security licence	40
Department of Foreign Affairs and Trade Consular identification card	40
Rent or lease papers	40
Marriage certificate	40
Utility records	40

All identity documents must be valid and include the current address and name of the visitor. Photocopies and scanned images will not be accepted.

Once you have confirmed your identity with ACTCS, a valid proof of identity must be provided when attending the AMC Visits Reception at subsequent visits.

Proof of identity for children

Where a child is visiting a detainee, the accompanying adult must also:

1. have a current [Child/Young Person Consent Form](#) as a condition of entry; or
2. confirm their guardianship of the child by providing a:
 - i. Medicare card including their name and the child's name;
 - ii. the child's birth certificate; or
 - iii. an order of legal guardianship.

Where a visitor refuses or does not meet the conditions of entry under this section, they will be denied entry to the AMC.

COVID-19 SCREENING FORM

ACTCS has enhanced screening processes for entry to the AMC to keep staff, detainees and their loved ones safe from COVID-19.

Visitors must complete the [ACTCS COVID-19 Screening Form](#) and answer some simple questions. The screening form is available [here](#) and should be completed prior to attending the AMC and provided to the Visits Reception on arrival.

The [ACTCS COVID-19 Screening Form](#) must be completed each time you attend the AMC.

RAPID ANTIGEN TESTING

All visitors 12 years of age and above are required to undertake a COVID-19 Rapid Antigen Test (RAT) as a condition of entry to AMC. If a visitor refuses to undergo a RAT or returns a positive RAT, the visitor:

- a) will be refused entry to the centre, and
- b) if the RAT is positive, will be advised to receive a PCR COVID test at a COVID testing clinic.

Visitors must not return to the AMC until a PCR COVID test has been undertaken and they can demonstrate proof of a negative result or if the PCR test was positive, evidence of a notification from ACT Health that they are cleared for release from isolation.

If the visitor was to visit a detainee, the visit may be rescheduled as an audio-visual visit at another time.

ENTRY TO THE AMC

The Visits Reception area will open prior to each visiting session, however physical distancing requirements will be enforced. This may limit the number of visitors permitted to enter the visitor reception area at any one time.

Visitors must arrive at least 45 minutes prior to their visit time to complete the requirements of entry.

All visitors will be required to:

- produce valid proof of identity
- undergo a biometric scan for identification
- undergo a rapid antigen test
- comply with searching requirements (see [SEARCHING](#) below)
- adhere to the [Prohibited Things Declaration](#).

Sensitive information belonging to a visitor, is retained in accordance with [the Justice and Community Safety Directorate Privacy Policy](#) and related legislation.

Visitors who do not adhere to the AMC Dress Standards or fail to pass through searching procedures will be refused entry to the AMC.

DRESS STANDARDS

Visitors must be appropriately dressed at all times in order to maintain the safety of the visitor and any other person, and security and good order at the AMC. Visitors who do not meet the dress standard will be refused entry.

Visitors should not wear underwire bras, as they will not be able to pass through the metal detector and will be refused entry to the AMC (see [SEARCHING](#)).

Inappropriate dress at the AMC includes, but is not limited to:

- any item listed in the [Prohibited Things Declaration](#)
- clothing and jewellery with offensive, obscene or suggestive logos, images or words
- clothing that is transparent, provocative, or designed or altered to be of a revealing nature, including:
 - exposed underwear
 - bare midriffs
 - short skirts or shorts
 - low cut or tight-fitting tops
- Outlaw Motorcycle Gang 'colours', or clothing or jewellery with organised crime/gang insignia

- bare feet or badly deteriorating footwear
- steel capped footwear
- high-visibility clothing
- money belts
- headwear, except when worn by a child, or for religious reasons
- sunglasses
- smart watches.

Jewellery is limited to one (1) necklace, one (1) bracelet and two (2) rings for each visitor. Where additional necklaces or rings are worn for religious reasons, or cannot easily be removed due to long-term wear, visitors will be permitted entry.

Jewellery worn through piercings is permitted but is subject to satisfying search requirements (see [SEARCHING](#)).

Lockers are available for visitors to secure any items or additional jewellery required to be removed.

SEARCHING

All visitors will be searched on entry to the AMC and may be searched at any time while in the AMC grounds in accordance with the ACTCS [Searching Policy](#). New searching processes apply from 9 September 2020.

All visitors will be required to pass through a metal detector on entry. Any visitor without a valid medical exemption who fails to pass through the metal detector will be refused entry and asked to leave the AMC. This includes people wearing underwire bras.

Visitors may also be subject to one or more of the following searches:

- scanning search (x-ray, ion scanner, passive alert dog (PAD) dog)
- frisk search of their person
- ordinary search.

Visitors will not be forcibly searched or subject to strip-searches.

Any visitor who refuses a search or who fails a search will be refused entry to the AMC.

PAD dog search

Where a PAD dog indicates in relation to a visitor, the visitor will be refused entry to the AMC.

Contraband found on a visitor

Any visitor who is found with a prohibited item on their person while on prison grounds will be required to leave the premises and referred to ACT Policing.

Exemptions

Where there are medical reasons that prevent a visitor from successfully passing through a metal detector, the visitor must:

- provide a valid medical certificate relevant to the exemption prior to, or on attending, the AMC
- a valid medical certificate may be emailed in advance to AMCExecSupport@act.gov.au

Exemptions will be valid for three months from the date of approval.

Visitors with a medical exemption must submit to alternative searches under the ACTCS [Searching Policy](#) on entry to the AMC to ensure no prohibited items are carried on their person. Visitors who refuse alternative searches will be directed to leave the AMC.

DURING A VISIT

Detainees and visitors are expected to respect other detainees, visitors and staff, and ensure their behaviour does not impact adversely on any other person.

Visitors are required to follow the directions of a corrections officer while at the AMC in all instances.

Appropriate conduct during a visit

The following rules apply during a visit:

- smoking is prohibited
- no behaviour which presents a risk to the security of the centre or to the safety of anyone within
- no profanity, hate speech or physical gestures
- no shouting or loud conversations
- no items to be passed between individuals
- clothing and shoes must not be removed at any time
- feet must not be put on chairs or tables
- no sexually active or provocative behaviour
- no verbally or physically abusive behaviour towards any person
- visitors must maintain supervision of their children at all times.

AUDIO VISUAL VISITS

ACTCS will continue to offer audio-visual visits to friends, and family and kinship relations of a detainee in addition to social visits. Detainees are entitled to one audio-visual visit per week. Audio-visual visits will also be available for detainees or visitors who are restricted from accessing social visits (see [VISIT TERMINATION OR REFUSAL](#)).

The arrangements for booking and accessing an audio-visual visit are available [here](#).

VISIT TERMINATION OR REFUSAL

A visit may be terminated, and a visitor directed to leave the AMC where:

- physical contact occurs, including with children
- allocated seating rules are not followed
- their conduct is not appropriate for a visit (see [DURING A VISIT](#))
- they do not follow a reasonable direction by a correctional officer
- they do not follow any notice displayed at the AMC
- there are reasonable grounds to suspect that:
 - the visitor is intoxicated
- the visitor has possession of a prohibited item under the [Prohibited Things Declaration](#)
- it is necessary to ensure the safety of any person or security or good order at the AMC.

Where a visitor has been directed to terminate a visit, or refused entry to the AMC, this may also result in a change to the visitor's 'visit category' (see [VISIT CATEGORIES](#)).

ACTCS has the right to refuse entry to the AMC in accordance with section 148(1)-(2) of the [Corrections Management Act 2007 \(ACT\)](#).

Where a visitor refuses to comply with a direction to leave the AMC, staff may use reasonable and necessary force to remove the person from the AMC in accordance with the [Use of Force and Restraint Policy](#) and police may be requested to attend.

Refusal of a visit

A social visitor may be refused a visit where there are reasonable grounds to suspect that the visit may:

- undermine security and good order at the AMC
- re-victimise a victim
- circumvent any process for investigating complaints or decisions under the [Corrections Management Act 2007 \(ACT\)](#)

- have the purpose of causing community distress relating to the nature of the detainee's offending,

in accordance with sections 49(4) of the [Corrections Management Act 2007 \(ACT\)](#).

Where a visitor has been refused entry to the AMC, reasons for the decision will be provided to the visitor.

A detainee can refuse a visit at any time.

Where a detainee has refused a visit, staff will inform the visitor that the detainee has refused to attend as soon as practicable. For safety and security reasons, a visitor may not be informed of the reasons for the refusal.

CONCERNS ABOUT A DETAINEE

Where a visitor holds concerns about a detainee during or following a visit, they can raise their concern:

- by speaking to a correctional officer while at the AMC
- by calling the ACTCS Intelligence Reporting Line on **(02) 6207 2183**.

Where a visitor believes a detainee may be at-risk of self-harm or suicide, they should contact the AMC directly by calling **1300 286 583**.

VISIT CATEGORIES

New visitor categories have been introduced for all social visitors.

Approved to visit

Immediate family who are approved for a social visit at the AMC.

Approved for audio-visual visits

Friends of detainees who are approved for audio-visual visits with detainees.

Immediate family and kinship relations who are not approved to visit the AMC. This includes visitors who have previously been refused entry to the AMC.

Detainees who are temporarily restricted from access to social visits due to a segregation or disciplinary decision ([Detainee Disciplinary Policy](#); [Management of Segregation and Separate Confinement Policy](#)).

Not approved for visits

Visitors who are temporarily restricted from audio-visual or social visits with detainees.

Change of visit category for detainees

Where a detainee is restricted to audio-visual visits only, they will be informed of:

- the reason for being restricted to audio-visual visits
- the date of the next review.

Appropriate written justification for a decision and timeframe will be provided to the detainee and stored on the detainee's electronic record.

The Senior Director Operations or above may restrict a detainee to audio-visual visits only, subject to a review every 28 days, where there is ongoing intelligence indicating a credible risk to:

- the safety of a visitor
- the security of the AMC relating to the relevant detainee acquiring contraband during visits.

Change of visit category for visitors

The General Manager or above may restrict a visitor from visiting a detainee, or limit them to audio-visual visits only, where there is credible intelligence relating to the introduction of contraband by the visitor ([*Prohibited Things Declaration*](#)). Where a person is found with a prohibited item on their person, they may not be approved for visits at the AMC.

The decision to restrict visits will be documented and include the reasons for the decision.

Within one (1) business day of a decision that a visitor is not approved for visits, the General Manager or above will write to the visitor:

- to confirm the visits refusal with appropriate reasoning and justification for the decision and timeframe
- advise of the expiry date for the decision.

Review of decisions

All restrictions on visits will be reviewed:

- for detainees, every 28 days by the Senior Director Operations
- for visitors, prior to expiration by the General Manager or above.

Where current and relevant intelligence has been received over the preceding period, or since the last review, the visits restriction may be extended with appropriate justification.

The Senior Director Operations will ensure:

- the decision to extend non-contact visits for detainees is approved by the General Manager or above
- a written notice is sent to the detainee or visitor no less than three (3) days prior to the expiration of restricted visits including the outcome of the review and the reason for the decision.

Complaints and Appeals

Detainees may make a complaint or appeal a decision under these arrangements in accordance with the [Detainee Requests and Complaints Policy](#). Detainees are encouraged to raise complaints with ACTCS in the first instance.

Visitors may make a complaint or appeal a decision to the Office of the Commissioner in writing via the following avenues:

- Email to ACTCSExecutiveSupport@act.gov.au
- Mail to:
 - Attn: Office of the Commissioner
ACT Corrective Services
Locked Bag 7775
Canberra BC 2610

Detainees and visitors may also raise concerns and complaints directly with any of the following external complaint avenues where appropriate:

- Public Advocate
- ACT Ombudsman
- Human Rights Commission
- Integrity Commission
- Official Visitor.

DEFINITIONS

Audio-visual visit

A digital visit with a detainee via online video software.

Domestic partner

Person with whom the detainee was living together in a close personal relationship prior to imprisonment.

Frisk search

A search that involves the running of the hands over a person's outer garments and an examination of anything worn or carried by the person that can be conveniently and voluntarily removed.

Immediate family member

Either of the following:

- a. the detainee's domestic partner;
- b. a parent, step-parent or grandparent of the detainee;
- c. a child, step-child or grandchild of the detainee;
- d. a brother, sister, step-brother or step-sister of the detainee;
- e. a guardian or carer of the detainee; or
- f. anyone with confirmed *loco parentis*.

For Aboriginal and Torres Strait Islander detainees, includes significant kinship relationships.

In loco parentis

Someone who acts in the place of a parent.

Ordinary search

A search of a person, or of articles in their possession, that may include the removal of outer clothing and accessories and an examination of those items.

PAD dog indication

Where a PAD dog picks up a drug scent, it will give an indication to the handler, alerting them to a drug odour.

Scanning search

The search of a person by electronic or other means in which the person is not required to remove any clothing except outer clothing (coats, jackets) or be touched by another person. A scanning search may be conducted via a metal detector (portable or otherwise), x-ray machines, itemiser, Passive Alert dog (PAD dog) or other device authorised for use.

Social visit

A face to face visit with a detainee.



Justice and Community Safety Directorate

6 December 2021