



# Visitors to a Facility

## Visits Process

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### Custodial Operations Practice Directive

Process Owner: Custodial Operations	Security Classification: Official/Public
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### Custodial Operations Practice Directive

## 1. Human Rights

It is unlawful for corrective services officers to act or make decisions in a way that is not compatible with human rights, or in making a decision, fail to give proper consideration to a human right relevant to the decision.

Giving proper consideration to human rights entails identifying human rights which may be relevant to a decision and considering whether the decision would be compatible with human rights.

A decision will be compatible with human rights when it does not limit a human right, or only limits a right to the extent that is reasonable and demonstrably justifiable.

Human rights which may be relevant include:

- a) the right to equal and effective protection against discrimination;
- b) the right to privacy;
- c) the person's cultural rights – generally and for Aboriginal peoples and Torres Strait Islander peoples;
- d) the right to humane treatment when deprived of liberty;
- e) protection of families and children; and
- f) freedom of expression.

## 2. Limitation of Human Rights

In determining whether a limitation may be reasonable and demonstrably justified, the following factors are relevant to consider:

- a) The nature of the human right - this involves looking at the purpose and underlying value of the human right. For example, the right to privacy provides the right not to have a person's privacy and family unlawfully or arbitrarily interfered with. The protection of families and children recognises that families are a fundamental unit of society, and every child has the right without discrimination to the protection that is needed by the child and is in the child's best interest.
- b) The nature and purpose of the limitation – this involves considering the actual purpose or legitimate aim/reason for limiting the human right. For example, this policy document engages the right to privacy by requiring an individual to provide their personal information for assessment prior to being approved to attend a corrective services facility. It also engages the protection of families and children by potentially restricting a prisoner's access to visitors, dependent on the results of the assessment of the criminal history checks and intelligence holdings.
- c) The relationship between the limitation and its purpose – this involves considering the rational connection between the limitation of the right, and whether this will help to achieve said purpose or legitimate aim. For example, the purpose of requesting personal information from individuals to assess their access approval as a personal visitor is to ensure the safety and security of the facility and the security of person for prisoners and officers.
- d) Whether there are any less restrictive and reasonably available ways to achieve the purpose – this involves a 'necessity analysis' where it is necessary to consider the purpose of the limitation and if it can be achieved in any other way. For example, could QCS be less intrusive in the information requested and still ensure the safety and security of the facility?





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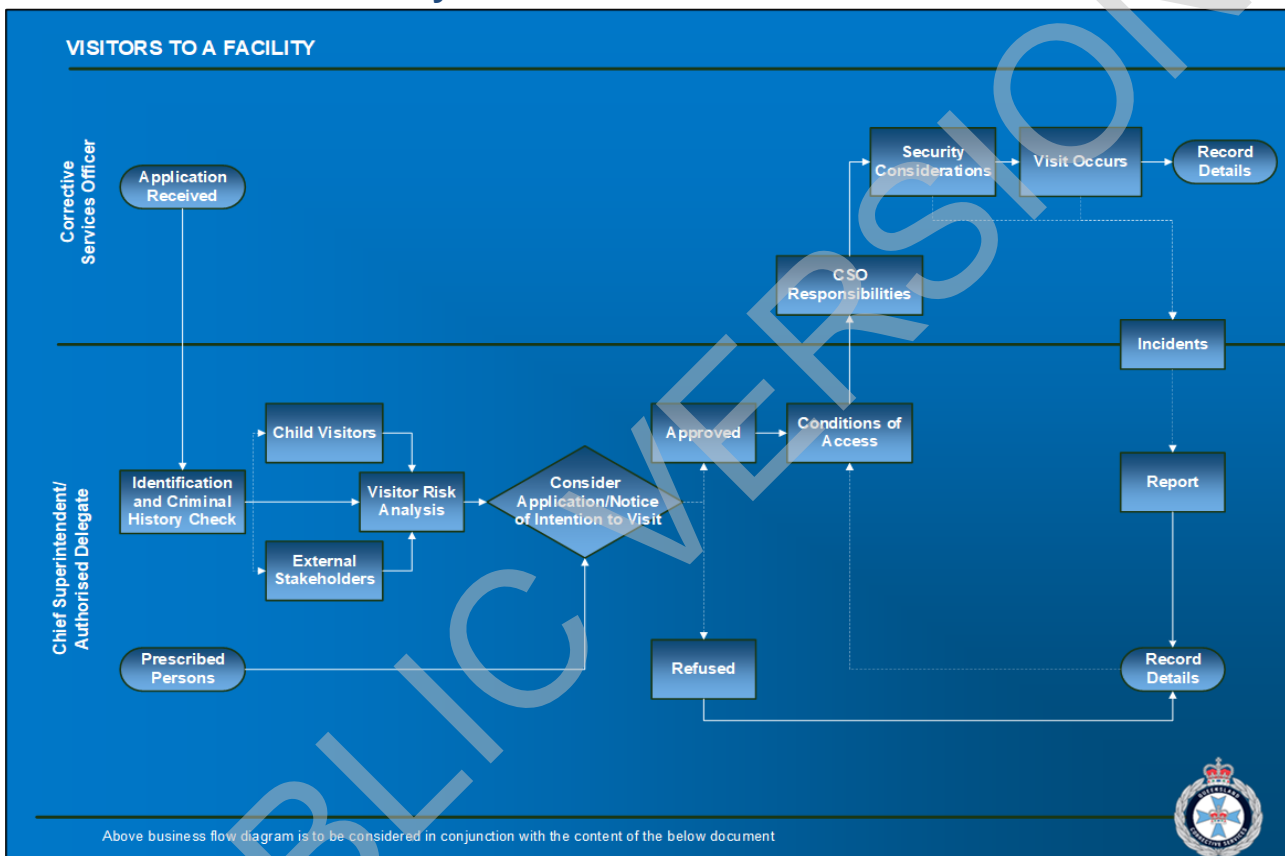
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- e) The importance between the purpose for the limitation and preserving the human right – this involves a balancing exercise of the benefits obtained by the limitation vs the harm caused to the human right. For example, is the safety and security of the facility achieved by completing personal history checks balanced against the limitation on the individual's right to privacy?

### 3. Visitors to a Facility



A prisoner is entitled to receive a visit from a personal visitor once a week and a legal visitor. However, the Chief Superintendent or delegate may allow additional visits and may allow more than one personal visitor to visit a prisoner at the same time, if this is within the operational limits of the corrective services facility.

### 4. Corrective Services Officer's Visit Responsibilities

Every corrective services officer controlling access to a facility and supervising visitors must ensure:

- a) appropriate records are maintained of all visitors who enter or exit the facility;
- b) any search activities conducted within the visits area are recorded;
- c) all visitors entering the facility have provided appropriate identification;
- d) all visitors entering the facility comply with the appropriate dress standards (refer to the Appendix V1 Appropriate Dress Standards);
- e) prisoners and visitors demonstrate socially acceptable behaviour at all times;
- f) the allocation of seating arrangements is consistent with the appropriate level of supervision required;





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- g) the prevention of trafficking of drugs, prohibited articles and contraband;
- h) a visitor's personal property is placed in a locker prior to visits (in a secure facility);
- i) persons who appear intoxicated or under the influence of an illicit substance are refused entry to the facility;
- j) a visitor is searched in a considerate and appropriate manner, refer to the COPD Search: Visitor Search; and
- k) all visits are monitored.

## 5. Non-Personal Visitor Application Process

Before visiting a corrective services facility for the first time, a visitor, other than a prescribed person (refer to the below sections of this COPD) must apply for approval to access the facility. This is referred to as access approval if it relates to physically entering a corrective services facility.

### 5.1 Prescribed persons

Prescribed persons are **not required** to apply for approval to access a corrective services facility. Refer to section 155 of the *Corrective Services Act 2006* (CSA).

A prescribed person is:

- a) an accredited visitor; or
- b) a casual site visitor as defined under section 165 of the CSA (including a bus or taxi driver; a person transporting a visitor or staff member to or from a corrective services facility; or a person collecting a discharge or released prisoner, or a prisoner's property, from a corrective service facility); or
- c) an emergency services officer; or
- d) an employee of the department in which the *Child Protection Act 1999* is administered; or
- e) an officer or employee of a law enforcement agency; or
- f) a staff member.

The Chief Superintendent can request appropriate proof of identification from prescribed persons to verify their identity and position as a prescribed person. Where the prescribed person is a member of a government department, their photo identification card issued by the relevant department is sufficient proof of identity, no additional proof of identity is required. Refer to section 160 of the CSA and section 22 of the *Corrective Services Regulation* (CSR).

The Chief Superintendent of a corrective services facility may impose conditions on access approval for prescribed persons, for example, the visitor may be required to be escorted by a corrective services officer.

### 5.2 Accredited visitor

An accredited visitor may visit a prisoner or access any part of a corrective services facility, to perform the functions or exercise the powers of that visitor's office or position. Refer to section 164 of the CSA. As a prescribed person, accredited visitors are not required to apply for access approval.

An accredited visitor means:

- a) the Minister; or
- b) a member of the Legislative Assembly; or
- c) a judicial officer; or
- d) a board member; or
- e) the ombudsman; or





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- f) an inspector, including the chief inspector; or
- g) the inspector of detention services; or
- h) an official visitor; or
- i) a community visitor (child) under the *Public Guardian Act 2014*; or
- j) a child advocacy officer under the *Public Guardian Act 2014*; or
- k) any of the following persons:
  - i. a member of the UN subcommittee;
  - ii. a UN expert accompanying the UN subcommittee;
  - iii. an interpreter or other person assisting the UN subcommittee accompanying the subcommittee.

### 5.3 Government visitor

A government visitor may visit any prisoner or access any part of a corrective services facility, to perform the functions or exercise the powers of that visitor's office or position. Refer to section 164 of the CSA.

Government visitors may include but are not limited to, Department of Home Affairs (Australian Border Force) staff or a staff member from a government regulatory body exercising powers or performing the functions of that staff member's office or position, such as Dispute Resolution Officers from the Queensland Human Rights Commission (QHRC).

### 5.4 Non personal visitor – professional, official or other business purposes

A non-personal visitor must apply via an Approved Form 27(a) Application to Visit (In Person/Virtual) – Professional, Official or Other Business Purposes, which is to be submitted to the centre, together with the required identification.

Access approval for chaplains from contracted chaplaincy service providers is facilitated by the Offender Rehabilitation and Management Services (ORMS). Refer to section 25.3 Contracted Chaplaincy Service Providers of this COPD.

The application should be submitted a minimum of 24 hours in advance, however applications made with less than 24 hours' notice may be approved.

## 6. Personal Visitor Application Process

### 6.1 Application and identification requirements

A personal visitor must apply via an Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor) which can be obtained by:

- a) contacting the corrective services facility to request the form be emailed or posted out; or
- b) downloading the form from the Queensland Corrective Services (QCS) internet site.

The visitor must send the completed Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor) and certified copies of their identification and the identification of any proposed accompanying child to the facility prior to visiting the prisoner.

Alternatively, original documentation can be presented to the visits processing centre for proof of identity and the identity of any accompanying child. Certified copies are not required when the original document is presented.





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The processing officer is to record on the Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor) if the identification supplied for the application was a certified copy or the original sighted in person.

Refer to section 22 of the CSR for identification that a visitor may use to prove their identity.

A digital licence is to be accepted as proof of identification if verified. A Digital Licence (PDF) sent from the Digital Licence Application is considered a certified copy however the authenticity of this document must be checked. Refer to the Appendix V8 Digital Licences.

The Digital Licence Verifier application (DLV) is to be used to verify a digital licence in the first instance. If the DLV is not available for any reason, the digital licence must be verified by a visual check of the license. Refer to the Appendix V8 Digital Licences.

Where a visitor provides a current driver licence, passport, Medicare card or pension card as a form of identification, the type of identification and expiry date **ONLY** is to be recorded on the application form and IOMS.

Where a visitor provides a current debit card, credit card or bankbook as a form of identification, the name of the banking institution and the type of card or bankbook **ONLY** is to be recorded on the application form and IOMS.

Where certified copies of these forms of identification are received, they are to be securely disposed of once the visit application has been processed, with the Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor) retained in accordance with QCS Retention and Disposal Schedule.

Under no circumstances is a copy of an applicant's identification documents to be scanned and stored on IOMS.

### 6.2 Virtual Personal Visit (VPV)

A personal visitor who is applying for approval to participate in VPVs only, must apply via the Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor), however the authority to obtain a criminal history check is not required or permitted in instances where remote access only is required.

If the visitor later decides that they want to visit a corrective services facility in person, they must reapply via a new application and will be required to undergo the criminal history check process.

It is to be noted in the visitor's revisit instructions they have approval for Virtual Personal Visits only.

### 6.3 Personal visit booking process

All personal visits to a prisoner must be booked in advance and the personal visitor must be advised of the identification, dress and behaviour requirements of the corrective services facility prior to the visit.

A personal visitor must contact the corrective services facility during nominated booking times to book a visit. The Chief Superintendent of a corrective services facility may make provision for permanent bookings.





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When a visit is booked in advance the visitor must be advised of the identification requirements. Refer to section 22 of the CSR.

A copy of section 22 of the CSR must be displayed in the visits processing area.

The Chief Superintendent of the corrective services facility, in controlling access to a facility, must verify and maintain a record of all personal visitors to a prisoner (including children) in IOMS.

This record must contain the:

- name of the visitor;
- date of the visit;
- time of entry and exit from the facility; and
- relationship of the visitor to the prisoner.

Refer to sections 152 and 155 to 163 of the CSA.

### 6.4 Visits to female prisoners after giving birth

Requests to visit a female prisoner in a hospital after giving birth are to be managed as a personal visit. The human rights of the prisoner and the child are to be taken into consideration in the decision making process to approve a visit.

Consideration should be given to the unpredictable nature and timing of delivery in managing any visit requests. As such, the authorised delegate may use discretion in approving visits in cases where the process is unable to be completed in full, e.g. an urgent request to visit a female prisoner who has given birth prematurely is approved without the criminal history of the visitor being considered.

## 7. Access Considerations

Only an authorised delegate can grant access approval. Refer to the Queensland Corrective Services Instrument of Delegations of Chief Executive Powers.

The grant of access to a corrective services facility for a visitor will be subject to any direction or restriction by the Chief Superintendent of the corrective services facility as considered necessary for the security of the facility and the safety of the visitor. Refer to section 156(5a) of the CSA.

In determining access approval, the Chief Superintendent or authorised delegate must be satisfied that the visitor seeking approval does not pose a risk to the security or good order of the corrective services facility.

The information required for a given visitor should be determined based on:

- the purpose of the visit (e.g. responding to a request for service);
- the frequency of visits;
- areas of the facility requiring access;
- availability of supervision/escort of the visitor within the facility; and
- the risk posed.

In deciding whether a visitor poses a risk to the security or good order of a corrective services facility the Chief Superintendent must consider each of the following:

- Whether the visitor has, as an adult, been convicted of escaping, or attempting to escape, from lawful custody in Queensland or elsewhere.

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- b) Whether the visitor has been convicted of helping, or attempting to help, a prisoner to escape from lawful custody in Queensland or elsewhere.
- c) Whether the visitor has been convicted of committing, or attempting to commit, an offence while visiting a prisoner in lawful custody in Queensland or elsewhere.
- d) Whether the visitor has been refused access to, or been suspended from entering, a corrective services facility.

The above considerations **do not** apply to an Australian legal practitioner.

If the authorised delegate is satisfied that any person whose identity has been established does not present a threat to the security or good order of a corrective services facility, the person may be granted access to the facility. Refer to sections 156(2) and 160(1) of the CSA and section 22 of the CSR.

Following approval to visit, the visitor's details, including details of any accompanying children approved to visit, must be recorded on IOMS by a nominated person.

The nominated officer must advise the visitor of the result of the application and confirm the details of the initial visit.

### 7.1 Domestic Violence/Restraining/Protection Orders

The existence of a Domestic Violence/Restraining/Protection Order between the prisoner and the personal visitor must be considered prior to granting access approval or approval to engage in a VPV.

There are two essential elements that must be considered which include:

- a) does the visit pose an unacceptable risk to the safety of the victim; and
- b) does the visit pose a risk to the security or good order corrective services facility.

The human rights of the personal visitors and children are to be considered in the decision making process for personal visits approvals. These must be balanced against the assessment of risk to the security and good order of the corrective services facility.

The existence of a current order does not in itself mean a visit should not be approved. The basic condition of such orders is that the respondent must not commit an act of domestic violence against the aggrieved and named person (as relevant). The actual terms of the order must be considered to determine whether a visit is safe and may be approved and what condition/s may be placed on the visit.

Where a current order has a provision that states the respondent must not have contact with the aggrieved, a personal visit must not be approved.

### 7.2 Obtaining information of the existence of an order

A personal visitor must disclose on the Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor) if they are the subject of any current Domestic Violence/Restraining/Protection Order in which a prisoner they are applying to visit is also named.

If a visitor identifies they are the subject of a current order/s in which the prisoner is also named, inquiries must be undertaken to obtain details of the conditions of the order. This may be undertaken via a review of IOMS DVO holdings or enquiries made to relevant interstate court bodies.







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The authorised delegate must consider the conditions of the order to ensure that the order is not breached and may also be used to assist determining if the visit would pose a risk to the safety of the victim or to the security or good order of the facility.

A Domestic Violence/Restraining/Protection Order between the prisoner and the personal visitor may also allow contact but only as set out in writing by the aggrieved or in compliance with an order of the court. In this instance, the aggrieved will be required to provide to the centre written authorisation permitting contact with the prisoner in addition to their visit application.

The written permission must be for the current custodial episode for the prisoner and a new written authorisation will be required for any subsequent episode if applicable.

Upon receipt of the written consent, the written consent is to be attached to the relevant domestic violence, protection, or restraining order in IOMS. The instructions for attaching the written consent are available in the IOMS eHub.

A review of QCS records is to be undertaken to confirm the status and conditions of any order, prior to granting access approval to a personal visitor.

### 7.3 Visitor false identity

Any person obtaining entry to a corrective services facility under a false identity or knowingly providing false information in an Approved Form 27(a) Application to Visit (In Person/Virtual) – Professional, Official or Other Business Purposes or Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor), commits an offence under section 134 of the CSA.

## 8. Criminal History Check

When assessing the considerations listed in section 7 of this COPD, the Chief Superintendent or authorised delegate may obtain criminal history information from the Queensland Police Service (QPS) for the purposes of determining an individual's access to the facility.

The authority to obtain a criminal history check is only required when physical access to a corrective services facility is requested and is not required or permitted in instances where remote access only is required, e.g. VPV or tele/videoconferencing.

In addition, the delegate may also consider records held by QCS in relation to the visitor (including IOMS) or may rely on other sources of information.

In considering whether to grant access approval where an applicant's criminal history has been requested, the Chief Superintendent or authorised delegate must also consider the Appendix V2 Guidelines for Assessing of Criminal Histories of Visitors.

If the visitor is already subject to an equivalent clearance process by reason of their profession or employment, the authorised delegate may be satisfied in accordance with section 156(2) of the CSA if the visitor self declares the information required. For example, an employee of another Queensland Government agency would be subject to criminal history checks as part of their ongoing employment.

Criminal history checks remain valid for a period of twelve months. Further criminal history checks are subsequently required at intervals of not more than twelve months, unless otherwise stipulated (e.g. issuing of yellow QCS Visitor's Identification Card).

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Criminal history checks are not required for prescribed persons or legal practitioners. Refer to sections 155(1) and 156(3) of the CSA.

The Chief Superintendent of a corrective services facility must nominate a person to be responsible for coordinating the criminal history checks of visitors to a facility.

The nominated person must record on IOMS details of all persons granted access approval to a facility.

This record must include at a minimum:

- full name of visitor;
- date of birth of visitor;
- date criminal history check conducted (if applicable);
- result of criminal history check (if applicable);
- file number of criminal history, if any; and
- reason for visit.

Where a criminal history check has been completed and a visitor has been approved to visit a prisoner at a corrective services facility in Queensland, the visitor is not required to undertake another criminal history check (other than a twelve-monthly update) before being approved to visit a prisoner at another corrective services facility. This includes not being required to have an initial non-contact visit unless otherwise determined by the Chief Executive or authorised delegate.

Staff processing requests for a criminal history check should review IOMS to determine if a current criminal history check is in place and whether another is required prior to making a request.

If a personal visitor is initially approved for remote contact only (i.e. VPV) and later decides they want to visit a corrective services facility in person, they must reapply via a new application and will be required to undergo the criminal history check process.

Refer to sections 326 to 328, 334, 336 to 338 and 340 of the CSA and the Appendix V2 Guidelines for Assessing Criminal Histories of Visitors.

## 9. Interim Access Pending Decision on Application

The access approval process can take a significant amount of time therefore the Chief Superintendent (or delegate) should consider granting an interim access approval after an application is made.

This access should be facilitated wherever possible and only withheld where there is information which indicates the applicant is a threat to the security and good order of the centre. This information can be sourced through, but not limited to, a review of IOMS and/or an Intel check. Refer to section 156A of the CSA.

A personal visit under the interim access approval must be a non-contact visit unless it is impracticable having regard to the facilities at the corrective services facility.

Once an access approval decision is made under section 156A of the CSA the interim access approval ceases to have effect.





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## 10. Imposing, Amending and Revoking Conditions

### 10.1 Imposing and amending conditions

The Chief Superintendent of a corrective services facility may impose conditions on access approval.

Refer to section 156(5)(a) of the CSA. A visitor must be advised of the conditions of access approval to a corrective services facility prior to entry to the facility. This advice must include requirements for compliance with all procedures, standards of dress and submission to any lawful searches that may be requested.

The Chief Executive or authorised delegate may amend the conditions of an access approval if satisfied that, because of a change in the visitor's circumstances, the visitor poses a risk to the security or good order of the corrective services facility (refer to section 157A (1) of the CSA).

If the Chief Executive or authorised delegate amends the access approval the visitor may, in writing, ask the Chief Executive or authorised delegate to reconsider the decision, refer to section 157A(4) of the CSA and the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

### 10.2 Revocation of access to a corrective services facility

The Chief Executive or authorised delegate may revoke a visitor's access if satisfied that, because of a change in the visitor's circumstances, the visitor poses a risk to the security or good order of the corrective services facility, refer to section 157A(1) of the CSA.

If the Chief Executive or authorised delegate revokes the access approval, a written record must be made stating the reasons for the decision, refer to section 157A(4) of the CSA. A review of this decision may be requested in writing by the visitor, refer to section 157A(6) of the CSA.

The decision must be recorded on IOMS and must include reference to the consideration of human rights in the decision making process.

## 11. Access Refused or Suspended

### 11.1 Personal visitor

If the Chief Executive or authorised delegate is satisfied that the personal visitor poses a risk to the security or good order of a facility, the Chief Executive or authorised delegate may refuse to grant access. In making the decision, consideration must also be given to the human rights implications for the prisoner and the visitor.

When refusing access, the Chief Executive or authorised delegate may order that the visitor cannot make a further application for a period of not more than one year after the refusal. In deciding whether to set a period during which an application cannot be made, the delegate must consider:

- the effect of the proposed order on a child for whom approval has been given to accompany the visitor to visit the prisoner; and
- whether the child may, unaccompanied by an adult, visit the prisoner.

A visitor who has not returned an Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor) prior to the visit (e.g. by posting or faxing the form to the facility) may not be granted access into a corrective services facility.





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The Chief Superintendent or delegate of a corrective services facility may suspend access approval for a personal visitor if the visitor:

- a) fails to comply with a lawful and reasonable direction;
- b) fails to comply with a condition of the approval;
- c) is charged with an offence; or
- d) engages in threatening behaviour towards a prisoner or another visitor at the facility.

Also, the Chief Superintendent or delegate may suspend access approval if they reasonably believe the suspension is necessary to preserve the security or good order of the corrective services facility.

The Chief Superintendent of a corrective services facility or Superintendent may suspend a visitor's access approval for a period of up to one year (refer to section 157(2)(a) of the CSA) in an appropriately worded letter using the template in the Appendix V11 Refuse, Suspend, Amend or Revoke Access Approval Notice Templates, if the visitor has been charged with an offence allegedly committed in a corrective services facility, access approval may be suspended until the end of the proceedings for the offence.

The Appendix V5 Suggested Suspension Periods sets out suggested periods of suspension for certain kinds of conduct. The Chief Superintendent or Superintendent of a corrective services facility is required to consider the merits of an individual case when determining the period of suspension, if any, that will apply. The delegate may use the Appendix V5 Suggested Suspension Periods but must consider the merit of each individual case before suspending access.

A review of this decision may be requested in writing by the visitor (refer to section 157(6) of the CSA). The decision must be recorded on IOMS and must include reference to the consideration of human rights in the decision making process.

Where the Chief Executive or delegate decides to refuse, revoke or suspend a visit, they must write to the visitor advising of their decision, including their reasons. Refer to the Appendix V11 Refuse, Suspend, Amend or Revoke Access Approval Notice Templates for a letter template.

If access approval is refused, revoked or suspended and a visitor is offered Virtual Personal Visits as an alternative contact method, the Chief Superintendent or delegate must still provide written notice to the visitor of their decision regarding access approval.

If access approval is refused the personal visitor may ask the Chief Executive or authorised delegate to reconsider the decision. Correspondence must be forwarded to the visitor inviting further submissions to ensure the visitor is afforded the provisions of natural justice.

Refer to sections 156(6) to (11) of the CSA and the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

The decision must be recorded on IOMS and must include reference to the consideration of human rights in the decision making process.

### 11.2 Non-personal visitor

Following review of their criminal history, if the authorised delegate considers a non-personal visitor may pose a risk to the security or good order of the corrective services facility, correspondence must be forwarded to the applicant inviting further submissions to ensure the applicant is afforded the provisions of natural justice. Refer to the Administrative Form 305 Natural Justice Letter Template – Non-Personal Visitor.





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Upon receipt of any further submission or expiry of the 14 day timeframe stipulated in the correspondence, the authorised delegate may then make a final determination regarding the visit application. Refer to section 156 of the CSA and the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

## 12. Prisoner Refusing Visit

If a prisoner refuses to see a personal visitor, the visitor must be advised of this decision either by:

- a) the prisoner advising the visitor in person;
- b) the prisoner providing the refusal in writing, which must be handed to the visitor by a corrective services officer; or
- c) a corrective services officer, who has been advised by the prisoner of their decision, advising the visitor in person.

A supporting case note must be made on IOMS.

## 13. Visitor Identification When Entering the Corrective Services Facility

On each occasion that a visitor enters a corrective services facility, proof of identification must be provided.

If a biometric identification system is available, visitor identification will be provided via this system. Persons 18 years of age or older are required to submit to the biometric identification process where this system is available, refer to section 160(2) of the CSA.

If a visitor is unable to provide a suitable biometric template, or the system is not available, the Chief Superintendent or delegate of the corrective services facility is to ensure visitors are correctly identified by:

- a) a current Driver Licence; or
- b) a current passport; or
- c) an identification card containing the person's photo issued by:
  - i. the chief executive; or
  - ii. a law enforcement agency; or
  - iii. a State government entity; or
  - iv. an educational facility; or
- d) a letter signed by a member of an Aboriginal and Torres Strait Islander organisation that identifies the individual by name.

A digital licence is to be accepted as proof of identification if verified.

The Digital Licence Verifier application (DLV) is to be used to verify a digital licence in the first instance. If the DLV is not available for any reason, the digital licence must be verified by a visual check of the licence. A Digital Licence (PDF) sent from the Digital Licence Application is considered a certified copy however the authenticity of this document must be checked. Refer to the Appendix V8 Digital Licences.





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In instances where a visitor is not able to provide one form of the above, a visitor may prove their identity by producing any **three** of the documents detailed in section 22(1)(a) of the CSR:

- a) a current debit card, credit card or bankbook with the visitor's name and signature;
- b) the visitor's current pension card or other social security card;
- c) the visitor's current Medicare card;
- d) the visitor's birth certificate;
- e) a statutory declaration witnessed by a justice of the peace or commissioner for declarations identifying the visitor by name and signature.

A corrective services officer must verify the:

- a) identity of visitors entering a facility;
- b) purpose of entry;
- c) authorisation for entry; and
- d) issuing of passes, if appropriate.

If any doubt exists regarding the identification and/or authorisation of a visitor, the visitor must be denied access to the facility and the Chief Superintendent of the corrective services facility or nominee advised. The Chief Superintendent of the corrective services facility or nominee must determine whether the visitor may access the facility (refer to section 156 of the CSA and the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers).

### 13.1 Child visitor identification

A child visitor who has been granted access approval to visit a corrective services facility can be identified by any one of the identification documents stated in section 22(1)(a) of the CSR.

If an unaccompanied child visitor cannot identify themselves by any one of the identification documents stated in section 22(1)(a) of the CSR, the visitor may prove their identity by answering questions about themselves, or the prisoner, that sufficiently identify the visitor, refer to section 22(3) of the CSR.

## 14. Biometrics System

The biometric system will disable a visitor's identification where there has been a period of no visit activity for twelve months. However, the visitor's system record will not be deleted from the system unless there has been a period of no visit activity for three years. The biometric system is a stand-alone system and not linked to IOMS. Hence, some duplication of information is necessary. If the Chief Executive is satisfied biometric information and any data about the biometric information stored in a biometric information system is no longer required, this information including any copies or duplications on other systems must be destroyed per section 162(2) of the CSA.

At a point ten months from the date of the last criminal history check which was entered into the biometric system, and every time between ten months and twelve months that a visitor uses the biometric access point, a reminder will be presented at each biometric access point advising the visitor to renew their criminal history check.

If the criminal history check has not been renewed and a new date entered into the biometric system, then the biometric system will deny the visitor any further access to a facility until the criminal history check has been completed and the date updated by facility staff.

Refer to the Appendix FS1 Biometric Identification and Access Control Instruction, Appendix V3 Biometric System Enrolment Guidelines for information on the biometric enrolment provisions for the range of visitors to a facility.





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Refer to sections 160(2) and 162 of the CSA and the Appendix V4 Biometric Scanning.

#### 14.1 Child access

If an adult registered on the identification system attends the facility with children under the age of 18 years, these children may enter the mantrap with the adult to gain access to the facility, refer to sections 162 and 163 of the CSA and the Appendix V4 Biometric Scanning.

#### 15. IONSCAN Testing Process

Trained officers are to collect a sample as required from personal visitors. Visitors are not permitted to touch the IONSCAN equipment (including the sample wand) or collect a sample from themselves as this process has been discontinued.

#### 16. Visitor Identification Passes

Visitor identification passes are issued by corrective services facilities for use by persons visiting a facility who have not been issued with a QCS Identification Card, for example, personal visitors to prisoners. Visitor passes do not bear a photograph and are issued for a single visit only.

All visitors entering a facility must wear, in plain view, an identification card or visitor's pass on the outside of their clothing. Visitors to a corrective services facility, including those with prescribed identification cards, must be required to wear a visitor's pass to provide for easy recognition by staff. Refer to the Personal Identification Procedure.

Visitor passes must be returned by the bearer prior to departure from the facility.

Visitor passes must be displayed as required by section 160(3) of the CSA. QCS Identification Cards and visitor passes must be worn at all times while the bearer is in a corrective services facility. The card may be worn on a chain around the neck or affixed to the bearer's clothing from the waist up in such manner that it can be clearly seen.

#### 17. Record Details of Non-Personal Visitors

A record of all persons entering a corrective services facility for professional, official or other business purposes must be maintained.

This record must contain:

- pass or identification card number, if appropriate;
- full name of visitor;
- name of company or organisation;
- purpose of visit;
- full name of prisoner being visited, if applicable;

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- f) date;
- g) time of entry;
- h) time of exit;
- i) signature of visitor;
- j) approval granted by; and
- k) locker number, if applicable.

## 18. QCS Personal Identification Cards for Regular Non-Personal Visitors

Once approved to visit a corrective services facility, non-personal visitors who are visiting facilities regularly over an extended period must attend an induction session and can apply for a QCS Personal Identification Card. Refer to the Personal Identification Procedure.

A criminal history check must be completed prior to the issue of a QCS identification card, refer to the Personal Identification Procedure. If a visitor has been granted approval to obtain a yellow QCS Visitor's Identification Card, the Intelligence and Investigations Branch must co-ordinate the criminal history check and ensure the corrective services facility and visitor are informed of the outcome.

QCS policy states that the yellow QCS Visitor's Identification Card remains current for a period not exceeding two years.

When a person, other than an Official Visitor or Elder, is issued with a yellow QCS Visitor's Identification Card, a criminal history check is only required every two years, to align with the authorisation period of the card.

Refer to section 18.1 Official visitors, and section 18.2 Elders for additional considerations.

### 18.1 Official Visitors

Section 285 of the CSA provides the Chief Executive may appoint an appropriately qualified person as an Official Visitor for a period of up to three years. This person may be reappointed one or more times, for a period of up to 3 years, if the chief executive is satisfied:

- a) the person continues to be appropriately qualified; and
- b) reappointing the person is likely to benefit a corrective services facility or prisoners of a corrective services facility.

The following process will negate the administrative requirement to repeatedly obtain criminal histories, given Approved Visitors are required to declare they have not been charged or convicted of any criminal offences since the issue of their last yellow QCS Visitor's Identification Card at the time of applying for renewal:

- a) when making an initial application for a yellow QCS Visitor's Identification Card, Official Visitors are required to complete the full process of criminal history disclosure as stated in the current process, by completing a Criminal History Disclosure and Consent and an Approved Form 27(a). Both the 'Disclosure and Consent' form and the Approved Form 27(a) require the applicant to provide full details of past offences;
- b) when applying for a renewal of the yellow QCS Visitor's Identification Card, the Official Visitor is required to complete and sign the Administrative Form 'Identification Cards for Approved Visitors Yellow Card' which requires the applicant to declare that since the issue of their last yellow QCS Visitor's Identification Card, they have not been charged with or convicted of any criminal offence; and







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- c) if this declaration is signed by an Official Visitor applying for a renewed identification card, no further criminal history check, an Approved Form 27(a) or declaration is required and the Official Visitor is to be issued with a new yellow QCS Visitor's Identification Card.

## 18.2 Elders

A number of Elders have historical criminal offences on their record and are therefore required to repeatedly record and report their historical offences and may be required to complete a natural justice letter explaining the listed offences. The following process will negate the requirement for Elders to repeatedly outline and explain criminal history offences that are known to QCS:

- a) when making an initial application for a yellow QCS Visitor's Identification Card, Elders are required to complete the full process of criminal history disclosure as stated in the current process, by completing a Criminal History Disclosure and Consent and an Approved Form 27(a);
- b) when applying for a renewal of the identification card, the Elder is required to complete and sign the Administrative Form 'Identification Cards for Approved Visitors Yellow Card' which requires the applicant to declare that they have not been charged or convicted of any criminal offences since the issue of their last yellow QCS Visitor's Identification Card; and
- c) if this declaration is signed by an Elder applying for a renewed identification card, no further criminal history check, an Approved Form 27(a) or declaration is required and the Elder is to be issued with a new yellow QCS Visitor's Identification Card.

## 19. Security Considerations

### 19.1 Warning signs

The Chief Superintendent of a corrective services facility must ensure the following signs are displayed at the entrance to the facility and in plain view of any visitor attending the facility:

- a) Notice to Visitors – Prohibited Things (consistent with QCS drug strategy);
- b) Notice to Visitors – Lethal Force; and
- c) Notice to Visitors – Appropriate Dress Standards.

Refer to sections 123(1), 152, 156(5), 157 and 160 of the CSA, section 19 of the CSR Appendix V1 Appropriate Dress Standards and the Appendix S1 Prohibited Things.

### 19.2 Unauthorised articles and prohibited things

With the exception of wedding and engagement rings, visitors to a corrective services facility, including religious visitors must not take any personal items into a facility. All other personal property, including jewellery, is an unauthorised item and must be removed by the visitor and secured prior to a visit.

Visitors found with an unauthorised item in their possession may be required to surrender the item to a corrective services officer. Unauthorised items may be returned to the personal visitor at the completion of the visit. A visitor who refuses to comply with a direction to surrender an unauthorised item may be directed to leave the corrective services facility.

All visitors must be made aware of the consequences of drug trafficking and bringing prohibited things into a corrective services facility. All incidents regarding prohibited things must be fully documented with nominated officers involved submitting written reports detailing the nature of the incident, refer to the COPD Incident Management: Incident Management Process. Refer to section 19 of the CSR.





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#### 19.3 Storage of visitor's possessions

Storage lockers or other appropriate storage facilities must be provided to enable visitors to secure their personal belongings prior to entry into secure facilities.

QCS accepts no responsibility and liability for loss or damage caused to a personal visitor's possessions stored in a corrective services facility.

Refer to sections 128, 152(2) of the CSA, the COPD Search: Visitors Search and the Appendix S1 Prohibited Things.





### 21. Conducting Personal Visits in a Corrective Services Facility

The personal visitor must have been granted access approval to a corrective services facility. Refer to sections 153,154(1) and 168 of the CSA, and relevant sections of this COPD.

In controlling access to the facility, the Chief Superintendent must verify and maintain a record of all personal visitors to a prisoner (including children) in IOMS.

This record must contain the:

- a) name of the visitor;
- b) date of the visit;
- c) time of entry and exit from the facility; and
- d) relationship of the visitor to the prisoner.

Refer to sections 152 and 155 to 163 of the CSA.

Prior to entry to a corrective services facility, each visitor or group of visitors must be advised of the conditions of entry to that facility. This includes compliance with the CSA, CSR, relevant COPDs, standards of dress and compliance with any searches that may be required.

The corrective services officer is to read the Proclamation to Visitors prior to entry to a corrective services facility to ensure that visitors are informed of their requirements prior to entry. Refer to the Appendix V7 Proclamation to Visitor.

During a personal visit, a personal visitor must:

- a) prove their identity when requested to do so;
- b) display their visitor's pass at all times;
- c) comply with any directions from the supervising corrective services officer;
- d) not behave in a disorderly, indecent, offensive, riotous or violent manner; and
- e) not engage in any sexual activity with a prisoner.

The ability to enter and visit a prisoner within a corrective services facility is restricted by legislation. A personal visit with a prisoner involves a three stage process:

- a) initially the proposed visitor must gain access approval;
- b) if granted access approval, each visit remains subject to the overriding ability of the Chief Executive or authorised delegate to refuse access to the facility for operational reasons and in particular if safety or security might be compromised; and
- c) the third stage involves exercise of discretion to permit contact during the visit.





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A personal visit must be a non-contact visit, unless the Chief Executive or authorised delegate approves the visit be a contact visit. In deciding whether to grant approval for a contact visit between a personal visitor and a prisoner, the Chief Executive or authorised delegate must consider the factors in sections 154(2) and 156(2) of the CSA, refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

All prisoners must wear corrective services issued thongs when attending a visit from a personal visitor unless other footwear is approved by the Chief Superintendent of a corrective services facility.

#### 21.1 Contact visits

For contact during a personal visit refer to section 154 of the CSA. Contact visits may be permitted in an area specifically designated for contact visits and that is within sight of a corrective services officer. A personal visitor must not enter a prisoner's accommodation area.

In deciding whether to approve a contact visit, the Chief Executive must consider the following:

- the requirements of any court order relating to the prisoner;
- whether the prisoner has previously escaped or attempted to escape from custody;
- whether the prisoner has previously given a positive test sample to a drug screening;
- information about the prisoner or visitor that indicates a risk to the security or good order of the corrective services facility, and
- the human rights of the prisoner and visitor(s).

A visitor undertaking a contact visit session in a high security facility must be advised that use of toilet facilities, including by a child, during a contact visit session may result in the contact visit being terminated. In the event that a contact visit session is terminated for this reason, the visitor may be offered to continue the visit session in the non-contact visit area if a non-contact visit booth is available. If required, the visits supervisor is to determine if a visit is to be terminated or changed to a non-contact visit.

If a decision to terminate or change the visit conditions is made, the reasons for the decision must be recorded in IOMS. Visitors should be advised to use toilet facilities in the visits processing area prior to entering the contact visit session.

#### 22. Child Visitors

A child, whether accompanied or not by an adult, may visit a prisoner at a corrective services facility if the Chief Executive or authorised delegate considers that a visit is in the best interests of the child, refer to sections 166(1) to (3) of the CSA.

A child visiting a prisoner must have a personal relationship with the prisoner but need not be related, refer to section 166(2) of the CSA.

If an application for a personal visit by an adult includes details of a child, the child is not required to complete a separate application or sign the visitors' book. However, the adult visitor must complete the relevant details concerning the child as required by the Approved Form 27 Approval to Access a Corrective Services Facility and Visit a Prisoner (Personal Visitor).

An unaccompanied child must be escorted to and from the reception and the visit areas by a corrective services officer.





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Both the prisoner and visitor should be advised of any special conditions attached to the granting of the approval of the visit, refer to section 156(5) and Schedule 1 of the CSA.

Access for a visit must not be granted to a child if the child is precluded from seeing the prisoner under the terms of a court order (e.g. a Child Protection Order or Domestic Violence Order).

If a child is not granted access, the applicant may be advised of other forms of contact (e.g. videoconferencing).

The consent of a parent or guardian is only one of the considerations the decision maker may have regard to when determining visitor access approval. The principal consideration is whether it is in the child's best interests. Refer to factors listed in section 22.2 Best interests of a child, in this COPD.

#### 22.1 Guardianship of a child

The term 'guardianship' includes cases where there is an informal arrangement for another adult to temporarily care for a child.

To require only the child's parent or legal guardian to provide consent may unjustifiably infringe on the prisoner's and/or child's human rights and may have an unintended greater negative impact on Aboriginal or Torres Strait Islander people.

In deciding whether to approve a child's visit to a prisoner, the Chief Executive or delegate is able to take account of the consent of a person who is caring for the child but is not the child's 'legal' guardian.

A statutory declaration from the parent or 'legal' guardian is not required.

However, it is open to the Chief Executive or delegate to make further enquiries, including a request for a statutory declaration from a parent or 'legal' guardian when considering the best interests of the child.

#### 22.2 Best interests of a child

If an application by a guardian for an unaccompanied child or an adult's application for a visit to a prisoner includes details of an accompanying child, the primary consideration for the chief executive or authorised delegate in deciding whether to approve the child's visit must be the best interests of the child. This includes whether the child was a complainant or witness in the matters that lead to the prisoner's conviction and imprisonment (visit applicants may be advised to consider a mediated contact with the prisoner). Refer to sections 166(1-3) of the CSA.

In accordance with section 23 of the CSR, when considering the best interests of a prospective child visitor to a prisoner, the chief executive may consider all relevant factors, including:

- a) the child's relationship to the prisoner;
- b) the child's age;
- c) any urgent circumstances relating to the child or prisoner;
- d) the reason for the child's visit;
- e) any relevant court orders; and
- f) whether the child's parent or guardian has consented to the visit.

For the purpose of section 23(e) of the CSR, court orders include Domestic Violence Orders (DVOs). The review of these must include a review of DVO holdings in IOMS.





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Refer to section 156(2), the Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor), the Appendix V1 Appropriate Dress Standards Notice and the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

#### 22.3 Applications for a child to visit a child sex offender

The Chief Superintendent of a corrective services facility must keep a record of any approved visits by children to child sex offenders (refer to the Administrative Form 202 Register of Visit by Child to Child Sex Offender).

The applicant must be notified that the approval for a child to visit a child sex offender (either as a contact or non-contact visit) is conditional upon the applicant providing proof of the identity of the child and that a parent or legal guardian (where relevant) has provided consent for the visit and the delegate's consideration of the best interests of the child.

Where a person is applying for a child to visit a child sex offender, the Administrative Form 203 Parent or Legal Guardian Consent must be completed with the Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor) for the consideration of the Chief Executive or delegate.

The Chief Executive or authorised delegate may also consult with the child protection Chief Executive, if the child is under their care, to determine if there is any relevant information to assist in making a decision to approve an application for a child to visit a child sex offender.

Refer to the Administrative Form 203 Parent or Legal Guardian Consent.

#### 22.4 Child in care of child protection Chief Executive

In deciding whether it is in the best interests of a child in care to visit a prisoner, the Chief Executive or authorised delegate must consult with the child protection Chief Executive (refer to section 166(3) of the CSA).

#### 22.5 Child Safety staff members accompanying visiting children

For a child visitor being accompanied by a Child Safety staff member an Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor) must be completed on behalf of the child and submitted to the Chief Superintendent with a supporting letter from the guardian of the child.

A Child Safety staff member is a prescribed person under section 155(3)(d) of the CSA, which exempts them from having to seek access approval via completion of an Approved Form 27 or 27(a) from the Chief Executive before visiting a corrective services facility on official business.

If the child is to visit a parent, the visit must be booked as a personal visit by telephoning the relevant facility a minimum of 24 hours in advance.





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At the time of arranging the visit, the corrective services officer must request the Child Safety staff member to complete and send an Administrative Form 204 Child Safety Visit Notice to the corrective services facility a minimum of 24 hours prior to the visit.

Regular visits (e.g. every week) can be booked in advance (e.g. at the time of an earlier visit) to avoid the need to ring each time to book a visit.

If a Child Safety staff member is transporting a child approved to visit a parent who is in custody at a facility and wishes to accompany the child on the visit to the prisoner, the staff member is not required to display their departmental Identification Card while in the prisoner visits area. However, it must be displayed to a corrective services officer prior to entering the prisoner visits area and should be available to be shown to a corrective services officer upon request.

If a Child Safety staff member is transporting a child approved to visit a parent and does not wish to accompany the child on the visit to the prisoner, the child can be taken to the reception area where a corrective services officer will escort the child to the visits area. At the conclusion of the visit, the child must be returned by the corrective services officer to reception for collection by the relevant Child Safety staff member.

## 23. Remote Prisoner Contact Options

### 23.1 Virtual Personal Visits (VPV)

VPV may be used as an available option to facilitate continued contact with a prisoner's approved visitors. Where operationally viable, this may be in addition to an onsite personal visit at a corrective services facility. VPV technology may also be considered in circumstances where a request for a leave of absence for funeral attendance or on other compassionate grounds is not possible and/or a prisoner is not approved to physically attend.

The application process for approval to participate in VPV is detailed earlier in this COPD at section 6.2.

The Chief Superintendent of a corrective services facility has the authority to endorse VPV while the personal visitor approval process is being completed (interim VPV approval), to be determined on a case-by-case basis. Comprehensive checks to investigate the possible existence of relevant Domestic Violence Orders should be completed prior to granting such approval. VPV may also be offered where access to a corrective services facility has been suspended, at the discretion of the Chief Superintendent.

Access to VPV may be suspended at the discretion of the Chief Superintendent for reasons as listed below.

VPV should not be facilitated in instances including, but not limited to:

- a) the presence of a Domestic Violence Order or other legal order prohibiting contact between the prisoner and visitor;
- b) intelligence suggesting the visit may compromise an ongoing criminal/legal case; and/or
- c) breaches of the VPV Rules, such as sexual behaviour or capturing photographs, during previous VPVs.

Refer to the Appendix V13 Virtual Personal Visits Bookings, Operational Practice and Guidelines, the Appendix V14 Virtual Personal Visit Rules and the Appendix V15 Virtual Personal Visit Process Overview.





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#### 23.2 Family Group Meetings (FGMs)

Family Group Meetings (FGMs) facilitated by the Department of Families, Seniors, Disability Services and Child Safety (Child Safety) are held to facilitate safety and care planning for children involved with Child Safety and their relevant care givers. A FGM may be court ordered, however may also be utilised in instances where a Child Protection Order is not required.

Child Safety staff members will apply to a corrective services facility to conduct a FGM remotely only, either by telephone or videoconferencing.

As the FGM is only to be conducted remotely, no additional paperwork is required to be completed by any participant in the meeting, including Approved Form 27 Approval to Access a Corrective Services Facility and Visit a Prisoner (Personal Visitor), Approved Form 27(a) Application to Visit (In Person/Virtual) – Professional, Official or Other Business Purposes or Administrative Form 204 Child Safety Visit Notice.

The authority to obtain criminal history information is only required for physical access to a corrective services facility and is not required or permitted in these instances where remote access only is required.

A pre-FGM meeting may occur between a Child Safety staff member and the prisoner-parent. This is done prior to the FGM to assist in preparing the individual in understanding everything needed ahead of the FGM and ensuring compliance with Sections 51D, 51L and 51M of the *Child Protection Act 1999*. If required, this is to be scheduled as a regular professional booking.

The booking request from Child Safety will contain, at a minimum:

- the details of the FGM convener;
- whether the booking is to be via videoconference or telephone;
- the preferred booking date and time, with additional options preferred;
- whether a pre-FGM meeting will also be required.

The request will be sent from the official Child Safety government email account which serves as verification of identity. To protect the privacy of the children involved in the meeting, Child Safety is not required to disclose the identity of other participants in the meeting when requesting the booking.

The meetings are to be conducted via the existing Professional Visits virtual bookings process and infrastructure or teleconference process. Bookings are subject to resourcing constraints and priority is to be given to court ordered FGMs.





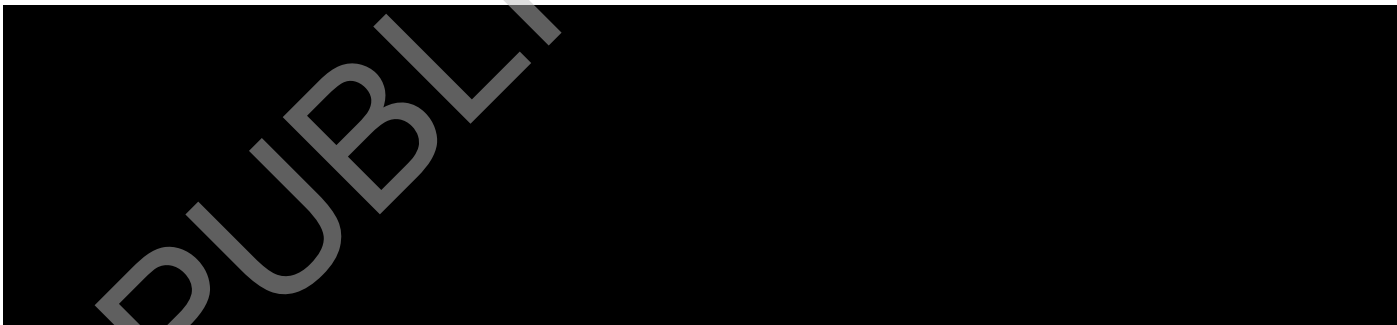


### 23.3 Youth Restorative Justice Conferencing

A youth restorative justice conference (RJC) is a justice process used as a response to offences committed by a child, which requires effort and participation from the child, who will meet with the people most affected by that crime to discuss:

- a) what happened;
- b) the effects of the offence; and
- c) repairing the harm caused to the victim.

The youth RJC is a voluntary process but may be requested by a court. This process is separate to the adult RJC process and will only be relevant to QCS if the prisoner has been referred in relation to offences committed as a juvenile and they have since been remanded and/or sentenced to detention in an adult corrective services facility.



The youth RJC can be a lengthy process, with each conference typically lasting two hours, and may involve a number of participants including but not limited to: external councillors, court representatives, Queensland Police representatives, multiple victims, dual facilitators, Mental Health Support workers and a well-respected member of the Aboriginal and Torres Strait Islander community as identified by the child. Given the number of parties involved and the strict timeframes associated with this process, along with QCS' desire to support court diversionary processes, it is best practice to facilitate these conferences remotely, either by telephone or videoconferencing. The youth RJC is to be conducted via the existing Professional Visits virtual bookings process and infrastructure or teleconference process.





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If the youth RJC is deemed as appropriate to proceed, no applications via an Approved Form 27 Approval to Access a Corrective Services Facility and Visit a Prisoner (Personal Visitor) or an Approved Form 27(a) Application to Visit (In Person/Virtual) – Professional, Official or Other Business Purposes are required to be completed by any participant in the meeting due to the virtual nature of the conference.

## 24. Legal Visitors

A legal practitioner may be granted access approval for all prisoners currently in custody at all corrective services facilities by the Chief Superintendent of a corrective services facility or authorised delegate. Refer to section 156(5)(b) of the CSA and the Queensland Corrective Services Instrument of Delegations of Chief Executive Powers.

A legal practitioner must apply on the approved form (Approved Form 27(a) Application to Visit (In Person/Virtual) – Professional, Official or Other Business Purposes) before visiting a corrective services facility for the first time. The legal practitioner may request access approval for in person visits, video conferencing and teleconferencing facilities in the single application.

A separate Approved Form 27(a) is not required to be completed for each prisoner or corrective services facility that the legal practitioner is required to visit. The original approval by virtue of the Approved Form 27(a) will be valid for a period of 12 months and apply to all prisoners currently in custody in a corrective services facility.

The relevant document number of the identification supplied by the legal visitor should ONLY be recorded on the (Approved Form 27(a) Application to Visit (In Person/Virtual) – Professional, Official or Other Business Purposes) and not entered into IOMS. Centres are only required to record the document type and the expiry date of the identification document into IOMS records.

An authorised delegate is not required to consider a criminal history when a legal practitioner applies for access to a corrective services facility. Refer to section 156 (3) of the CSA.

A legal practitioner may be granted access approval if the authorised delegate is satisfied that the visitor:

- a) is a legal practitioner;
- b) has established their identity (refer to section 160(1) of the CSA and section 22 of the CSR);
- c) is the legal representative of the nominated prisoner or is participating in an initial consultation with a view to becoming engaged by the prisoner as their legal representative; and
- d) does not present a significant threat to the security or good order of a corrective services facility.

If an authorised delegate considers it necessary to confirm that a visitor is a legal practitioner, they can contact the:

- a) Queensland Law Society for solicitors on telephone (07) 3842 5805;
- b) Queensland Bar Association for barristers on telephone (07) 3238 5100; or
- c) request the legal practitioner provide a copy of their identification issued by a state government entity.





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If an authorised delegate **has reasonable** suspicions a legal representative is engaging in 'claims farming' or touting for business, they may require the legal representative to provide proof of engagement prior to facilitating the visit.

A legal practitioner may bring an electronic device or devices (e.g. a laptop computer, USB drive, and/or a handheld recorder) into a corrective services facility for the purpose of facilitating a legal visit without prior approval. These items are only to be taken to the area where the legal visit is to be conducted.

A record of any items entering and exiting a corrective services facility is to be maintained using the Administrative Form 326 Restricted Articles Register.

Refer to the COPD Facility Security: Barrier Control and Access – Approval of a prohibited thing to enter a corrective services facility.

#### 24.1 Legal visits

Subject to operational demands and safety and security issues, the Chief Superintendent of a corrective services facility must permit legal visits during business hours on a weekday. The Chief Superintendent of a corrective services facility may consider urgent requests for visits outside business hours, on weekends or public holidays.

If due to operational demands and safety and security issues, the Chief Superintendent of a corrective services facility is unable to grant an urgent request, the Chief Superintendent of a corrective services facility must advise the next soonest possible opportunity that a legal visit can be facilitated.

When making a decision on a request for a legal visit, an authorised delegate must consider the prisoner's right of access to legal representation and the proper administration of justice.

A prisoner's legal visitor must be allowed to interview the prisoner out of the hearing, but not out of the sight, of a corrective services officer in accordance with sections 153 and 169(3) of the CSA.

#### 24.2 Law clerks

A law clerk is a person that performs specialised clerical work associated with legal practice and law courts.

Pursuant to section 52(1) of the CSA, Chief Superintendents are to ensure that communications between authorised law clerks and prisoners for legal reasons are excluded from monitoring or recording. This includes legal visits, legal teleconferences and video conferences.

Prior to visiting a corrective services facility for the first time a law clerk must complete the Approved Form 27(a) Application to Visit (In Person/Virtual) – Professional, Official or Other Business Purposes.

The Approved Form 27(a) must be endorsed by the Principal or Partner of the law firm employing the law clerk, advising that the law clerk is acting on behalf of the relevant law firm. A law clerk is required to disclose their criminal history in completing the Approved Form 27(a).

The details of the Chief Superintendent's approval for the law clerk to visit the relevant corrective services facility must be entered in IOMS.





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Where a law clerk is required to visit a prisoner at any corrective services facility for purposes authorised by the Principal or Partner of the law firm, the law clerk must produce a letter of introduction on the first occasion.

The letter of introduction must be signed by the Principal or Partner of the law firm and advise the following:

- a) the name of prisoner is to be visited;
- b) advice that the law firm is representing the relevant prisoner;
- c) that the law clerk is authorised by the law firm to visit the prisoner in place of the prisoner's lawyer; and
- d) the period of time that the law clerk is authorised to visit the prisoner on behalf of the prisoner's lawyer.

The details of this authorisation must be entered in IOMS.

A separate authority must be provided for each prisoner that the law clerk is required to visit in the course of their duties or, in circumstances where the period of time detailed in the original letter of introduction has lapsed. A separate Approved Form 27(a) is not required to be completed for each corrective services facility or prisoner that the law clerk is required to visit.

The original approval by virtue of the Approved Form 27(a) will be valid for a period of 12 months, subject to the conditions of the letter of introduction supplied by the law clerk and apply to all prisoners currently in custody at a corrective services facility.

These instructions do not apply in circumstances where a law clerk wishes to undertake a personal visit to a prisoner at a corrective services facility, unrelated to their duties as a law clerk.

## 25. Religious Visitors

Religious visitors can be accessed to support prisoners who wish to practice their religion.

Religious visitors can be chaplains from contracted chaplaincy service providers, a personal religious visitor or specialist religious visitor. Refer to the COPD Community Engagement: Provision of Chaplaincy Services and the Appendix V12 for further information regarding appointment and approval and the Appendix CE9 List of contracted organisations that provide chaplaincy services.

A religious visitor may be granted access approval for all prisoners currently in custody at all QCS facilities by the Chief Superintendent of a corrective services facility or authorised delegate. Refer to section 156(5)(b) of the CSA and the Queensland Corrective Services Instrument of Delegations of Chief Executive Powers.

The decision to grant access approval for all corrective services facilities is to be entered into IOMS.

An initial Approved Form 27(a) is required to be completed by the religious visitor. A separate Approved Form 27(a) is not required to be completed for each subsequent prisoner or corrective services facility that the religious visitor is required to visit. The original approval by virtue of the Approved Form 27(a) will be valid for a period of twelve months.





# Visitors to a Facility

## Visits Process

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#### 25.1 Personal religious visitors

If a prisoner wishes to receive a religious visit from a representative of their own religious group who is not a contracted chaplaincy service provider, the prisoner must make a request for a personal religious visit to the Chief Superintendent of the corrective services facility who is the delegate for approving personal religious visitors.

Typically visits will occur in the corrective services facility's visits area. A Chief Superintendent of a corrective services facility may approve a group meeting where a number of prisoners request it. Personal religious visitors do not preach to the broader population.

Before determining whether to approve a personal religious visit the Chief Superintendent of a corrective services facility should seek advice from the local religious society/ organisation of the same faith about the representative's status within their religious organisation/denomination.

The Chaplaincy Team or contracted chaplaincy service providers are not responsible for the approval, co-ordination, or recording of personal religious visitor requests and visits to a facility.

In deciding whether or not to approve the visit, the authorised delegate must have regard to human rights, including (but not limited to) a prisoner's right to freedom of religion and their right to practice or demonstrate their religious beliefs, and any relevant cultural rights.

The authorised delegate (refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers) will:

- a) approve or not approve the visit;
- b) determine the timing, location and nature of the visit; and
- c) notify the applicant of the success or otherwise of the application.

A visit by a personal religious visitor is not considered in lieu of a personal visit, however the Chief Superintendent of a corrective services facility may limit the frequency of visits.

The Chief Superintendent of a corrective services facility will determine an appropriate location for the personal religious visit to occur in private.

A personal religious visitor must seek approval from the Chief Superintendent of a corrective services facility to bring religious literature or materials into a facility for the purposes of a personal religious visit.

Refer to the COPD Community Engagement: Provision of Chaplaincy Services and the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

#### 25.2 Specialist religious visitors

If a corrective services facility has demand for a faith not represented by a contracted chaplaincy service provider, consideration is to be given to the appointment of Specialist Religious Visitors sponsored by organisations of that religious faith.

Applications for Specialist Religious Visitors are approved by the Chief Superintendent of the corrective services facility, with a recommendation, if required to the Assistant Commissioner, Custodial Operations. Refer to the Appendix V12 Appointment and Approval of Religious Services.

Conditions of access for a Specialist Religious Visitor are at the discretion of the Chief Superintendent of the corrective services facility.





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In deciding whether or not to grant applications for Specialist Religious Visitors, human rights must be considered, including (but not limited to) the right to freedom of religion, any relevant cultural rights and a person's right to enjoy their human rights without discrimination.

#### 25.3 Contracted Chaplaincy Service Providers

QCS engage with a number of organisations to deliver chaplaincy services (contracted chaplaincy service providers) within corrective services facilities. These contracted chaplaincy service providers administer religious services to support the spiritual needs of all prisoners. Any prisoner wishing to access these services may do so. Chaplains from contacted chaplaincy service providers do not preach but provide pastoral care to all prisoners that request support.

Access approval for chaplains from contracted chaplaincy service providers is facilitated by the Offender Rehabilitation and Management Services (ORMS) but must be approved by the relevant delegate. Refer to section 156 of the CSA and the Queensland Corrective Services Instrument of Delegations of Chief Executive Powers.

Refer generally to the COPD Community Engagement: Provision of Chaplaincy Services for further information on contracted chaplaincy service providers; Appendix V12 Appointment and Approval of Religious Services and Appendix CE9 List of Contracted Organisations that Provide Chaplaincy Services.

##### 25.3.1 Generalised Pastoral Care Services

Contracted chaplaincy service providers can be contracted to provide generalised pastoral care at all locations and available to all prisoners regardless of denomination.

##### 25.3.2 Targeted Religious Services

Contracted chaplaincy service providers can be contracted to provide targeted religious services, which involve providing religious services of a specific faith at specific corrective services facilities.

Refer to the Appendix CE9 List of Contracted Organisations that Provide Chaplaincy Services for more information on contracted chaplaincy service providers and the religious services they provide.

#### 25.4 Religious visitors – access within corrective services facilities

##### 25.4.1 Maximum Security Unit

A religious visitor must seek centre management team approval in order to visit a prisoner accommodated in a Maximum Security Unit. Refer to the COPD Prisoner Accommodation Management: Maximum Security Unit.

##### 25.4.2 Safety Unit

Given the therapeutic nature of a Safety Unit, a religious visitor must speak with management staff at the corrective services facility prior to visiting a prisoner accommodated in a Safety Unit to ensure personal safety and that the therapeutic approach is not compromised through external involvement.

##### 25.4.3 Accommodation Unit common areas

A contracted chaplaincy service provider must be given reasonable access to unit common areas within operational constraints.





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When in a unit common area, a contracted chaplain must be able to be observed by a corrective services officer at all times, with due consideration to the prisoner's right to privacy.

It is not necessary for an officer to be in the unit common area with the contracted chaplain if the contracted chaplain is able to be observed by an officer and the contracted chaplain is comfortable with this arrangement. Chaplains are to remain in common areas visible to officers and are not to enter prisoners' cells. Assistant Chaplains are not permitted access to accommodation areas unless in the company of a Chaplain.

A specialist or personal religious visitor may only access the designated areas approved by the Chief Superintendent of the corrective services facility.

All contracted chaplaincy service providers are to be afforded equitable access, within operational constraints, and in compliance with the terms of the service agreement governing the provision of their religious service.

Refer to the COPD Community Engagement: Provision of Chaplaincy Services for further information on contracted chaplaincy service providers.

#### 25.4.4 Princess Alexandra Secure Unit (PAHSU)

The pastoral care of prisoners admitted as inpatients to the PAHSU is the responsibility of the PAHSU Medical Director. This may involve the provision of pastoral and spiritual care by the Princess Alexandra Hospital Pastoral Care Service or by a Chaplain appointed by the Board.

#### 25.4.5 Access to other corrective services facilities - contracted chaplaincy service providers

If a contracted chaplain is required to conduct, for example, a service, celebration or marriage at a corrective services facility which they are not contracted to deliver religious services at, the Chief Superintendent at that corrective service facility or their nominee may contact the appropriate contracted chaplaincy service provider to request a contracted chaplain to conduct the relevant service or where one is unavailable, request a recommendation for another suitable chaplain who may be available. The relevant prisoner may also make recommendations as to a preferred chaplain or religious services provider.

Refer to Appendix CE9 List of Approved Organisations that Provide Chaplaincy Services.

#### 25.4.6 Access to minister to a dangerously ill/seriously injured prisoner - contracted chaplaincy service providers

The Chief Superintendent of the corrective services facility will notify the relevant contracted chaplaincy service provider of any prisoner who is seriously ill and requests a visit from a minister/religious person of their particular faith, who can conduct the service, as soon as possible.

The coordinator chaplaincy service provider should advise the Chief Superintendent or nominated manager of Chaplains to be contacted should staff become aware of a prisoner who is dangerously ill or whose death may be imminent. Refer to section 23 of the CSA.





### Custodial Operations Practice Directive

#### 25.4.7 Access after a death in custody - contracted chaplaincy service providers

Contracted chaplaincy service providers should ensure that they have provided emergency contact details to the Chief Superintendent or a nominated manager at the corrective services facility to which they are contracted to provide services to allow support services to be provided at a facility after a death in custody in accordance with the contraction agreement with the relevant service provider.

Refer to section 24 of the CSA; COPD Incident Management: Death in Custody and the Administrative Form 185 Prisoner Death in Custody – Management Checklist.

#### 25.4.8 Access to officiate a marriage

If a prisoner wishes to marry, a request to the Chief Superintendent of the corrective services facility by the prisoner is required prior.

Refer to section 26 of the CSA and the COPD Prisoner Entitlements: Marriage, Civil Partnerships, Name Change and Voting.

#### 25.4.9 Post release contact with released prisoners - contracted chaplaincy service providers

A contracted chaplain wishing to maintain a pastoral relationship with a released prisoner must be mindful of any potential conflict of interest and request endorsement by their organisation

It is not considered appropriate for a chaplain to be nominated as the sponsor for a prisoner applying for parole, such a situation may result in review of the Chaplain's appointment.

It is recommended that advice be sought from the Board by the Chaplain and/or QCS prior to QCS endorsing a Chaplain as a sponsor to ensure no conflicts of interest with their chaplaincy role will occur.

#### 25.4.10 Transfer of prisoners to other corrective services facilities - contracted chaplaincy service providers

If a prisoner is transferred to another corrective services facility, a referral to a chaplain managed by a contracted chaplaincy service provider in the receiving facility can be made. A contracted chaplain must not attempt to gain access to a corrective services facility they are not contracted to provide services at for the purpose of continuation of pastoral care for an individual prisoner.

A chaplain from a contracted chaplaincy service provider may seek approval to visit a prisoner who has been transferred to another corrective services facility as a personal religious visitor.

## 26. Other Visitors

Other visitors may only visit the prisoner subject to the visitor's access approval or access the part of the facility allowed under the visitor's access approval.

The visit or access must be carried out on the day and during the time approved by the authorised delegate. Refer to section 171 of the CSA.







### Custodial Operations Practice Directive

#### 26.1 Commercial visitors

A commercial visitor may only access the part of a facility allowed under the commercial visitor's access approval and the access must be carried out on the day and during the time approved by the authorised delegate. Refer to section 170 of the CSA.

#### 26.2 Professional visitor

A professional visitor may only visit the prisoner who is the subject of the access approval or access the part of the corrective services facility allowed under the visitor's access approval.

If the professional visitor is not a legal, religious or government visitor the access approval shall apply only to all prisoners within the corrective services facility which processes the application. A separate access approval must be sought for each corrective services facility the professional visitor wishes to visit. The visit must be carried out during the time approved by the authorised delegate. Refer to sections 169(1)-(2) of the CSA.

#### 26.3 External service provider

The Chief Executive or delegate may grant a funded external service provider access approval for a corrective services facility as per their service level agreement in accordance with sections 253 and 156 of the CSA.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

#### 26.4 Casual site visitor

A casual site visitor may only access the following external areas of a facility:

- a) visitors' car parks;
- b) roadways; and
- c) waiting areas, refer to section 165 of the CSA.





### 28. Princess Alexandra Hospital Secure Unit (PAHSU)

All requests to visit a prisoner in the Princess Alexandra Hospital Secure Unit (PAHSU) must be made to the corrective services facility at which the prisoner was last accommodated.

If the prisoner was previously accommodated at a watchhouse the visit application must be made to:

- a) for a male prisoner - Arthur Gorrie Correctional Centre; or
- b) for a female prisoner - Brisbane Women's Correctional Centre.

The relevant facility staff must check if:

- a) an Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor) has previously been completed;
- b) access approval has been granted; and
- c) the prisoner has been approved for contact visits.

The relevant facility staff must send the completed Administrative Form 201 Princess Alexandra Hospital Secure Unit Personal Visitors to Prisoners, to the PAHSU.

If the Approved Form 27 had not been previously completed, the PAHSU must request the personal visitor to apply for a visit using an Approved Form 27.

An inpatient prisoner suffering from a life threatening or terminal illness may be provided with special visit privileges.

On the recommendation of the PAHSU Medical Director, the Chief Executive or authorised delegate of the facility at which the prisoner was last accommodated may approve multiple and unrestricted access for approved visitors. Refer to section 153(2) of the CSA and the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

An inpatient confined to bed may be permitted an inpatient bedside visit. Such a visit must be conducted under constant supervision.

Refer to sections 155, 326 and 327 of the CSA, the Approved Form 27 Approval for Access to a Corrective Services Facility and Visit a Prisoner (Personal Visitor) and the Appendix V1 Appropriate Dress Standards.





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## 29. Incident During Visits

During the visit a corrective services officer may give a visitor a direction the officer considers reasonably necessary for the security or good order of the corrective services facility or a person's safety. Refer to section 163 of the CSA.

Any visitor, who contravenes a condition of access approval, fails to comply with a lawful direction or otherwise prejudices the security and good order of a corrective services facility may be ordered to leave the facility.

If a visitor fails to comply with an order to leave the facility, reasonable force may be used to remove the visitor from the facility. Refer to section 161 of the CSA and the COPD Tactical Options Response - Use of Force.

Refer to sections 123(1), 152, 156(5), 157 and 160 of the CSA; section 19 of the CSR; the Appendix V1 Appropriate Dress Standards and the Appendix S1 Prohibited Things.

### 29.1 Visitors detected smoking on grounds

Where a visitor is detected smoking beyond the first barrier of detection of a corrective services facility the incident must be recorded as an incident in accordance with the COPD Incident Management: Incident Management Process.

The grounds of a corrective services facility include the land gazetted as a prison reserve in accordance with Schedule 1 Prisons (including car parks, walkways, visits processing etc) of the CSR.

Adherence to the smoking prohibition is a condition of entry to a corrective services facility. This direction is also to be read as applying to *smokeless tobacco products*:

- a) any visitor who smokes on the grounds of a corrective services facility may be directed by a corrective services officer to comply with the no smoking requirements under section 163 of the CSA. Failure to comply with such a direction may result in a direction to leave the corrective services facility under section 161 of the CSA; and/or
- b) suspension of access approval under section 157 of the CSA.

A corrective services officer who detects a visitor smoking on the grounds of a corrective services facility should:

- a) approach the visitor and advise them of the QCS prohibition on smoking on the grounds of a corrective services facility; and
- b) request the visitor discontinue smoking and place any *smoking products* or *smokeless tobacco product* in their car or secure locker.

If a visitor does not comply with a request to stop smoking and place any *smoking products* or *smokeless tobacco product* in their car or secure locker, the officer should:

- a) provide a direction to the visitor that they must comply with the smoking prohibition as a part of entry to the corrective services facility; and
- b) advise that the direction is provided in accordance with section 163 of the CSA and that failure to comply may result in a direction to leave the corrective services facility under section 161 of the CSA and/or suspension of access approval under section 157 of the CSA.

If the visitor does not comply with the lawful direction the matter is to be managed in accordance with this COPD and the COPD Tactical Options Response - Use of Force.

