COPP 7.3 Official, Religious, Spiritual and Other Visitors

Prison

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| PrinciplesAs referenced in the Guiding Principles for Corrections Australia 2018:1.3.2 External review and oversight is supported through engagement with Official Visitors, including their free and unfettered access to all prisoners, staff and all areas of the prison, subject to any security and operational concerns.1.4.3 Independent inspections and investigations are encouraged, with recommendations and findings considered to improve policy and practice.2.3.5 Access to lawyers, legal guardians, consular support and legal resources is provided to all prisoners in a manner consistent with security requirements.5.2.2 Prisoners are supported to maintain family relationships and links to the community through professional visits. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all public and private prisons administered by, or on behalf of, the Department of Justice (the Department).

# Policy

Corrective Services provides access to correctional facilities to authorised official visitors for the purpose of official business.

Official visitors with legislative authority[[1]](#footnote-2) to enter and examine a prison at any time include the following:

* independent prison visitors
* judges of the Supreme Court or District Court.

Upon being notified by the Superintendent that a prison charge has been made, a visiting justice shall attend the prison[[2]](#footnote-3).

Every Officer shall give full assistance to and cooperate fully with the above official visitors visiting a prison[[3]](#footnote-4) for the purpose of performing their role and function[[4]](#footnote-5).

Official visitors permitted to enter a prison during prescribed hours for an official purpose[[5]](#footnote-6) include the:

* prisoner’s Community Corrections Officer
* Parliamentary Commissioner for Administrative Investigations or one of their officers (commonly referred to as the State Ombudsman)
* Commonwealth Ombudsman, a Deputy Commonwealth Ombudsman or a member of the staff of the Commonwealth Ombudsman.

Corrective Services has contracted religious and spiritual service providers on site at all prisons, however, religious and spiritual visitors[[6]](#footnote-7) who are not contracted to the Department may be permitted to visit a prisoner to provide religious or spiritual guidance.

Other visitors referred to in s. 65 of the *Prisons Act 1981* (commonly referred to as s. 65 visitors) may be permitted to visit a prisoner for a bona fide purpose. The visit will occur in a location and in conditions considered appropriate by the Superintendent.

This COPP excludes the following persons and organisations:

* the Department’s contractors, eg Court Security and Custodial Services, Not‑for‑Profit Organisations etc.
* other government employees
* individuals/organisations approved by the Department to enter prisons under a Memorandum of Understanding (MOU).

The Superintendent has the authority to refuse any visitor entry or have a visitor removed from the prison if they are of the opinion that the visitor is likely to interfere with the preservation of the good order or security of the prison[[7]](#footnote-8).

# Official Visitors

## Visiting justices

### Appointed visiting justices[[8]](#footnote-9), on request from the Superintendent, shall attend the prison for which they are appointed as soon as practicable upon being notified that a charge of a prison offence has been laid (refer [COPP 10.5 – Prison Offences and Charges](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)).

## Office of the Inspector of Custodial Services staff

### The Inspector of Custodial Services (Inspector) and authorised staff from the Office of the Inspector of Custodial Services (OICS) may have free and unfettered access to any prison and are permitted to bring into a prison, any assistants or equipment necessary to perform his/her functions[[9]](#footnote-10).

### Authorised OICS staff and any assistants shall carry and provide written authorisation document(s) showing their appointment by the Inspector prior to entering and examining a prison or interviewing a prisoner. Usually the authorisation will contain photographic identification, however, any authorisation marked ‘Valid without Photograph’ constitutes sufficient identification if it is shown in conjunction with other current photograph identification.

### Authorised OICS staff shall be issued with keys upon request and provided an appropriate orientation on security and the use of keys in accordance with [COPP 11.7 – Key and Lock Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx), prior to entry.

### The Gatehouse Officer shall inform the Superintendent/Officer in Charge (OIC) of all OICS visitors.

### Authorised OICS staff (including independent prison visitors in regional areas on approval from the Inspector) may attend the prison in the event of being notified of a critical incident to monitor the incident.

## Independent prison visitors

### The Chief Executive Officer (CEO) of the Department and the Inspector have agreed on the protocols for independent prison visitors, refer to [Appendix D: Protocols for Independent Visitors](#_Appendix_D:_Protocols_1).

### Where an independent prison visitor has given notice of their intention to visit a prison, the Superintendent shall cause a notice of the intended visit to be published within the prison[[10]](#footnote-11).

### The independent prison visitor shall provide satisfactory proof of identity prior to entering and examining a prison or interviewing a prisoner at any time they see fit.

### The Superintendent[[11]](#footnote-12) shall inform the independent prison visitor of the names of any prisoner or officer who has requested to see them and:

ensure they are provided assistance when required

respond to any queries, issues or requests that may arise with minimum delay.

### The independent prison visitor[[12]](#footnote-13) may:

interview an officer in private

interview a prisoner within view of, but not the hearing of, an officer.

## Certain officials

### A Community Corrections Officer (including Youth Justice Officers), the State Ombudsman or an authorised person from that Office, or a Commonwealth Ombudsman or a person from that Office shall contact official visits staff to schedule an interview with a prisoner and provide confirmation of the official purpose of the visit[[13]](#footnote-14).

## Legal practitioners

### Legal practitioners may, for the purpose of pending court proceedings[[14]](#footnote-15), interview a prisoner who is a client at a reasonable hour, or as otherwise authorised by the Superintendent for a bona fide purpose[[15]](#footnote-16).

### Staff authorised by the Superintendent in a Standing Order shall conduct checks prior to the visit to confirm the person is a registered legal practitioner representing the prisoner in pending court proceedings. Checks may include:

reviewing [www.lpbwa.org.au/Practising-certificates/Search-the-legal-profession-in-Western-Australia](http://www.lpbwa.org.au/Practising-certificates/Search-the-legal-profession-in-Western-Australia)

contacting the WA Legal Practice Board

obtaining written confirmation detailing the current court matters from the relevant legal office.

### Visits by legal practitioners shall be booked at least 24 hours in advance. Requests booked less than 24 hours in advance shall be considered on a case‑by‑case basis.

### Prison Officers shall ensure prisoners are moved expeditiously to the official visits area upon the scheduled arrival of a legal practitioner.

### Official visits staff shall advise legal practitioners that legal documents proposed to be given to a prisoner must first be checked by visits staff.

### Official visits staff shall conduct the relevant security checks of legal documents prior to issuing the documents to prisoners in accordance with [COPP 7.1 –Prisoner Communication.](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)

### Other employees (eg paralegals, interns) of legal firms shall be considered under s. 65 of the *Prisons Act 1981* (refer section 5.1).

## Western Australian Police Force officers

### A Western Australian (WA) Police Force officer may at any time have access and speak to a prisoner for an official purpose[[16]](#footnote-17).

### A WA Police Force officer shall contact prison staff prior to attending and advise of the official purpose of the visit.

### WA Police Force officers attending the prison for an official purpose shall be processed through the Gatehouse in accordance with section 3.2 and [COPP 11.1 – Security and Control](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Public officers

### The Superintendent, as delegated by the CEO, may permit a person who is, or purports to be, exercising power conferred or a duty imposed on them by or under a law of the State or the Commonwealth to have access and speak to a prisoner for an official purpose[[17]](#footnote-18). This may include public officers from the Department, the Department of Communities, and the National Disability Insurance Agency (NDIA).

### The Victim Mediation Unit (VMU) may wish to arrange for a victim to visit a prisoner. Subject to security considerations, visits shall be arranged with the relevant prison and held in an appropriate area with due respect to the requirements of the victim and the intent of the mediation meeting, as determined by the VMU.

### When booking the visit and when arriving for the visit, public officers shall provide confirmation of the official purpose of the visit.

### The Superintendent may contact the following operational areas for advice as to whether the visitor should be processed as a public officer and if they are exercising power conferred or a duty imposed on them by or under a law of the State or the Commonwealth:

Adult Male Prisons: CS-AMP-Operations@justice.wa.gov.au

Women and Young People: wyp@justice.wa.gov.au.

## Supreme Court and District Court judges

### A judge of the Supreme Court or the District Court may, upon providing satisfactory proof of their identity to the Superintendent, enter and examine a prison at any time they see fit[[18]](#footnote-19).

### The Gatehouse Officer shall inform the Superintendent/OIC of a Supreme Court or District Court judge intending to conduct a visit.

## Corrective Services staff with unrestricted access

### The Director General or Commissioner may authorise Corrective Services staff to have unrestricted access to a prison as part of an approved operation.

### The authorised Corrective Services staff and their property shall be exempt from searching. The authorised Corrective Services staff may bring into the prison any equipment that is deemed necessary to carry out the approved operation.

### Staff utilising their unrestricted access rights will notify the relevant Divisional Head ahead of time of any unannounced operations.

### Staff utilising their unrestricted access rights will consider notifying the respective Superintendent in advance of the activity. Where it is in the interests of the activity it may be unannounced.

### Staff utilising their unrestricted access rights shall carry their Departmental identification badges and present a copy of their authorisation to gatehouse staff.

## Professional Standards Division

### The Director General has authorised staff who are engaged in positions within the Professional Standards Division (PSD) to enter and have unrestricted access to all Department premises and facilities (including prisons and custodial facilities) and to take possession of all Department assets, personnel records and any other documentation and information necessary to carry out PSD’s functions.

### Where appropriate, PSD staff shall contact and work with the respective manager or Superintendent of the business area or facility to coordinate the activity. An exception applies where there are, in the view of the Executive Director PSD, operational reasons for PSD carrying out its activities without prior notice.

### Other than in exceptional circumstances where the Executive Director PSD identifies operational reasons for not doing so, authorised PSD staff shall carry their Departmental identification badges which clearly identifies their authorisation to receive unrestricted access. Where an exceptional circumstance applies, PSD staff will liaise with the manager or Superintendent of the business area or facility to arrange access within the facility.

# Religious, Spiritual and Other Visitors

## Religious and spiritual visitors

### Prisoners may request to be permitted to receive visits from people who are a recognised religious or spiritual advisor or another responsible person who acts in a religious or spiritual capacity with similar religious or spiritual beliefs as the prisoner[[19]](#footnote-20).

### Superintendents are authorised to approve religious and spiritual visitors that request to visit a single prisoner at their prison. Superintendents may decline any application for their prison if they believe the visitor may impact the good order and security of the prison.

### Approved religious or spiritual visitors intending to visit the prison shall book a visit through the relevant prison staff.

### Religious and spiritual visitors approved to attend a prison are not permitted to have social visits with any prisoner whilst performing their official role.

### Social visits must be booked separate from official visits.

## Other visitors

### A person other than a person who may be permitted to visit or interview a prisoner under sections 59, 61, 62, 63 or 64 or otherwise under the *Prisons Act 1981* who desires to visit a prisoner for a bona fide purpose may be permitted to do so by the CEO[[20]](#footnote-21). These visitors are deemed ‘other visitors’.

### Superintendents are authorised to approve ‘other visitors’ that:

request visits to a single prisoner at their prison and for a single purpose (which includes psychological assessments linked to pending court proceedings)

do not intend on delivering programs or courses to the prisoner (except under section 5.3).

### Superintendents may decline any application for their prison if they believe the visitor may impact the good order and security of the prison.

### The relevant Deputy Commissioners are authorised to approve visits from external media organisations (refer section 5.3).

### Other visitors approved to attend a prison are not permitted to have social visits with any prisoner whilst performing their official role.

### Social visits must be booked separate from official visits.

## Application

### Religious, spiritual, and ‘other visitors’ requesting to visit a prisoner(s) shall complete the [Application to Visit Prisoners](https://justus/intranet/prison-operations/Pages/copp-forms.aspx) form and submit to the relevant Superintendent.

### The Superintendent shall ensure that applications requesting to visit more than one prisoner at a time and/or intending on delivering programs, services or courses to prisoners are referred to and assessed by the applicable business area listed at section 4.4.1 prior to making a decision.

## Superintendent’s verification and approval process

### For religious and spiritual visitors, the Superintendent shall consult with the prison chaplain regarding the application. The Superintendent may also seek input from Rehabilitation and Reintegration when making their decision. For ‘other visitors’, the Superintendent shall consult with relevant staff to ensure the visitor aligns with the requirements of legislation and this COPP. The Superintendent may also seek input from the following areas in accordance with the applicants [Application to Visit Prisoners](https://justus/intranet/prison-operations/Pages/copp-forms.aspx) form:

|  |  |
| --- | --- |
| Service / Reason | Business Area |
| Religious or spiritual | Rehabilitation and Reintegration |
| Rehabilitation | Rehabilitation and Reintegration |
| Reintegration | Rehabilitation and Reintegration |
| Disability Services | Rehabilitation and Reintegration Health ServicesMental Health Alcohol and Other Drugs |
| Education | Rehabilitation and Reintegration |
| Cultural | Rehabilitation and Reintegration |
| Psychological Services | Rehabilitation and Reintegration |
| Counselling Services | Rehabilitation and ReintegrationMental Health Alcohol and Other Drugs |
| Health Consultant or Clinical Service | Health Services |

### When assessing an application, as a minimum, the Superintendent shall consider whether:

individuals or organisations are seeking payment or a fee from a prisoner which shall require approval from the relevant Assistant Commissioner to deliver services in prisons

the service or program is a duplicate of another service or program currently being delivered within the prison

safety and security concerns are evident which may impact on the delivery or the proposed service or program

the visitor and/or their reasons for visiting a prisoner is not in the best interests of the prisoner

the prison has the capacity to accommodate the individual(s) or organisation.

### The Superintendent may refer an application to Intelligence Services to receive a summary of intelligence holdings (IntelligenceServices@justice.wa.gov.au) if they have specific concerns. The reason for the referral should be provided to Intelligence Services. The assessment by Intelligence Services shall be completed within 15 business days. The Superintendent shall communicate the outcome of their decision to the applicant and communicate the decision using the [Applicant Advice Approved or Not Approved](#_Related_COPPs_and), and forward the completed application to the respective area:

Adult Male Prisons: CS-AMP-Operations@justice.wa.gov.au

Women and Young People: wyp@justice.wa.gov.au

### If approved, the Superintendent shall ensure the visitor is advised that the visit needs to be booked through the relevant prison staff as the visit will be conducted within the official or social visits area of the prison.

## Request to review a decision

### The relevant Approving Authority shall advise an applicant of their reason for declining an application.

### The applicant may request in writing a review of the Superintendent’s decision which is referred to the relevant Assistant Commissioner as follows:

Adult Male Prisons: CS-AMP-Operations@justice.wa.gov.au

Women and Young People: wyp@justice.wa.gov.au

### A decision shall not be considered where based on safety, security, or intelligence concerns.

## Annual review

### All religious, spiritual and ‘other visitors’ shall be required to reapply on an annual basis to confirm their identity and purpose for visiting prisoners.

# Specific Considerations for Other Visitors (Section 65 Applications)

## General considerations

### Applications for the following categories of ‘other visitors’ are not required to be sent to Intelligence Services for a summary of intelligence holdings, however, where a specific concern exists regarding an applicant, a request for a summary of intelligence holdings can be made. These are to be managed on a case‑by‑case basis in consultation with Intelligence Services. The assessment by Intelligence Services shall be completed within 15 business days.

## Legal interns, paralegals etc

### Superintendents may authorise the entry of an employee of a legal firm (eg paralegal, intern) for the purpose of pending court proceedings to interview a prisoner who is a client at a reasonable hour if they can produce evidence to support:

their employment with the legal firm

the purpose of their visit (eg supporting a legal practitioner for the reasons outlined in section 3.5).

### The legal representative shall complete separate applications to each Superintendent if they are required to visit multiple prisons.

### Superintendents may authorise the entry of a psychologist, psychiatrist and guardians from the Office of the Public Advocate to interview a prisoner for the purpose of an assessment if they can produce a letter from a legal practitioner requesting the assessment for a legitimate legal purpose, court proceedings and criminal injuries compensation.

## National Disability Insurance Scheme (NDIS) providers

Unregistered NDIS providers

### It is not mandatory for Unregistered NDIS Providers to ensure that they, or the workers they engage hold an NDIS Worker Screening Check, however they may decide to.

### Unregistered NDIS providers and all NDIS workers must comply with the Code of Conduct as per the National Disability Insurance Scheme (Code of Conduct) Rules 2018.

Registered NDIS providers

### It is mandatory for Registered NDIS providers to ensure that they, or the workers they engage in ‘risk assessed roles’, hold an NDIS Worker Screening Check.

### It is not mandatory for Registered NDIS providers to require their workers who are not in a ‘risk assessed role’ to hold an NDIS Worker Screening Check, however they may decide to.

### In assessing the section 65 application, the Superintendent shall check the following NDIS Commission registers to confirm the registration status of the NDIS provider and any NDIS Commission compliance and enforcement actions that may have been taken against an NDIS provider to inform their decision:

[NDIS Provider Register – Part 1](https://www.ndiscommission.gov.au/resources/ndis-provider-register/search)

[NDIS Provider Register – Part 2 – Compliance and enforcement actions](https://www.ndiscommission.gov.au/sites/default/files/documents/2021-06/20210610-ndis-provider-register-part-2.pdf).

### The Superintendent shall email Rehabilitation and Reintegration, Health Services and/or Mental Health Alcohol and Other Drugs in regards to section 65 applicants that are either an Unregistered NDIS provider, or employed by an Unregistered NDIS provider, and section 65 applicants that do not have an NDIS Worker Screening Check.

### The Superintendent shall refer Unregistered NDIS Providers and all section 65 applicants that work, or seek to work, with people with disability and do not have an NDIS Worker Screening Check to Intelligence Services for an assessment (IntelligenceServices@justice.wa.gov.au). The assessment shall be completed within 15 business days.

## Employment service providers

### Superintendents may authorise the entry of employment service providers to deliver services to multiple prisoners at their own prison.

### Services delivered by employment service providers may include:

one‑off presentations

job clubs, being the delivery of skills workshops to multiple prisoners (eg interview and resume skills)

skills showcase, where employers are invited to the prison to view prisoner’s skills with a view to future employment

tours of prison facilities by potential employers.

### Employment service providers are to be under the supervision of prison staff at all times.

## External media organisations

### Requests to visit prisoners by external media organisations (eg journalists, columnists) must be provided in writing to the relevant Deputy Commissioner:

Adult Male Prisons: CS-AMP-Operations@justice.wa.gov.au

Women and Young People: wyp@justice.wa.gov.au.

### The request must provide sufficient details regarding the purpose and background in order to be considered.

### The Deputy Commissioner shall consult with relevant stakeholders (eg the relevant Superintendent, Public Affairs, Intelligence Services etc) when considering the request.

### The Deputy Commissioner shall consider factors including, but not limited to, the impact of victims, the good order and security of the prison and the reputation of the Department.

### The Deputy Commissioner shall communicate the outcome of their decision in writing to the applicant and the relevant Superintendent.

## Researchers

### Requests to visit prisons for the purpose of undertaking research require approval from the Research Applications and Advisory Committee (RAAC).

### The RAAC shall provide a letter of approval and list the prisons that the researchers can enter.

### A representative from the RAAC shall notify Adult Male Prisons, Women and Young People and the respective Superintendent of the approval.

### Superintendents shall allow entry to researchers upon receipt of the RAAC approval letter.

## Promotional activities

### Requests to visit prisoners by organisations wishing to undertake promotional activities must be provided in writing to the relevant Assistant Commissioner:

Adult Male Prisons: CS-AMP-Operations@justice.wa.gov.au

Women and Young People: wyp@justice.wa.gov.au.

### The request must provide sufficient detail regarding the purpose and background in order to be considered.

### The Assistant Commissioner shall consult with relevant stakeholders (eg the relevant Superintendent, Rehabilitation and Reintegration Services etc) when considering the request.

### The Assistant Commissioner shall consider factors including, but not limited to, the good order and security of the prison and any financial implications.

### The Assistant Commissioner shall communicate the outcome of their decision in writing to the applicant and the relevant Superintendent.

### Superintendents shall allow entry to approved promotional activities visitors upon receipt of the Assistant Commissioner’s approval letter.

# Procedures Prior to Entering the Prison

## General requirements

### Identified prison staff, as outlined within the Standing Order, shall refer to the register to confirm the visitor is listed prior to permitting a visitor access to a prisoner(s) and, where possible, the visit and visitor are recorded on TOMS.

### Identified prison staff shall provide religious, spiritual and ‘other visitors’ with a security briefing prior to commencing visits, outlining the relevant conditions and procedures that shall apply during their visit.

### Official visit days and times shall occur in accordance with [Appendix A: Official Visit Times](#_Appendix_A:_Official).

### Official, religious, spiritual and ‘other visitors’ visits shall occur in the designated visits area within each prison unless an alternative location has been approved by the Superintendent.

### Prison Officers shall not issue prison keys to official visitors unless it is a requirement to perform their role/function.

### Religious, spiritual and ‘other visitors’ shall not be approved if a restraining order is in place between a protected person and a respondent to a restraining order, unless the order specifically permits such contact to occur.

### Official, religious, spiritual and ‘other visitors’ may carry in approved clear carry bags, items which are necessary to undertake their duties, in accordance with [COPP 11.2 – Searching.](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)

## Gatehouse processes

### All official, religious, spiritual and ‘other visitors’ entering a prison shall report to the Gatehouse for processing.

### The Gatehouse Officer shall inform the Superintendent/OIC of visits by an appointed visiting justice.

### All official, religious, spiritual and ‘other visitors’, in accordance with [COPP 11.1 – Security and Control](https://justus/intranet/prison-operations/Pages/prison-copps.aspx) shall be required to provide one of the following documents to verify their identity:

valid passport (with photo)

valid driver’s licence (with photo)

a current photo identification issued by a government organisation.

### Official, religious, spiritual and ‘other visitors’ may be searched on entry into the prison in accordance with [COPP 11.2 – Searching](https://justus/intranet/prison-operations/Pages/prison-copps.aspx), which also provides guidance on authorised items that can be brought into the prison.

### The Gatehouse Officer shall inform any relevant business area and/or staff of the arrival of all official, religious, spiritual and ‘other visitors’ prior to providing access to the prison.

### The Superintendent, within the Standing Order, shall detail which official, religious, spiritual and ‘other visitors’ shall be permitted keys and the appropriate supporting processes to use the keys.

### Other than OICS staff and independent prison visitors, if an official, religious, spiritual or ‘other visitor’ is permitted keys, the Superintendent/OIC shall ensure:

the necessary orientation and security briefing has been conducted with the official or approved visitor prior to issue

they only access common areas within the prison.

# Procedures During Visits

## Supervision

### Prison staff shall conduct a full search of the visits room before and after the visit. This shall be recorded on TOMS.

### Prison staff shall remain vigilant during the visit and conduct regular monitoring.

### Prison staff shall ensure that only official, religious, spiritual and ‘other visitors’ and the prisoner are in the visits room at any time.

### Prison staff must immediately terminate the visit if the participant(s) breaches the conditions of the visit.

### Prison staff shall report any incidents during the visit to the Security Team and record the incident on TOMS.

## Welfare

### Official and approved visitors and staff have a responsibility to ensure the welfare and safety of the prisoner is maintained.

### The Superintendent/OIC shall ensure signage is placed in the visits areas detailing the process for any visitor to advise prison staff of any concerns they have in relation to a prisoner, in particular, prisoners at-risk of self-harm (refer [ARMS Manual](https://justus/intranet/prison-operations/Documents/arms-manual.docx)).

### Prison staff shall advise the Superintendent/OIC of any concerns raised by an official, religious, spiritual and ‘other visitor’ regarding a prisoner (eg bullying, victimisation, concerns for safety etc), document on TOMS and refer for action where appropriate.

# E-Visits

### Official, religious, spiritual and ‘other visitors’ can access E-Visits in accordance with [COPP7.1 – Prisoner Communications](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

# Visitor Code of Conduct and Dress Standards

### Official, religious, spiritual and ‘other visitors’ and prisoners are required to conduct themselves in accordance with the Visitors Code of Conduct (provided prior to the first scheduled visit). Refer [Appendix B: Visitor Code of Conduct](#_Appendix_B:_Visitor).

### Official, religious, spiritual and ‘other visitors’ are required to adhere to the minimum standards of dress provided prior to the first scheduled visit. Refer [Appendix C: Visitor Dress Standards](#_Appendix_C:_Visitor_1) (provided prior to the first scheduled visit).

### Official, religious, spiritual and ‘other visitors’ are to comply with all notices displayed and any instructions given by prison staff.

# Prisoners Refusing a Visit

### A prisoner may refuse to receive a visit or see an official, religious, spiritual or ‘other visitor’, other than a police officer[[21]](#footnote-22).

### The relevant officer shall complete a written report on TOMS and submit the report to the Superintendent for each case of refusal by a prisoner. The Senior Gatehouse Officer shall be informed and is responsible for notifying the official, religious, spiritual or ‘other visitor’ and the official visits officer of the prisoner’s refusal as soon as practicable.

# Standing Order

## General requirements

### Superintendents may develop Standing Orders compliant with this COPP as operationally required.

### For prisons requiring a Standing Order this shall be compliant with [COPP 1.3 – Standing Orders](http://justus/intranet/prison-operations/StandingOrders/Forms/AllItems.aspx) and the Department’s [Operational Policy and Procedure Framework](https://justus/intranet/department/standards/Pages/ops-standards.aspx).

### The Standing Order may include procedures for:

1. the delegation of officers responsible for conducting relevant checks of official, religious, spiritual, and ‘other visitors’, where applicable
2. visit booking operating hours and processes
3. visit locations
4. identification of visitors permitted keys.

# Annexures

## Related COPPs and documents

* [COPP 1.3 – Standing Orders](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 7.1 – Prisoner Communication](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.5 – Prison Offences and Charges](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.1 – Security and Control](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.2 – Searching](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.7 – Key and Lock Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* ARMS [Manual](http://justus/intranet/prison-operations/Documents/arms-manual.docx)

## Definitions and acronyms

|  |  |
| --- | --- |
| Term | Definition  |
| Chief Executive Officer (CEO) | Director General of the Department of Justice. |
| Commissioner of Corrective Services | The position designated by the Director General as responsible for the management of the Corrective Services Division of the Department of Justice. The Commissioner also holds the title of Deputy Director General. |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational Instruments that provide instructions to staff on how the relevant legislative requirements are implemented. |
| E-Visit | A visit that is facilitated by video link application that specialises in providing video conversations and the audio component of a video session. |
| Guiding Principles for Corrections in Australia, 2018  | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Independent Prison Visitor | A person who is appointed to be an independent prison visitor under s. 39 of the *Inspector of Custodial Services Act 2003.* |
| Legal Practitioner | An Australian lawyer who holds a current local practising certificate as defined in the *Legal Profession Act 2008* |
| National Disability Insurance Agency (NDIA) | The Commonwealth government organisation administering the National Disability Insurance Scheme. |
| National Disability Insurance Scheme (NDIS) | A national system in Australia designed to provide individualised and reasonable and necessary supports for eligible people with intellectual, physical, sensory, cognitive and psychosocial disability, their families and carers.  |
| Officer in Charge (OIC) | An officer designated as having the charge and superintendence of a prison in the absence of the Superintendent. |
| Official Visitor | A person who wish to visit or have access to and speak to a prisoner under s. 56, s. 57, s. 61, s. 62, s. 63 and s. 64 of the *Prisons Act 1981*. |
| Other Visitor | A person who wish to visit or have access to and speak to a prisoner under s. 65 of the *Prisons Act 1981.* |
| Prisoner | Any person in lawful custody and referred to as a prisoner in s. 3 of the *Prisons Act 1981*; also includes a person not yet in the custody of a prison, but in the custody of a Contractor under the court security and custodial services contract. |
| RAAC | Research Applications and Advisory Committee |
| Registered NDIS Provider | A Registered NDIS Provider is a person or entity who receives NDIS funding to provide supports or services to people with disability, who are NDIS participants, and is registered with the NDIS Quality and Safeguards |
| Special Operations Group (SOG) | Provides specialist emergency response and security support services for all correctional facilities within the State. |
| Superintendent | The Superintendent as defined in s. 36 of the *Prisons Act 1981* includes any reference to the position responsible for the management of a private prison under Part IIIA of the *Prisons Act 1981*. Does not extend to the Officer in Charge of a Prison. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Justice, Corrective Services to record and manage comprehensive information relating to prisoners. |
| Unregistered NDIS Provider | An Unregistered NDIS Provider is a person or entity who receives NDIS funding to provide supports or services to people with disability, who are NDIS participants, in certain circumstances.  |
| Video link | A visit that is conducted between two or more participants at different sites by using computer networks to transmit audio and video data. |
| VMU | Victim Mediation Unit |

## Related legislation

* *Inspector of Custodial Services Act 2003*
* *Prisons Act 1981*
* *Prisons Regulations 1982*
* *Legal Profession Act 2008*
* *National Disability Insurance Scheme Act 2013*

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the [Compliance Manual](https://justus/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner will ensure that management oversight occurs as required.
* Operational Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework](https://justus/intranet/department/standards/Pages/monitoring.aspx).
* Independent oversight will be undertaken as required.

Document version history

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective Date |
| 0.1 | Operational Policy | Initial draft | 10 September 2019 | N/A |
| 0.2 | Operational Policy | Updated following consultation | 11 March 2020 | N/A |
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| 3.0 | Operational Policy | Approved by the Commissioner, Corrective Services | 14 December 2021 | 16 December 2021 |

Appendix A: Official Visit Times

|  |  |  |
| --- | --- | --- |
| Prison | Days | Times |
| Acacia Prison  | Monday to Friday | 0830 hrs – 1630 hrs  |
| Albany Regional Prison | Monday to Friday | 0800 hrs – 1130 hrs1300 hrs – 1530 hrs  |
| Bandyup Women’s Prison | Monday to ThursdayFriday | 0830 hrs – 1130 hrs1300 hrs – 1530 hrs1300 hrs – 1530 hrs |
| Boronia Pre-Release Centre | Monday to Friday | 0800 hrs – 1600 hrs |
| Broome Regional Prison | Monday to Friday | 0800 hrs – 1100 hrs 1300 hrs – 1600 hrs |
| Bunbury Regional Prison  | Monday to Thursday | 0915 hrs – 1130 hrs1315 hrs – 1445 hrs |
| Casuarina Prison | Monday to Friday | 0830 hrs – 1130 hrs1300 hrs – 1530 hrs |
| Hakea Prison  | Monday to Friday (excluding Wednesday morning) | 0830 hrs – 1130 hrs1330 hrs – 1530 hrs |
| Eastern Goldfields Regional Prison  | Monday to Friday  | 0900 hrs – 1115 hrs1330 hrs – 1445 hrs |
| Greenough Regional Prison | Monday to Friday excluding Wednesday pm session | 0900 hrs – 1130 hrs1330 hrs – 1530 hrs |
| Karnet Prison Farm | Monday to Friday | 0900 hrs – 1130 hrs1300 hrs – 1530 hrs |
| Melaleuca Women’s Prison | Monday to Friday  | 0900 hrs – 1130 hrs1330 hrs – 1530 hrs |
| Pardelup Prison Farm  | Monday to Friday  | 0900 hrs – 1600 hrs |
| Roebourne Regional Prison | Monday, Wednesday, Thursday, and Friday | 0900 hrs – 1130 hrs1315 hrs – 1445 hrs |
| Wandoo Reintegration Facility | Monday to Friday  | 1000 hrs – 1200 hrs1300 hrs – 1500 hrs |
| Wooroloo Prison Farm  | Monday, Tuesday, Wednesday, and Friday  | 0900 hrs – 1130 hrs1300 hrs – 1500 hrs |
| Warburton Work Camp |  | By appointment |
| Walpole Work Camp |  | By appointment |
| Wheatbelt Work Camp |  | By appointment |
| Wyndham Work Camp |  | By appointment |

Appendix B: Visitor Code of Conduct

When participating in contact visits, visitors and prisoners need to maintain an acceptable standard of behaviour. This ensures that everyone can enjoy the privilege of contact visits. The following rules apply to all visits:

* visit staff will allocate an area of the designated visits facility for each prisoner and their visitors
* movement by visitors around the defined visits facility must be kept to a minimum
* other physical contact such as prolonged or frequent touching and kissing which is deemed to be inappropriate by prisonstaff will not be permitted and may result in termination of the visit
* lewd, inappropriate or offensive behaviour will result in the termination of the visit
* abusive language or behaviour will result in the termination of the visit
* visitors are to comply with the requirements of [Appendix C – Visitor Dress Standards](#_Appendix_C:_Visitor)
* smoking is not permitted
* no documents are to be signed during visits without appropriate prison approval
* no articles of anydescription, unless approved by prior arrangement, are to be passed between prisoners and visitors
* where facilities are provided, only prisoners can obtain hot or cold drinks for themselves or their visitors
* all non-consumed food items areto be removed from the visit’s facility by the visitor
* failure to comply with any of theabove may result in the termination of the visit, loss of contact visits or refusalof entry to the prison or revoking of official visits approval.

Appendix C: Visitor Dress Standards

**Minimum standards**

Visitors are expected to dress appropriately for the prison environment to preserve the good order and security of the prison and the safety of visitors. As a minimum, visitors into a prison must wear underwear and footwear. Pants and skirts/dresses should be no shorter than mid-thigh.

**Inappropriate clothing**

The following items, as examples, are regarded as inappropriate clothing for the prison visits environment:

* any clothing that contains offensive or suggestive logos, words or slogans
* sexually provocative clothing or clothing that exposes underwear, genital areas or breasts including:
	+ see-through, sheer, or mesh clothing (other than hosiery)
	+ low‑cut or tight‑fitting tops
	+ tight fitting clothing including that which is made with spandex or lycra
* badly deteriorating footwear
* clothes that are excessively torn, stained, dirty, ripped or frayed
* underwear that is visible through clothing
* steel‑capped boots
* money belts or belts with compartments
* headwear including hats or beanies (except religious or cultural headwear)
* excessive jewellery
* swimsuits
* watches that perform functions other than telling the time
* hi-visibility clothing (typically worn by contractors)
* motorcycle gang ‘colours’ or clothing with gang insignias.

The above list is not exhaustive. Any queries in relation to appropriate clothing should be discussed with the Security Manager of the facility.

Visitors who do not meet an appropriate standard of dress will be asked to rectify their standard of dress or otherwise be denied entry.

**Exemptions**

Exemptions may be permitted only for legitimate cultural, religious or medical reasons or at the discretion of the Security Manager.

Appendix D: Protocols for Independent Prison Visitors

**Appointment**

Under s. 39 of the Inspector of Custodial Services Act 2003*,* independent prison visitors may be appointed by the Minister for Corrective Services. Appointments are for a finite 2‑year term and may be renewed. An independent prison visitor can resign at any time by notice in writing delivered to the Minister.

**Identification of independent prison visitors**

Photographic identification signed by the Inspector of Custodial Services (Inspector) will be issued to all independent prison visitors. This will indicate the name of the prison and the expiry date of the independent prison visitor’s appointment. Photos of independent prison visitors will be supplied to the Department of Justice (the Department) to facilitate identification and entry to the prison. Identification should be worn throughout the entire duration of the visit.

The Department will be advised when an independent prison visitor is not re‑appointed or, conversely, is re‑appointed for a further 2‑year term.

**Entry to prisons**

The Prisons Act 1981 provides that an independent prison visitor “may, upon providing satisfactory proof of his identity to the superintendent, enter and examine a prison at any time he thinks fit". Searching requirements for independent prison visitors are to occur in accordance with [COPP 11.2 - Searching](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).

Generally, visits will be scheduled in advance with the arrangements being made through the Coordinator of the Scheme or directly with the Superintendent (in which case, the Coordinator should be notified). The Superintendent will ensure that notification is given to all prisoners and officers so as to facilitate the necessary contacts. Advance scheduling should enable the Superintendent to make an officer available for escorting visitors, as required. Section 58 of the Prisons Act 1981 requires that every officer shall give full assistance to and cooperate fully with an independent prison visitor.

An independent prison visitor's authorisation extends to visiting external facilities associated with the prison to which they have been appointed (eg work camps and s. 95 worksites) for the purpose of reporting to the Inspector on their function.

**Duties and responsibilities of independent prison visitors**

Each independent prison visitor is required "to visit and inspect the prison for which s/he is appointed" at least once every 3 months. An informal rostering system will be facilitated through the Coordinator of the Scheme. Visits will be scheduled through the Coordinator so that reasonable notice of visits can be given to Superintendents. Visitors may visit as a group.

Initial familiarisation visits by newly appointed independent prison visitors will usually be made in the company of either an Inspections Officer who is a designated Liaison Officer for the particular prison or the Coordinator of the Scheme or another independent prison visitor. Newly appointed independent prison visitors will also receive security orientation provided by the prison to which they have been appointed prior to commencing formally in the role.

The Inspector of Custodial Services Act 2003 requires that independent prison visitors should "furnish a report in writing to the Inspector after each visit and inspection" which should broadly reflect their observations. Independent prison visitors are also required to make a record of any complaint made to him/her by or on behalf of a prisoner.

The agreed protocol is that these reports will be sent to the Inspector. The Liaison Office identifies the most significant themes, and requests follow-up information from the Department's respective division/directorate. In this way, the requirement of the Inspector of Custodial Services Act 2003 that the Inspector report to the Minister the content of, and matters arising, will be met. The Minister is in a position to follow up any particular matters directly or through the Office of the Inspector of Custodial Services (OICS).

Whilst an interview room will usually be available for discussions between independent prison visitors and prisoners or officers, the Superintendent should as far as possible facilitate meetings at settings of the interviewee's choice.

**Relationship with Superintendent**

The scheduling of visits should mean that the independent prison visitor would be able to meet the Superintendent or nominee upon arrival at the prison. An escort officer will usually be made available, if required.

The reporting line will be to OICS who will then liaise with the Department’s respective division/directorate, however, individual complaints should be discussed with the Superintendent/Officer in Charge at the conclusion of the visit (if the prisoner making the complaint agrees). It is in the best interests of all parties that matters should be resolved as informally and promptly as possible, and immediate discussion may be a means of doing so.

Independent prison visitors should not interfere with the management or discipline of the prison nor give or purport to give any instructions to an officer. Independent prison visitors should note that the Superintendent ultimately carries a duty of care in relation to their safety, so that any instructions or restrictions imposed upon this basis must be accepted. Any such restrictions should be reported to the Coordinator of the Scheme to enable the Inspector, if necessary, to take up the issue at an appropriate level within the Department.

**Monitoring critical incidents**

OICS, as part of its normal modus operandi, monitors critical incidents within the prison system. When these incidents occur in the Perth Metropolitan Area (or nearby), an Inspections Officer will carry out that function. In the event of a critical incident occurring in a regional prison which requires monitoring before OICS is able to arrange for an Inspections Officer to attend, a Liaison Officer may be authorised by the Inspector to attend and observe on his behalf. The Inspector will notify the Commissioner and the Superintendent of the prison that such authorisation has been given.

**De-briefs following inspections by OICS Services**

Independent prison visitors attend de-briefing sessions held at the conclusion of inspections of the prison/s to which they have been appointed.

1. s. 57 *Prisons Act 1981* [↑](#footnote-ref-2)
2. s. 56 *Prisons Act 1981* [↑](#footnote-ref-3)
3. s. 58 *Prisons Act 1981* [↑](#footnote-ref-4)
4. s. 40 *Inspector of Custodial Services Act 2003* [↑](#footnote-ref-5)
5. s. 61 *Prisons Act 1981* [↑](#footnote-ref-6)
6. s. 95E(b) *Prisons Act 1981* [↑](#footnote-ref-7)
7. s. 66(1) *Prisons Act 1981* [↑](#footnote-ref-8)
8. s. 54 and s. 56 *Prisons Act 1981* [↑](#footnote-ref-9)
9. s. 28 *Inspector of Custodial Services Act 2003* [↑](#footnote-ref-10)
10. r. 76 *Prisons Regulations 1982* [↑](#footnote-ref-11)
11. r. 77(1) *Prisons Regulations 1982* [↑](#footnote-ref-12)
12. r. 77(2) and (3) *Prisons Regulations 1982* [↑](#footnote-ref-13)
13. s. 61 *Prisons Act 1981* [↑](#footnote-ref-14)
14. s. 61(1) *Prisons Act 1981* [↑](#footnote-ref-15)
15. s. 62(2) *Prisons Act 1981* [↑](#footnote-ref-16)
16. s. 63 *Prisons Act 1981* [↑](#footnote-ref-17)
17. s. 64 *Prisons Act 1981* and s. 28 *Inspector of Custodial Services Act 2003* [↑](#footnote-ref-18)
18. s. 57 *Prisons Act 1981* [↑](#footnote-ref-19)
19. s. 95E(b) *Prisons Act 1981* [↑](#footnote-ref-20)
20. s. 65 *Prisons Act 1981* [↑](#footnote-ref-21)
21. s. 63 *Prisons Act 1981* [↑](#footnote-ref-22)