

## Custodial Operations Policy and Procedures

# 20.8 Inmate access to legal resources

### Policy summary

Inmates may require access to legal resources and documents for advice or instructions in matters which may or may not concern their current period in custody and associated legal process.

Governors must ensure inmates have access, and are not impeded in their attempts to gain access, to legal resources and documents.

### Management of Public Correctional Centres Service Specifications

Service specifications	Decency and respect Professionalism and accountability
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## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW), and all CSNSW employees.

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# 1 Inmate access to legal resources

## 1.1 Policy

Governors or Manager of Security (MOS) in charge of a correctional centre must ensure inmates have access to, and are not hindered in their attempts to gain access to, legal resources.

This includes their own legal representative, Legal Aid NSW, Aboriginal Legal Service (ALS) providers and other Court officers.

Governors or MOS in charge of a correctional centre must ensure all inmates have access to Australia legislation and that all remand inmates, on request, are provided with writing material for the preparation of documents.

For legal purposes, inmates must have access to the following:

- networked computers and laptops (green computers)
- non-networked/stand-alone desktop computers and laptops (red or blue computers).

Inmates must not have access to CSNSW corporate systems or staff computers for legal purposes.

## 1.2 Legislation, policy and other documents

CSNSW provides legal information and other resources to inmates via the Legal Info Portal which is a secure internal website.

The Manager, Library Services is responsible for ensuring all current relevant legislation is available to inmates on the Legal Info Portal.

Governors or MOS in charge of a correctional centre must ensure all inmates have access to up-to-date legal resources (complete with amendments) including:

- Australian legislation via the Legal Info Portal on the offender computer network
- CSNSW policy documents relating to the management of offenders
- legal reference books recommended by the NSW State Library Legal Information Access Centre, such as the Legal Toolkit
- legal self-help guides and pamphlets.

These are to be maintained in the correctional centre's library or in a designated location accessible by inmates (**refer to COPP section 8.4 Inmate libraries**). In addition, inmates may request legal cases and other legal information from the library team.

Requests for this information can be submitted by using the *MRRC library information request form – external*, which is located on the Legal Info Portal in the Law Libraries section. Alternatively, requests can be submitted using the Legal Information Request link on the Koha Inmate Library Catalogue. When answering requests the Library team will not provide materials that could compromise the safety, security or discipline of the centre, in accordance with COPP 8.4.

## 2 Legal material on removable storage device

### 2.1 Policy

Inmates can view the legal material supplied on a removable storage device and prepare legal documentation on a red or blue computer supplied by CSNSW. Governors or Managers of Security of a correctional centre are to ensure appropriate access to, and accountability for the computers (**refer to COPP section 8.3 Inmate computers**).

Access to and use of red or blue computers is subject to appropriate supervision based on the operational hours, staffing and physical layout of each correctional facility.

Inmates are allowed to access to their legal material supplied on a removable storage device only if it has been sent in by their legal representative or an exempt body. It must be accompanied by a letter from the inmate's legal representative or the exempt body stating the contents of the removable storage device contain material relevant to the inmate's current legal matter.

Staff must not view the contents of any removable storage device containing legal material that has been supplied with a supporting letter by an inmate's legal representative or an exempt body. The contents are subject to legal privilege.

### 2.2 Procedures for receipt of legal material on a removable storage device

	Procedure	Responsibility
1.	Check that a letter from the inmate's legal representative is supplied with the legal material.	Authorised officer
2.	Record the receipt of the removable storage device in the Offender Integrated Management System (OIMS) <i>Property module</i> . Place the device in the inmate's valuables bag.	Authorised officer
3.	Print a new property report from OIMS and have the inmate sign it to confirm they acknowledge receipt of the legal material.	Authorised officer

### 2.3 Procedure for inmates access to a removable storage device

	Procedure	Responsibility
1.	Issue an <i>Inmate request</i> form to the inmate to access the removable storage device ( <b>refer to COPP section 9.1 Inmate applications and requests</b> ).	Authorised officer/Officer in Charge (OIC) Accommodation
2.	Approve or not approve inmate request to access the removable storage device.	Functional Manager (FM)

	Procedure	Responsibility
3.	Provide removable storage device to the inmate/staff member, as approved by the FM, if the application has been approved.	OIC Reception Room
4.	Record the movement of the removable storage device in OIMS <i>Property</i> module ( <b>Refer to COPP section 4.3 Issuing property to inmates</b> ).	OIC Reception Room
5.	Reconcile contents of inmate's valuables bag, reseal bag and print out a new property card and have the inmate sign it to verify contents.	OIC Reception Room

## 3 Access to legal documents

### 3.1 Policy

Inmates who need access to their legal documents to prepare for a current court case, or a future appeal, must be given access to these documents in their cell. An inmate does not need to have lodged an appeal before they can have access to their legal documents.

Inmates are permitted only to have one property tub of legal documents in their cell at any one time. The inmate may exchange the tub of legal documents for another if they need access to other legal documents. The OIC of the Reception Room must manage this process (**Refer to COPP section 4.3 Issuing property to inmates**).

Inmates wishing to access their legal documents are required to submit an *Inmate request* form to the Functional Manager (FM) (**refer to COPP section 9.1 Inmate applications and requests**).

### 3.2 Procedures

	Procedure	Responsibility
1.	Provide inmate with an <i>Inmate request</i> form if they have requested access to their legal documents.	Authorised officer/ OIC Accommodation
2.	Approve or not approve inmate request to access legal documents.	FM
3.	Provide the legal documents to the inmate. Ensure the inmate is provided with only one tub of documents at a time, if approved.	OIC Reception Room

## 4 Quick links

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

## 5 Definitions

ALS	Aboriginal Legal Service
Authorised officer	The officer authorised by the Governor to perform the functions prescribed as part of the Custodial Operations Policy and Procedures.
Computers	Includes desktop, tablets, integrated television and laptop computers
COPP	Custodial Operations Policy and Procedures
Exempt Bodies	<ul style="list-style-type: none"> <li>• NSW Ombudsman</li> <li>• Commonwealth Ombudsman</li> <li>• Judicial Commission</li> <li>• Australian Crime Authority</li> <li>• Law Enforcement Conduct Commission</li> <li>• New South Wales Crime Commission</li> <li>• Anti-Discrimination Board</li> <li>• Commonwealth Human Rights &amp; Equal Opportunity Commission</li> <li>• Independent Commission Against Corruption</li> <li>• Privacy Commission</li> <li>• Legal Aid Commission</li> <li>• Legal Services Commissioner</li> <li>• NSW Civil and Administrative Tribunal</li> <li>• Inspector of Custodial Services</li> <li>• Information Commissioner</li> </ul>
Exempt Persons	<ul style="list-style-type: none"> <li>• Members of Parliament</li> <li>• Legal Practitioners</li> <li>• Police officers</li> </ul>
FM	Functional Manager
Green Computers	Computers connected to the Offender Access to Computers Network
Legal Info Portal	<p>A joint initiative of CSNSW and the NSW Legal Assistance Forum whereby inmates can access legal information on a range of criminal, family and civil law issues.</p> <p>It is only available to inmates on the Offender Access to Computers Network. Information available via the Legal Portal is managed by the Corrective Services NSW Library State Manager.</p>
MRRC	Metropolitan Remand and Reception Centre

OIC	Officer in Charge
OIMS	Offender Integrated Management System
Red or blue Computers	Inmate desktop or laptop computers that are not connected to the Offender Access to Computers Network.
Removable Storage Devices	<p>A device that can be plugged into a personal computer or laptop and then used for the purpose of storing electronic data. This device can then be removed and plugged into another computer that has the capacity to read the stored information.</p> <p>In the context of this policy means:</p> <ul style="list-style-type: none"> <li>• DVD</li> <li>• USB Thumb Drive or Flash Drive</li> <li>• Portable hard drive</li> </ul>

## 6 Document information

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**Business centre:** Custodial Operations

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**Approver:** Kevin Corcoran

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**Date of effect:** 16 December 2017

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**EDRMS container:** 18/7508

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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 8.7 – 8.9 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	4/11/21	Amendments to part 1.2 <i>Legislation, policy and other documents</i> to reflect changes to library services procedures
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