



Youth Custodial Rule 501

Visits

Legislation referred to: [Inspector of Custodial Services Act 2003](#)
[Young Offenders Act 1994](#)
[Young Offender Regulations 1995](#)

1. Introduction

Visits from family to detainees in detention enable the family to participate in the process of the detainee's reintegration back into the community. Social visits support the role and responsibility of parents, caregivers or significant others have in the detainee's development, whilst official visitors undertake specific duties and safeguard for the care, wellbeing and rights of detainees.

2. Scope

This rule applies to all Youth Custodial Services Staff, volunteers and contractors and should be read in conjunction with all relevant Rules, Standing Orders and Departmental policies and procedures.

3. Purpose

The purpose of this Youth Custodial Rule is to establish clear processes for visits both to and from detainees, ensuring accountability and transparency.

4. Requirement

It is a requirement for any person entering a youth custodial facility, that identification, as determined by the Superintendent or their delegate, is provided.

5. Official visitors

5.1 Independent Detention Centre visitors

Subject to s 41 of the [Inspector of Custodial Services Act 2003](#), the Minister, after having regard to the advice of the Inspector of Custodial Services may appoint visitors to be known as independent detention centre visitors.

Section 42(1)(b) of the [Inspector of Custodial Services Act 2003](#) requires that Independent Detention Centre Visitors should submit a report in writing to the Inspector after each visit and inspection.

This report should broadly reflect the visitor's observations in relation to the following interconnected functions:

- to provide a safeguard for the care, wellbeing and rights of detainees
- to provide information to detainees concerning access to services such as grievance procedures, support agencies and welfare

- to speak, when requested, on a detainee's behalf to Youth Custodial Officers, staff and/or the Superintendent or their delegate
- To observe and record matters that seem to bear upon the general operations of the detention centre.

Standing Orders outline the processes and procedures to be followed.

5.2 Visiting Justices

Visiting Justices are appointed by the Minister for terms of 2 years duration from persons who are Magistrates or Members of the Children's Court, as provided for under s 166 of the [Young Offenders Act 1994](#).

The duties of a visiting Justice shall be in accordance with s 168 of the [Young Offenders Act 1994](#).

Visiting Justices cannot carry out the duties of an Independent Detention Centre Visitor appointed under s 41 of the [Inspector of Custodial Services Act 2003](#).

5.3 Right of certain persons to enter detention centres

Subject to s 169 of the *Young Offenders Act 1994*, a person who is:

- (a) an independent detention centre visitor
- (b) a judge or magistrate of the Children's Court, or
- (c) a member of the Children's Court authorised by a judge or magistrate of the Children's Court

may, upon providing satisfactory proof of the person's identity to the Superintendent enter and examine a detention centre at any time.

5.4 Legal Practitioners

Where reasonable notice to visit has been given to the Superintendent or their delegate, a Legal Practitioner may, enter the detention centre and interview a detainee within the view but not the hearing of a staff member for the following purposes:

- 5.4.1 To prepare a detainee's defence or submissions to be made on the detainee's behalf where such detainee is on remand awaiting trial or remanded for sentence.
- 5.4.2 To advise a detainee on an appeal - if within the statutory time limit for an appeal.
- 5.4.3 To prepare a detainee's appeal where the detainee has lodged same against a conviction or sentence, or against a refusal or disallowance of bail.
- 5.4.4 To advise a detainee on any other legal matters.

5.5 Officers of the Department of Corrective Services

Where reasonable notice to visit has been given to the Superintendent or their delegate, any Officer of the Department of Corrective Services authorised to carry out related duties pertinent to their respective roles and responsibilities shall have the right to enter Detention Centres as needed to facilitate their enquiries.

5.6 Members of the Police Service

Members of the Western Australian Police may interview detainees regarding police matters by appointment with the Superintendent or their delegate of the Centre.

Standing Orders outline the processes and procedures to be followed.

5.7 Aboriginal Visitors Scheme

Where reasonable notice to visit has been given to the Superintendent or their delegate members of the Aboriginal Visitors Scheme shall be permitted to enter a Detention Centre for the purpose of performing their duties.

The Superintendent or their delegate shall ensure that the Aboriginal Visitors Scheme is contacted whenever a detainee is identified as requiring the services of these staff.

5.8 State Ombudsman (Parliamentary Commissioner for Administrative Investigations)

For the purposes of conducting an investigation the State Ombudsman (Parliamentary Commissioner for Administrative Investigations) may, at any time, enter detention centres as needed to facilitate their enquiries.

5.9 Chaplaincy visits

Where reasonable notice to visit has been given to the Superintendent or their delegate the Youth Custodial Services appointed Chaplain may attend the Detention Centre at any reasonable time to provide pastoral care and support to detainees and have telephone contact at other times.

The Designated Chaplain may access all areas of the centre without an Officer escort as deemed appropriate by the Superintendent or delegate.

A Register of the Youth Custodial Chaplain's visits to the Detention Centres shall be maintained.

5.10 Volunteers, sporting and religious group visits

5.10.1 Group members who are regular visitors to the Centre shall wherever possible be over 18 years of age. In the event a visiting group member is under 18 years of age then parental consent for the group member to attend is required and the Superintendent or their delegate shall approve the visit.

5.10.2 All visiting group members over the age of 18 years shall be required to undergo a standard police record check prior to approval for entry into the centre.

5.10.3 Where a visiting group consists of young persons under the age of eighteen years then parental or caregiver consent is required for all members. Adults who have parental delegated responsibility for the group shall supervise the visiting group at all times. The Superintendent or their delegate shall give approval for these visiting groups to attend. These groups are required to be escorted by Youth Custodial Officers.

5.10.4 Visiting group members shall not be permitted access to the centre until the above process has been completed.

6. Social visits by family, friends and relatives

- 6.1** At the Superintendent's (or delegate's) discretion, detainees may receive or refuse visits from family and friends subject to the respective hours of operation for the Detention Centre. Visit times other than as stated for the Detention Centre shall be at the discretion of the Superintendent or their delegate.
- 6.2** The Superintendent or their delegate shall ensure that every effort is made to promote an atmosphere for detainee visits that has a family friendly focus. The facilitation of visits to detainees shall foster the special role and responsibilities of parents, caregivers and significant others and the need for the parental role to be supported.
- 6.3** Detainee's families shall be supported through visits to participate in the process of the detainee's reintegration back into the community. The facility of Detention Centre visits shall support the role and responsibility of parents, caregivers or significant others have in the detainee's development.
- 6.4** Contact visits are a customarily granted privilege. The granting of this privilege is to be promoted in normal circumstances.
- 6.5** When participating in contact visits, visitors and detainees shall maintain acceptable standards of behaviour per the Visits Code of Conduct ([Appendix 501.1](#)), failure to comply may result in the termination of the visit.
- 6.6** On the authority of the Superintendent or their delegate, when an abuse of the privilege of contact visits warrants, visits in a non-contact environment may occur. Removal of the privilege of contact visits may be as a result of:
- unacceptable behaviour by visitors or detainee
 - unacceptable physical contact between detainees and visitors
 - items of contraband being apprehended
 - failure to comply with other Detention Centre visiting area rules; or
 - TOMS Alert
- 6.7** A detainee shall be permitted to receive visits from friends and relations as soon as practical following admission to a Detention Centre and at least twice weekly thereafter, and at such other times as may be authorised by the Standing Orders of a Detention Centre.
- 6.8** The Superintendent or their delegate may require a visit to a detainee to take place in the presence of, or under the general supervision of a staff member and in such circumstances as they consider appropriate, in order to facilitate communication between the detainee and any parent, guardian or caregiver of the detainee.
- 6.9** The following persons are permitted to visit detainees in a Detention Centre:
- parents or caregivers
 - relatives with the approval of the detainee's parents or caregivers and the Superintendent or their delegate

- friends over the age of 18 years with the written approval of the detainee's parents or caregivers and the Superintendent or their delegate
- friends under the age of 18 years, whose parents have provided written approval for them to visit, accompanied by an approved adult and with the written approval of the detainee's parents or caregivers and the Superintendent or their delegate
- where the detainee can demonstrate that the person is currently a significant person in their life and the requirements of the above points cannot be met, the Superintendent or their delegate may authorise visits. A written record of application for approval and authorisation shall be kept
- ex-detainees or ex-prisoners are only permitted to visit if they are the sibling, partner or direct family member of a detainee and only with the prior written approval of the Superintendent. If these visitors are under the age of 18 years they must be accompanied by a parent or caregiver.

7. Documented record of visits to detainees

7.1 The Superintendent or their delegate shall cause a record of detainee visitors to be kept and maintained to record the following detail:

- date of each visit
- printed name of each visitor
- name of the detainee visited
- relationship of the visitor to the detainee
- signature or official mark of each visitor.

7.2 All social visitors to detainees shall be required to complete a Statutory Declaration before their first visit.

7.3 Officers are to ensure that all relevant information pertaining to visitors is entered on the Statutory Declaration prior to permitting any visits to proceed.

7.4 Officers need to be satisfied as to the identity of a visitor. Visitors completing Statutory Declarations shall provide acceptable forms of documentation to substantiate their identity.

8. Entry to detention centre may be refused

8.1 The Superintendent or their delegate may refuse permission to enter a Detention Centre to any visitor for the following reasons:

8.1.1 Whose presence would in the opinion of the Superintendent or their delegate be prejudicial to the good order and management of a Detention Centre or to the best interest of a detainee.

8.1.2 Who upon request does not or refuses to provide his or her name and address and other proof of identity.

8.1.3 Who refuses, upon request, to submit to a search or to allow anything in his or her possession to be searched.

9. Searches before and after visits

Subject to the provisions of the [Young Offenders Act 1994](#) and the [Young Offenders Regulations 1995](#), the Superintendent is empowered to search any person entering or leaving a detention centre. [Youth Custodial Rule 208](#) refers.

10. Authority to visit a detention centre may be withdrawn

10.1 If in the opinion of the Superintendent or their delegate and in consideration of s 7 above, a visitor behaves improperly or inappropriately, the Superintendent or their delegate may withdraw any previously given authority to visit the detention centre and require the visitor to leave.

10.1.1 Any refusal of entry under this section, the Superintendent or their delegate shall provide a written report to the Assistant Commissioner Youth Justice Services.

11. Detainee may refuse to see a visitor

11.1 A detainee may refuse to see a visitor unless the Superintendent or their delegate determines otherwise that it is in the best interests of the detainee.

11.2 In general terms it is inappropriate for a detainee of 15 years or younger to refuse to visit their parent or caregiver. All available options shall be undertaken to encourage these visits to be successfully completed.

11.3 In all cases where a detainee refuses a visit from parents, guardian or caregiver the Superintendent or their delegate is to be advised.

12. Video Visits

12.1 The convenience of video conferencing/Skype, or video visits has been made available by the progressive completion of a video conferencing network in Prisons, Detention Centres and Community Based Offices throughout Western Australia.

12.1.1 The same principles for approvals of video visits also apply to inter-state and overseas video visits. The Superintendent or their delegate is to determine the duration and frequency of any approved visits. The Superintendent or their delegate shall also determine costs to be deducted from the detainee's gratuities in this category.

12.2 Video conferencing where installed will also be available for the completion of Case Planning or other meetings between detainees, their families, and Youth Justice Officers in remote locations and the Case Planning or Liaison Unit within the Detention Centre.

12.3 In general terms detainees who would otherwise be disadvantaged by way of distance or availability to family or significant others shall have opportunity to visit by way of video visits.

12.3.1 To the extent that they are applicable the same procedures that apply to personal visits from family and friends also apply to visits on a video link. The approvals as outlined in this Rule shall be followed in regard to approved persons.

12.3.2 Video visits are only available where there is a video conferencing facility in the community that can be accessed by the detainee's family or friends.

12.3.3 The standard of behaviour and dress during a video visit shall be the same as that expected for a normal personal visit.

12.4 Subject to the availability of video visits, detainees with parents, caregivers, partners or significant others in adult Prisons shall be able to request video visits with these persons.

12.4.1 The frequency of ongoing video visits is to be determined by the Superintendents of the 2 facilities involved in the link.

12.5 All requests for video visits involving a detainee shall be referred to the Case Planning Unit of the Detention Centre.

12.6 Detainees shall be advised that social video visits may be recorded and viewed by a designated person at a later time to ensure acceptability of content.

12.7 Detainees shall be supervised by a Staff member for the duration of the video visit.

12.8 The Superintendent or their delegate may authorise a video visit at no cost to a detainee if considered appropriate in order to maintain family contact.

13. Permission to Visit a Detainee in Hospital

13.1 A person shall not visit a detainee in hospital without the prior permission of the Superintendent or their delegate.

13.2 The Superintendent or their delegate shall take all reasonable steps to notify a detainee's parents or caregivers of their admission to hospital. In the case of the next of kin not being contactable, then a suitable person (preferably a relative) may be contacted as authorised by the Superintendent or their delegate.

13.3 Detainees who have been admitted to a public hospital for an extended period under escort may be permitted to have social visits as approved by the Superintendent or their delegate.

14. Visits by Detainees to Adult Prisons

14.1 The Superintendent or their delegate may consider a request from a detainee to undertake a face-to-face visit, or to receive a face-to-face visit from a friend or relative sentenced or remanded in custody at an adult prison. No more than 1 visitor per visit shall be considered and all such visits granted shall not be interpreted as a right.

14.2 In general terms detainees who would otherwise be disadvantaged by way of distance or availability to family or significant others whilst in custody shall have much more opportunity to see relatives in a prison by the use of video visits rather than face-to-face visits.

14.3 The convenience of video conferencing, or video visits that has been made available by the progressive completion of a video conferencing network in Prisons, Detention Centres and Community Justice Services Offices throughout Western Australia will therefore dramatically impact on the necessity to approve a face-to-face meeting.

14.4 The Superintendent or their delegate shall therefore need to assess the need of whether the positive aspects override the negative aspects of determining an

approval for a face-to-face visit rather than the convenience of utilising a video visit.

- 14.5** In considering the approval of a face-to-face visit, deliberation of cost factors of the visit in relation to escorting officers and vehicle availability need also to be taken into consideration.
- 14.6** Standing Orders detail the procedure for approval of video visits.
- 14.7** The consideration of an application from a detainee for a visit to, or a visit from another detainee or prisoner shall include an assessment of the importance of the relationship between the detainees or prisoner who will be party to the proposed visit and shall be made in light of the substantive evidence concerning several or all of the following:
- 14.7.1 A degree of blood relationship. That is the existence of a blood relationship with a mother, father, sister or brother is usually sufficient to recommend a visit.
- 14.7.2 Detainees who are significantly isolated from their normal community or country may be approved visits with other detainees or prisoners from the same region or country.
- 14.7.3 A proven past importance of the relationship by one or both of the detainees or prisoner.
- 14.7.4 A commitment demonstrated to the relationship by one or both of the detainees or prisoner through other forms of communication including the previous use of video visits.
- 14.7.5 The negative impact of non-contact face-to-face to 1 or both of the detainees or prisoner.
- 14.7.6 A marriage relationship including de facto or ceremonial.
- 14.8** In all cases and all visits the management, control and security of the detainees, and the protection and security of staff and the public, shall remain paramount.
- 14.9** Standing Orders detail the application process, agreements and appeals procedures.
- 14.10** Escort arrangements shall be in accordance with [Youth Custodial Rule 403](#).
- 14.11** The Superintendent or their delegate shall maintain a record of all Prison visits.

15. Appendices

- [Appendix 501.1](#) – Visits Centre – Code of Conduct
- [Appendix 501.2](#) – Visits between detainees and prisoners
- [Appendix 501.3](#) – Appeal against the decision for visits between detainees and prisoners

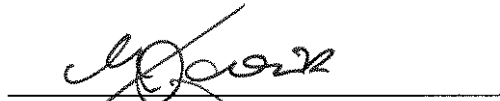
Version history

Version	Approved	Effective from
First published as Juvenile Custodial Rule 501 - Official Visits to Detainees, Juvenile Custodial Rule 502 - Social Visits to Detainees, Juvenile Custodial Rule 503 - Visits by detainees to other Detention Centres and Adult prisons and Juvenile Custodial Rule 504 - Visits to Detainees by Ex-Detainees and by Known Ex-Prisoners	25 April 2001	25 April 2001
Above rules amended	17 July 2008	17 July 2008
Renamed and renumbered: Youth Custodial Rule 501 - Visits	27 August 2012	27 August 2012

Rule made pursuant to Section 181 (1) of the *Young Offenders Act 1994* and the *Young Offenders Regulations 1995* by the Commissioner being the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister for Corrective Services.

ON THE 27TH DAY OF AUGUST 2012

MINISTER for CORRECTIVE SERVICES



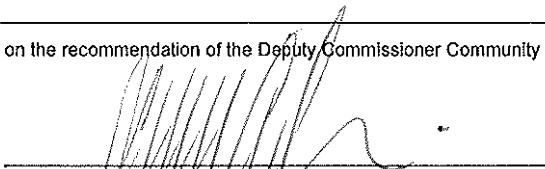
COMMISSIONER



DEPARTMENT of CORRECTIVE SERVICES

on the recommendation of the Deputy Commissioner Community and Youth Justice and the Director Youth Custodial Services

DEPUTY COMMISSIONER
COMMUNITY and YOUTH JUSTICE



DIRECTOR
YOUTH CUSTODIAL SERVICES

