COPP 9.5 Approved and Unauthorised Items (Staff and Visitors)

Banksia Hill Youth Detention Centre

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| PrinciplesIn context of the following: [Guiding Principles for Corrections Australia, 2018:](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx)Rules and routines encourage responsible behaviour and support the security, good order and management of the detention centre.[Australasian Youth Justice Administrators Standards, 2009:](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx)Custodial environments are safe and secure.Continuity of service is provided.Facilities provide a safe and healthy work environment.[Australian Human Rights Commission National Principles for Child Safe Organisations, 2018:](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx) Risk management strategies focus on preventing, identifying and mitigating risks to children and young people. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all Banksia Hill Youth Detention Centre (BHYDC) Custodial Officers and staff.

# Policy

This COPP provides the policy and procedures for the restrictions and approval of items entering BHYDC.

Restrictions on items is necessary to maintain the good order, security and safety of BHYDC.

This COPP shall be read in accordance with [Youth Custodial Rule (YCR) 9 Permitted and Unauthorised Items](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx).

Searches shall be conducted in accordance with [COPP 9.6 Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

# Permitted and Unauthorised Items

## Permitted and approved items

### In accordance with [Youth Custodial Rule 9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx):

1. staff are only permitted to bring into BHYDC items approved by the Superintendent:
2. social visitors are only permitted to bring into BHYDC items approved by the Superintendent
3. official visitors are only permitted to bring into BHYDC items which are necessary for undertaking their professional duty or which have otherwise been approved by the Superintendent
4. Contractors which have been approved by the Superintendent.

### A list of unauthorised items shall be displayed in a visible position at the Gatehouse. The display shall also state ‘All other items not approved by the Superintendent are not permitted in BHYDC’.

### Subject to sections 5.1.1 and 7.2 below, mobile phones are only permitted in BHDC on approval from the Superintendent. If the Superintendent gives approval for a mobile phone to enter BHYDC this shall be documented in the Gatehouse occurrence book.

## Unauthorised items

### Items which are not approved by the Superintendent are unauthorised items.

### Unauthorised items include, but are not limited to, materials which contains the following:

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

## General entry requirements

### All staff and visitors shall be processed through the Gatehouse in accordance with [COPP 9.1 Gatehouse](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### In addition, processing of social or official visitors shall also be managed in accordance with [COPP 11.2 Social and Interfacility Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) or [COPP 11.3 Official Visitors](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### Custodial Officers shall ask questions to determine if unauthorised items are on a person (or in a vehicle entering BHYDC).

### Custodial Officers may contact the Assistant Superintendent Security (or authorised Custodial Officer) for further advice as required.

# Staff

### In accordance with [Youth Custodial Rule 9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx), the Superintendent has approved items which staff are permitted to bring into BHYDC.

### The items which have been approved for staff to bring into BHYDC are daily dose quantities of prescribed personal medication.

### The Superintendent may consider, in accordance with [Youth Custodial Rule 9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx), individual requests from staff to bring into BHYDC unauthorised items.

### Staff requesting approval for entry into BHYDC with an unauthorised item shall apply to the Superintendent in writing stating the type of item, the length of time required and reasons for the request.

### Where the Superintendent grants approval for entry of the item into BHYDC the staff member must show the written approval on entry to BHYDC every time they wish to enter.

### Custodial Officers assigned to the Gatehouse shall document the type of item accompanying the staff member in the Gatehouse occurrence book.

### All items brought into BHYDC by staff must be carried into BHYDC in an approved clear carry bag and secured in a locker or locked office while in BHYDC.

### Where staff are required to carry an approved item on person the Assistant Superintendent Security shall be informed by the staff member.

### Staff shall be responsible for the safety and security of the item while in BHYDC and provide the Superintendent's approval on request.

# Staff Exemptions

### Special Operations Group (SOG) responding to emergencies are permitted to bring any equipment into BHYDC that is necessary to respond to an emergency. Mobile phones must be sighted and recorded on entry and exit from BHYDC.

# Social Visitors

### In accordance with [Youth Custodial Rule 9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx), the Superintendent has approved the following as items which social visitors are permitted to bring into BHYDC.

### Social visitors have been approved to bring into BHYDC a bottle of baby formula and one additional nappy for any infants included in the visiting party.

# Official Visitors

## General requirements

### In accordance with [Youth Custodial Rule 9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx), official visitors are permitted to bring into BHYDC items which are necessary for undertaking their professional duty.

### The items considered necessary for the different categories of official visitors to perform their professional duties are set out below.

### The following items are not considered necessary to performing the duties of official visitors and are therefore not permitted unless approved by the Superintendent

1. electronic tablets (except as set out in section 7.2 below)
2. removable media
3. SIM cards; and
4. cable connection or other method of connectivity.

### All items shall be declared on arrival and exit at the Gatehouse.

### Custodial Officers conducting searches shall have consideration of confidentiality of materials being searched.

### Access by official visitors to the internet or other computers or devices via any form of wireless connectivity is not permitted, unless approved by the Superintendent.

## Emergency services

Emergency Services for the purposes of this COPP includes St John’s Ambulance and the Department of Fire and Emergency Services.

### Emergency Services are permitted to bring any equipment into BHYDC that is necessary to respond to an emergency. This includes mobile phones, iPads or electronic tablets that have the ability to transmit critical data. Mobile phones must be sighted and recorded on entry and exit from BHYDC.

## Western Australia Police Force Officers, Australian Federal Police

### Officers of the Western Australian (WA) Police Force and Australian Federal Police (AFP) are permitted to bring equipment including audio and video equipment and documentation that is necessary for the purposes of carrying out an investigation, interview or assisting in incidents occurring at BHYDC. WA Police Force Officers and AFP may also take a mobile phone into BHYDC. All such items shall be declared upon entry and exit.

### Firearms shall not be brought into BHYDC and shall be secured in the weapons safe and managed in accordance with [COPP 9.1 Gatehouse](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

## Legal practitioners

### Legal practitioners, who are visiting detainees in an official capacity, are permitted to bring the following: laptop (with Wi-Fi turned off)

### documents necessary for the interview

### Dictaphone (without Wi-Fi capability).

### The legal practitioner shall be permitted to display video or other photographic media on their laptop relating to their official business.

## Official visitors with statutory powers of entry

### Official visitors with statutory powers to enter BHYDC, such as staff from the State Coroner’s office, Office of the Inspector Custodial Services (OICS) and the Ombudsman WA may bring into BHYDC any equipment necessary for performing their official duties.

### Judges of the Supreme Court or District Court and members of their investigatory staff may bring into BHYDC any equipment necessary for the recording of hearings or otherwise performing their duties.

# Visitor Requests

### The Superintendent may consider, in accordance with [Youth Custodial Rule 9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx), individual request from Social Visitors and Official Visitors to bring unauthorised items into BHYDC.

### Where possible, such requests must be requested at least 1 day prior to the visit unless urgent circumstances exist (for example, new evidence to be shown to the detainee prior to a trial or hearing).

### Where a Social Visitor or Official Visitor requests approval to bring an unauthorised item into BHYDC, the Custodial Officer shall inform the Senior Officer assigned to the Gatehouse.

### The Senior Officer shall determine the type item and the reasons for requesting entry of the item or material into BHYDC.

### The Senior Officer shall contact the Superintendent to seek written approval.

### Where the Superintendent grants written approval, the Senior Officer assigned to the Gatehouse shall inform the Assistant Superintendent Security.

### The Senior Officer assigned to the Gatehouse shall document the type of item and the approval in the Gatehouse occurrence book.

### Custodial Officers rostered to the Gatehouse shall check that the approved item is with the visitor on exiting BHYDC and document the removal in the Gatehouse occurrence book.

### Items not permitted or approved by the Superintendent shall be secured in a locker located near the reception desk.

# Contractors

### As per [Youth Custodial Rule 9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx), Contractors requiring tools to be taken into BHYDC shall be required to provide the Gatehouse staff with a tool inventory which shall be checked prior to entry and exit.

### Tool management shall be in accordance with [COPP 9.8 Tools and Materials](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

# Loss of Items or Materials

### Any items which are taken into BHYDC and are lost or stolen shall be reported immediately to the Assistant Superintendent Security.

### The staff member shall report the incident in accordance with [COPP 8.1 Incident Reporting](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

# Annexures

## Related COPPs

**Related COPPs**

* [Youth Custodial Rule (YCR) 9 Permitted and Unauthorised Items](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx)
* [COPP 8.1 Incident Reporting](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 9.1 Gatehouse](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 9.6 Searches](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 9.8 Tools and Materials](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 11.2 Social Visits and Interfacility Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 11.3 Official Visitors.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

## Definitions and acronyms

| Term | Definition  |
| --- | --- |
| AFP | Australian Federal Police |
| Banksia Hill Youth Detention Centre (BHDC) | BHYDC is the gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees. Refer to section 13 of *Young Offenders Act 1994.* |
| 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 Procedures  | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Contractor | Any person that provides services or works for the infrastructure at Banksia Hill Youth Detention Centre. |
| Custodial Officer | An officer with custodial functions, appointed under section 11(1) of the *Young Offenders Act 1994*; or a person who is appointed under section 11(1a)(a) as a custodial officer. This includes but is not limited to Youth Custodial Officers, Unit Managers and Senior Officers. |
| Delegate | An officer delegated a function in accordance with s 197 *Young Offenders Act 1994* |
| Detainee | Means a person who is detained in a detention centre as defined in s 3 *Young Offenders Act 1994*. |
| Electronic Tablet | A portable computer that uses a [touchscreen](https://techterms.com/definition/touchscreen) as its primary [input device](https://techterms.com/definition/inputdevice). Most tablets are slightly smaller and weigh less than the average [laptop](https://techterms.com/definition/laptop). |
| 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 Detention Centre Visitors (IDCV) | Under the *Inspector of Custodial Services Act 2003*, the Minister for Corrective Services appoints Independent Visitors on the advice of the Inspector of Custodial Services, and the Inspector administers the service on behalf of the Minister. IDCV reports assist the Inspector to provide advice to the Minister and to inform the work of OICS. |
| Legal Practitioner | An Australian lawyer who holds a current local practising certificate as defined in the *Legal Profession Act 2008* |
| Office of the Inspector of Custodial Services (OICS) | The Office of the Inspector of Custodial Services oversees the way people in custody are managed. They conduct regular inspections and reviews of prisons, work camps, court custody centers and the detention facility holding young people. They are independent. They report directly to Parliament and reports are also available to the public.  |
| Officers and Employees of Particular Classes | The following descriptions of classes of officers and employees are prescribed for the purpose of s 11(1a)(b) of the *Young Offenders Act 1994*, in r 49(2) of the *Young Offender Regulations 1995*:(a) Medical staff persons who have undergone medical, nursing or health training and hold qualifications indicating successful completion of that training.(b) Teaching staff persons who provide recreation or sports supervision, teachers, vocational trainers and social trainers.(c) Program support staff counsellors, program facilitators and librarians.(d) Centre support staff cleaning staff, laundry staff, gardening staff, vehicle driving staff, maintenance staff and hairdressers. |
| Official Visitor | Official visitors are visitors who enter BHYDC for the purpose of official business. |
| Official Visitor with Statutory Powers  | Visitors who enter BHYDC for the purpose of official business and have statutory powers to enter BHDC. |
| Police Officer | A person appointed under Part I of the *Police Act 1892* to be a member of the Police Force of Western Australia. |
| Public Service Officer | An officer employed in the State Government Public Service, subject to Part 3 of the *Public Sector Management Act 1994* and includes such officers and other persons as are necessary to implement or administer this Act. |
| Social Visitor | A social visitor is a person who visits detainees at BHYDC in a social capacity and may include parents, caregivers, friends, extended family members, cultural community or religious leaders or significant others. |
| Staff | Any person or officer of the Department of Justice, Corrective Services, including a Public Service Officer, Youth Custodial Officer or an employee of a particular class; and any service providers services to the Department of Justice. |
| Superintendent | In accordance with section 3 of the *Young Offenders Act 1994, ‘*The person in charge of a detention centre’. |
| Unauthorised Items | Any item or thing that:Constitutes a threat to or breach of the security or good order of the detention centre; orIs unauthorised pursuant to [Youth Custodial Rule 9](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/youth-custodial-rules.aspx). |
| Visitor (BHYDC) | Any person visiting the detention centre as a Social Visitor or Official Visitor. |
| WA | Western Australia |

## Related legislation

* [*Young Offenders Act 1994*](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1101_homepage.html)
* *Young Offender Regulations 1995*

# Assurance

It is expected that:

* BHYDC will undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=operational%20compliance&ql=3081).
* Women and Young People, Head Office will undertake management oversight as required.
* Operational Compliance Branch will undertake checks in accordance with the  [Compliance Framework](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=operational%20compliance&ql=3081).
* Independent oversight will be undertaken as required.

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