



Youth Custodial Rule 603

Communications

Legislation referred to

[Young Offenders Act 1994](#)

1. Purpose

The purpose of this Youth Custodial Rule is to reduce the impact of detention on detainees by maintaining family, community and cultural ties and to facilitate access to legal representation, and independent statutory government agencies.

2. Scope

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

3. Definitions

Authorised Officer	Officer, Unit Manager or Senior Officer employed by Youth Custodial Services. Appointed under s 11 (1a) of the Young Offenders Act 1994
Mail	Any letter, parcel, facsimile, card or package
Letter	A standard article which complies with the requirements as set down by Australia Post and addressed to any destination
Detainee Telephone System	The telephone system provided for use of detainees
'Officer initiated' Telephone Call	Where an officer establishes a call through the Detainee Telephone System using a generic PIN
Privileged Mail	a letter addressed to or from a detainee to or from the following: <ul style="list-style-type: none">• ACCESS (Administration of Complaints, Compliments and Suggestions)• Assistant Commissioner Youth Justice Services• Attorney General of Western Australia• Australian Human Rights Commission• Commissioner – Department of Corrective Services• Commonwealth Ombudsman• Corruption and Crime Commission• Corruption and Crime Commission (CCC) WA• Deputy Commissioner Community and Youth Justice• Director, Office of Health Review (OHR) WA• Equal Opportunities Commission (State)• Member of Parliament• Minister for Corrective Services• Office of the Inspector of Custodial Services• Public Interest Disclosures Officer• State Ombudsman (Parliamentary Commissioner for Administrative Investigations)• visiting Justice

4. Policy

4.1 General

The Superintendent or their delegate shall permit detainees to communicate with other persons using telephone, mail or other means of approved communication, provided that the communication meets the carrier's requirements, does not compromise the good order or security of the detention centre and does not contravene any written law.

4.2 Mail

4.2.1 Writing materials will be provided to detainees on request and free of charge.

4.2.2 The Superintendent or their delegate shall cause to be dispatched to the addressee any letter written by a detainee.

4.2.3 All outgoing mail shall include the detainees name and the detention centre postal address.

4.2.4 The Superintendent or their delegate may limit the number of letters or the size and number of parcels that may be dispatched at Youth Custodial Directorate expense. The exception being those articles that pertain to a course of external study approved by the Superintendent or their delegate.

4.2.5 The Superintendent shall cause a record to be kept of the number of items of mail dispatched at Youth Custodial Directorate expense for each detainee and the dates of such dispatches

4.2.6 The Superintendent or their delegate may authorise the inspection of all incoming and outgoing mail for the security, safety or good order of the detention centre.

4.2.7 If, in the opinion of the Superintendent or their delegate, the contents of a letter or parcel other than an item of 'Privileged Mail' being sent to a detainee are likely to:

- threaten or disturb the person to whom the letter or parcel is addressed
- relate to any unlawful purpose; or
- adversely affect the security, safety or good order of the detention centre

then the letter or parcel may be opened and inspected by the Superintendent or their delegate or a member of staff authorised by the Superintendent or their delegate for that purpose. Privileged Mail is **not** to be opened, inspected or read other than by the person to whom it has been addressed.

4.2.8 No Youth Custodial Staff member, who is authorised by the Superintendent or their delegate to open and read any letter written by a detainee, shall communicate either verbally or in writing to any person the contents of any such letter, except to the Superintendent or their delegate, where the member of staff considers that the contents or any part of the contents of the letter:

- may jeopardise the good order or the security of the detention centre
- contain a threat to a person or property

- contain a threat or reference to a self harm risk
- contains excessive obscene or offensive language or material
- contains suspected escape plans
- constitute or are expressed in a code; or
- in the opinion of the officer is of an illegal nature, or refers to an illegal activity.

4.3 Telephone

4.3.1 The use of telephones by detainees is not a right but a privileged means of communication. Detainees may have access to telephones to promote and facilitate social contact with family and friends. All detainee telephone calls shall occur through the Detainee Telephone System and includes both detainee and officer initiated calls

4.3.2 All detainees shall be allocated at least 4 free social telephone calls each week of 10 minute duration. Detainees from country areas, interstate or overseas, shall not be disadvantaged by the virtue of distance; their allocation shall be identical to any other detainee.

4.3.3 In addition, where it is considered by the Senior Officer or Unit Manager, that a detainee's request is justified, they may have additional access to the telephone due to considerations of:

- time constraints, for example in emergencies
- distance - where visits or letters would be impracticable
- cultural or tribal Aboriginals removed from their community
- foreign nationals for purposes of interpreter services or contact with foreign embassies or support services
- safeguarding legal rights, for example raising bail, contacting lawyers, Ombudsman or Equal Opportunity Commission
- therapeutic purposes, for example drug/alcohol counselling
- Where the call is of a compassionate nature and assists the detainee adjust or settle in detention.

4.3.4 Standing Orders detail procedures for application and approval

4.3.5 Detainees shall not be charged for the cost of a telephone call in the following circumstances:

- 4 free weekly phone calls as outlined in section 4.3.2 of this rule
- where the call is of a compassionate nature and assists the detainee adjust or settle in detention
- where not allowing the call due to detainee's inability to pay would constitute depriving that detainee of their legal rights including access to bail
- where the call is part of a formal therapeutic program
- the call is on a reversed charge basis
- when detainees are transferred from the detention centre to a prison, so that the relevant persons can be advised of the whereabouts of the detainee.
- where the call is related to the securing of accommodation or employment as part of pre-release planning.

- 4.3.6 In all other circumstances the cost of a local telephone call charge shall, where the detainee has the ability to pay, be deducted from a detainee's gratuity.
- 4.3.7 Incoming telephone calls shall be received from parents and caregivers or by prior arrangement with the Superintendent or their delegate to maintain family contact.

4.4 Officer operated telephone calls

Authorised Youth Custodial Services Staff members in detention centres operating computerised telephone systems may allow detainees access to Officer Operated Telephone Calls in special circumstances

Standing Orders detail procedure.

4.5 Other communications

The Superintendent or their delegate may allow a detainee to use other communications, such as video-conferencing, under whatever conditions and arrangements the Superintendent or their delegate believes reasonable.

4.6 Provision of information to detainees

- 4.6.1 Pursuant to these Youth Custodial Rules a detainee who so requests shall as soon as practicable be informed of:
- 4.6.1.1 The contents of the warrant or other instrument by which the detainee is held in detention or on remand.
 - 4.6.1.2 Where that date is able to be calculated the anticipated date of discharge of the detainee.
 - 4.6.1.3 Any information recorded in respect of money credited to the detainee under Part 7 of the [Young Offenders Regulations 1995](#).
 - 4.6.1.4 Information pertaining to detainees in a detention centre.
 - 4.6.1.5 The contents of any sentence plan developed for the detainee and any changes thereof to that plan.
- 4.6.2 If a detainee is unable to read, a Youth Custodial Services Staff member shall read the relevant section or rule or order carefully to the detainee. The Youth Custodial Services Staff member shall then ensure that the detainee understands the meaning of what was read before requesting any commitment.
- 4.6.3 If a detainee is unable to understand English the Superintendent or their delegate shall attempt to locate an interpreter who is fluent in the detainee's language as soon as practical.

5. Appendices

- [Appendices 603.1](#) – Application for approval of phone calls

Version history

Version	Approved	Effective from
First published as Juvenile Custodial Rule 603 - Mail Written by or Addressed to Detainees, 604 Parcels to and from Detainees, 605 Special Communications, 606 Provision of Information to Detainees and 607 Telephone Calls to and from Detainees	25 April 2001	25 April 2001
Above rules amended	17 July 2008	17 July 2008
Renamed, renumbered and merged: Youth Custodial Services 603 - Communications	27 August 2012	27 August 2012

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

ON THE 27th DAY OF AUGUST 2012

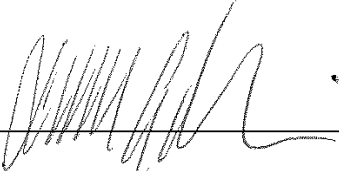
MINISTER for CORRECTIVE SERVICES



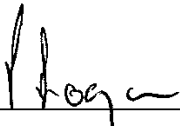
COMMISSIONER
DEPARTMENT of CORRECTIVE SERVICES



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



DEPUTY COMMISSIONER
COMMUNITY and YOUTH JUSTICE



DIRECTOR
YOUTH CUSTODIAL SERVICES