Prison Rule 12 Permitted and Unauthorised Items

Prisons

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|  | Rule made by the Chief Executive Officer of the Department of Justice pursuant to section 35 of the *Prisons Act 1981.* |  |
|  |  | 24/01/2022 |
|  | Adam TomisonDirector General | Signature |  | Date |  |
|  |
|  | Rule approved by the Minister for Corrective Services pursuant to section 35 of the *Prisons Act 1981* |  |
| A picture containing text  Description automatically generated |  | 22/02/2022 |
|  | Hon. Bill Johnson MLAMinister for Corrective Services | Signature |  | Date |  |

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| **Version 1.0 approved** |  |
| **Current version** | 1.0 |
| **Current version approved** | 22 February 2022 |
| **Current version effective** | 22 February 2022 |
| **Document reference** | D22/104954 |

Contents

[1 Purpose 3](#_Toc97030824)

[2 Scope 3](#_Toc97030825)

[3 Permitted and Unauthorised Items and Material 3](#_Toc97030826)

[3.1 General requirements 3](#_Toc97030827)

[3.2 Prisoners 3](#_Toc97030828)

[3.3 Staff 3](#_Toc97030829)

[3.4 Social Visitors 4](#_Toc97030830)

[3.5 Official, Religious, Spiritual and Other Visitors 4](#_Toc97030831)

[4 Definitions and Acronyms 5](#_Toc97030832)

[4.1 Related legislation 5](#_Toc97030834)

[5 Document Version History 6](#_Toc97030835)

[Appendix A: Permitted and Unauthorised Items/Materials 7](#_Toc97030836)

[Appendix B: Authorised and unauthorised items – Staff 9](#_Toc97030837)

# Purpose

This Rule provides for the authority for items and material that is permitted and unauthorised to be brought into a prison.

# Scope

### This Rule applies to all prisons.

### This Rule applies to all persons employed by the Department of Justice (the Department), and to all contract workers authorised by the Commissioner in accordance with s 15I (1) *Prisons Act 1981* to perform a function.

# Permitted and Unauthorised Items and Material

## General requirements

### The Superintendent shall approve items that prisoners, staff and visitors are permitted to bring into the prison.

### A list of unauthorised items shall be displayed at the point of entry into each prison. The Superintendent may otherwise approve items on a case by case basis.

### The Superintendent may not allow any item or material into the prison if, in the opinion of the Superintendent, it constitutes a threat to the security or good order of the prison.

## Prisoners

### Prisoners shall not access and shall not be permitted to access prohibited material or items, in accordance with [Appendix A: Prohibited/Permitted Material/Items](#_Appendix_A:_Permitted).

### Prisoners shall not be allowed to possess property if it:

1. was not officially issued to them or retained without the relevant approval; or
2. appears to constitute a threat or breach to the security and good order of the prison (includes property which has been distorted or altered).

## Staff

### Only items necessary for a staff member’s duty or function, or the function of the prison, shall be permitted to enter a prison (see [Appendix B – Authorised and unauthorised items – Staff](#_Appendix_B:_Authorised)).

### The Superintendent shall consider and grant in writing approval/ongoing approval for staff requesting to bring in and possess unauthorised items required to perform a duty or function.

## Social Visitors

### All personal items and material in a social visitor’s possession shall be considered unauthorised with the exception of:

1. a locker key
2. where a baby is attending, a dummy (pacifier), blanket and baby’s bottle. The bottle may only be filled with a liquid for the baby’s consumption during the visit (eg, formula, water, milk)
3. any other item as approved by the Superintendent.

### Visitors must notify prison staff if they are required to carry essential medication on their person.

### The Superintendent shall consider and grant in writing approval/ongoing approval for a visitor requesting to bring in and possess unauthorised item or material.

## Official, Religious, Spiritual and Other Visitors

### The Superintendent must ensure that official, religious, spiritual and other visitors only bring items necessary for their visit are brought into the prison.

### The Superintendent shall consider and grant in writing approval/ongoing approval for an official, religious, spiritual and other visitor requesting to bring in and possess unauthorised item or material.

# Definitions and Acronyms

Terms used within this document are as defined with the *Prisons Act 1981* and *Prison Regulations 1982*, unless otherwise specified.

## Related legislation

* *Prisons Act 1981*
* *Prison Regulations 1982*

# Document Version History

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| --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed |
| 0.1 | Operational Policy | Initial draft | 11 September 2019 |
| 0.2 | Operational Policy | Updated following consultation | 18 October 2021 |
| 1.0 | Operational Policy | Approved by the Minister for Corrective Services | 22 February 2022 |

Appendix A: Permitted and Unauthorised Items/Materials

Unauthorised items include material which contains the following:

* Pictures or text depicting excessive violence, racial vilification or terrorism.
* Sexually orientated material involving soft pornography, violence, coercion, compulsion, force, bodily harm or threats.
* Detailed information on the fabrication of drugs, weapons or explosives.
* Martial arts and fighting techniques or the commission of criminal acts.
* Outlaw motorcycle gang material/items.
* The promotion of genocide or hatred or any identifiable group on grounds of colour, race, religion, ethnicity, gender or sexual orientation.
* Sexually explicit pictures or text.

Access to Audio, Visual or Printed Material

|  |  |  |  |
| --- | --- | --- | --- |
| Type | Classification | Permitted | Prohibited |
| Audio (CDs/Tapes) | Warning Moderate Impact (Level 1) | Permitted |  |
| Warning Strong Impact (Level 2) | Permitted |  |
| Restricted High Impact Themes (Level 3) |  | Prohibited |
| Exceeding Level 3 |  | Prohibited |
| Refused Classification |  | Prohibited |
| Computer Games | G | General | Permitted |  |
| PG | Parental Guidance | Permitted |  |
| M | Mature Audiences | Permitted |  |
| MA(15+) Restricted | Mature Restricted | Permitted |  |
| R(18+) | Restricted to 18+ Years |  | Prohibited |
| RC | Refused Classification |  | Prohibited |
| Films / Videos | G | General | Permitted |  |
| PG | Parental Guidance | Permitted |  |
| M | Mature | Permitted |  |
| MA(15+) Restricted | Mature – Restricted | Permitted |  |
| R(18+) Restricted | Restricted to 18+ Years |  | Prohibited |
| X(18+) Restricted | Restricted to 18+ Years |  | Prohibited |
| RC | Refused Classification |  | Prohibited |
| Publications | Unrestricted |  | Permitted |  |
| Category 1 Restricted | Restricted to 18+ Years |  | Prohibited |
| Category 2 Restricted | Restricted to 18+ Years |  | Prohibited |
| RC | Refused Classification |  | Prohibited |

Appendix B: Authorised and unauthorised items – Staff

Authorised items

Authorised items are items which are necessary for a staff member to perform their work duties or functions including items which are issued as part of an approved uniform.

The following personal items are authorised items:

1. Jewellery worn on the person providing it meets uniform standards (refer to COPP – 1.4 Uniform and Dress Standards).
2. Unprescribed over the counter medication which is packaged in its original blister and/or blister packed is permitted in quantities to meet daily personal needs only (for example, Paracetamol).
3. Any medication which is not available in in a blister or cannot be blister packed is permitted subject to documented Superintendent’s endorsement (for example, inhalers, nicotine replacement patch and nasal sprays).
4. Subject to the Superintendent’s endorsement, prescribed medication is permitted on site in its original blister and/or blister packed in quantities to meet daily personal needs only (for example, Valium, blood pressure medication).
5. Feminine hygiene items.
6. Spectacles (not including smart glasses devices).
7. Food for meals and liquids not beyond a quantity reasonable to meet personal daily needs.
8. All liquids and other consumable items must be contained in clear plastic containers (not glass) that can be safely screened or searched upon entry (eg via a baggage scanner).
9. Meal replacements, such as dietary/protein powders in their original packaging with untampered security seals. Once opened these items will no longer be permitted to re-enter the facility and may be required to be stored on site.
10. The Superintendent may, on a case by case basis, authorise additional items to be brought into the facility.

Bags

The above authorised items must be conveyed to and from the facility in a bag of the following specifications, provided it can be safely screened or searched upon entry (eg via a baggage scanner):

1. issued clear plastic personal bags shall be permitted (no briefcases or suitcases)
2. bags of dimensions less than 40cms x 35cms x 15cms shall be permitted
3. one bag per staff member is permitted.

All bags transported to and from the facility during a shift must be removed from the facility at, or before, the completion of the same shift.

Unauthorised items

Unauthorised items are items which pose a significant risk to the good order, security and good government of the prison.

They include:

1. illegal drugs
2. alcohol including products designed to simulate but contain 0% alcohol
3. any communication device, including but not limited to:
* mobile phones, smart watches and smart spectacles/sunglasses or similar device unless authorised by the Superintendent
* computers and laptops unless authorised by the Superintendent
* E-book readers and tablets unless authorised by the Superintendent.
* USB thumb drives or other storage devices including SIM cards unless authorised by the Superintendent
1. portable gaming devices
2. optical media such as compact disks and DVDs
3. iPods and MP3 players
4. tools, other than those approved by the Superintendent and necessary for the execution of staff duties or function
5. vaping implements.

The absence of an item from this list does not imply it is an authorised item.

If an item cannot be safely screened or searched upon entry (eg via a baggage scanner), then it should not be brought to the facility.