COPP 7.1 Prisoner Communications

Prison

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| PrinciplesAs referenced in the [Guiding Principles for Corrections Australia 2018](https://justus/search/Pages/results.aspx?k=guiding%20principles):2.2.3 Prisoners are provided with timely opportunities to inform their families or other approved persons of significant changes in their circumstances, location and the visiting procedures which apply.2.3.7 Access to interpreting and translation services is provided to any prisoner/offender who advises of, or is observed to have, difficulties in understanding or communicating in English. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all prisons administered by or on behalf of the Department of Justice (the Department).

# Policy

Prisoners are entitled to have the opportunity to maintain contact with their family and community and have access to legal representation, independent complaints agencies and government oversight bodies.

The application of rigorous security measures shall ensure that a prisoner’s ability to communicate via mail, telephone and electronic devices does not pose a risk to the safety or security of the prison or any person and does not contravene any written law.

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

# Superintendent Responsibilities

The Superintendent or an officer authorised by the Superintendent may, with the exception of privileged mail, and exclusions around legal mail, open and read any letter written by a prisoner or addressed to a prisoner and may open and inspect any parcel addressed to or dispatched by a prisoner[[1]](#footnote-2).

### The Superintendent shall have in place procedures to manage the security and clearance of privileged mail.

### The Superintendent shall maintain a ‘common contact list’ in accordance with [Appendix A: Pre-Registered and Confidential Numbers](#_Appendix_A:_Common). The list shall be explained to prisoners and displayed in relevant areas of the prison visible to prisoners.

### The Superintendent shall have procedures in place to manage the use of the prisoner telephone system (PTS) to include the:

1. approval, adding and removing of telephone numbers. This shall include establishing the relationship to the prisoner (including reviewing the history of visits) and gaining the consent of the parent or guardian where it involves a minor
2. means for depositing funds to prisoner telephone accounts
3. conditions and levels of access permitted
4. monitoring of recorded telephone calls in accordance with the security needs of the prison
5. recording and registering of all officer-initiated calls.

### The Superintendent shall ensure support is provided to prisoners using the PTS in regard to language barriers and hearing/speech impairments.

### The Superintendent shall ensure prisoners are made aware of the prisoner communication procedures in accordance with [COPP 2.2 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). Staff shall ensure the prisoner understands the communication procedures by asking questions about the process. Staff will seek the support of an interpreter if the detainee does not understand English.

### The Superintendent shall nominate an officer, or a group of officers, to approve officer-initiated telephone calls.

# Privileged Mail

## Standard requirements

### Any written letter sent by prisoners to, or received from, the following persons or government bodies shall be considered privileged mail:

1. Administration of Complaints, Compliments and Suggestions (ACCESS)
2. Attorney General (Commonwealth): in the case of a prisoner charged/convicted of federal offence
3. Attorney General (WA)
4. Australian Electoral Commission (AEC)
5. Australian Tax Office (ATO)
6. Child Assessment and Interview Team (CAIT),
7. WA Police Force
8. Commissioner for Corrective Services
9. Corruption and Crime Commission (WA)
10. Director General, Department of Justice
11. Equal Opportunities Commission (WA)
12. Health and Disability Services Complaints Office
13. Human Rights Commission (Commonwealth)
14. Minister for Corrective Services
15. Office of the Information Commissioner
16. Office of the Inspector of Custodial Services
17. Ombudsman WA (Parliamentary Commissioner for Administrative Investigations)
18. Ombudsman (Commonwealth)
19. Public Interest Disclosure Officer
20. National Redress Scheme for Institutional Child Sexual Abuse (Department of Social Services).

### The Superintendent shall ensure the list of privileged mail that can be sent or received is clearly displayed within relevant areas of the prison.

### Staff shall ensure they remain vigilant not to open any mail that is received from persons or government bodies listed in section 4.1.1.

## Outgoing privileged mail

### The Superintendent shall provide confidential mailboxes for prisoners to deposit privileged mail. These mailboxes shall be placed separately from general mailboxes and ideally in areas away from and out of sight of unit or block control offices.

### The Superintendent shall ensure envelopes are freely available and accessible (ie displayed next to the confidential mailbox).

### Outgoing privileged mail shall be sent to the recipient without being opened or read.

### The authorised officer on receiving outgoing privileged mail shall record the following in the confidential mail register:

1. date the mail was collected from the mailbox
2. unit the mail was collected from
3. recipient intended to receive the mail; and
4. date the mail was forwarded to the recipient.

### The authorised officer, prior to dispatching the mail shall:

1. stamp each privileged mail envelope, with the dispatch location (eg “Dispatched – Casuarina Prison”); and
2. place into a larger envelope and address the envelope.

### The authorised officer shall forward mail to the Ombudsman WA where a prisoner has:

1. incorrectly addressed privileged mail
2. addressed privileged mail to multiple recipients which include the Ombudsman WA, or
3. indicated no recipients (the Ombudsman WA will open and forward the mail to the appropriate office). These are not to be forwarded to Records Management Branch.

### The authorised officer shall forward privileged mail with multiple recipients (not including the Ombudsman WA) direct to ACCESS who will open and forward to the appropriate office.

### Should outgoing privileged mail be opened in error, the authorised officer shall:

1. inform the Superintendent
2. inform the prisoner; and
3. submit a TOMS Incident Report.

## Incoming privileged mail

### The authorised officer shall ensure privileged mail is re-directed to a prisoner who has been transferred to another prison.

### The authorised officer shall record the following for incoming privileged mail in the confidential mail register:

1. agency/name of sender
2. name of receiving prisoner
3. date the mail was received at the prison
4. date received by the prisoner; and
5. date mail was returned to issuing agency, where applicable.

### Incoming privileged mail shall be delivered to prisoners as soon as practicable after it is received without being opened or read unless section 4.3.4 applies.

### The authorised officer, if they have reasons to believe that the prisoner’s unopened privileged mail did not originate from any person/agency referred to as privileged mail, shall forward to the Superintendent who may:

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

### The Superintendent, if they open privileged mail, as outlined in section 4.3.4 shall:

1. inform the prisoner
2. submit a TOMS Incident Report to include the reason for opening the mail and the result of the inspection. Intelligence Services shall provide this information to the relevant operational services area
3. inform the relevant Assistant Commissioner in writing[[2]](#footnote-3).

### Should incoming privileged mail be opened in error, the Authorised Officer shall:

1. inform the Superintendent
2. submit a TOMS Incident Report
3. inform the prisoner
4. inform the relevant Assistant Commissioner in writing.

# General Mail

## Standard requirements

### Prisoner mail shall be handled and processed expeditiously.

### Prisoners shall be provided with writing material at the prison’s expense in accordance with their management regime (refer to [COPP 10.1 – Prisoner Behaviour Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)).

### Authorised Officers shall open, read and administer all prisoner mail[[3]](#footnote-4) (other than privileged mail and those restrictions detailed in sections 5.2.2 and 5.9 around legal mail).

### Authorised Officers shall not communicate (either verbally or in writing) to any person or third party the contents of prisoner mail other than outlined in section 5.2.4.

### Where determined by the Superintendent, prisoners shall be notified of the outcome of any investigation of incoming and outgoing mail.

### All external educational mail correspondence (eg assignments) shall be screened and recorded by the prison’s education staff, prior to being forwarded to the relevant educational institution.

### Requests from a law enforcement agency (eg WA Police Force, Australian Federal Police, Corruption and Crime Commission, Australian Criminal Intelligence Commission) for Orders or Notices to Produce a Business Record shall be referred to Information Release and Litigation Management (IRLM) in the first instance, at informationrelease@justice.wa.gov.au. IRLM will conduct an initial assessment and determine the relevant business area to action if required.

## Incoming and outgoing mail

### The Authorised Officer, for all incoming/outgoing mail, including that sent and received within the same prison shall record the following:

1. name and address of sender
2. name and address of recipient
3. date the mail was sent from or received at the prison; and
4. date received from the prisoner or delivered to the prisoner.

### Where prisoner mail is sent to, or received from, the prisoner’s registered local legal practitioner (legal practitioner), the authorised officer shall open the mail and read to the extent necessary to verify the recipient/sender and to assess whether section 5.2.3 applies.

### The authorised officer may return mail to the prisoner and submit a TOMS Incident Report in accordance with [COPP 13.1 – Incident Notifications Reporting and Communications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx), if it appears any of the following are applicable:

1. may jeopardise the good order or security of the prison
2. contains a threat to a person or property
3. constitutes or is expressed in code.

### The Security team may forward a copy of the mail to Intelligence Services (note: the copying of mail for any other reason is strictly prohibited).

### Authorised Officers, for all outgoing general mail shall ensure the prisoner’s name and the prison’s postal address is on the back of the envelope.

### Mail relating to an approved course of external study shall be sent via the prison’s education authority, where possible.

### Prisoners shall not be permitted to send photographs unless approved by the Superintendent/Officer in Charge (OIC).

## Return to Sender Prisoner Mail

### Under section 68 (4) of the *Prisons Act 1981,* the superintendent may decline to accept delivery on behalf of the prisoner or return a letter or parcel to the senderif any of the following is applicable:

1. May jeopardise the good order or the security of a prison; or
2. Contains a threat to a person or property; or
3. Is written in code

### Officers should include the [Appendix C - Return to Sender Prisoner Mail Template](#_Appendix_C:_Return) letter when sending mail back to a member of the community.

Note: These restrictions apply to General Mail only, not Privileged or Legal mail.

## Mail allowance

### [Appendix B: Mail Allowance Schedule](#_Appendix_B:_Mail) outlines the specific types of mail, who is to incur the cost of sending mail and any limits that may apply.

## Funds received

### Any credit, cheques, cash or money orders contained in mail shall be recorded on TOMS and credited to the prisoner in accordance with [COPP 8.4 – Prisoner Finances.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) The prisoner is responsible for notifying the sender of the receipt of the money.

## Prisoner photographs

### Refer to [COPP 11.1 – Security and Control](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### The Superintendent may authorise officers to take identifying photos (eg facial) of prisoners to provide to their family and friends.

### Photographs shall be provided to the prisoner in hard copy only and the prisoner shall be charged a fee as determined by the Superintendent.

### Authorised officers taking photographs of prisoners shall:

1. ensure they are conducted in a nondescript area that does not capture any prison security infrastructure
2. forward to the Security team for screening, prior to issuing to the prisoner.

## Photographs of newborn baby

### Any device designed to take photographs (such as a mobile telephone or camera) is not permitted to be brought into a hospital room by the prisoner’s family and friends.

### Pre-approval by the Superintendent for hospital photographs taken by prison staff is mandatory.

### Escorting Officers shall be verbally informed of the pre-approval which is also to be documented on the Offender Movement Information (OMI) sheet, prior to the escort.

### Photographs shall only be taken by the Escorting Officer(s), using a Departmental issued camera only.

### Photographs shall be provided to the prison Security Team.

### The Security team shall review the photos for any security concerns and document the outcome on TOMS Offender Notes.

### Where approved, the prisoner will be issued the photo(s) upon their return to prison.

## Prisoners no longer in custody

### Mail received for released, escaped or deceased prisoners shall be redirected to a forwarding address (if known) or returned unopened to the sender.

## International mail

### International mail may be sent at the prison’s expense, (refer to [Appendix B – Mail Allowance Schedule](#_Appendix_B:_Mail)).

## Electronic legal mail

### With the exception of electronic mail (eg emails) from a legal practitioner, prisoners shall not be permitted to receive any electronic mail without prior approval from the Superintendent. (eg email a prisoner program, where available).

### Superintendents shall create a generic email address to facilitate electronic mail from legal practitioner’s.

### Legal practitioner’s are to be advised of the following:

1. email correspondence titles must contain the prisoners name and date of birth
2. email correspondence must contain the contact details of the sender so to enable the sender to be contacted to confirm the email was sent by a legal practitioner.

### Authorised Officers shall only read the email to the extent necessary to verify the recipient/sender details.

### Prior to delivering any legal correspondence to the prisoner, an authorised officer shall make enquiries with the legal practitioner or their office, confirming the correspondence was sent by them and is concerned with the prisoner’s current legal matters. Once satisfied the email is for legitimate purposes, the authorised officer shall print and deliver the correspondence to the prisoner.

### All electronic mail shall be recorded and shall include the relevant details in section 5.2.1.

## Email a Prisoner Platform

### The Department’s approved ‘Email a Prisoner’ platform is overseen by Security and Response Services.

### Correspondence transmitted via this platform shall be managed similarly to general mail.

### Prisons shall refer to the [Email a Prisoner](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx) procedures for further information related to the implementation and management of correspondence via this platform.

# Prisoner Access to the Internet

## Access within a prison

### Prisoners shall not be provided access to any computer or device for the purposes of accessing the internet, unless in authorised circumstances.

### Authorised access may include where internet access is part of the approved application for external activities (eg Prisoner Employment Program).

### Should a prisoner require access to electronic educational or vocational courses, staff shall refer to [COPP 3.2 – Computer Use for Prisoners](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and [Rehabilitation and Re-integration – Information Technology Procedures](https://dojwa.sharepoint.com/sites/randr/Employment-education/Pages/Information-Technology.aspx).

## Access via a third party

### Prisoners may be granted approval by the Superintendent for requests for family, friends or third parties (e.g National Disability Insurance Scheme) to access the internet on their behalf associated with legitimate reasons. The Superintendent shall consider the following when reviewing a request:

the management, security or good order of the prison

the safe custody or welfare of any prisoner

the safety or welfare of any person (including the impact of the communication on a victim which may be distressing, traumatic or offensive).

### The Superintendent shall ensure, as part of a prisoner’s orientation, that prisoners are made aware that it is an expected standard of behaviour (refer [COPP 10.1 – Prisoner Behaviour Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)) that they do not request another to access the internet for any unauthorised purposes.

### Prisoners may be charged with a prison offence[[4]](#footnote-5) (refer to [COPP 10.5 – Prison Offences and Charges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)) or receive a loss of privileges where an incident occurs involving requesting another to access the internet for unauthorised purposes, including:

1. using a telephone call to access the internet, or
2. publish material on the internet, social media or public accessible forums or
3. permit, authorise, commission, arrange, enable or allow another person to publish material on the internet on the prisoner’s behalf.

# Restricted Mail

## Restraining order, unlawful consorting notice & high-risk serious offenders

### Authorised Officers shall remain vigilant when reading the mail of those prisoners subject to a current Violence Restraining Order (VRO), Family Violence Restraining Order (FVRO), Misconduct Restraining Order (MRO), Unlawful Consorting Notice (UCN), including prisoners with a High Risk Serious Offender (HRSO) liable status or an ANCOR registered prisoner, to ensure mail is not addressed to a protected or restricted person.

### Where the mail is addressed to a protected person, in contravention of a VRO, FVRO or MRO, the authorised officer shall submit a TOMS Incident Report and provide Intelligence Services with a copy of the letter.

### The requirements of 7.1.2 shall also apply where mail from a listed person within a prisoner’s UCN is received at the prison.

### Where there are attempts to send a letter, and the content of the letter indicates a possible (but not clear) attempt to contact a protected person in contravention of a restraining order or a UCN including by way of a third party, the Authorised Officer shall:

1. submit a TOMS Incident Report
2. provide Intelligence Services with a copy of the letter
3. forward the letter to Security who will notify Western Australia (WA) Police Force.

### The Authorised Officer shall advise the prisoner, an attempt to breach an active restraining order, UCN or an attempt to contact such a person, via a third party, who has been approved not to receive mail may constitute a breach and or criminal offence.

### The Authorised Officer shall complete a TOMS Incident Report and forward to the prison’s Security to advise of the above instances.

## Requests for no contact from a prisoner

### The Superintendent shall ensure prisoners do not communicate with persons who indicate that they do not wish to receive communications from the prisoner, which includes any victim-offender agreement, active restraining order or a written request approved in accordance with legislation[[5]](#footnote-6).

### A person, or agent of a person, may express they do not wish to receive mail from a prisoner[[6]](#footnote-7).

### A person wishing to make a request shall be provided with a [Request for No Mail](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form and offered assistance to complete the form, if required.

### An applicant may send the completed form directly to the prison where the prisoner is located for consideration.

### If the applicant does not know where the prisoner is located, they shall submit the form to head office via the following:

1. Male prisoners: CS-AMP-Operations@justice.wa.gov.au
2. Women prisoners: wyp@justice.wa.gov.au
3. GPO Box F317, Perth WA 6850

### For applications submitted to head office, the Superintendent Administration or Director Operations Women Services shall consider the applications and advise:

1. the relevant Superintendent, if satisfied the reasons provided are appropriate
2. the applicant of the request in writing.

### The Superintendent Administration or Director Operations Women Services on receiving requests shall advise:

1. the relevant Superintendent, if satisfied the reasons provided are appropriate
2. the applicant of the outcome of the request in writing.

### The Superintendent, once notified, shall implement appropriate measures to ensure the applicant does not receive mail from the prisoner.

### The Authorised Officer shall return the mail to the prisoner and submit a TOMS Incident Report, if a prisoner:

1. addresses mail to a person approved not to receive mail
2. attempts to contact the person via a third party.

### Prisoners shall be advised if they continue to disregard an order not to send mail to a person approved not to receive mail, they may be subject to disciplinary action.

# Prisoner Telephone System

##  Management of the PTS

### Superintendents shall establish procedures to ensure the appropriate use and monitoring of prisoner telephone calls in locations that do not have a PTS capable of recording telephone calls (eg work camps).

### For procedures relating to prisoner telephone system monitoring refer to the Security Management Framework Procedure, [SMF-PRO001 PTS Monitoring](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx) (PTS Monitoring Procedure).

### All prisoner telephone calls shall occur through the PTS with the exception of those calls in section 8.1.1.

### For further information relating to PTS monitoring refer to the [PTS Monitoring Procedure](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx).

### The PTS shall provide confidential (unmonitored and unrecorded) telephone calls for the purpose of prisoners contacting:

1. the prisoner’s registered legal practitioner
2. organisations stated in [Appendix A: Pre-Registered and Confidential Numbers](#_Appendix_A:_Common).

### A permanent notice with the following statement must be displayed next to all telephone handsets used by prisoners:

“CALLS ON THE PRE-REGISTERED AND CONFIDENTIAL LIST **WILL NOT** BE MONITORED OR RECORDED … IF THE RECORDED MESSAGE YOU HEAR BEFORE YOUR CALL INFORMS YOU THAT THE CALL MAY BE MONITORED OR RECORDED, PLEASE REPORT IT TO A STAFF MEMBER FOR ACTION”.

### The Authorised Officer shall not listen to a confidential telephone call that has been incorrectly recorded.

### The Authorised Officer shall inform the Superintendent and submit an Incident Report in the event a confidential telephone call has been recorded.

### The Superintendent shall notify the Contract Services Coordinator, Knowledge Information and Technology for review and action.

### Other official telephone numbers shall be added or amended on a prisoner’s PTS list as directed by the Deputy Commissioner Operational Support in consultation with Intelligence Services.

### The Assistant Commissioner Custodial Operations (ACCO) is authorised to amend the Pre-Registered and Confidential Numbers, (refer to [Appendix A – Pre-Registered and Confidential Number](#_Appendix_A:_Pre-Registered_1)). Requests should be submitted via email to: AJS-ACO-CustodialOperations@justice.wa.gov.au.

### Once approved, the changes required to the PTS shall be forwarded to the Contract Services Coordinator within Contract Services, Knowledge Information and Technology.

### Once the PTS has been updated, Operational Policy shall update this COPP and communicate the change to all prisons.

### PTS related faults/issues shall be directed through the internal Department Help Desk by calling 1800 500 884.

## Shut down of PTS

### The Superintendent shall ensure the PTS is shut down immediately, in the event of a death of a prisoner in accordance with [COPP 13.2 – Death of a Prisoner](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### The Superintendent may also authorise the shutdown of the PTS for other reasons to maintain the good order and security of the prison.

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

# Telephone Calls

## Standard requirements

### All prisoner telephone calls at each prison shall be monitored and recorded, where applicable, except those outlined in section 8.1.3.

### Prison staff shall provide prisoners with assistance to source telephone numbers (prisoners are not permitted access to telephone books).

### Prisoners are entitled to a maximum of 10 social contacts on their telephone list and shall be required to apply to add/amend telephone numbers on their PTS in accordance with the [Prisoner Telephone Application](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form, stating whether the call is personal or legal.

### Prisoners shall be advised when a telephone number is removed or added to their PTS list.

### Prison Officers shall ensure recipients agree not to forward or divert calls to other telephone numbers, establish conference calls between the prisoner and third parties or converse with another prisoner during a call.

### Prisoners shall not receive incoming social telephone calls. Incoming prisoner calls are restricted to:

1. independent government agencies
2. the Ombudsman
3. Adult Community Corrections
4. Youth Justice Services
5. the Department of Communities
6. the prisoner’s legal representation.

### Telephone numbers included on all prisons’ Common Telephone Numbers list shall be audited once per calendar year by the relevant Assistant Commissioner to ensure prisons’ Common Telephone Numbers correspond to those approved in [Appendix A - Pre-Registered and Confidential Numbers.](#_Appendix_A:_Pre-Registered_1)

### All prisoner telephone communication with external educational institutions shall be facilitated, supervised and recorded accordingly by the prison’s education staff in accordance with their policy and procedures.

## Prohibited Telephone Numbers

### The following telephone numbers are prohibited and shall not be added to prisoners’ individual PTS accounts:

1. Financial institutions
2. A TAB or gaming agency.
3. Any information services (telephone numbers commencing with 0055, 1800, 1900)
4. An official visitor[[7]](#footnote-8).
5. A paging service.
6. Another correctional centre, or custodial facility.
7. A Community Corrections office.

## Minimum telephone entitlement

### Regardless of a prisoner’s regime (refer to [COPP 10.1 – Prisoner Behaviour Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)) and provided prisoners have sufficient funds, prisoners should be given reasonable access to make at least one daily social call to an approved social contact.

### Regardless of a prisoner’s supervision level regime, prisoners are entitled to make calls to legal representatives for matters currently before the court, as required.

## Telephone call allocation

### Remand prisoners may make 5 social telephone calls per week for a 10 minute duration at the prison’s expense. The Superintendent may approve additional telephone calls in exceptional circumstances.

### Foreign national prisoners may telephone the local Consular Official of the overseas country of which they are a citizen at the prison’s expense.

## Specific prisoners telephone allowances

### Prisoners who are off country or from a remote area/location are eligible to receive an allowance of 2 free 10 minute calls to family/friends per week (calls may be intrastate, interstate). Staff shall complete the local off country and remote allowance form.

### Foreign national prisoners may make 2 free 10 minute international calls to family/friends per week. Staff shall complete the local off country and remote allowance form.

### Prisoners from a remote area/location are not eligible for the allowance when they have:

1. adequate funds to maintain contact
2. been able to utilise video visits through subsidised Departmental facilities within the previous week.

### The Superintendent shall:

1. ensure the allowance is monitored to prevent accumulation
2. ensure prisoners with adequate funds do not receive it
3. approve the accumulation of calls/credits, in exceptional circumstances.

### If a prisoner is found to have abused or intentionally misused the telephone allowance system, a loss of privilege (eg suspension of phone calls) may be imposed in accordance with these procedures and [COPP 10.1 – Prisoner Behaviour Management.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

## Personal calls

### All requests for adding or amending of telephone numbers for personal calls should include the name and address of the person to which the telephone is registered and completion of the [Prisoner Telephone Application](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form.

### The Unit Manager, prior to approving a request for an addition/amendment to a prisoner’s telephone contact list, shall ensure the following is confirmed:

1. a victim alert does not exist for the proposed recipient or any other person at the address where the telephone is located
2. any request to add a minor shall have the authority of a responsible adult
3. the call would not breach the terms of any active Restraining Order
4. the number belongs to the person identified on the request
5. the person is willing to have their number added to the prisoner’s PTS account
6. no person at the address where the telephone is located has indicated they do not wish to receive communications from the prisoner.

## Legal calls

### The Superintendent shall nominate officers to check the bona fides of requested applications for legal telephone call additions/amendments on prisoners’ telephone lists.

### The nominated officer approving the addition/amendment application shall not be the same officer conducting the checks.

### The following procedures apply when checking the bona fides of legal telephone call additions/amendments on a prisoners PTS list.

|  |  |  |
| --- | --- | --- |
|  | Procedure | Responsibility  |
| 1. | Confirm the telephone number requested is associated with a bona fide legal practitioner/firm and is currently a certified and practising legal practitioner, prior to any legal telephone number being added/amended on a prisoner’s PTS list. (refer: Legal Practice Board of Western Australia’s General Roll, Department of Justice list of Certified Legal Practitioners or the Law Almanac: <https://lawalmanac.justice.wa.gov.au>).  | Nominated Officer |
| 2.  | Directly contact the legal firm if initial checks undertaken raise suspicion as to the bona fide of the legal practitioner. | Nominated Officer |
| 3. | Ensure the certified legal practitioner is willing to have their number added to the prisoner’s PTS account. | Nominated Officer |
| 4. | Endorse the application and forward to the Unit Manager, once satisfied all checks have been completed. | Nominated Officer |
| 5. | Confirm all checks have been satisfactorily undertaken prior to approving the application for the addition/amendment of the legal telephone number. | Unit Manager |

## Officer-initiated calls

### Prison Officers shall obtain authorisation from a nominated officer, prior to providing an officer-initiated call and record the authorisation, detailing who incurred the cost (eg the prison or the prisoner), on the prisoner’s offender notes on TOMS.

### Officer-initiated calls for official purposes (eg communication with bail sureties, recognised education providers, Department of Communities, Child Protection and Family Support) may be provided outside of the PTS where it is impracticable to progress the call through the PTS (ie time does not permit). These calls shall be supervised and recorded on the prisoner’s notes on TOMS.

### The nominated officer may approve an officer-initiated telephone call if:

1. There are compassionate grounds (eg a recent family bereavement, severe illness of a family member, special family events etc)
2. as part of a risk management strategy in accordance with [COPP 4.9 – At-Risk Prisoners](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and the [ARMS Manual](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/arms.aspx)
3. the call meets the criteria in section 9.7.2
4. the prisoner wishes to contact their legal representative and time factors preclude written correspondence
5. it is part of a formal therapeutic program
6. it is an inter-prison call.

## Incoming calls

### The receiving officer, if a call is received for a prisoner regarding an urgent matter (eg family emergency) shall:

1. obtain specific details from the caller
2. advise the caller a message will be passed on to the prisoner
3. advise the Unit Manager.

### The Unit Manager shall refer the information to the relevant person to:

1. verify the information with relevant authorities, where possible, prior to passing on the message
2. relay the message to the prisoner as soon as practicable.

## Reverse charge calls

### Prisoners are not permitted to make reverse charge telephone calls.

## PTS Loss of privileges (LOP) process

### Staff monitoring PTS calls who become aware of a breach as listed in section 9.13 shall complete and submit an incident report detailing the prisoner involved, the date and time of the call, the call recipient, the specific PTS breach, and any recommended periods of LOP. Repeated PTS misuse may result in the application of the following schedule of LOP periods

1. 7 days for the first breach in a 12-month period.
2. 14 days for the second breach in a 12-month period.
3. 21 days for the third breach in a 12-month period.
4. 28 days for the fourth breach in a 12-month period.

### Following a fourth breach in a 12-month period, a formal prison charge may be considered. Notification and recording loss of privileges shall comply with section 4.4 of COPP 10.1 – Prisoner Behaviour Management.

### Where the prisoner’s telephone privileges are removed, the prisoner is still entitled to make at least one daily social call to an approved social contact and is entitled to make calls to legal representatives for matters currently before the court, as required.

### Prisoners shall not be permitted to call the number or call recipient involved in their PTS breach or breaches other than to maintain contact with a child or a child’s care provider

## Inter-prison calls

### Prisoners may make inter-prison telephone calls with close family members and other significant persons.

### Prison officers shall initiate prisoner applications for inter-prison telephone calls on TOMS which will need to be approved by the Superintendent or delegate of both prisons.

### All inter-prison telephone calls shall be officer-initiated telephone calls.

## Misuse of the PTS

### Any breaches of the following shall constitute misuse of the PTS:

1. Prisoners shall use their PTS account to contact approved call recipients only.
2. Prisoners shall not register PTS contacts under a false name or relationship, this includes legal numbers.
3. Prisoners shall not provide their PTS PIN to another prisoner or allow another prisoner to utilise or speak on their PTS account.
4. Prisoners shall not engage in call forwarding, call diversion or conference calling via the PTS.
5. Prisoners shall not use the PTS to abuse, threaten, intimidate, or harass call recipients.
6. Prisoners shall not arrange for other parties to be abused, threatened, intimidated, or harassed during a PTS call.
7. Prisoners shall not arrange for other parties to be assaulted or have their property damaged or stolen during a PTS call.
8. Prisoners shall not conduct PTS calls which breach violence restraining orders, or contact restrictions e.g., non-association orders, ANCOR registered prisoners.
9. Prisoners shall not discuss prison security measures, practices and/or routines during PTS calls.
10. Prisoners shall not identify prison staff by name during PTS calls.
11. Prisoners shall not arrange for the introduction of contraband via the PTS.
12. Prisoners shall not arrange for the transfer of funds to another prisoner, a prison visitor, any other PTS call recipient, or third party during a PTS call (this shall be assessed on a case-by-case basis to account for the transfer of funds for legitimate reasons.)
13. Prisoners shall not conduct conversations which constitute a threat to, or breach of, the good order and security of the prison.

## Removing a PTS recipient or number

### In circumstances where a prisoner commits repeated PTS breaches, and the breaches are of a nature that constitute a threat to, or breach of, the good order and security of the prison, a written application may be made by the Security Manager to the Superintendent (refer to [Appendix E – Request for the Removal of a PTS Contact](#_Appendix_E_–)) to have the relevant number or call recipient removed temporarily or permanently from the prisoner’s PTS account

### The application to the Superintendent shall detail the following:

1. prisoner, call recipient, and telephone number affected.
2. specific breaches being committed, and references to all relevant reporting (e.g., Incident Reports, Security Reports).
3. recommended period that the number is removed.

### The Superintendent shall determine the following:

1. whether the removal of a number or call recipient from the PTS is necessary for the good government, good order, and security of the prison .
2. the period that the number shall be removed.

### Where a decision is made to remove a number or call recipient from the PTS, the affected prisoner/s shall be advised in writing, and instructed to show cause in writing why the number or call recipient should not be removed (refer [Appendix F – Prisoner PTS Ban Letter](#_Appendix_F_–)).

### The call recipient shall also be advised in writing that their number has been removed and the period it has been removed for (refer [Appendix G – Call Recipient PTS Ban Letter](#_Appendix_G_–)).

### Once a removal has been finalised the Security Manager shall ensure the following occurs:

1. the ban letters and any correspondence from the affected prisoner are appropriately stored.
2. a note be entered on the TOMS profile for the affected prisoner recording any advice provided to them regarding the removal of numbers or call recipients from their PTS account.
3. the number or call recipient is removed from the PTS.
4. Intelligence Services is advised of the removal.
5. a copy of the removal notice is emailed to all Security Managers.

### Any subsequent requests for information or Freedom of Information applications received regarding the removal of numbers or call recipients shall be dealt with by the Security Manager in consultation with Information Release and Litigation Management.

# E-Visits and Video Link

## General

### Superintendents shall ensure that E-Visits are available to all prisoners to assist in maintaining contact with family and the community.

### Prisoners shall complete the [Video link and E-Visits Bookings](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form.

### Superintendents shall ensure that only approved equipment can be used to facilitate E-Visits and video link (refer to [ICT Policies and Guidelines](https://dojwa.sharepoint.com/sites/intranet/technology)).

### E-Visits and video link are available for:

1. official visitors; including but not limited to Community Corrections Officers, Youth Justice Officers, lawyers, religious visitors, service providers
2. social visitors
3. prisoners or detainees (eg inter-prison visit).

### E-Visits and video links related to legal matters shall take priority over social visits.

### All visitors shall adhere to the visitor code of conduct and visitor dress standards as detailed in [COPP 7.2 Social Visitors](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 7.3 Official, Religious, Spiritual and Other Visitors](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Prisoners shall complete the Video link and E-Visits Bookings form

## Supervision and security processes

### Superintendents shall ensure the security for facilitating E-Visits and video link sessions is maintained. The Superintendent shall include security processes within their Standing Order which will include processes for when searches of the room and checks of the equipment will occur. The searches and checks shall be recorded on TOMS.

### Prison Officers supervising E-Visits and video link sessions shall advise the external party that the call is going to be monitored, with the exception of contact with legal practitioners.

### Prison Officers must ensure that prisoners do not operate any part of the equipment used for E-Visits and video link sessions, with the exception of volume control on the speakers or headphones.

### Prison Officers shall remain vigilant during E-Visits and video link sessions and conduct regular monitoring.

### Prison Officers shall ensure that only approved visitors are in the room at any time and in the case of official visitors, the purpose of the visit is being adhered to.

### Prison Officers must immediately terminate the visit if the participants breach the conditions of the visit, including those detailed within [COPP 7.2 – Social Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 7.3 – Official, Religious, Spiritual and Other Visitors](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) where applicable to E-Visits and video link.

### Prison Officers shall report any misuse of the equipment during the visit to the Security Team and record the incident on TOMS.

## No connection

### If no connection can be established including the visitor not opening the required application or not answering when the connection is requested, then this visit will be recorded as a ‘DNO – Did Not Occur’ in the Visits Module on TOMS and the prisoner will be returned to the unit. This visit can be rescheduled for a future date and time.

## Costs

### Prisoners shall not be charged for an E-Visit or video link under the following circumstances:

1. social visit purposes where a prisoner cannot access a physical social visit due to distance constraints within the State
2. suspension of social visits as a result of an emergency event such as a pandemic
3. official visits relating to current legal matters.

## Electronic tablets and other associated equipment (eg laptops)

### Where electronic tablets are used for E-Visits, the Superintendent shall ensure a system will be implemented for security and accountability purposes including:

1. a register of the equipment used during the E-Visit
2. local assurance processes (eg daily/weekly checks).

### Electronic tablets will be secured and placed on charge in an appropriate area while not in use.

# Video Link to Courts

## Practice and protocols

### Where a prisoner appears in court proceedings from prison custody via video link, the following shall apply:

1. the Superintendent shall ensure the Officer/s present are aware of and follow court etiquette, privacy and compliance
2. video link is to be facilitated in a noise free room to prevent any disruption to court proceedings and ensure privacy to the prisoner
3. access to the ‘prison court room’ shall be restricted to only those individuals permitted by the court
4. there shall be no unapproved presence and inappropriate dialogue of prison staff in the ‘court room’

Also refer to [Appendix D: Prison Video link: Court Protocols and Etiquette](#_Appendix_D:_Prison).

# Standing Orders

## General requirements

### Superintendents may develop Standing Orders compliant with this COPP as operationally required.

### For prisons requiring a Standing Order this shall be compliant with [COPP 1.3 – Standing Orders](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and the Departments [Operational Policy and Procedure Framework](http://justus/intranet/department/standards/Pages/ops-standards.aspx).

### The Standing Order may include procedures for the management of:

approval and taking photos of prisoners in hospital following giving birth

the prisoner telephone system

E-visits:

* number of official e-visits available to prisoners
* position(s) responsible for approving e-visits
* security processes (ie searches and checks of equipment).

# Annexures

## Related COPPs and other documents

**COPPs**

* [COPP 1.3 – Standing Orders](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 2.2 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 4.9 – At-Risk Prisoners](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 7.2 – Social Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 7.3 – Official, Religious, Spiritual and Other Visitors](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 8.4 – Prisoner Finances](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.1 – Prisoner Behaviour Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.5 – Prison Offences and Charges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.1 – Security and Control](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.2 – Death of a Prisoner](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

**Other documents**

* [ARMS Manual](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/arms.aspx)
* [ICT Policies and Guidelines](https://dojwa.sharepoint.com/sites/intranet/technology)

## Definitions and acronyms

|  |  |
| --- | --- |
| Term | Definition  |
| ACCESS | ACCESS is a dedicated service within the Department of Justice, Corrective Services Division that manages complaints, compliments and suggestions for and related to prisoners and offenders state-wide |
| Authorised Officer | An officer authorised by the Superintendent for the purpose of s. 67(2) and s. 68(3) [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). |
| Common contact list | The list of telephone numbers available on the Prisoner Telephone System to all prisoners at the respective prison.  |
| Commissioner’s Operating Policy and Procedures (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Deputy Commissioner Adult Male Prisons | The position designated by the Commissioner as responsible for the management of the Adult Male Prisons business unit within the Corrective Services Division of the Department of Justice. This includes the oversight of the following prisons:Albany Regional PrisonBroome Regional PrisonBunbury Regional PrisonCasuarina PrisonEastern Goldfield Regional PrisonGreenough Regional PrisonHakea PrisonKarnet Prison FarmPardelup Prison FarmRoebourne Regional PrisonWooroloo Prison FarmWest Kimberley Regional Prison |
| Deputy Commissioner Women and Young People | The position designated by the Commissioner as responsible for the management of the Women and Young People business unit within the Corrective Services Division of the Department of Justice. This includes the oversight of the following prisons:Bandyup Women’s PrisonBoronia Pre-release CentreWandoo Rehabilitation PrisonMelaleuca Women’s Prison |
| E-visits | A visit facilitated electronically by a tablet type or laptop devices (eg Skype or similar) that specialises in providing video conversations and the audio component of a video session. Generally utilised for prisoners as an alternative to a physical social visit. |
| Foreign national | Any foreign national prisoner who is socially isolated and the prisoner’s family and friends are unable to visit, generally due to the distance required to attend the prison. |
| General mail | Mail that is not listed as privileged mail (includes legal mail). |
| High Risk Serious Offender (HRSO) | Those prisoners defined in the *High Risk Serious Offenders Act 2020.* |
| Legal mail | Mail to/from the prisoner’s registered legal adviser. |
| Legal practitioner | means an Australian legal practitioner whose home jurisdiction is this State as defined in the *Legal Profession Uniform Law Application Act 2022.* |
| Mail | Any letter, parcel, or object transmitted by post or courier. |
| Misconduct Restraining Order (MRO)  | Misconduct Restraining Order made under the [*Restraining Orders Act 1997*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_822_homepage.html)*.* |
| Officer-initiated telephone call | Where an officer establishes a call through the prisoner telephone system using a generic PIN. |
| Order to produce | An order issued under s. 53 [*Criminal Investigation Act 2006*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_225_homepage.html). |
| Prisoner from a remote area | Any prisoner who is socially isolated and the prisoner’s family and friends are unable to visit, generally due to the distance required to attend the prison. |
| Privileged mail | A letter written or received in accordance with s. 67(1) and s. 68 (1)(2) *Prisons Act 1981*.  |
| Prisoner Telephone System (PTS) | The PTS is a computer based pay telephone system for prisons and prisoners. |
| Remand | For the purpose of these procedures, remand includes an appeal class prisoner who is appealing their current conviction. |
| Restraining Order | Means a Violence Restraining Order or Misconduct Restraining Order made under the [*Restraining Orders Act 1997*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_822_homepage.html) |
| Restricted mail | Mail that is not to be sent to persons in accordance with s. 67A *Prisons Act 1981*. |
| Security Manager | The officer designated and assigned responsibility for the security of that prison. The officer’s position may be referred to as the Assistant Superintendent Security (ASSEC). |
| Security Report  | A report that Security staff submit for providing information to assist in:1. preventing and detecting crime
2. identifying misconduct or disciplinary matters
3. monitoring good order, control and security; and/or
4. developing strategies to address threats to prison security and national interests.
 |
| StandardMail | A standard letter or card complying with the dimensions as prescribed by Australia Post.  |
| Standing Order | Legislated Operational Instruments where the Superintendent of a prison may, with the approval of the Chief Executive Officer, make and issue written standing orders with respect to the management and routine of that prison (s. 37 *Prisons Act 1981*) |
| Superintendent  | The Superintendent as defined in s 36 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) includes any reference to the position responsible for the management of a private prison under Part IIIA [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html).Does not extend to the Officer in Charge of a Prison |
| Total Offender Management Solution (TOMS) | The computer application used by the Department of Justice for the management of prisoners in custody. |
| Unlawful Consorting Notice | Unlawful Consorting Notice issued under the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021* |
| Video link | A visit conducted between two or more participants at different locations by using audio visual networks to transmit audio and video data. Generally used for official purposes such as a Court appearance via video. |
| Violence Restraining order (VRO) | Violence Restraining Order made under the [*Restraining Orders Act 1997*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_822_homepage.html)*.* The person protected by the order and the person bound by the order are not in a family relationship with each other. |
| Woman | An adult female human being.  |

## Related legislation

* *Criminal Investigation Act 2006*
* *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021*
* *High Risk Serious Offenders Act 2020*
* *Legal Profession Act 2008*
* *Prisons Act 1981*
* *Prison Regulations 1982*
* *Restraining Orders Act 1997*

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner within Head Office will undertake management oversight as required.
* Operational Compliance will undertake checks in accordance with the [Operational Compliance Framework.](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx)
* Independent oversight will be undertaken as required.

# Current Version History

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by the Commissioner Corrective Services | 2 December 2021 | 28 December 2021 |
| 2.0 | Operational Policy | Approved by the Deputy Commissioner Operational Support  | 20 December 2021 | 4 January 2022 |
| 3.0 | Operational Policy | Approved by the A/Director Operational Policy, Compliance and Contracts | 2 March 2022 | 8 March 2022 |
| 4.0 | Operational Policy | Approved by the A/Director Operational Policy, Compliance and Contracts  | 29 March 2022 | 29 April 2022 |
| 5.0 | Operational Policy  | Approved by the A/Director Operational Policy, Compliance and Contracts | 15 November 2022 | 16 November 2022 |
| 6.0 | Operational Policy | Approved by the A/Director Operational Policy, Compliance and Contracts | 07 March 2023 | 07 March 2023 |
| 7.0 | Operational Policy | Approved by the A/Director Operational Policy, Compliance and Contracts | 20 March 2023 | 21 March 2023 |
| 8.0 | Operational Policy | Approved by the Commissioner Corrective ServicesCM: S23/ 112755 | 4 December 2023 | 12 December 2023 |
| 9.0 | Operational Policy | Approved by the Assistant Director Operational PolicyAppendix A - #27 telephone number amendment | 6 February 2024 | 6 February 2024 |
| 10.0 | Operational Policy | Approved by the Deputy Commissioner Operational Support CM: S24/24030 | 30 January 2024 | 27 February 2024 |
| 11.0 | Operational Policy | Approved by the Deputy Commissioner Operational SupportCM: D24/66176 | 4 July 2024 | 4 July 2024 |
| 12.0 | Operational Policy | Approved by the Deputy Commissioner Operational SupportCM: S24/72921 | 3 July 2024 | 9 July 2024 |
| 13.0 | Operational Policy | Approved by A/Assistant Director Operational PolicyCM: D24/865484 | 19 September 2024 | 20 September 2024 |

Appendix A: Pre-Registered and Confidential Numbers

The relevant telephone number(s) for the organisations listed below shall be included on each prison’s contact list as outlined below:

|  |  |  |  |
| --- | --- | --- | --- |
| No | Organisation | Number | Payee |
|  | Aboriginal Legal Services | 1800 019 900 | Free Phone |
|  | Aboriginal Visitors Scheme | 1800 282 429 | Free Phone |
|  | Alcohol and Drug Information Service (ADIS)  | 1800 198 024 (r)[[8]](#footnote-9)(08) 9442 5000 (m)[[9]](#footnote-10) | Prison |
|  | Australian Tax Office (dedicated line for indigenous clients) | 13 10 30 | Prison |
|  | Australian Tax Office (dedicated line for non-English speaking clients) | 13 14 50 | Prison |
|  | Cannabis Information Helpline | 1800 304 050 | Free Phone |
|  | Child Support Agency | 1800 824 044 | Free Phone |
|  | Crime Stoppers in Prison | 1800 333 000 | Free Phone |
|  | Family Relationship Advice Line | 1800 050 321 | Free Phone |
|  | Hepatitis Helpline | 1800 800 070 | Free Phone |
|  | Legal Aid | 1300 650 097 | Prison |
|  | Office of Health Review – Health and Disability Complaints  | 08 6551 7660 | Prison  |
|  | Ombudsman | 1800 117 000 | Prison |
|  | Prisoner ACCESS (Administration of Complaints, Compliments and Suggestions) | 1300 887 269 | Prison |
|  | Quitline | 13 78 48 | Prison |
| 17. | Samaritans | 1800 198 313 | Free Phone |
| 20. | Fines Enforcement Registry (FER) | 1300 650 235 | Free Phone |
| 21. | Equal Opportunity Commission  | 1800 198 149 | Free Phone |
| 24. | Disability Royal Commission  | 1300 115 214 | Free Phone |
| 25. | Blue Knot Phone Counselling  | 1300 421 468 | Free Phone |
| 26. | Your Story Disability Legal Support  | 1300 973 572 | Free Phone |
| 27. | National Redress Scheme for Institutional Child Sexual Abuse | 1800 724 185 | Free Phone |
| 28. | Defence and Veterans Legal Service | 1800 997 797 | Free Phone |
| 29. | Shine Lawyers Class Action | 1800 976 150 | Free Phone |

A list of these numbers should be made available to all prisoners. The above numbers are provided free of charge and are confidential.

Appendix B: Mail Allowance Schedule

Part 1: Outlines specific types of mail, who incurs the cost of sending the mail and any limits that are to apply.

|  |  |  |
| --- | --- | --- |
|  | **Standard mail**[[10]](#footnote-11) | **Other mail** |
| **Type of mail** | **Limit** | **Expense** | **Limit** | **Expense** |
| Privileged  | No | Prison | No | Prisoner |
| To legal adviser regarding matters about the prisoner’s current sentence or pending appeal/charges. | No | Prison | No | Prisoner |
| To the Consul of the overseas country of which he/she is a citizen. | No  | Prison | No  | Prisoner |
| Regarding potential future employment (in the period of 4 months prior to eligibility for Work/Re-entry Release, the prisoner’s EED[[11]](#footnote-12) or EDR[[12]](#footnote-13)) | 10 per month\* | Prison | No | Prisoner |

Part 2: Where the mail not covered in Part 1, outlines any limits that are to apply and who incurs the cost

|  |  |  |
| --- | --- | --- |
|  | **Standard mail** | **Other mail**(or where applicable, exceeds standard limit) |
| **Prisoner Cohort** | **Limit** | **Expense** | **Limit** | **Expense** |
| Remand (includes appellant) | No | Prison | No | Prisoner |
| Non-remand | 12 per month[[13]](#footnote-14)\* | Prison | No | Prisoner |
| Prisoners who have not received more than 6 visits from family and/or friends during the preceding 6 months | 16 per month[[14]](#footnote-15)\* | Prison | No | Prisoner |

Appendix C: Return to Sender Prisoner Mail (delete prior to printing)



GPO Box F317

Perth WA 6841

**Return to Sender: Prisoner Mail**

To the correspondent,

Your mail item has been returned to you because it contains items that are not authorised to be in the possession of a prisoner. The Superintendent or an officer authorised by the Superintendent may open and read letters addressed to a prisoner received at a prison and open and inspect parcels addressed to a prisoner received at a prison**.**

Under section 68 (4) of the Prisons Act 1981 where it appears to the Superintendent that the contents of a letter or parcel or any parts of the contents of such a letter or parcel addressed to a prisoner:

a. May jeopardise the good order or the security of a prison; or

b. Contains a threat to a person or property; or

c. Is written in code

The Superintendent may –

1. Decline to accept delivery on behalf of the prisoner and

2. Return the letter or parcel to the sender

Items that may be received by a prisoner via a letter or parcel are restricted to written or typed correspondence, photographs, greeting cards, money orders or cheques only.

**No other items of any description shall be accepted unless authorised by the Superintendent prior**.

Restrictions on allowable mail items are that they shall not contain or constitute:

* More than five (5) A4 pages of correspondence, more than 10 photographs (no larger than 4 x 6 inches), and more than one (1) greeting card (measuring 4 x 6 inches only).
* Material that may jeopardise the good order or security of a prison, contain a threat to a person or property or is written in code.
* Printed copies of social media content, or printed material from internet sites or email accounts.
* Laminated items.
* Polaroid photographs.
* Visuals or written depictions of graffiti, nudity, sexually graphic content *(revealing intimate areas of an individual or exposing an individual engaged in sexually explicit conduct*), violence, drugs, alcohol, illegal activities (*including references to gangs*) or weapons.
* Content relating to violent religious or political extremism, or racist ideologies.
* References to victims of the prisoner.
* References to a child or children other than where a familial relationship exists with the prisoner.
* Extracts, clippings, or photocopies from books, magazines, or newspapers.
* Electronic items i.e., USB’s, SIM cards, mobile phones, CD’s, greeting cards containing electronics.
* Stickers, glitter, metallic pen, excessive perfume/scents, whiteout, paint, crayon, unknown fluid stains and or substances.

All mail items must be sent via Australia Post or hand delivered to the prison via the allocated mailbox. Write the prisoner’s full name and include your return address details on your envelope or parcel. Nicknames and initials may cause your mail to be sent to the wrong prisoner or not be delivered.

Money orders and cheques shall only be accepted from registered visitors and will be automatically banked into the prisoner’s private cash account. Please ensure the sender’s name is written on the envelope or the back of the money order or cheque, or the money shall not be made available to the prisoner

**CASH SENT VIA POST SHALL NOT BE ACCEPTED**

Appendix D – Prison Video link: Court Protocols and Etiquette

Where possible it is advisable to apply the etiquette typically observed during an in-person court appearance when participating in a video link appearance

**Room Environment:**

It's acknowledged that complete noise prevention is not possible within a prison environment, however certain measures can significantly reduce disruptions, for example:

* Encouraging the practice of closing the door to the video link room when the prison officer is calling for the accused/offender who is about to appear.
* Muting and Unmuting: where possible ensuring there is an officer available to manage the video link technology for muting and unmuting the video link as needed. This can be particularly useful during periods of movement ie changeover of the accused that is appearing, or when there is potential for background noise.
* Staff Training: training prison staff involved in video link proceedings on the importance of minimising background noise. Pointing out the role of technology in ensuring clear communication and the impact of disruptions on the court process

**Technical Considerations:**

* Ensuring that the video link equipment is functioning correctly, with clear video and audio quality. Any technical issues should be addressed promptly to minimise disruptions.
* If practicable, prior to the hearing, conduct a test call with the court to confirm that all parties can see and hear each other clearly

**Accused/Offender Participation:**

The accused/offender participating in the video link, should also be made aware of court etiquette, particularly;

* Maintaining a respectful attitude during the proceedings ie addressing the judicial officer as ‘Your Honour’.
* Not interrupting the judicial officer lawyers, or other speakers.
* Sitting quietly until called upon by the judicial officer. Being mindful of their body language and avoid any distracting or disruptive behaviour.

**General Hearings**

* Having an accused/offender available and ready at least 5 minutes prior to the commencement of a hearing is strongly recommended.
* If visible on the video link, the prison officer should maintain a respectful demeanour throughout the proceedings. Being mindful of their body language and avoiding any distracting or disruptive behaviour.
* Officers should only communicate with the court or the judge if required, such as providing necessary information about the accused/offender or ensuring security during the hearing
* Generally prison officers introducing themselves isn’t necessary, however this can depend on the judicial officer presiding. Regardless, if they are remaining in the room during proceedings, it is imperative that their presence is known to the court. Where an accused/offender is not yet present in the room or needs to be removed, it has been recommended that prison officers should consider identifying themselves as this could prove valuable if the court requires further clarification or information about the situation
* A prison officer should not make any comments about the accused charges, evidence given (if applicable), parties to the proceedings or the judicial officer

**Giving Evidence or Sentencing Hearings**

While in-person appearances are more common for these hearings, video links are occasionally utilised, especially for an accused/offender in a facility outside the metropolitan area or where there is a potential security or health risk.

The following should be considered when the video link appearance is for the purpose of a person in custody giving evidence or during a sentencing hearing:

* The accused/offender should be alone in room during the video link.
* Ensuring that there is no apparent signage visible in the video link room

Appendix E – Request for the Removal of a PTS Contact

 **Corrective Services**

**Request for the Removal of a PTS Contact**

|  |  |  |  |
| --- | --- | --- | --- |
| **TO:** | SuperintendentChoose an item. | **DATE:** | Select date. |
|  |  |  |  |
| **FROM:** | Security ManagerChoose an item. |  |  |
| **SUBJECT:** | **Request to remove call recipient from the PTS** |

**Purpose**

To request the removal of the below call recipient and telephone number from the PTS in accordance with section 36 (3) of the *Prisons Act 1981*.

Call recipient: Name

Telephone number: Number

**Background**

The above call recipient and telephone number are currently active on the below prisoner/s PTS account.

Prisoner name: Name

Identification: Identification

Monitoring of PTS calls made by Prisoner Prisoners name to Recipients name has identified that the prisoner has misused the PTS and that the breaches are of a nature that constitute a threat to, or breach of, the good order and security of the prison. The specific breaches committed are.

(Choose from the PTS breaches identified in COPP 7.1).

1. Breach

2. Breach

3. Breach

These breaches have been recorded and reported via TOMS in the following Incident and/or Security Reports:

1. Report

2. Report

3. Report

**Recommendation**

It is recommended that the identified call recipient and telephone number be removed from the PTS account of Prisoner/s Prisoners name *temporarily for the following period:*

Time period *or permanently with no further calls to the number/call recipient permitte**d.*

Appendix F – Prisoner PTS Ban Letter

**To:** Name

**Unit:** Unit

**Notice of PTS removal**

This letter is to advise that in accordance with s 36 (3) of the *Prisons Act 1981*, the following call recipient and telephone number has been removed from your PTS account.

**Call recipient:** Name

**Telephone Number:** Phone number

The removal of the number is *temporary for the following period*  Time period *or permanent and no further calls to the number/call recipient will be permitted*.

The reason for imposing the ban is that it has been identified and reported that you have misused the PTS and that the content, and nature of these calls constitute a threat to, or breach of, the good order and security of the prison. I am satisfied that the information provided to me warrants the removal of the call recipient and their number from your PTS account for the nominated period.

The Department of Justice acknowledges the importance of maintaining relationships while in prison, and all other numbers on your PTS account remain active and unaffected.

Any further attempts to contact the identified call recipient via the PTS will result in further sanctions for yourself, or any other party involved.

You may make a written submission in relation to the decision to remove the call recipient and their number from the PTS, or the reason for the ban within 28 days of the date of this letter.

All submissions are to be forwarded to the Superintendent via your Unit Manager

Superintendent Name

 Prison Choose an item.

Month/Year Click or tap to enter a date.

Appendix G – Call Recipient PTS Ban Letter

 **Corrective Services**

**To:** Name

**Address:** Address

**Notice of telephone number removal**

This letter is to advise that in accordance with s 36 (3) of the *Prisons Act 1981*, your telephone number has been removed from the Prisoner Telephone System (PTS) account of Prisoners name.

The removal of the number is *temporary for the following period* Time period *or permanent and no further calls will be permitted.*

The reason for removing your number is that it has been identified and reported that the content and nature of the calls made by Prisoner Prisoners name to you constitute a threat to, or breach of, the good order and security of the prison.

I am satisfied that the information provided to me warrants the removal of your number from Prisoner Prisoners name PTS account.

The Department of Justice acknowledges the importance of maintaining relationships while in prison and all other numbers on Prisoner Prisoners name PTS account remain active and unaffected.

However, your actions pose a serious threat to the good order and security of the prison. Any further attempts to contact Prisoner Prisoners name via the PTS during the ban period will result in further sanctions being imposed.

Superintendent Name

 Prison Choose an item.

Month/Year Click or tap to enter a date.

1. s 67(2) and 68(3) *Prisons Act 1981* [↑](#footnote-ref-2)
2. s 68(2) *Prisons Act 1981* [↑](#footnote-ref-3)
3. s 67(2) and s68(3) *Prisons Act 1981* [↑](#footnote-ref-4)
4. s. 69 *Prisons Act 1981* [↑](#footnote-ref-5)
5. s 67A *Prisons Act 1981* [↑](#footnote-ref-6)
6. s 67A *Prisons Act 1981* [↑](#footnote-ref-7)
7. As defined by section 54, 57, and 64 of the *Prisons Act 1981* [↑](#footnote-ref-8)
8. refers to regional [↑](#footnote-ref-9)
9. refers to metro [↑](#footnote-ref-10)
10. A standard letter or card complying with the dimensions as set down from time to time by Australia Post. International mail may be sent at the prison’s expense. [↑](#footnote-ref-11)
11. Earliest Eligibility Date [↑](#footnote-ref-12)
12. Earliest Date of Release \* Non-accumulative [↑](#footnote-ref-13)
13. [↑](#footnote-ref-14)
14. [↑](#footnote-ref-15)