



Youth Custodial Rule 502

Inspector Custodial Services and Independent Detention Centre Visitors

Legislation referred to: [Inspector of Custodial Services Act 2003](#)
[Young Offenders Act 1994](#)
[Court Security and Custodial Services Act 1999](#)
[Young Offenders Regulations 1995](#)

1. Purpose

- 1.1 The [Inspector of Custodial Services Act 2003](#) empowers the Office of the Inspector of Custodial Services (OICS) to review any aspect of a custodial service in relation to a detention centre or service under the [Court Security and Custodial Services Act 1999](#). A custodial service in relation to a detention centre is defined in the [Inspector of Custodial Services Act 2003](#) as the management, control or security of the centre, the security, safety, care or welfare of the detainees at the centre and includes any administrative arrangement in relation to those activities.
- 1.2 The Office of the Inspector of Custodial Services is also responsible for administering the Independent Detention Centre Visitors Service (IDCVS).
- 1.3 This Youth Custodial Rule sets out the general principles relating to OICS and IDCVS. Standing Orders will give effect to this rule.

2. Scope

This Youth Custodial Rule applies to all Youth Custodial Services (YCS) staff, volunteers and contractors and should be read in conjunction with all relevant Youth Custodial Rules, Standing Orders and Departmental policies and procedures.

3. Principles

- 3.1 The core responsibility of OICS is to inspect all individual prisons, youth detention centres and court custody centres in Western Australia (WA) at least once every 3 years. Each facility may also be inspected at any other time and on any number of occasions. Inspections can be either announced or unannounced.
- 3.2 The role of OICS is to provide independent external review of the standards and operational practices relating to custodial services within the state of WA. The inspections may be of any youth custodial facility or custody related matter and will have a primary focus on:
- treatment of and conditions for persons in custody
 - effects of custody on particular groups of persons in custody
 - the detention service, or any aspects of the detention service
 - any other matter of significance.

- 3.3** The Minister for Corrective Services (the Minister) may direct the Inspector to undertake a review or an inspection. This is known as a 'directed review'.
- 3.4** The Office of the Inspector of Custodial Services is required to table reports of its inspection and reviews, and an annual report with the WA Parliament.
- 3.5** The Inspector is also empowered to issue a 'show cause notice' to the Chief Executive Officer (CEO) in relation to a prisoner, detainee or person held in custody under the [Court Security and Custodial Services Act 1999](#), if there are reasonable grounds to suspect there is a risk to their security, control safety, care or welfare, or they are or have been subjected to cruel, inhuman or degrading treatment. The Inspector should specify a period of at least 3 days to comply with the notice, failing which, the Inspector may refer the matter to the Minister with any advice or make recommendations the Inspector considers appropriate.
- 3.6** The Inspector, and his or her staff (authorised persons), shall be granted entry to the facility or any part of the facility, upon satisfactory establishment of their identity and authorisation, in most cases using the photographic identification issued by the Inspector.
- 3.7** As per s 29 of the [Inspector of Custodial Services Act 2003](#), the Inspector or any person authorised by the Inspector, at any time and with any assistants and equipment that the Inspector or authorised person thinks are necessary, may have free and unfettered access to any part of a detention centre or court custody centre, a detainee, anyone whose work is concerned with such places, to any vehicle used to transport detainees, to detainees in such a vehicle, anyone whose work is concerned with such a vehicle, and to any documents related to any of these places, custodial services or a present or former detainee. The reference to documents includes otherwise confidential file notes, incident records, medical records and electronic data systems.
- 3.8** The Inspector and his or her staff are exempt from any kind of search of their person or property on entry to the facility.
- 3.9** Authorised persons have the right to bring electronic or other equipment into the facility or any part of it, including (but not limited to) mobile phones, cameras, computers or recording devices for purposes of inspection or review.

4. Independent Detention Centre Visitors:

- 4.1** The Inspector makes recommendations of suitable candidates for appointment by the Minister as Independent Detention Centre Visitors for a 2 year term and, for renewal or non-renewal of those who have completed a term of appointment.
- 4.2** Section 169 [Young Offenders Act 1994](#) provides that an Independent Detention Centre Visitor appointed under s 41 [Inspector of Custodial Services Act 2003](#), may, upon providing satisfactory proof of the person's identity to the Superintendent or their delegate, enter and examine a detention centre.
- 4.3** Independent Detention Centre Visitors are required under s 42 [Inspector of Custodial Services Act 2003](#) to 'visit and inspect' the centre to which they are appointed at least every 3 months and to 'make a record of any complaint made to the visitor by or on behalf of a detainee' in the course of those visits.

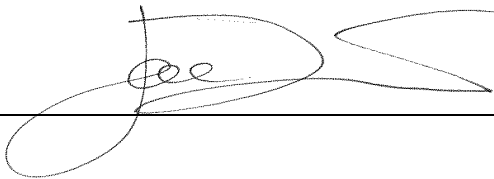
- 4.4 Independent Detention Centre Visitors are not to interfere with the management or discipline at the detention centre nor give any instructions to staff in the course of their visits.
- 4.5 Independent Detention Centre Visitors must also have regard to the good order and the security of a detention centre and the safety of any person whose work is connected with such a place.
- 4.6 An Independent Detention Centre Visitor is required to submit a report in writing to OICS after each visit in relation to their inspection of the centre and any complaints received by or on behalf of a detainee.

Approval

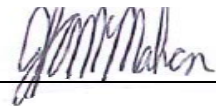
Rule made pursuant to Section 181 (1) of the *Young Offenders Act 1994* and *Young Offenders Regulations 1995*, by the Commissioner being the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister for Corrective Services.

On the 13th day of March 2014

Minister



Commissioner



On the recommendation of the Deputy Commissioner Youth Justice Services and the Director Youth Custodial Services.



Deputy Commissioner
Youth Justice Services



Director
Youth Custodial Services

Version history

Version	Approved	Effective from
First published as Juvenile Custodial Rule 505 - Inspector of Custodial Services	27 May 2004	27 May 2004
Renamed: Juvenile Custodial rule 505 - Inspector of Custodial Services and Juvenile Custodial Rule 506 titled Independent Detention Centre Visitors	17 July 2008	17 July 2008
Renumbered and renamed: Youth Custodial Rule 502 - Inspector of Custodial Services and Independent Detention Centre Visitors	27 August 2012	27 August 2012
Rule reviewed, updated and procedural detail removed to local Standing Orders.	13 March 2014	5 May 2014