COPP 11.1 Communication

Youth Detention Centre

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| Principles In the context of the following:  [Australasian Youth Justice Administrators Standards, 2009](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx)  Access to legal representation and advocacy is facilitated.  Privacy and confidentiality rights are protected.  Physical resources are properly maintained and kept in working order.  Continuity of service is provided.  Family and community contact is facilitated for children and young people in custody.  [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

Custodial Officers and staff employed to work at a Youth Detention Centre (YDC).

# Policy

The purpose of this document is to establish clear policies and procedures for the management of detainee mail and telephone communications at the YDC.

Detainee communications will ensure detainees have the opportunity to maintain contact with their family, the community, cultural ties and to facilitate access to legal representation and independent statutory government agencies.

The application of rigorous security measures will ensure detainee contact with community members does not compromise the safety and security of staff or detainees at the YDC.

The management of detainee communications is governed by a structured recording and reporting regime which provides transparency and accountability.

# Telephone Use

## Telephone calls – outgoing

### Detainees may have access to telephones to promote and facilitate positive social contact with parents, caregivers, family, friends, or significant others in addition to contact with their legal counsel or prescribed external service providers (refer to section 3.8).

### With the exception of calls outlined below at section 3.1.5, all telephone calls by detainees shall occur through the Detainee Telephone System (DTS).

### All telephone calls made on the DTS shall be recorded, other than calls to detainees’ legal counsel or to prescribed external service providers.

### Detainees shall not be permitted to make reverse charge calls.

### Officer-initiated calls for official purposes may be provided outside of the DTS by a Unit Manager or Senior Officer) where it is impracticable to progress the call through the DTS (i.e. time does not permit). These calls shall be supervised accordingly. Such calls include:

1. contact with family in the case of emergencies or in extenuating circumstances as approved by the Unit Manager or Senior Officer
2. where the detainee is from intrastate, interstate or overseas, and contact with family or friends cannot be facilitated on the DTS. The relevant Assistant Superintendent shall approve the call through an overseas access phone point and the detainee shall have access to an equivalent number of calls as a local detainee.
3. foreign nationals for the purpose of accessing interpreter services, contact with foreign embassies or support services
4. raising bail, contacting lawyers or securing release
5. where the call is of a compassionate nature and assists the detainee to adjust or settle in the YDC.

### Officer-initiated calls through the DTS may only be approved by Unit Managers/Senior Officer. A PIN code is supplied through Security and shall be changed daily. Officer initiated calls may only approved where:

* 1. in the opinion of the officer approving the call, the call is of a compassionate nature (eg a recent family bereavement, severe illness of a family member, special family events etc.)
  2. the detainee’s telephone account has been closed due to the detainee being exited from the YDC from Court or release at earliest release date
  3. there is a compelling need for the call because the detainee is considered to be at risk of self-harm
  4. the detainee does not have adequate funds to make the call and wishes to contact their registered legal practitioner and time factors preclude the detainee utilising written correspondence
  5. the call is part of a formal therapeutic programme
  6. the call is an inter-prison call and complies with section 3.12 below.

### In the event that a Unit Manager or Senior Officer facilitates a call in accordance with sections above, a record shall be maintained in the Unit Occurrence Book specifying the:

* 1. detainee’s name
  2. date and time of the call
  3. number called and name of party contacted
  4. specific reason for the call
  5. name and signature of officer initiating call
  6. any general comments if required.

## Telephone call allocation

### Detainees in general living units will be allocated 7 free social calls each week each of 10 minutes duration.

### Detainees approved for ‘A Wing’ privileges will be allocated 10 free social calls each week of 10 minutes duration.

### Detainees approved for Self-Care will be allocated 12 free social calls each week of 10 minutes duration.

### Detainees who have been identified as regional, out of country, interstate or international may be entitled to additional call allocation as determined by the relevant Assistant Superintendent.

## Additional telephone call purchase

### Detainees in general living units shall be permitted to purchase 5 additional social calls per week. Detainees approved for A Wing privileges Murchison Unit or Self Care shall be permitted to purchase 10 additional social calls per week.

### In the event a detainee wishes to purchase calls in accordance with this section, the detainee shall complete an [Additional Telephone Call Purchase Request](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) to purchase calls, and forward the form to the Unit Manager.

### The Unit Manager or responsible Custodial Officer shall check that the detainee has sufficient funds to purchase the requested calls.

### The Unit Manager or responsible Custodial Officer shall forward the form to the Gratuities Clerk to action.

### The Gratuities Clerk shall deduct the required amount from the detainee’s gratuities and crediting the detainee’s telephone account for the required amount.

## Procedures for access to the DTS

### Upon admission, each detainee is to be requested to provide the Senior Officer in Admissions with the telephone contact numbers and names of family and/or friends and legal counsel they wish to have contact with. The Unit Manager or Senior Officer in Admissions will then authenticate contacts by conducting the process in section 3.5 and 3.6.

### Telephone numbers on any detainee’s telephone number list can be re-activated from a prior admission if the admission was less than 3 months ago. Telephone numbers from prior admissions greater than 3 months are not to be re-activated without the process in section 3.5 and 3.6 being completed.

### At any time after admission detainees may request new telephone numbers to be added to their approved list through their unit manager or a custodial officer.

### If a family member, friend or the detainee’s legal counsel requests their number to be added to the detainee’s telephone number list, the detainee should provide their approval prior to conducting section 3.5 and 3.6.

### Detainees are only permitted to have telephone contact with ex-detainees if they are a parent, sibling, partner, extended family or significant other and will require written approval of the Superintendent (or the relevant Assistant Superintendent as their delegate) and the detainees parent/caregiver.

### Unit Managers or the responsible Custodial Officer may consult with the relevant Case Manager from Case Planning and Programs Unit (CPPU) for verification of the contact person for detainees from interstate or overseas.

### Detainees shall be made aware that telephone calls to family and friends will be recorded via the pre-recorded message heard by both parties at the commencement of each call on the DTS.

### Unit Managers or the responsible Custodial Officer may be required to listen to telephone calls. The monitoring of these telephone calls is to be recorded in the Unit’s Occurrence Book (including the name of the detainee, the time the call was made and the time the monitoring took place). Security Reports are to be submitted as appropriate.

### Additional monitoring of DTS phone calls to family and friends shall be carried out by Senior Officer’s and Security as required. Security Reports are to be submitted as appropriate.

### All detainees shall be allocated an individual, confidential PIN in order to access their approved telephone numbers and shall be informed that they are not to allow any other detainee to use this number. Should the privacy of their PIN number be breached the detainee shall advise their Unit Manager and request for a new PIN.

## Authentication process – calls to family and friends

### The authentication process shall be undertaken by the Unit Manager or the Senior Officer in Admissions where applicable.

### Prior to approving a telephone contact list or a request for an addition to an existing list, the Unit Manger shall ensure that the following are checked:

* 1. the detainee’s parent/caregiver is contacted and authorises the contact
  2. the number belongs to the person identified on the request
  3. that the person is willing to have their number added to the detainees’ DTS account
  4. a victim alert does not exist for the proposed recipient or any other person at the address where the telephone is located
  5. the call would not breach the terms of any active Restraining Order
  6. no person at the address where the telephone is located has indicated they do not wish to receive communications from that detainee
  7. the person is not an ex-offender/detainee (other than parents, siblings, partners or extended family members and significant others). Contact shall only be permitted where written approval of the Superintendent (or relevant Assistant Superintendent as delegate) and the detainee’s parent/caregiver has been received
  8. the recipient’s parent/caregiver approves the contact if the recipient is under 18 years
  9. the telephone number is not an interstate or overseas telephone number. In these cases, approval is to be sought from the relevant Assistant Superintendent.

### Recipients must agree not to forward or divert calls to other telephone numbers, establish conference calls between the detainee and third parties or converse with another prisoner/detainee during a call.

### Unit Managers or the responsible Custodial Officer shall verify the above requirements and enter the contact information on the detainee’s DTS and in the comments section note that the requirements of section 3.5.2 have been checked, including that authorisation of the parent/caregiver(s) has been received and the positive influence between the detainee and the call recipient has been confirmed. If the number was not initially requested by the detainee, then additionally note that they have approved the contact to be added.

### In the event that person refuses contact or later requests that their telephone number be removed from a detainee’s DTS telephone list, the detainee is to be advised by the Unit Manager, and referrals made to Aboriginal Welfare Officers (AWO), Psychological Services or Mental Health as appropriate. Details of the reason the contact was refused by the call recipient and information pertaining to notifying the detainee is to be recorded on notes section in the DTS system and TOMS in ‘Notes’.

### Should staff be concerned about a detainees’ potential to self-harm or suicide after receiving information of the refusal for contact the staff member shall commence the at risk notification and action as per [COPP 7.4 – Detainees at Risk of Self-Harm or Requiring Additional Support and Monitoring](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

## Authentication process – legal calls

### Prior to any legal telephone number being added or amended on a detainee’s DTS list, the Unit Manager or the responsible Custodial Officer shall check that the telephone number requested is associated with a valid legal practitioner or firm, by first checking that the practitioner is a current (practising) certificated legal practitioner. Legal practitioners can be located via the Legal Practice Board of Western Australia General Roll or on the Department of Attorney General’s list of Certified Legal Practitioners.

### If the initial checks undertaken above raise suspicion as to the validity of the legal practitioner, further enquiries are to be undertaken directly with the legal firm (if applicable).

### Following checks conducted, the Unit Manager or the responsible Custodial Officer shall ensure that the certified legal practitioner is willing to have their number added to the detainee’s DTS account.

### The Unit Manager or the responsible Custodial Officer shall verify the above requirements and enter the contact information on the detainees’ DTS and in the comments section note that the requirements of section 3.6.1 have been checked.

### Legal calls (including calls to Legal Aid or the Aboriginal Legal Service) shall be provided free of charge to detainees on the DTS and shall not be subject to recording and monitoring.

## Authentication process – Youth Justice Services

### Detainees may request that the telephone number of an officer of Youth Justice Services (YJS) or the Metropolitan Youth Bail Service (MYBS) be added to their DTS account. In these instances, the process described below shall be followed.

### Prior to approving a request for an addition to a detainee’s telephone contact list, or an amendment to the existing list, the Unit Manager or responsible Custodial Officer shall ensure that the following are checked:

* 1. that the number belongs to the person and office identified on the request
  2. that the person is willing to have their number added to the detainee’s DTS account.

### The Unit Manager or responsible Custodial Officer shall verify the above requirements and enter the contact information on the detainees’ DTS and in the comments section note that the requirements of section 3.7.2 have been checked.

### In the event that a YJS/ MYBS staff member or officer refuses contact or later requests that their telephone number be removed from a detainee’s DTS telephone list, the detainee is to be advised by the Unit Manager or responsible Custodial Officer, and referrals made to Aboriginal Welfare Officer (AWO), Psychological Services or Mental Health as appropriate. Details of the reason the contact was refused by the call recipient and information pertaining to notifying the detainee is to be recorded on TOMS in ‘Notes’.

### Should staff be concerned about a detainee’s potential to self-harm or suicide after receiving information of the refusal for contact, the staff member shall commence an ‘at risk’ notification and action as per [COPP 7.4 – Detainees at Risk of Self-Harm or Requiring Additional Support and Monitoring](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### Calls to YJS or MYBS staff shall be provided free of charge to detainees on the DTS but shall be subject to recording and monitoring.

## Common telephone calls

### The following numbers are supplied as unmonitored, unrecorded free calls on the DTS:

* 1. Aboriginal Legal Service
  2. Aboriginal Visitors Scheme
  3. ACCESS Helpline
  4. Alcohol and Drug Information Service
  5. Hepatitis Help Line
  6. Kids Help Line
  7. Legal Aid
  8. Lifeline
  9. Health and Disability Services Complaints Office (HaDSCO)
  10. State Ombudsman
  11. Samaritans Crisis Line.

### Telephone numbers included on the YDC’s common telephone numbers list shall be audited once per calendar year by Security.

## Loss of privilege – telephone calls

### Detainees shall not:

* 1. use the telephone system to abuse, threaten, intimidate or harass call recipients
  2. use the DTS for the use of three-way calls or conference calls
  3. share their personal identification number (PIN) with other detainees
  4. allow other detainees speak to their call recipients.

### Actions and behaviours listed at section 3.9.1 may result in the loss of telephone call privileges.

### The removal or reduction of a detainee’s access to telephone calls shall only occur:

* 1. where the detainee’s actions directly relate to the abuse of the DTS
  2. following the consideration of alternate management options, if available.

### In the event that a detainee’s telephone privileges are removed, detainees shall be entitled to minimum telephone usage in line with section 3.10 below.

## Minimum telephone entitlement

### Regardless of a detainee’s regime or loss of telephone privilege, as a minimum, detainees’ shall be permitted to:

1. make calls to their registered legal counsel or YJS regarding matters about the detainee’s current sentence or pending appeal/charges
2. make calls to those organisations listed in section 3.8
3. make one welfare call per day to the detainees’ parent/caregiver.

## Telephone calls - incoming calls

### A detainee may receive incoming telephone calls from:

* 1. parent/caregivers in the case of emergency or where parents/caregivers do not have a return telephone number;
  2. the detainee’s legal representative or Youth Justice Officer; or
  3. any registered caller for another reason approved by the Unit Manager/Senior Officer.

### The nature of the call is to be considered with the detainee’s welfare being paramount.

### Incoming telephone calls shall be directed to the Unit Manager or responsible Custodial Officer to assess the authenticity of the call. Where possible the contact number will be recorded, and a return call facilitated from the facility (refer section 3.1.6).

### Unit staff who receive an incoming telephone call that provides information in relation to an emergency (eg death of a family member or serious accident/ illness involving a family member) shall:

* 1. inform their line manager
  2. seek information from the caller as to the specific details
  3. attempt to verify that information
  4. provide support to the detainee
  5. make a referral to AWO, Psychological Services or Mental Health should the detainee required additional support
  6. inform the detainees’ Case Manager.

### Should staff be concerned about a detainees’ potential to self-harm or suicide after receiving disturbing news from family members, the staff member shall commence the at risk notification and action as per [COPP 7.4 – Detainees at Risk of Self-Harm or Requiring Additional Support and Monitoring](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

## Inter-prison telephone calls

### The Superintendent (or Assistant Superintendent as delegate) may consider a request from a detainee to undertake communication to/from family members and significant others held in custody at an adult prison. Detainees’ who would otherwise be disadvantaged by way of distance or ability to receive visits from family or significant others whilst in custody shall have more opportunity to contact relatives in a prison.

### The Superintendent (or Assistant Superintendent as delegate) shall assess the importance of the relationship prior to approving the call. Telephone contact between facilities is a privilege and shall not be considered a right.

### The following process is to be followed:

* 1. the detainee is required to fill out [Inter-Prison Telephone Call Request](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) and forward to an AWO for action
  2. the AWO is to contact the detainee’s parents or caregivers to obtain authorisation for the detainee to have telephone contact with the person listed on the detainee’s request form
  3. the AWO is to send the request to the relevant prison and liaise with the relevant officer to seek approval and determine the frequency of ongoing telephone calls
  4. the AWO will forward the completed request to the relevant Assistant Superintendent for approval.

### Approval will only be granted where the importance of the relationship is established. Consideration is to be given to several or all of the following:

1. degree of blood relationship - the existence of a blood relationship with a mother, father, sister or brother is usually sufficient to recommend a telephone contact
2. detainees who are significantly isolated from their normal community or country may be approved telephone contact with other detainees or prisoners from the same region or country
3. proven past importance of the relationship by the detainee or prisoner
4. commitment demonstrated to the relationship by one or both of the detainee or prisoner through other forms of communication
5. negative impact of non-contact to either the detainee or prisoner
6. marriage relationship including de-facto or ceremonial.

### The AWO shall forward the completed form to the relevant Unit Manager or responsible Custodial Officer and place a copy in the responsible Senior Officer’s file.

### The Unit Manager or the responsible Custodial Officer shall ensure that the approved call(s) is facilitated at the agreed time/day(s). Where practicable, the YDC should be recipient of the incoming call.

### Detainee’s shall be advised that telephone calls will be monitored by a designated person to ensure acceptability of content.

### In the event that the inter-prison telephone call request is initiated by a prison, the AWO is to complete [Inter-Prison Telephone Call Request](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) and follow the process as above.

### All inter-prison telephone calls will be of a 10 minute duration unless otherwise approved by the Superintendent.

## Shut down of DTS

### In the event of a death of a detainee or an emergency situation within the YDC, the Superintendent shall ensure that the DTS is shut down immediately.

### The restriction to telephone access or the DTS shall remain in place until the Superintendent determines otherwise.

# Mail

## Privileged mail

### Mail to and from the following organisations is to be dealt with and handled as privileged mail and is not to be opened, inspected, or read by the YDC staff:

* 1. ACCESS (Administration of Complaints, Compliments and Suggestions)
  2. Assistant Commissioner Youth Justice Services, Corrective Services
  3. Attorney General (WA)
  4. Commissioner for Children and Young People
  5. Commissioner, Corrective Services
  6. Commonwealth Ombudsman
  7. Corruption and Crime Commission (Western Australian)
  8. Deputy Commissioner Women and Young People, Corrective Services
  9. Director, Health and Disability Services Complaints Office
  10. Disability Royal Commission
  11. Equal Opportunities Commission (State)
  12. Human Rights and Equal Opportunity Commission (Federal)
  13. Members of Parliament
  14. Minister for Corrective Services
  15. Office of the Inspector of Custodial Services
  16. Professional Standards Division, Department of Justice
  17. Public Interest Disclosures Officer, Department of Justice
  18. State Ombudsman (Parliamentary Commissioner for Administrative Investigations)
  19. Visiting Justice

### As part of their orientation all detainees received into the facility will be advised of the privileged detainee mail process.

## Outgoing privileged mail

### Unit Managers shall ensure that all detainees are able to access stationery such as paper, pencils, complaint forms and privileged mail envelopes to enable correspondence with the agencies listed at section 4.1.1.

### All privileged mail is to be posted in the blue privileged mail box located in each of the accommodation units.

### The privileged mail boxes are to remain locked at all times and the key is to be held by Security. A member of the Security team is to empty the privileged mail boxes every weekday (other than public holidays) and shall record the emptying of the mailboxes in the Unit’s Occurrence Book, including the number of mail items collected. Security staff shall also ensure that sufficient yellow envelopes are available.

### Security staff shall record in the Outgoing Confidential Mail Register the following:

* 1. the date the mail was collected from the mailboxes
  2. the Unit from which the mail was collected
  3. the agency intended to receive the mail
  4. the date the mail is forwarded to the agency
  5. if no mail present in the privileged mailboxes, that no mail was collected.

### The Assistant Superintendent/Security staff shall place all envelopes received into a clearly marked/addressed registered mail envelope which is to be posted without delay. The date the mail is sent from the YDC shall also be recorded in the Register.

### Where a detainee has incorrectly addressed the mail, addressed to more than one recipient, or a recipient is not marked on the yellow envelope, Security staff shall forward the mail to the State Ombudsman’s Office.

### Privileged mail is not to be opened, inspected, or read other than by the person to whom it has been addressed.

### Should outgoing privileged mail be opened in error, a written report shall be submitted to the Superintendent by the person who opened the mail. The report will outline the circumstances in which the mail was opened.

### The Superintendent shall inform both the detainee and the addressee of the circumstance in which the mail was opened.

## Incoming privileged mail

### Incoming mail from persons on the privileged mail list in Section 4.1.1 is to be forwarded, unopened, to Security and recorded in the Privileged Mail Register and stamped with the YDC security stamp.

### Security staff shall deliver the mail to the detainee without undue delay and record in the register the following:

* 1. the receiving detainee’s name;
  2. the name of person and title sending in the privileged mail
  3. the name of Security officer delivering the correspondence to the detainee
  4. the date the correspondence was delivered to the detainee
  5. the detainee’s signature when accepting the privileged mail (if the detainee refuses to sign, the Security officer delivering the mail is to sign and note the detainee’s refusal to sign).

### If Security has compelling reasons to believe that the mail did not originate from the person/agency referred to as privileged mail, Security shall forward the unopened letter to the Superintendent who may:

* 1. open and inspect the letter to verify its origin; or
  2. return the letter unopened to the statutory agency that it allegedly came from.

### Where the Superintendent opens privileged mail for the purpose stated in Section 4.3.3, the following shall apply:

* 1. inform the detainee
  2. submit a Security Report. The Security Report is to include the reason for opening the mail and the result of the inspection.

### Should incoming privileged mail be opened in error, a written report shall be completed. The report will outline the circumstances in which the mail was opened.

### The Superintendent shall inform both the detainee and the addressee of the circumstance in which the mail was opened.

## Outgoing mail

### Detainees are to hand all outgoing mail, unsealed, to their Unit Manager or responsible Custodial Officer.

### Unit Managers shall ensure that:

* 1. all outgoing mail, except privileged mail to persons/agencies listed in section 4.1.1 above, includes on the front of the envelope the full name and correct address of the recipient and on the back the detainees’ name and the post box address and postcode of the YDC.
  2. no graffiti is present on the envelopes of outgoing mail
  3. handwriting on the envelope is legible
  4. the mail is not sealed.

### All outgoing mail (other than legal mail) shall be read by an officer.

### Unit Managers are authorised by the Superintendent to open and read mail (not privileged mail). This authorisation may be delegated to a Youth Custodial Officer.

### No staff member shall communicate either verbally or in writing to any person the contents of mail, other than as outlined in 4.4.7.

### Legal mail shall be opened in the presence of the detainee and shall only be read to the extent necessary to verify the recipient/sender and to assess whether section 4.4.7 applies.

### Where it appears to the staff member authorised to open and read mail that the mail:

* 1. may jeopardise the good order or security of the YDC
  2. contains a threat to a person or property
  3. contains a threat or a reference to a self-harm risk (refer [COPP 7.4 – Detainees at Risk of Self-Harm or Requiring Additional Support and Monitoring](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
  4. contains obscene or offensive language or material
  5. constitutes or is expressed in a code
  6. contains contents written in another language
  7. contains reference to an illegal activity
  8. is addressed to a prisoner at an adult prison; or
  9. contains photos in contravention of the requirements [of COPP 6.9 – Unit Management and Timetables](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### The officer shall hand-deliver the mail to Security, who shall take appropriate action and submit a Security Report as required. If approved by Security for on forwarding, that action shall be taken expeditiously and shall be logged on TOMS by Security in accordance with section 4.4.11 as ‘sent via security’.

### Any attempt to breach an active Restraining Order or an attempt to contact a person who has been approved not to receive mail would meet the criteria of Section 4.4.7.

### Mail deemed suitable for sending by the Unit Manager shall be sealed and marked across the seal with the YDC address.

### The Unit Manager shall ensure that a register of all outgoing mail is maintained on TOMS. The register shall record the following details:

* 1. name of detainee (sender)
  2. name and address of recipient
  3. date of dispatch.

### Following processing in accordance with section 4.4.10, the mail is to be forwarded to the outgoing mail tray in the Administration building for forwarding by administration staff.

### The detainee is not required to meet the cost of postage of outgoing mail or parcels unless otherwise directed by the Superintendent. Excessive quantities of mail (more than three letters per day) or oversized mail (larger than A4) may be charged to the detainee at current postal rates. Exceptions are confidential mail and articles pertinent to a course of external study approved by the Superintendent or their delegate.

### Mail shall be posted every weekday, excluding public holidays.

## Incoming mail

### A register on TOMS of all incoming mail for detainees shall be maintained by administration staff. The following shall be recorded, as applicable:

* 1. name and address of sender
  2. name of detainee (recipient)
  3. date the mail was received at the YDC.

### All incoming mail (other than legal mail) shall be read by an officer as per sections 4.4.4 to 4.4.8.

### Caution shall be exercised when opening mail and contents should be examined prior to its removal from an envelope. Incoming mail for detainees shall be opened in the presence of two staff members. Any items of concern are to be referred to Security immediately.

### Should the envelope contain any powder, tablet, type of drug, wire, sharp objects stickers or any other unusual object, staff are not to attempt to remove the contents from the envelope.

### Stamps and stickers are to be lifted (cut if required) from envelopes and seals of the envelope to be inspected for contraband.

### Should the envelope contain money (cash, money orders or similar) the money shall be counted in the presence of another YCS staff member and receipted in the private cash receipt book with the appropriate receipt placed in the envelope with the mail and forwarded to the detainee’s Unit Manager or responsible Custodial Officer.

### The money (cash or money order) will be placed in the detainees’ Private Cash Account and recorded on TOMS as applicable, refer [COPP 6.2 Supervision Levels and Privileges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### Upon the authorised inspection of incoming mail, all approved goods received in the mail shall be forwarded to Admissions for recording on TOMS and placing in the detainee’s property.

### Incoming mail shall then be forwarded to the Gatehouse Unit Manager to distribute to each Unit as soon as practical.

# Video conferencing

## Authorisation

### The Superintendent may allow a detainee to use other communications such as videoconferencing, under whatever conditions and arrangements the Superintendent or their delegate believes reasonable. Refer to [COPP 11.2 – Social and Inter-facility Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

# Detainee Photographs

## Authorised circumstances for detainee photographs

### Detainee photographs are only to be taken by a staff member authorised by the Superintendent and are permitted under the following circumstances:

### official purposes – including TOMS identification, medical purposes, driver’s licence renewals or applications

### sending to the detainees immediate family (mother, father, brother, sister, grandparents or caregiver/s), whereby the detainee immediate family are not readily able to attend the YDC for social visits. The photo is to be taken against a plain backdrop with no security equipment or infrastructure being visible

### detainee with family members (limited to parents, spouse and children) if the photograph is for the detainee’s use.

### photographs of the YDC sporting teams if the photograph is for the use by the YDC

### photographs of groups of detainees participating in activities approved by the Superintendent if the photograph is for the use of the YDC

### unidentifiable photographs of individual/groups of detainees if the photograph is taken for a purpose and with such conditions as expressly approved by the Superintendent.

### All young people who are having photographs taken are to be dressed appropriately in standard YDC issued attire or approved recreation apparel.

## Circumstances where photographs are not permitted

### Detainee photographs are not permitted under the following circumstances:

### Photographs of young people participating in role plays/fancy dress

### Group photographs other than those permitted in section 6.1.1

### Photographs that detail the YDC security infrastructure

### Photographs that include sufficient background in the photograph which identifies that the photograph was taken in the YDC

### Photographs with other identifiable persons in the background who are not part of the photo

### Photographs depicting gang signs, rude or inappropriate behaviour.

## Photograph assurance

### Before any photograph is issued, or removed from the YDC, it is to be provided to the Assistant Superintendent Security who is responsible for ensuring the photographs are vetted to ensure compliance with section 6.

### In addition to section 6.3.1, the Assistant Superintendent Security shall not permit the issue, or removal from the YDC, of any photograph if it may impact negatively on Corrective Services or be deemed distressful to victims of crime or their families.

### Any photograph deemed inappropriate or not compliant with section 6 shall be destroyed by the Assistant Superintendent Security and the digital image removed from the camera’s memory.

# Annexures

## Related COPPs

* [COPP 6.2 – Supervision Levels and Privileges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 6.10 – Unit Management and Timetables](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 7.4 – Detainees at Risk of Self-Harm or Requiring Additional Support and Monitoring](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 11.2 – Social and inter-Facility Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

## Definitions and acronyms

|  |  |
| --- | --- |
| Term | Definition |

|  |  |
| --- | --- |
| Authorised Officer | An officer authorised by the Superintendent to conduct a function / or activity from this COPP. This authorisation will be made in writing and recorded. |

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| --- | --- |
| Assistant Superintendent | Officers designated by the Superintendent to be an Assistant Superintendent of the YDC. |
| Commissioner’s Operating Policy and Procedures (COPP) | Operational Instruments that provide instructions to staff on how the relevant legislative requirements are implemented. |

|  |  |
| --- | --- |
| 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. |

|  |  |
| --- | --- |
| Deputy Commissioner (DC) Women and Young People | The position designated by the Commissioner as responsible for the management of the Women and Young People Directorate within the Corrective Services Division of the Department of Justice. |
| Detainee | Any young person who is detained in a YDC, or who is in the custody of a YDC. The term detainee also describes a young person, who is alleged to be an offender or who is remanded in custody, prior to being dealt with by the Courts.  Means a person who is detained in a detention centre as defined in s.3 *Young Offenders Act 1994*. |
| Detainee Telephone System (DTS) | The telephone system provided for detainee use. |
| Youth Detention Centre | A gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees, refer s. 13 *Young Offenders Act 1994.* |
| General Mail | Any letter, parcel, card or package. |
| Letter | A standard article which complies with the requirements as set down by Australia Post. |
| 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. |
| ‘Officer Initiated’ Telephone Call | Where an officer establishes a call either through the detainee telephone system using a generic PIN number or through a standard telephone line. |
| 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. |
| Senior Officer | A Youth Custodial Officer who is substantive to this rank, or a Unit Manager, or Youth Custodial Officer acting in the capacity of Senior Officer, appointed by the Chief Executive Officer with reference to s11 of the *Young Offenders Act 1994.* |
| Staff | Any person in the paid or unpaid employment of the Department of Justice, Corrective Services, including contractors, subcontractors and volunteers |
| Superintendent | In accordance with section 3 of the *Young Offenders Act 1994, ‘*The person in charge of a detention centre’. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to prisoners and detainees. |
| Youth Detention Centre | A gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees, refer s. 13 *Young Offenders Act 1994.* |

## Related legislation

* *Young Offenders Act 1994*
* *Young Offenders Regulations 1995*
* *Public Sector Management Act 1994*

# Assurance

It is expected that:

* The YDC will undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* Women and Young People, Head Office will undertake management oversight as required.
* Operational Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework.](file:///\\DMCBDPFPS05\Public$\Standards%20and%20Procedures\Operating%20Standards%20and%20Procedures\New%20Operating%20Policies%20and%20Procedures\5.%20Youth%20Current\9.%20Safety%20&%20Security\9.4%20Centre%20Communications\9.4%20Drafts\)
* Independent oversight will be undertaken as required.

# Document Version History

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 27 January 2021 |  |
| 2.0 | Operational Policy | Approved by the Commissioner Corrective Services | 2 June 2021 | 29 September 2023 |
| 3.0 | Operational Policy  Memo Reference:  D23/959552  Content Manager Reference: S101340 | Endorsed by the  A/ Assistant Commissioner Women and Young People | 9 November 2023 | 18 December 2023 |
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