

## Custodial Operations Policy and Procedures

# 20.5 Recording interviews with inmates

### Policy summary

Legal representatives, medical practitioners from Justice Health & Forensic Mental Health Network (JH&FMHN) and representatives of law enforcement agencies (such as the NSW Police Force (NSWPF)) may be authorised to use audio and video equipment within a correctional centre for the purpose of recording interviews with inmates.

Inmates who have participated in an electronically recorded interview may be able to access and retain a recording of the interview as part of their property.

### Management of Public Correctional Centres Service Specifications

Service specifications	Professionalism and accountability
------------------------	------------------------------------

## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW).

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

# Table of contents

<b>1</b>	<b>Recording interviews with inmates</b>	<b>4</b>
	1.1 Policy	4
<b>2</b>	<b>Inmate access to audio and video recordings of interviews</b>	<b>4</b>
	2.1 Policy	4
<b>3</b>	<b>Authority for medical practitioners to use audio recording equipment</b>	<b>5</b>
	3.1 Policy	5
	3.2 Procedure	5
<b>4</b>	<b>Quick links</b>	<b>6</b>
<b>5</b>	<b>Definitions</b>	<b>6</b>
<b>6</b>	<b>Document information</b>	<b>7</b>

# 1 Recording interviews with inmates

## 1.1 Policy

The NSWPF uses video and audio recordings for evidentiary purposes. All legal representatives and authorised representatives of law enforcement agencies are permitted to take video and audio recording equipment into correctional centres. They are permitted to use laptop computers, electronic devices eg: tablets and tape recorders when interviewing inmates.

The introduction and use of all such equipment is subject to usual security procedures. Prior to attending correctional centres, representatives must apply in writing to the Governor or Manager of Security (MOS) in charge of a correctional centre, to seek approval for use and operation of audio and video equipment (including but not limited to laptop computers and tablets) during interviews with inmates.

The Governor or MOS in charge of a correctional centre should provide an area that will assist legal representatives and law enforcement officers to maintain the confidentiality of their discussions with inmates.

Removable storage devices are permitted to be taken into correctional centres and court cell complexes on the condition that:

- the representative declares possession of the device(s),
- the representative produces the device/s for inspection on entering and leaving the premises; and
- the representative undertakes to retain personal possession of the device(s) at all times while on the premises.

Inmates may be permitted to view or listen to the information on the device(s) in the presence of the officers who have conducted the interview, and may provide comment in relation to the information. However, inmates must not have access to the device in question.

## 2 Inmate access to audio and video recordings of interviews

### 2.1 Policy

Inmates who have participated in an electronically recorded interview may be provided with a recording of that interview on an external storage device (such as: CD, DVD, MP3, USB Flash drive) (**refer to COPP section 8.3 *Inmate computers***).

Inmates may retain the recording as part of their legal documents as specified in **COPP section 4.3 *Issuing property to inmates***. The device must be receipted and then entered into the Offender Integrated Management System (OIMS) *inmate property module*.

## 3 Authority for medical practitioners to use audio recording equipment

### 3.1 Policy

Clause 98 of the *Crimes (Administration of Sentences) Regulation 2014* allows Governors to authorise the use of audio recording equipment.

Medical practitioners from JH&FMHN may require the use of such equipment in the preparation of court-ordered medico-legal reports and reports of the Mental Health Review Tribunal (MHRT).

The JH&FMHN Executive Director, Corporate Services is authorised to nominate medical practitioners to be approved by the Governor to take recording equipment into correctional centres for the purposes of court reports.

The JH&FMHN Director, Services and Programs is authorised to nominate medical practitioners to be approved by the Governor to take recording equipment into correctional centres for other purposes.

A copy of the approved list of medical practitioners must be kept with the gate and/or legal visits area. The introduction and use of audio recording equipment will be subject to usual security procedures.

### 3.2 Procedure

Medical practitioners who are approved to take audio recording equipment into a correctional centre are required to:

- Inform the Officer in Charge (OIC) of the Gate of their intention to use audio recording equipment during an interview of an inmate.
- Register their details and the serial number of the equipment with the OIC of the Gate at each correctional centre they attend. The OIC will record these details in the gate journal/log book.
- Confirm the serial number of the equipment with the OIC of the Gate upon leaving the correctional centre. The OIC of the Gate will record that the equipment has been taken out of the centre.
- Report any loss of the equipment in a correctional centre to a correctional officer.
- Not permit inmates to have access to any audio recording equipment.

## 4 Quick links

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

## 5 Definitions

COPP	Custodial Operations Policy and Procedures
Correctional Centre	Includes all correctional centres in NSW, and any police or court cell complex in which an offender is held in custody in accordance with the <i>Crimes (Administration of Sentences) Act 1999</i> or any other Act.
CSNSW	Corrective Services NSW
JH&FMHN	Justice Health & Forensic Mental Health Network
MHRT	Mental Health Review Tribunal
MOS	Manager of Security
NSWPF	NSW Police Force
OIC	Officer in Charge
OIMS	Offender Integrated Management System
Removable Storage Device	A device that can be plugged into a personal computer or laptop computer and used for the purpose of storing electronic data. For example a CD, DVD, MP3, USB Flash drive.

## 6 Document information

<b>Business centre:</b>	Custodial Operations	
<b>Approver:</b>	Kevin Corcoran	
<b>Date of effect:</b>	16 December 2017	
<b>EDRMS container:</b>	18/7505	
<b>Version</b>	<b>Date</b>	<b>Reason for amendment</b>
1.0		Initial publication ( <i>Replaces section 8.5 of the superseded Operations procedures Manual</i> )
1.1	12/03/20	General formatting update and improvements