



Visitor Bans - Procedures

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1. Introduction

The purpose of these procedures is to provide staff with clear guidance regarding the process for banning visitors from prisons.

2. Definitions and acronyms

CSID	Corrective Services Intelligence Directorate
Designated Superintendent	The Superintendent as defined in s 36 of the Prisons Act 1981 and includes any reference to the position responsible for the management of a private prison under Part IIIA of the Prisons Act 1981 . Does not extend to the officer in charge of a prison.
prison	The prison, gaols, and penal outstations declared to be prisons by s 4 of the Prisons Act 1981 and every building, enclosure or place declared to be a prison under s 5. Includes car parks, grounds and access roads if declared as prison property.
prescribed period	The duration for which a person may be banned from gazetted prison property in accordance with r 54B of the Prisons Regulations 1982 .
prescribed reason	The reasons for which a person may be banned from gazetted prison property as established in r 54B of the Prisons Regulations 1982 .
Security Manager	The officer in charge of security in a prison, who is responsible for the controlling and administering of security functions in a prison, including intelligence gathering and analysis and risk management.
state-wide ban	A ban which applies to all public and private prisons in Western Australia.

- superintendent** The Designated Superintendent, Deputy Superintendent, Assistant Superintendent, or other prison officer (or in the case of a privately operated prison, any person) who is at the relevant time in charge of a prison.
- TOMS** Total Offender Management Solution; the system used by the Department of Corrective Services (and staff at privately operated prisons) to record all prisoner details and their movements.
- visitor** A person who wish to visit or have access to and speak to a prisoner under ss 59, 64 and 65 of the [Prisons Act 1981](#).

3. Authority to ban

3.1 The Commissioner’s powers to issue a ban under s.66(3) of the [Prisons Act 1981](#) have been delegated under s 8 of the [Prisons Act 1981](#).

3.2 Local visitor bans may be issued by the Designated Superintendent of a prison for the prison of issue only.

3.3 State-wide visitor bans may be issued by:

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- Assistant Commissioner Custodial Operations (ACCO)
- Designated Superintendent (refer [Section 4](#) for further information).

3.4 Visitor bans should be used as a last resort. Instead, the Designated Superintendent may refuse a visitor entrance or remove a visitor in accordance with s 66 of the [Prisons Act 1981](#) and in accordance with [Adult Custodial Rule 7 - Communication - Visits](#). Alternatively, the Designated Superintendent may determine that a visit shall be a non-contact visit to preserve the good order and security of the prison.

3.5 Nothing in these Procedures affects prisoners’ entitlement to visits in accordance with [Adult Custodial Rule 3 - Privileges](#), or the restriction of visits (or the application of non-contact visits) to individual prisoners in accordance with [Adult Custodial Rule 7 - Communication - Visits](#).

4. Visitor bans - Prescribed reasons and prescribed periods

4.1 A local ban may be issued by a Designated Superintendent for any of the following prescribed reasons (in accordance with r 54B), for any period up to the prescribed maximum period for which a person may be banned from visiting a prison:

<ul style="list-style-type: none"> • The person is a serious security risk to a prison or the prison system 	<ul style="list-style-type: none"> • 12 months
<ul style="list-style-type: none"> • The person has threatened to harm or has harmed a medical officer, officer, prison officer, or subcontractor while that person was carrying out functions under the Prisons Act 1981 	<ul style="list-style-type: none"> • 6 months
<ul style="list-style-type: none"> • The person has threatened to harm or has harmed a dog used to search visitors to prisoners or prisons 	<ul style="list-style-type: none"> • 6 months

4.2 In the event that a Designated Superintendent believes that the particulars of any incident listed in Section 4.1 or the details of the information available to him or her warrants the imposition of a state-wide ban, refer Section 6.

4.3 A state-wide ban may be issued by a Designated Superintendent for any of the following prescribed reasons (in accordance with r 54B), for any period up to the prescribed maximum period for which a person may be banned from visiting a prison:

<ul style="list-style-type: none"> the person has attempted to take a weapon into a prison 	<ul style="list-style-type: none"> 12 months
<ul style="list-style-type: none"> the person has attempted to take an unauthorised item other than a weapon into a prison 	<ul style="list-style-type: none"> 6 months
<ul style="list-style-type: none"> the person has coerced or attempted to coerce a visitor to a prisoner to contravene s 50(1) of the <i>Prisons Act 1981</i> 	<ul style="list-style-type: none"> 12 months
<ul style="list-style-type: none"> the person is the subject of a charge relating to or has been convicted of an offence under the following provisions: <ul style="list-style-type: none"> <i>Court Security and Custodial Services Act 1999</i> ss 90, 91 <i>Prisons Act 1981</i> s 50(1)(a)(b), s 52(4)(a)(b) Criminal Code s 145 <i>Young Offenders Act 1994</i> ss 193(2), 194 	<ul style="list-style-type: none"> 12 months
<ul style="list-style-type: none"> the person is the subject of a charge relating to or has been convicted of an offence under the following provisions: <ul style="list-style-type: none"> <i>Court Security and Custodial Services Act 1999</i> s 92 <i>Prisons Act 1981</i> ss 50(2), 52(1)(a)(b) <i>Young Offenders Act 1994</i> ss 191, 192 	<ul style="list-style-type: none"> 6 months
<ul style="list-style-type: none"> the person is the subject of a charge relating to or has been convicted of an offence under the following provisions: <ul style="list-style-type: none"> <i>Prisons Act 1981</i> ss 49(6), 50(3), 52(3), 60(4) 	<ul style="list-style-type: none"> 3 months

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4.4 Local or state-wide bans may be issued by the ACCO for any prescribed reason as stated in Sections 4.1 or 4.3 following submissions received from Designated Superintendents, or following intelligence gathered, in accordance with Section 6.

4.5 As a guide, a first offence may receive a ban of one-third of the maximum period for which a person may be banned. Accordingly, a second offence may attract a ban of two-thirds of the maximum period for which a person may be banned. Further offences shall attract a ban of the maximum period allowable, as stated in Section 4.3 above.

4.6 Depending on the severity of the incident or reliability and severity of the intelligence received, the guidelines stated in Section 4.5 may not be appropriate. In these cases the Designated Superintendent or ACCO may consider a longer period, but in any case the period shall exceed the maximum allowable as stated in Sections 4.1 and 4.3.

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4.7 Where considered appropriate by the Designated Superintendent or ACCO the maximum period for which a person may be banned may be applied.

5. Process for issuing a ban - Designated Superintendent

5.1 Appendix 1 establishes the procedure to be followed when imposing a ban.
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5.2 In accordance with Policy Directive 41 – Reporting of Incidents and Additional Notifications (PD41), all incidents involving visitors are to be recorded in an Incident Report. In addition, a Security Report is to be submitted detailing additional information pertinent to the incident.

5.3 Where no incident has occurred, intelligence is to be submitted only by way of Security Report in accordance with PD 41.

5.4 The Security Manager at the prison is to be advised of the incident / information at the earliest opportunity, but no later than the conclusion of duty.

5.5 The Security Manager shall provide the Designated Superintendent with the reports referred to in Sections 5.3 or 5.4, and the relevant prescribed reason(s) under which a ban should be issued.

5.6 The Designated Superintendent may approve the issuing of a ban, subject to the restrictions listed in Section 4.1 and 4.2 above. If a ban is approved, the ban shall commence immediately.
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5.7 If a ban is approved, the Security Manager shall ensure that a written notice to the banned visitor is prepared (see Appendix 2) and forwarded to Adult Custodial Operations for review. The written notice shall include the following:

- the prison from which the person is banned if the person is banned from one prison, or whether the ban is a state-wide ban
- the length of the ban and the ban's expiry date
- the reason for the ban in accordance with s 66(6) of the Prisons Act 1981. Reasons are not required to be given only in the circumstances prescribed in r 54BA of the Prisons Regulations 1982 or where giving a reason may jeopardise the good order or security of a prison
- details of the submission process, including the date submissions must be lodged by (no later than 28 days from the date of the written notice).

5.8 Adult Custodial Operations shall review the written notice and forward the approved written notice to the Security Manager at the relevant prison for signing by the Designated Superintendent. A copy shall also be provided to the Investigations Services Directorate.

5.9 When the written notice has been signed by the Designated Superintendent, the Security Manager shall ensure that:

- the signed written notice is posted to the banned person by
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a copy of the signed written notice is forwarded to Adult Custodial Operations for record keeping purposes, and where the ban is a state-wide ban, Adult Custodial Operations shall provide advice of the ban to CSID

- where the ban is a local ban, details of the ban are entered into the Visitor Bans Module on TOMS. The Security Manager shall ensure that the correct commencement and expiry dates are entered on TOMS

- email advice of the ban is provided to Security Managers of all other prisons (including privately operated prisons), detailing the name of the prisoner, the period of the ban and the period of the ban and the period of the ban.

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- 5.10** Where the ban is a state-wide ban, CSID will enter the details into the Visitor Bans Module on TOMS.
- 5.11** If the ban relates to a particular prisoner or prisoners, the Security Manager shall enter appropriate details in the prisoner(s) Visitor's module on TOMS.
- 5.12** If the ban relates to a particular prisoner or prisoners, the Security Manager shall ensure that the prisoner(s) is informed that his/her visitor has been banned from visiting the prison and the period of the ban.

6. Process for issuing a ban - ACCO

- 6.1** If the Designated Superintendent believes the person should be banned from visits state-wide, but the incident or intelligence received cannot be categorised as a prescribed reason, in accordance with Section 4.3, the following process applies:

- The Designated Superintendent is to provide written justification to the ACCO via Adult Custodial Operations for consideration of a state-wide ban, including providing a written notice in accordance with Section 5.7 (see also Appendix 2)
- Adult Custodial Operations will liaise with CSID, where appropriate, to determine whether a state-wide ban is warranted, based on the information presented and with reference to r 54D of the Prisons Regulations 1982
- Adult Custodial Operations will present the information to the ACCO who may decide that a state-wide ban is warranted and to inform the ban (refer Section 6.4).

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- 6.2** In addition to bans following submissions from Designated Superintendents, the ACCO (or DCAJS) may approve a local or state-wide ban (or a ban affecting several prisons) for any prescribed reason. In these cases, Sections 6.3 and 6.4 apply. Adult Custodial Operations shall ensure a written notice is drafted for the consideration of the ACCO.
- 6.3** Appendix 1 establishes the process to be followed when a state-wide ban affecting several or all prisons is made by the ACCO (or DCAJS).
- 6.4** In the event that the ACCO (or DCAJS) approves a state-wide ban:
- The written notice is to be signed by the ACCO (or DCAJS) (see also Appendix 2). The requirements for the written notice as stipulated in Section 5.7 apply
 - Adult Justice Services Operations shall ensure that the written notice is posted to the banned person's last known address
 - Adult Justice Services Operations shall ensure that the Manager CSID is informed of the ban
 - Adult Justice Services Operations shall ensure that the Investigations Services Directorate is informed of the ban
 - Adult Justice Operations is to inform Security Managers of the ban
 - Security Managers shall follow the requirements of Sections 5.11 and 5.12.

7. Submissions regarding a visitor ban

7.1 In accordance with s 66(9) of the [Prisons Act 1981](#), the rules of natural justice, or procedural fairness, do not apply in relation to a decision made to ban a visitor.

7.2 However, visitors issued with a ban may make a submission in writing within 28 days of the date of the written notice of the ban, in accordance with s 66(8) regarding:

- The decision to ban the person from visiting a prison
- Any reason given by the delegated authority (Designated Superintendent, ACCO or DCAJS).

7.3 Submissions will be considered by the:

- ACCO, where a Designated Superintendent has issued the ban
- DCAJS, where the ACCO has issued the ban
- Commissioner, where the DCAJS has issued the ban.

8. Monitoring and expiry of a ban


8.1 Any attempt to make a booking for a visit during the period of a ban is to be personally reported to the Security Manager.

8.2 In the event that a prisoner with a banned visitor is transferred to another prison, the Security Manager at the sending facility is to ensure that the Security Manager at the receiving facility is notified, in order to facilitate the Designated Superintendent's consideration of whether the banned visitor should also be banned from his or her prison.

8.3 Where the Designated Superintendent at the relevant prison (or the ACCO / DCAJS in the event of state-wide ban) intends to extend the visitor's ban, the processes in [Section 5](#) and [6](#) apply. Relevant justification must be provided if a ban is to be extended.

9. Approval

Commissioner or delegated authority as per PD 55:

Signature: 

Date: 8/12/14

10. Policy sponsor

Assistant Commissioner Offender Services

11. Contact person

Director Security and Response Services

Principal Operational Policy Officer

12. Amendment history

	Version	Approved	Effective from
1.	First published	5 September 2005	N/K
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3.	Amended	22 May 2018	22 June 2018