

## Custodial Operations Policy and Procedures

# 10.2 Visitor restrictions and prohibitions

### Policy summary

Corrective Services NSW (CSNSW) may restrict or prohibit visitors where necessary to ensure the safety and security of correctional centres. As inmate contact with family and friends helps maintain relationships and links to the community, CSNSW will not unreasonably impose restrictions and prohibitions.

A governor may impose a restriction on, or prohibit entry to, a visitor to the correctional centre(s) over which they have control. The Commissioner of Corrective Services (the Commissioner) can place a general restriction or prohibition on a visitor, applying to some or all inmates or correctional centres.

The Visitor Review Unit (VRU) reviews and makes recommendations to the Commissioner relating to visitor restrictions and prohibitions.

### Management of Public Correctional Centres Service Specifications

Service specifications	Safety and security
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## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW.

It also applies to all CSNSW employees, and where relevant to other personnel such as contractors, subcontractors, and visitors.

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# 1 Restrictions and prohibitions imposed by the Governor

## 1.1 Restrictions and prohibitions imposed by the Governor

The Governor can prohibit entry to a visitor if of the opinion that the visit would prejudice the security, safety or good order of the correctional centre or complex. Under clause 106 of the *Crimes (Administration of Sentences) Regulation 2014* (the Regulation) a Governor can prohibit a visitor entry to a correctional centre on any occasion in which the person attempts to visit.

A Governor cannot prohibit a visitor indefinitely, or for a fixed period. If the Governor thinks such a prohibition is necessary (where there is evidence of a significant and continuing risk to safety, good order or security), they must send an application to the Commissioner (via the VRU) for a direction under clause 108 of the Regulation.

If it is necessary to prohibit entry to a visitor, or stop a visit that is underway, the Governor must ensure that the facts are recorded on the Incident Reporting Module (IRM). This must be done in addition to any IRM reports entered by the Security Operations Group (SOG) when contraband or a positive indication for contraband has been detected.

The Governor (or delegate) must explain to the visitor why they are being refused entry, or their visit is being terminated.

## 1.2 Non-contact restrictions imposed by the Governor

The Governor of a correctional centre can impose a non-contact restriction on a visitor to that centre because of the risk to security, safety or good order of the centre under clause 100(2) of the Regulation.

The Governor may restrict the visitor to non-contact visits on a single occasion, or for a fixed term of no longer than three months. The Governor may lift such a restriction at any time.

The decision to impose or lift a non-contact restriction must follow a risk assessment. Problematic behaviour on one visit should not necessarily result in a continuing restriction. The Governor should impose a restriction only if there is no other way of controlling the risk, and the weight of evidence supports it.

Such restrictions apply only at the Governor's correctional centre. If the Governor considers a restriction for longer than three months is required, or it should apply at other correctional centres, the Governor must complete an application for a visitor restriction or prohibition under clause 108 of the Regulation and forward it to the VRU.

### 1.3 Procedure for visitor restriction imposed by the Governor

	Procedure	Responsibility
1.	Complete a risk assessment on the visitor, following an incident deemed to be a risk to the security and good order of the correctional centre.	Functional Manager (FM)
2.	Write to the visitor informing them of the intention to impose an interim non-contact restriction, If intending to impose the restriction.  Include reasons, and invite the visitor to respond and give reasons why their visits should not be restricted.  Inform the visitor that until a decision is made, the interim restriction will be imposed at the correctional centre.  Allow the visitor 14 days to reply.	Governor/ delegate
3.	Enter the interim restriction onto Offender Integrated Management System (OIMS).	Authorised officer
4.	If the visitor replies (or the 14 days has expired), consider the information before making a decision, including: <ul style="list-style-type: none"> <li>the person's visiting history,</li> <li>the person's relationship to the inmate, and</li> <li>the effect on any children involved.</li> </ul>	Governor
5.	Write to the visitor advising them of the decision, once a decision has been made.  If a restriction is imposed, include reasons and time frame (not more than three months).	Governor
6.	Alternatively, a warning letter may be appropriate, stating no further action will be taken on this occasion.	Governor
7.	Inform the VRU of the final decision. Email the complete package to [REDACTED], who will finalise the matter in OIMS.	Governor/ delegate
8.	Ensure a record is kept in the Governor's journal.	Governor

## 2 Restrictions and prohibitions imposed by the Commissioner

### 2.1 Policy

Governors may apply to the Commissioner for an overarching restriction or prohibition on a visitor. A Governor's recommendation for a visitor restriction or prohibition under clause 108 of the Regulation should be based on, and show evidence of, a significant and continuing risk to safety, security or good order of a correctional centre.

The Commissioner (or delegate) can prohibit a person from visiting a correctional centre, a group of correctional centres, or all correctional centres. The Commissioner

can impose restrictions on which inmates a person can visit. The Commissioner can impose a restriction or prohibition for a fixed period of time, or indefinitely.

A Commissioner's direction restricting or prohibiting a visitor does not take effect until the Commissioner has approved it. Until the Commissioner makes a decision on the application, the Governor must write to the visitor telling them they will be refused a visit each time they attend, or that a non-contact restriction will be imposed, pending the Commissioner's decision.

## 2.2 Procedure for restrictions and prohibitions imposed by the commissioner

	Procedure	Responsibility
1.	Complete a risk assessment on the proposed visitor.	FM
2.	Write to the visitor about the intention to seek a restriction or prohibition order from the Commissioner and give reasons. Explain what the effect may be for the visitor.  The visitor must be invited to write back to the Governor and explain why such a restriction or prohibition should not be imposed or provide other mitigating evidence.  The letter must also tell the visitor that until a decision is made, they may be refused entry to the correctional centre or restricted to non-contact visits.	Governor/ delegate
3.	Enter the interim restriction onto OIMS.	Authorised officer
4.	Allow the visitor 14 days to reply.	Governor
5.	Email a completed <i>Application for clause 108 Visitor Restriction or Prohibition</i> and <b>all</b> associated evidence to the VRU at [REDACTED]  Evidence may include, but is not limited to: <ul style="list-style-type: none"> <li>• a copy of the intention letter to the visitor</li> <li>• video recordings</li> <li>• written reports and statements</li> <li>• descriptions/photos of seized items</li> <li>• information or witness reports</li> <li>• information about any police prosecution</li> <li>• a statement or letter or representations from the visitor.</li> </ul> The evidence must detail the specific risks and demonstrate how safety, security or good order will be adversely affected if the order is not made.  The VRU administers the receipt, processing and response to clause 108 applications.	Authorised officer
6.	The Commissioner may approve the clause 108 direction or may refer it back to the Governor for management under clause 100.	Commissioner/ delegate

	<b>Procedure</b>	<b>Responsibility</b>
7.	The VRU corresponds with the visitor on behalf of the Commissioner, and will inform them and the Governor of any restriction or prohibition order that is subsequently imposed.	Commissioner/ delegate VRU
8.	The VRU will enter the Commissioner's decision on OIMS.	VRU
9.	Keep a record of the application and outcome in the Governor's journal.	Governor/ delegate

## 2.3 Review of commissioner's restriction or prohibitions

Restrictions or prohibitions will automatically expire if the Commissioner imposes a fixed term. Only in the most exceptional circumstances will the Commissioner impose a restriction or prohibition with no expiration date.

An affected person can request a review of the decision to impose a restriction or prohibition. The determination of this review is final and will not be reconsidered.

The affected person may write to the VRU to request a review of the Commissioner's decision to impose a restriction or a prohibition. The Commissioner may delegate an officer to conduct the review, but it must not be the same officer who initially imposed the restriction or prohibition.

The VRU will advise the visitor of the decision and update OIMS accordingly.

Where an indefinite period of restriction or prohibition has been imposed, a review will not be conducted sooner than two (2) years from the completion of their previous review or a sooner date specified by the decision maker. A review may be conducted before the two (2) years (or sooner date) if the reviewing officer identifies compassionate or compelling circumstances that justifies a sooner review.

The VRU will administer this process and update OIMS accordingly.

## 2.4 OIMS alert interim restriction

A Governor's interim restriction must be entered in OIMS. This interim restriction will ensure that staff are aware of the pending action from either the Governor or the Commissioner in relation to this inmate and their visitor.

Interim restrictions should be removed only after a determination is made of the incident such as:

- warning letter stating no further action
- non-contact visits only at the correctional centre for a specific period (clause 100)
- non-contact visits within all or only specified correctional centres (clause 108) or
- the visitor is barred from visiting all correctional centres for a specified period of time (clause 108).

## 2.5 Procedure for OIMS alert

	Procedure	Responsibility
1.	When a Governor is considering a response to the incident that led to a refusal of entry or restriction, an interim restriction must be entered in OIMS on the day of the incident stating: <i>“A clause 100 (or 108) restriction is pending. Consideration should be given to refusing any visits or only allowing a non-contact visit.”</i>	Authorised officer
2.	When the Governor is waiting on a decision from the Commissioner on a clause 108 application, an interim restriction must be entered as above.	Authorised officer

## 3 The VRU

### 3.1 Policy

The VRU provides support and advice to Governors regarding the imposition of any visitor restriction or prohibition. All applications for a Commissioner’s restriction or prohibition under a clause 108 direction should be forwarded to the VRU for processing.

The VRU is responsible for:

- recording the clause 108 direction application on OIMS
- forwarding the clause 108 direction application to the Commissioner/Delegate for a determination
- advising the visitor and the Governor of the application outcome
- entering the determination on OIMS
- liaising with the visitor regarding their visiting restrictions, prohibitions, application for a review, and the outcome of any review
- recording on OIMS the outcomes of any clause 100 (2) determinations.

### 3.2 Statutory restrictions and prohibitions

Visitors on current community corrections supervision orders are only permitted non-contact visits, unless they have been given permission by the Governor of the centre for a contact visit/s. A visitor currently on an order supervised by community corrections cannot visit an inmate if a condition of their order would prohibit this.

Specific instructions apply to visitors to AA, Category 5 and Extreme High Security (EHS), Extreme High Risk Restricted (EHRR) and National Security Interest (NSI) inmates (**refer to COPP section 3.5 HS, EHS, EHRR, NSI, AA and Cat 5**).

### **3.3 Visitors to a correctional complex**

Any visitor involved in an incident, or found on a correctional complex will be managed under **COPP section 17.3 Stop, detain and search of visitors and staff**. If a Governor decides a restriction or prohibition may be warranted the incident will be referred to the VRU.

### **3.4 Guide to the length and type of restrictions or prohibitions**

Further information is available in *A guide to visitor restrictions and prohibitions*. It grades a variety of incidents against risk, and suggests the length and types of restrictions or prohibitions that could be imposed.

Each case must be considered on its merits and the degree of risk to safety and security of the correctional centre.

## 4 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

## 5 Definitions

Authorised officer	The officer authorised by the Governor to perform the functions set out in this part of the Custodial Operations Policy and Procedures.
AVO	Apprehended Violence Order
COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services New South Wales
Delegated officer	Any officer who occupies or acts in the following positions which the Governor has delegated certain Governor's functions to deal with correctional centre offences: <ul style="list-style-type: none"><li>• Manager of Security</li><li>• Functional Manager.</li></ul>
EHS	Extreme High Security
EHRR	Extreme High Risk Restricted
FM	Functional Manager
IRM	Incident Reporting
NSI	National Security Interest
OIMS	Offender Integrated Management System
SOG	Security Operations Group
Visitor	A person not employed at the correctional centre and attempts to visit.
VRU	Visits Review Unit

## 6 Document information

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**Business centre:** Custodial Operations

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<b>Version</b>	<b>Date</b>	<b>Reason for amendment</b>
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1.0		Initial publication ( <i>Replaces section 15.25 of the superseded Operations Procedures Manual</i> )
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1.1	12/03/20	General formatting update and improvements
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1.2	16/08/23	Subsection 2.3 <i>Review of commissioner's restriction or prohibitions</i> amended to allow:
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- the decision maker to stipulate the exclusion period for re-review of a decision to indefinitely restrict or prohibit a visitor, instead of two years in every case.
  - an assessing officer to consider whether compassionate or compelling circumstances justify a review when a review is requested before the exclusion period expires.
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