



VISITORS TO A FACILITY

V

INTERVIEW PRISONER

Version: 02

Implementation date: 22/10/2020

Availability: Official - Public

Performance Standard: The establishment of a comprehensive process to provide for the management and administration of prisoner interviews which preserves the security and integrity of the facility.

Outcomes:

Ensure necessary documentation for each request to interview a prisoner is received, filed and recorded.

Ensure all prisoner interviews are conducted in accordance with the requirements outlined in this Practice Directive.

Consider all specific requirements for each prisoner interview including a risk analysis, where applicable, to ensure the security of the facility.

Decide and record appropriate decision - approved, refused or subject to specific conditions.

Record all details in accordance with the specific requirement outlined in this Practice Directive

Accountability:

Chief Executive or
Delegate

- Considers the specific requirements depending on the type of prisoner interview.
- Considers risk posed by interview.
- Considers and decides upon the most appropriate action to be taken i.e. approval, refusal or approval with conditions attached.

Chief Superintendent,
General Manager

- Provides for the management and administration of prisoner interviews.

Corrective Services
Officer

- Receives application from person requesting to interview a prisoner.
- Ensures required documentation for prisoner interview application is attached to application and validates identification.
- Understands and adheres to the visit requirements.
- Ensures the security requirements relevant to the interview are adhered to.
- Supervises visit.
- Records all visit details.

Process Owner: Custodial Operations maintain ownership and responsibility for review and amendment of the Practice Directive.



Human rights

To ensure Corrective Services Officers act or make decisions in a way that is compatible with human rights, officers must give proper consideration to human rights relevant to the decision including but not limited to:

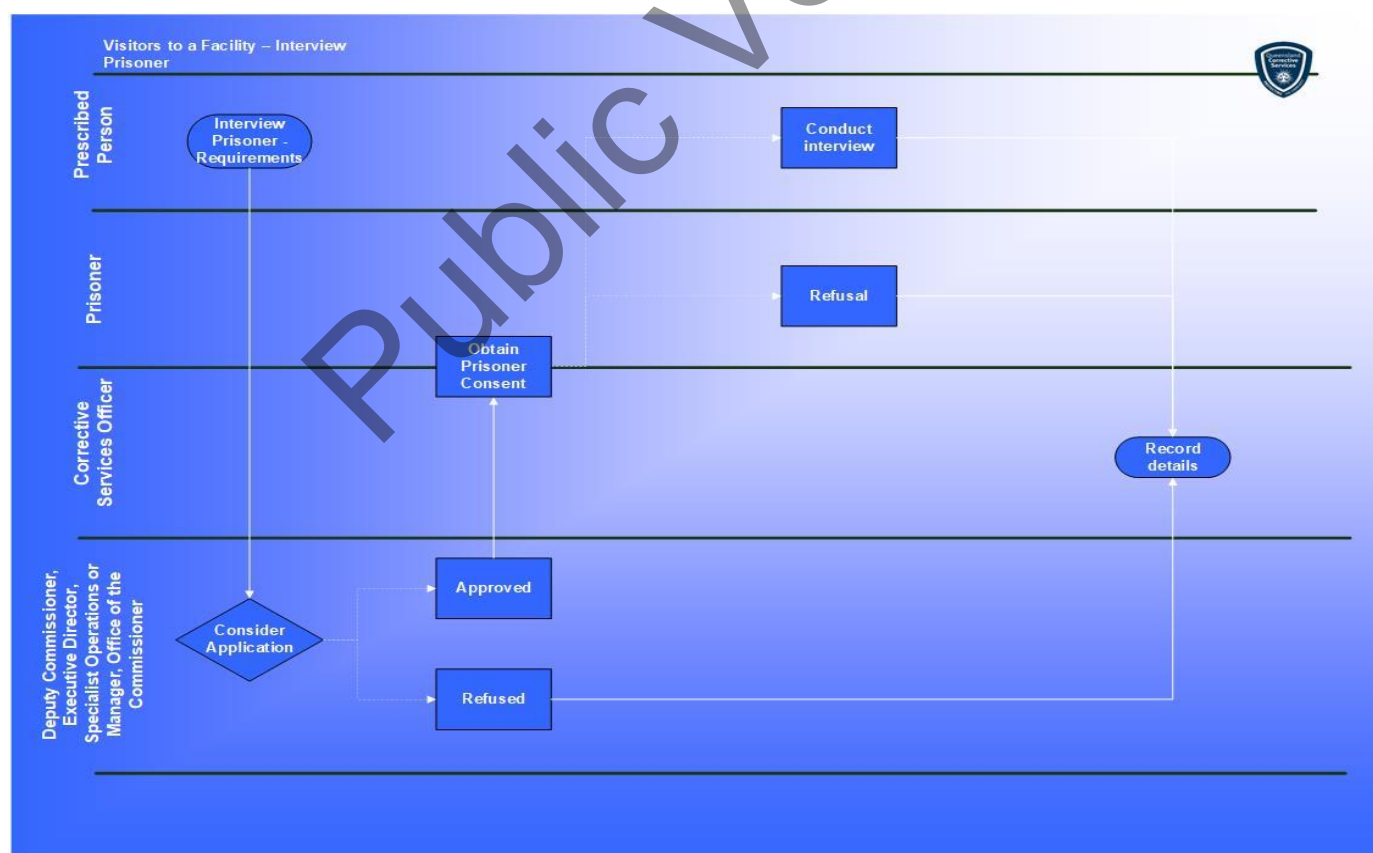
- The prisoner's right to recognition and equality before the law, including the right to equal and effective protection against discrimination;
- The prisoner's right to protection from torture and cruel, inhuman or degrading treatment;
- The prisoner's right to freedom of expression;
- Peaceful assembly and freedom of association;
- The right to privacy and to reputation;
- The right to humane treatment when deprived of liberty;
- The prisoner's rights in criminal processes, including the right to minimum guarantees as set out in section 32(2) of the *Human Rights Act 2019*.

Limitation of human rights

Human rights can be limited if certain conditions are present:

- The limit must be provided under law;
- The limit must be reasonable; and
- Any impositions on the human rights must be demonstrably justified in a free and democratic society based on human dignity equality and freedom.

A person's human rights should only be limited to the extent that is reasonably and demonstrably justified.





Requirements

A person requires the Chief Executive or their delegate's written approval to interview a prisoner, obtain a written or recorded statement from a prisoner, photograph a prisoner inside a corrective services facility or photograph part of a corrective services.

Written approval is not required if the person is:

- The prisoner's lawyer;
- An employee of a law enforcement agency;
- The ombudsman.

Additionally, an accredited or government visitor may visit a prisoner, or access any part of a corrective services facility, for performing the functions or exercising the powers of the visitor's office or position. Official visitors and inspectors may interview prisoners under the CSA s164(1)

"Accredited visitor" is defined in schedule 4 of the CSA and includes an inspector and an official visitor. "Government visitor" means a person who is an employee of another government department.

An accredited visitor, other than a person authorised under CSA s132 (2) while carrying out the functions of their office or position, may visit a prisoner, however must not interview the prisoner without specific approval.

An interview must occur out of the hearing but within the sight of a corrective services officer.

Law Enforcement Visitor

An employee of a law enforcement agency seeking to interview a prisoner may do so in accordance with CSA s167.

The law enforcement visitor must be registered as a visitor on IOMS and the visit entered on IOMS as visitor type "extra" and categorised according to the law enforcement agency that they represent.



A law enforcement agency means (refer CSA Schedule 4):

- The Crime and Corruption Commission, a commission of inquiry under the *Commissions of Inquiry Act 1950*, or the police service
- The Australian Federal Police
- The Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Cwlth), section 7
- A police force or service of another State or of a foreign country;
- An entity established under the law of the Commonwealth or a State to investigate corruption or crime;
- The Australian Security Intelligence Organisation under the *Australian Security Intelligence Organisation Act 1979* (Cth);
- A Commonwealth department that administers the *Australian Border Force Act 2015* (Cth), *Customs Act 1901* (Cth) (other than parts XVB and XVC), or the *Migration Act 1958* (Cth); or
- Another entity declared under a regulation to be a law enforcement agency.

The prisoner may:

- Refuse to see the law enforcement visitor; or
- Agree to see the law enforcement visitor but refuse to answer any of the law enforcement visitor's questions (refer CSA s167(2)).



Child Safety Officers

A child safety officer wishing to visit a corrective services facility to interview a prisoner for the purpose of case planning must contact the facility a minimum of **seven days** beforehand to arrange the visit. This notice is to allow the Chief Superintendent, General Manager of a corrective services facility sufficient time to arrange the relevant professional staff to be available for the meeting. At the time of arranging the visit, the corrective services officer must request that the child safety officer complete and send Child Safety Visit Notice Administrative Form 204 to the corrective services facility a minimum of 24 hours prior to the visit.

If a child safety officer requests to interview a prisoner in an emergency situation, an application may be made directly to the Chief Superintendent, General Manager or Superintendent, Deputy General Manager of the corrective services facility.

Interview Approval

The Chief Executive or delegate (refer CSA, s132(2)(d)) may grant approval for a prisoner to be interviewed provided:

- The purpose of the interview is considered reasonable;
- The prisoner wishes to be interviewed;
- The security or privacy of any person or of a corrective services facility is not compromised as a result of interview;
- Any harm is likely to come from the interview is considered – for example, if the interview will jeopardise the integrity of an investigation, or the interview is likely to have an adverse impact on any members of the community; and
- The interview, or any portion of the interview, will not be published or made public except with permission of the relevant Deputy Commissioner, Executive Director, Specialist Operations or Manager, Office of the Commissioner.

Refer Request to Interview an Offender/Photograph Facility Administrative Form 208 and Instrument of Delegation of Chief Executive Powers – Queensland Corrective Services.

Research

Approval to conduct research must first be obtained prior to seeking approval for a research related interview.

Approval to:

- Conduct research in a corrective services facility
- Use data held by the Department; and
- Interview a prisoner.

may be granted by the Executive Director, Operational Support Services, General Manager, Strategy and Governance or the Executive Director, Ethical Standards Unit.

The approval to conduct research does not authorise access to a corrective services facility or a prisoner. Approval to access a corrective services facility or to interview a prisoner must be obtained in accordance with the requirements of this Practice Directive and the Practice Directive Visitors to a Facility: Visits Process.

Prisoner Consent

The written consent of a prisoner must be obtained prior to an interview being conducted or a written or recorded statement obtained from the prisoner unless by a person authorised under CSA, s132(2). Refer Consent for Interview Administrative Form 209.



Prior to an interview occurring with a law enforcement officer, the prisoner must consent to the interview by signing Prisoner Consent to be Interviewed Administrative Form 210. This form must contain the interviewing officer's name and details. A copy of this form must be filed on the prisoner's file.

Should the prisoner give consent for an interview with a law enforcement visitor, the visit should be out of the hearing, but not out of the sight of a corrective services officer.

Conduct Interview

During the interview the prisoner is not to be allowed unsupervised access to any communication device. Any phone calls are to be made as an officer initiated call and, if possible, recorded. Any other authorised telephone call that is not recorded must be monitored with the details of the call documented in an information intelligence note in IOMS outlining the circumstances of the call and summary of call content. In the absence of access to IOMS, the details must be given to the facility intelligence officer to facilitate the production of an Information Note or Intelligence Report. Refer to Practice Directives Prisoner Entitlements: Prisoner Communications and Intelligence.



Public Version