

Custodial Operations Policy and Procedures

20.1 AVOs

Policy summary

Corrective Services NSW (CSNSW) staff are to ensure that inmates do not breach any Apprehended Violence Orders (AVOs) that they are subject to.

An AVO is an order made by a court restricting or prohibiting the conduct of a person (the defendant) towards a person or persons named in the order (protected person(s))

AVOs are relevant to CSNSW in the context of:

- visits to inmates;
- telephone calls and letters by inmates; and
- the management of offenders within the community.

CSNSW staff are to manage the legal obligations and rights of inmates who have or are subject to an AVO.

Management of Public Correctional Centres Service Specifications

Service specification	Professionalism and accountability Safety and security
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Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW

It also applies to all CSNSW employees, and where relevant to other personnel such as contractors, subcontractors, and visitors.

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1 AVOs

1.1 Standard conditions

All AVOs specify that a person (the defendant) must not do any of the following to the protected person or anyone the protected person has a domestic relationship with:

- a) Assault or threaten them;
- b) Stalk, harass or intimidate them; and
- c) Intentionally or recklessly destroy or damage any property that belongs to them or is in their possession.

'Domestic relationship' is defined in section 5 of the *Crimes (Domestic and Personal Violence) Act 2007*.

1.2 Additional conditions

In addition to the standard conditions, an AVO may also include additional conditions which prevent or restrict contact between the defendant and protected person (s), and/or prevent or restrict the defendant from engaging in specific behaviour (refer to section 35 of the *Crimes (Domestic and Personal Violence) Act 2007* for further details). However, the additional conditions imposed in an AVO may not use the exact same wording as section 35 of the Act.

If an AVO prohibits contact by the defendant (inmate) with the protected person, CSNSW staff must not allow anything to occur that could amount to a breach of the AVO. In a correctional centre, this means if contact is prohibited the protected person cannot visit the inmate even if the protected person seeks a visit. The inmate must not telephone or send mail to the protected person if this is prohibited.

If contact is prohibited, an inmate's telephone list must be checked to ensure that a protected person's telephone number has not been entered. Procedures for telephone and mail contact are outlined below. If an inmate is the protected person in the AVO, any contact with the defendant may only occur in accordance with the conditions of the AVO.

2 Classifications

2.1 Policy

CSNSW has made a policy decision to classify AVOs as either Type 1 or Type 2, according to the conditions on the AVO. These classifications are applied when considering whether to allow:

- a visit to an inmate
- a telephone call between an inmate and their family/friends, when either party is subject to an AVO,
- an inmate to write to a protected person identified in an AVO.

2.2 Type 1 AVO

A Type 1 AVO contains the standard conditions and may have additional conditions, but these will not prohibit contact between the protected person and the inmate. A condition may state restrictions on contact, but not prohibit contact entirely.

2.3 Type 2 AVO

A Type 2 AVO contains the standard conditions and has additional conditions that prevent contact by the inmate with the protected person'. For example: 'you must not try to find the protected person'.

2.4 Type 2 AVOs permitting contact under specific conditions

Occasionally, a Type 2 AVO will have a condition that allows contact under circumstances specified in the order; including (but not limited to):

- through a lawyer
- to attend accredited or court-approved counselling, mediation and/or conciliation;
- as ordered by a court about contact with children,
- as agreed in writing between the inmate and the protected person about contact with children or as agreed in writing between the inmate, the protected person and the person with parental responsibility for the child.

Where the AVO condition requires the written agreement of the parties, the written agreement needs to be obtained (and signed by both parties) before any contact can occur.

2.5 Complaints regarding CSNSW interpretation of AVOs

A protected person who disputes the CSNSW interpretation of an AVO should be told to approach a Local Court to have the order varied or amended so that it is beyond doubt that the defendant may have contact with the protected person(s).

3 Reception telephone calls

3.1 Policy

The first telephone call an inmate makes following reception is usually the 'reception telephone call'. This call is initiated by screening staff on the day the inmate is received into a correctional centre.

Prior to providing this call, screening staff need to establish whether the inmate has an AVO (particularly a Type 2) against them or whether they have sought an AVO against another person.

As part of the screening process, the *Intake Screening Questionnaire* (ISQ) may require verification of AVO details.

3.2 Procedures

	Procedure	Responsibility
1.	<p>Ask the inmate:</p> <ul style="list-style-type: none"> • <i>‘Do you have any current AVO(s) against you?’</i> • <i>‘Do you have any current AVO(s) against anyone?’</i> 	Screening staff
2.	<p>Exercise careful judgement when allowing the inmate to make a reception telephone call.</p> <p>If the inmate does not disclose existence of an AVO, the screener should verify with the contact person (the person nominated by the inmate as the recipient of their reception telephone call) that they wish to speak to the inmate before allowing the inmate to speak to the contact person.</p>	Screening staff
3.	Warn the inmate that the telephone call will be terminated if the inmate becomes abusive, threatening or intimidating towards the contact person.	Screening staff
4.	If the inmate has disclosed the existence of an AVO, the inmate must not be allowed to make a telephone call to the protected person until the AVO has been verified as being a Type 1 AVO.	Screening staff
5.	Carefully scrutinise the warrant accompanying the inmate, the charges for which the inmate is sentenced or is on remand, and the Custody Management Record (CMR) from NSW Police Force (NSWPF) for remarks indicating the existence of AVO.	Screening staff
6.	<p>Ensure that any remarks concerning AVOs are recorded on:</p> <ul style="list-style-type: none"> • The Inmate Identification and Observation form (IIO) • The Alerts section of the Case Management File (CMF) <p>As part of the initial reception process. These documents should also be scrutinised for any indication of the existence of an AVO against the inmate.</p>	Screening staff

3.3 Procedures for reception referrals

	Procedure	Responsibility
1.	<p>Send a request to Sentence Administration Corporate (SAC) by email to: sentence.admin@dcj.nsw.gov.au , if verification is required and an ISQ has been completed by staff.</p> <p>The email request must have “AVO Check” in the subject heading. The email message must include the:</p> <ul style="list-style-type: none"> • inmates full name • inmates date of birth • inmates Master Index Number (MIN) • requesting officer’s full name • requesting officer’s title • requesting officer’s location 	Screening staff

	Procedure	Responsibility
2.	Undertake a COPS check and record active orders in the Offender Integrated Management System (OIMS) Intervention Orders and Offender Restriction screens. Entry will generate a general 'A – <i>Intervention Orders</i> ' alter.	SAC
3.	Email result of AVO check to requesting officer and send a copy to Governor of the correctional centre.	SAC
4.	Requesting officers can call SAC enquiry number (02) 83461000 for any issues arising.	Requesting officer
5.	Inform relevant staff (Records, Intelligence, Visits) of ACVO check result once requesting officer and Governor receive result of AVO check from SAC.	Manager of Security (MOS)/ Functional Manager
6.	Check OIMS entries have been made and alerts. If Type 2 AVO, alerts must state the inmate is not to contact the protected person by telephone or mail.	MOS/FM
7.	If correctional centre is advised that AVO is Type 2, appropriate steps must be taken to ensure defendant (inmate) does not contact protected person(s) by telephone or mail.	MOS/FM

4 Inmate telephone calls

4.1 Policy

An inmate who is subject to a Type 1 AVO may telephone a protected person identified in their AVO. However, an inmate who is subject to a Type 2 AVO cannot telephone a protected person identified in their AVO.

4.2 Procedures for Type 1 AVO

	Procedure	Responsibility
1.	Terminate a phone call and ensure that the matter is reported to the MOS/ FM if during a phone call the inmate is overheard intimidating, threatening or harassing protected person.	First Responding Officer
2.	Assess whether future contact by inmate with protected person should be permitted or restricted, on receipt of report.	MOS/FM
3.	Note incident and decision made about whether future telephone calls should occur between inmate and protected person on OIMS.	MOS/FM

4.3 Procedures for Type 2 AVO

	Procedure	Responsibility
1.	Check inmate's telephone list for the name of the protected person.	MOS/FM
2.	Remove telephone number of protected person(s) if on the inmate's telephone list.	MOS/FM
3.	Note OIMS alert screen that protected person(s) telephone number has been barred from the inmate's telephone list.	MOS/FM
4.	If a Type 2 AVO has come to the attention of CSNSW due to a complaint from the protected person, ask the protected person to notify NSW Police concerning the inmate's breach of the order. Notify SAC (refer to procedures outline in subsection 3.3 Procedures for reception referrals of this policy) that an AVO check needs to be carried out.	MOS/FM

5 Inmate visits

5.1 Policy

An inmate who is subject to a Type 2 AVO cannot receive visits from the protected person(s) named in the AVO. This remains the case even if a protected person states that they have no fears towards the inmate. The protected person (s) (of the inmate) must seek that the AVO be varied or revoked by a court prior to any visits being permitted.

An inmate who is subject to a Type 1 AVO may receive visits from the protected person(s) identified in the AVO.

5.2 Procedures for Type 1 AVO

	Procedure	Responsibility
1.	Check OIMS (<i>Visitor Restrictions screen and alerts</i>) before visit for AVO/alerts. Note: If Type 1 AVO, inmate may receive visit from protected person identified in their AVO.	Visits officer
2.	Terminate the visit and ensure the matter is reported to the MOS/FM/Authorised officer if during visit between inmate and protected person, the inmate intimidates, threatens or harasses protected person.	Visits officer

	Procedure	Responsibility
3.	Assess whether future contact by the inmate with this visitor should be permitted or restricted, once a report is received. Incident should be noted on OIMS as well as their decision concerning whether future visits should occur between the protected person and the inmate.	MOS/FM

5.3 Procedures for Type 2 AVO

	Procedure	Responsibility
1.	Check OIMS (<i>Visitor Restrictions screen and alerts</i>) before visit for AVO/alerts. Note: If Type 2 AVO, visit may not proceed.	Visits officer
2.	If protected person/defendant seeks to visit an offender in custody, when CSNSW records indicate an active AVO prohibiting all forms of contact between the two parties, but visitor asserts that conditions of the AVO have been altered to allow contact, the OIC of visits area must: <ul style="list-style-type: none"> ask protected person to produce amended copy of AVO or letter from the Court Registry if protected person states wither that AVO is no longer in force or has been amended to have effect as a Type 1 AVO. inform visitor that a visit (including a non-contact box visit) cannot proceed until amended AVO conditions are verified by SAC and CSNSW records (Visitor Restrictions screen) are updated by the MOS/FM/Authorised officer. 	Officer in Charge (OIC) of Visits
3.	If the visitor does not or cannot provide an amended copy of the AVO conditions, the OIC of visits area must inform them that the visit (including non-contact box visit) will not proceed.	OIC Visits
4.	If correctional centre staff want further advice on whether a certain individual can legally visit an inmate, contact Department of Communities & Justice Legal (DCJ Legal) by: <ul style="list-style-type: none"> completing <i>DCJ Legal Request for Services Form</i>, and sending it via email to enquiries-generalcounsel@dcj.nsw.gov.au If the matter is urgent call (02) 8346 1388 or (02) 8346 1893.	CSNSW officer, Visits

5.4 Procedures for Type 2 AVOs permitting contact under specific conditions

	Procedure	Responsibility
1.	<p>Contact SAC and request a check on an AVO to determine its current status if:</p> <ul style="list-style-type: none"> a person intending to visit inmate produces a written document of agreement to a Type 2 AVO permitting contact under specific conditions, and the OIMS <i>alerts</i> screen and Visitor Restrictions screen prohibit the visit because of the AVO, <p>SAC will update OIMS to reflect the AVO as required.</p>	MOS/FM
2.	<p>Discretion remains with the Governor/MOS/FM to determine if the visit may be a non-contact visit.</p> <p>Document of written agreement may be used for future visits, subject to a condition permitting single contact, any change in AVO conditions, ongoing permission of both parties, and satisfactory behaviour of both parties during conducted visits.</p> <p>If either or both parties rescind permission, agreement is terminated.</p>	MOS/FM
3.	<p>If a discrepancy remains between OIMS and the written document and/or there is doubt that the visit can legally proceed, refuse the visit.</p>	MOS/FM
4.	<p>If correctional centre staff want further advice on whether a certain individual can legally visit an inmate, contact DCJ Legal by:</p> <ul style="list-style-type: none"> completing <i>DCJ Legal Request for Services Form</i>, and sending it via email to enquiries-generalcounsel@dcj.nsw.gov.au <p>If the matter is urgent call (02) 8346 1388 or (02) 8346 1893.</p>	

5.5 AVOs when a visitor/inmate claims they have been revoked

A visitor or an inmate may claim that an AVO has been amended or revoked, to allow contact between the parties. Such a claim needs to be verified prior to action being taken to amend any alerts on OIMS.

In the event of an AVO being amended, a party to the proceedings is usually given (or mailed) by the court registry a copy of the amended order.

There is no document that is routinely provided to parties in the event that an AVO is revoked. A party to the proceedings may ask the court registry for a letter which sets out the result of the application for the revocation of the AVO.

5.6 Procedures for AVOs when a visitor/inmate claims they have been revoked

	Procedure	Responsibility
1.	Take a photocopy of the amended AVO. This copy may be used to amend the alerts, as necessary, on OIMS.	MOS/FM
2.	Contact the relevant court registry of the Local Court (as shown on the document) and verbally check that the order was made, if any doubt about validity of documentation.	MOS/FM

6 Inmate mail

6.1 Policy

An inmate who is subject to a Type 2 AVO cannot send mail to a protected person identified in their AVO.

An inmate who is subject to a Type 1 AVO may receive and send mail to a protected person identified in their AVO. However, if a protected person advised the Governor the correspondence was intended to intimidate, threaten or harass them then the Governor can put strategies in place to prevent that inmate or other inmates at that centre writing to the protected person. The Governor will ensure that the incident is noted on OIMS.

6.2 Procedures

	Procedure	Responsibility
1.	Place alert on OIMS (when a Type 2 AVO is in force) that inmate is not to send any correspondence to the protected person(s).	MOS/FM
2.	Inform inmate that he or she must not forward any correspondence to the protected person(s) and that a direction has been given that all mail to the protected person(s) will be confiscated.	MOS/FM
3.	Notify NSW Police if the inmate breaches a condition of the AVO.	

7 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

8 Definitions

Authorised officer	The officer authorised by the Governor to perform the functions prescribed as part of the Custodial Operations Policy and Procedures.
AVO	Apprehended Violence Order – although a party may be an applicant for either a ADVO or an APVO, depending upon the nature of the relationship between the parties, the order made by the court, to restrain the conduct of the defendant towards the protected person, is referred to in this policy as an Apprehended Violence Order.
ADVO	Apprehended Domestic Violence Order
APVO	Apprehended Personal Violence Order
CMF	Case Management File
CMR	Custody Management Record
COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services NSW
DCJ Legal	NSW Department of Communities & Justice Legal (formerly known as Office of the General Counsel (OGC))
IIO	Inmate Identification and Observation form
ISQ	Intake Screening Questionnaire
MIN	Master Index Number
NSWPF	NSW Police Force
OIMS	Offender Integrated Management System
SAC	Sentence Administration Corporate

9 Document information

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