



# Youth Custodial Rule 603

## Communications

Legislation referred to [Young Offenders Act 1994](#)  
[Young Offender Regulations 1995](#)

### 1. Purpose

The purpose of this Youth Custodial Rule is to ensure detainees have the opportunity to maintain contact with their family, the community, cultural ties and to facilitate access to legal representation and independent statutory government agencies.

### 2. Scope

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

### 3. Definitions

<b>Authorised Officer</b>	Officer, Youth Custodial Officer (YCO), Unit Manager or Senior Officer employed by YCS appointed under s11 (1a) of the <a href="#">Young Offenders Act 1994</a> .
<b>General Mail</b>	Any letter, parcel, card or package.
<b>Letter</b>	A standard article which complies with the requirements as set down by Australia Post.
<b>Detainee Telephone System</b>	The telephone system provided for detainee use.
<b>'Officer initiated' Telephone Call</b>	Where an officer establishes a call through the detainee telephone system using a generic PIN.
<b>Confidential Mail</b>	A letter addressed to or from the below mentioned agencies is to be dealt with as confidential mail: <ul style="list-style-type: none"><li>• Administration of Complaints, Compliments and Suggestions (ACCESS)</li><li>• Minister for Corrective Services</li><li>• Attorney General of Western Australia</li><li>• Member of Parliament</li><li>• Justice of the Peace</li><li>• Commissioner – Department of Corrective Services</li><li>• Deputy Commissioner Community and Youth Justice</li><li>• Assistant Commissioner Youth Justice Services</li><li>• State Ombudsman (Parliamentary Commissioner for Administrative Investigations)</li></ul>

	<ul style="list-style-type: none"> <li>• Commonwealth Ombudsman</li> <li>• Australian Human Rights and Equal Commission</li> <li>• Corruption and Crime Commission WA</li> <li>• Director, Office of Health Review WA</li> <li>• Commissioner for Children and Young People</li> <li>• Office of the Inspector of Custodial Services</li> <li>• Public Interest Disclosures Officer.</li> </ul>
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## 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 YCS facility and does not contravene any written law.
- 4.2** Mail - Writing materials will be provided to all detainees.
- 4.2.1 The Superintendent or their delegate shall process any letter written by a detainee without undue delay.
- 4.2.2 All outgoing mail shall include the detainee's name and the YCS facility postal address.
- 4.2.3 The Superintendent or their delegate may limit the number and size of letters and parcels that may be dispatched at YCS expense. Exceptions are confidential mail and articles pertinent to a course of external study approved by the Superintendent or their delegate.
- 4.2.4 The Superintendent shall keep a register of all incoming and dispatched mail.
- 4.2.5 The Superintendent shall ensure records are kept of mail dispatched for each detainee and the date of such dispatches.
- 4.2.6 The Superintendent may authorise the inspection of all incoming and outgoing mail for the security, safety or good order of the YCS facility, with the exception of confidential mail.
- 4.2.7 Incoming mail marked "private and confidential" is to be recorded but not opened. Mail marked as such will be brought to the immediate attention of the Superintendent or their delegate before distribution to the detainee.
- 4.2.8 If the Superintendent or their delegate has reason to believe the contents of a letter or parcel other than an item of confidential mail being sent to a detainee is likely to:
- threaten or disturb the person to whom the letter or parcel is addressed
  - relate to any unlawful purpose
  - adversely affect the security, safety or good order of the YCS facility.
- The letter or parcel may be opened and inspected by the Superintendent or their delegate.
- 4.2.9 Officers authorised by the Superintendent to open and read any letter written by a detainee, shall not 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 YCS staff considers that the contents of the letter:
- may jeopardise the good order or the security of the YCS facility
  - contains a threat to a person or property

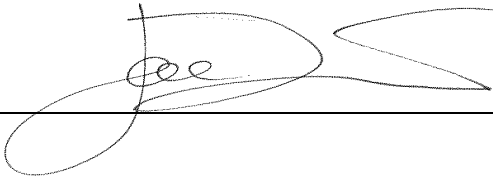
- contains a threat or reference to a risk of self harm
  - contains obscene or offensive language or material
  - contains suspected escape plans
  - consists of or is expressed in code
  - in the opinion of the officer is of an illegal nature, or refers to an illegal activity.
- 4.2.10 The Superintendent shall ensure locked and secure mail boxes are available throughout the facility to receive confidential mail.
- 4.2.11 Confidential mail is not to be opened, inspected or read by any YCS staff member.
- 4.2.12 If any confidential mail is opened in error, a written report shall be submitted by the person who opened the mail to the Superintendent detailing the circumstances. The Superintendent shall inform the detainee and addressee of the circumstance in which the mail was opened.
- 4.3 Telephone -** 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. This includes both detainee and officer initiated calls.
- 4.3.1 The Superintendent shall determine the appropriate number of free social telephone calls to be allocated to detainees each week. Detainees from regional areas and interstate shall not be disadvantaged by the virtue of distance; their allocation shall be identical to any other detainee. Overseas detainees will be provided with the appropriate number of social phone calls.
- 4.3.2 In addition, where it is considered that a detainee's request is justified, they may be granted additional access to the telephone.
- 4.3.3 Incoming telephone calls from parents and caregivers may be received by a detainee in exceptional circumstances deemed appropriate by the Superintendent.
- 4.4 Other communications -** The Superintendent may allow a detainee to use other communications such as video-conferencing, under whatever conditions and arrangements the Superintendent or their delegate believes reasonable.

## 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 13<sup>th</sup> day of March 2014

Minister



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Commissioner



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



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**Deputy Commissioner  
Youth Justice Services**



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**Director  
Youth Custodial Services**

## Version history

<b>Version</b>	<b>Approved</b>	<b>Effective from</b>
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
Rules 603, 604, 605, 606 and 607 consolidated, renumbered and renamed – Youth Custodial Rule 603 - Communications	27 August 2012	27 August 2012
Procedural detail and appendices updated and moved to Standing Orders	9 September 2013	9 September 2013
Rule updated and formatted	13 March 2014	5 May 2014