COPP 2.3 Assessments and Sentence Management

Prison

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| Principles *As referenced in the* [Guiding Principles for Corrections in Australia, 2018](http://justus/intranet/prison-operations/):  3.3.1 Prisoner classification and placement is based on an objective assessment of prisoners' security risk, rehabilitation and reintegration needs.  3.3.2 Prisoners are assessed and allocated to accommodation compatible with their assessed risks and needs to ensure their safety and security and the good order of the facility.  3.3.3 Unsentenced prisoners/detainees are accommodated in a manner which acknowledges their legal status and where practicable, provides for the separation between sentenced and unsentenced prisoners.  3.3.4 The particular needs of specific prisoner cohorts are reflected in placement decisions. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all prisons administered by or on behalf of the Department of Justice (the Department).

# Policy

Sentence management is a dynamic process, involving the initial and ongoing assessment, classification and placement of prisoners. Sentence management decisions shall be carried out in an open and transparent manner and prisoners are to be fully informed regarding the procedures for how decisions are made.

Prisoners shall be encouraged to actively contribute to their management and any activities recommended to make constructive use of their time in prison.

All officers and staff involved in the assessment of prisoners shall ensure tasks are carried out in a timely manner. Particular care should be taken to ensure that assessment and placement of new young offenders is undertaken expeditiously and takes particular account of potential vulnerability and prior exposure to criminal influences.

Assessment of prisoners includes sentence structuring that encourages employment and program activities, the development of prisoner and staff relationships and assists with institutional operations aimed towards positive prison environments and prisoner development.

The basic principles that underpin prisoner assessment and management decisions include that:

* Prisoners are classified at the lowest level of security necessary to ensure their continuing custody, the good order and security of the prison they are placed in and the safety and protection of the general public (including victims), officers and other prisoners.
* Classification and placement decisions are made in a logical and consistent manner on the basis of an individual assessment of the prisoner.
* Prison security is managed efficiently and effectively by the placement of prisoners in a range of accommodation options at varying levels of security.
* There is a continuity of decision making during a prisoner’s sentence and when a prisoner is transferred between prisons.
* Informed decisions are made having regard to the prisoner’s risks, needs, resource availability and operational constraints.
* A prisoner’s health needs, including any intellectual and physical disability, are considered as part of assessment decisions.
* All new young offenders are assessed expeditiously, given their potential vulnerabilities.
* The risk of re-offending is assessed in the context of the prison environment as well as on release into the community.
* Sentenced prisoners are provided with and encouraged to participate in rehabilitation opportunities and assisted with their re-integration into the community.
* There is a timely provision of information to releasing authorities regarding the prisoner’s progress.

The aims of sentence management are:

* To reduce the risk of re-offending by prisoners by identifying areas of risk and providing Individual Management Plans (IMPs) during imprisonment aimed at reducing that risk.
* To enable prisoners to make constructive use of their time in prison through structured IMPs by providing strategies to avoid further offending and re-imprisonment through the provision of appropriate interventions, working towards the possibility of the earliest release of prisoners from custody.
* To provide information to assist administrators to target resources more effectively in order to ensure that prison regimes and services more closely match the identified needs of prisoners.
* Determination of an individual’s security rating based on risk.
* Program inclusion based on prisoner risks/needs and available resources.
* Where practicable, prisoners are to be placed as close as possible to family, friends and/or significant others in order to promote family, community and social support.
* Placement within an appropriate prison.
* Scheduled reviews to assess a prisoner’s progress, placement and security rating.

# Assessment and Classification

## General

### All security rating and placement assessments shall include consideration of security related information from TOMS (i.e., alerts). Should a particular security issue be identified which would benefit from intelligence input, further advice may be requested from your local Security Manager.

### Should your local Security Manager provide any advice, the assessments shall include a reference to confirm that the information provided by your local Security Manager has been considered during the decision-making process.

### All assessments shall consider any victim issues and where appropriate, Assessment Writers are to make a referral to the Victim-offender Mediation Unit in accordance with the referral criteria listed in the [Victim Offender Contact Policy.](https://dojwa.sharepoint.com/sites/intranet/community-corrections/Pages/manuals-policies.aspx) The referral is to be made using the TOMS checklist 'Victim-offender Mediation Unit - Protective Conditions Process Referral'.

## Determining the initial security rating score

### An Initial Security Rating (ISR) scoring instrument is used to assist in assessing the appropriate security rating to ensure consistency across prisoner classification. The ISR instrument is a component of the Management and Placement (MAP) checklists, completed at the initial receiving prison.

### All ISR items are to be scored as accurately as possible, in accordance with the [Sentence Management Manual (SMM).](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx) It is important to ensure the information used for scoring and completing the checklist is reliable and where possible verified via a documented source.

### The Offence Severity Scale (Refer to the [SMM](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx)) is to be used when assigning a score for questions contained in the MAP relating to nature of offence.

## Remand prisoners

### Newly received remand prisoners shall be assessed to determine their initial security rating and prison placement in circumstances where:

1. the receival prison is other than a designated maximum-security prison and assessment is required to determine the remand prisoner’s suitability to remain at that prison
2. the remand prisoner is being considered for transfer to a prison other than a designated maximum-security prison; or
3. the remand prisoner is being considered for placement in a location within the prison identified for prisoners rated less than maximum security.

### Where a security rating and placement decision is required, a MAP-Remand checklist shall be completed within 5 working days, or prior to the permanent transfer or placement of the remand prisoner.

### The MAP-Remand checklist shall be re-applied:

1. on receipt of any further remand warrants, where the new charges are of a higher offence severity, as reflected according to the Offence Severity Scale (refer to the [SMM](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx)).
2. where there is sufficient evidence to support and justify an override of the prisoner’s security rating, based on their specific circumstances.

### Prisoners who have reverted to remand from sentenced are to be automatically upgraded to maximum security by an Administrative Decision Slip.

## Sentenced prisoners

### Newly sentenced prisoners shall be assessed to determine the prisoner’s:

1. initial security rating
2. prison placement; and
3. review date (if applicable).

### A MAP-Sentenced checklist shall be completed within 5 working days of initial receival or change of status to sentenced, if formerly a remand prisoner.

### Prisoners subject to the *Criminal Law (Mentally Impaired Accused) Act 1996* will have a MAP-Sentenced checklist completed. However, placement of the prisoner is to be made in accordance with the Custody Order where specified.

### The MAP-Sentenced checklist shall also be applied where a prisoner has a significant change in circumstances within the first 6 months post sentencing. This may include receipt of an additional sentence or remand warrant or a change in circumstances that may require an increase in the prisoner’s security rating (see section 6.3.5).

## Exception where MAP checklist not required to reduce security rating

### While a prisoner’s security rating shall be determined by either a MAP-Remand or MAP-Sentenced, an Administrative Decision Slip may be utilised to reduce a prisoner’s maximum-security rating to medium when:

1. the prisoner is housed in a regional prison and for reasons of placement within the prison a reduction is required; and
2. the prisoner is not subject to a mandatory override (see section 4.2); and
3. the prisoner’s sentence length is less than 5 working days or remand offences are listed as ‘Low’ on the Offence Severity Scale (refer to the [SMM](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx)).

### Where an Administrative Decision Slip is used, for the purpose of a security rating reduction, the Superintendent must authorise and document the reasons to justify the decision within the Administrative Decision Slip.

## Exception where MAP checklist not required to transfer a prisoner

### In extenuating circumstances, an Administrative Decision Slip may also be used to authorise a prisoner’s transfer, without the completion of a MAP. This may include:

1. urgent issues of safety and/or security (see section 9.3); or
2. where an approved placement decision is changed to another prison.

# Overriding a Security Classification

## Overriding a prisoner’s security rating

### An override of a prisoner’s security rating score may occur where there is sufficient evidence to support and justify an increase or decrease of the prisoner’s security rating, based on their specific circumstances (refer to the [SMM](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx) for further information regarding appropriate use of overrides).

### Where an override is recommended, the reasons shall be clearly stated in the MAP/Classification Review override comments field and in the decision slip on TOMS.

### All overrides that result in a reduction of security rating (regardless of the length of sentence), shall be escalated to a higher authority for approval:

### An approval that would generally be performed by the authorised Assistant Superintendent shall be escalated to the Superintendent.

### An approval that would generally be performed by the Superintendent shall be escalated to the Director Sentence Management (DSM).

### All overrides shall be subject to systematic review by the DSM.

## Mandatory overrides

### No prisoner shall be rated as minimum security for a period that exceeds 5 years. Where at the time of the assessment a prisoner scores minimum security but has more than 5 years before their earliest date of release (EED or EDR/MAX where no EED or past EED), the security rating shall be overridden to medium security.

### A prisoner sentenced to a life term or indefinite imprisonment (which includes Strict Security Life/Strict or Safe Custody) shall be rated above minimum security until the approval of their participation in a Re-Socialisation Programme (RSP). This does not include prisoners subject to the *Criminal Law (Mentally Impaired Accused) Act 1996.*

### A prisoner sentenced to never to be released shall always be rated above minimum security.

### Prisoners subject to a *High-Risk Serious Offenders Act 2020* (HRSOA) Continuing Detention Order, may only be approved for a minimum-security rating and placement, where Adult Community Corrections has provided written advice indicating the Supreme Court has supported the prisoner engaging in any treatment program or other program, including development of independent living or self-management skills which requires placement at minimum security to achieve. The written advice is to be sent to the Superintendents where the prisoner is being transferred to and from.

### Prisoners subject to a High Security Escort (HSE) alert in TOMS shall be rated maximum security. Where the prisoner’s existing security classification is lower than maximum security, a mandatory override is to occur. The security override shall be reviewed where the HSE Review Panel subsequently change the prisoner’s status and remove the HSE requirement.

### Any prisoner who has an escape or an attempted escape during their current period of imprisonment is to be rated at medium or maximum security. This may not be varied except with the approval of the DSM or where the prisoner has been approved for a RSP.

### Prisoners detained in the Special Handling Unit (SHU) at Casuarina Prison, on a SHU Order, shall be rated maximum security.

4.2.8 Prisoners subject to a Terrorism alert in TOMS shall always be rated above minimum security.

## Security rating considerations

### The following refer to particular circumstances where a prisoner is not considered to be suitable for minimum security unless there are special or mitigating factors. Where such factors exist, regardless of the indicated score/security rating, sufficient written justification in the assessments to support a decision for placement to minimum security must be provided.

### **State/Commonwealth Appeal** - Prisoners subject to a State/Commonwealth Appeal shall not be rated lower than medium security unless there is sufficient written justification in the assessments to rate the prisoner as minimum security. A State/Commonwealth Appeal, whereby the State/Commonwealth is appealing the sentence, should not be confused with an appeal initiated by the prisoner.

### **Prisoner Appeals** - Prisoners appealing against their conviction and/or severity of sentence shall be assessed in accordance with normal classification procedures. Where placement at a minimum-security prison is being considered, the assessment must take into account the prisoner’s attitude towards their current situation and their potential attitude in the event that the appeal be unsuccessful.

### **Extradition** - Prisoners for whom Extradition is an expectation will not be eligible for a security rating reduction to less than medium, unless approved by the DSM in exceptional circumstances.

### Extradition is to be considered as expected when the Prison or Intelligence Services are in receipt of written advice from any State, Territory or Federal Police Force of the intention to seek Extradition, or when a warrant relating to Extradition has been issued by a Court. Where this is the case then the:

1. holding prison is to be advised as soon as possible of the existence of this documentation, and where possible be provided with a copy and the alert for “Extradition” should be raised on TOMS. This alert should specify the contact details of the party coordinating the Extradition.
2. Superintendent will ensure that the prisoner’s records are endorsed "Subject to Extradition".
3. The DSM will ensure that Extradition alerts are regularly reviewed by the Prisons to ensure that the stated contact coordinating the Extradition is advised of any changes in release dates.

### **Removal** - A prisoner is considered to be ‘of interest’ or under consideration for removal when there is any advice (verbal or written) from the Department administrating the *Migration Act 1958* (Cth). Removal is confirmed when a copy of the removal ‘Hold in Custody Order’ is received from the Department administrating the *Migration Act 1958* (Cth).

### All prisoners subject to consideration for, or who are confirmed for removal, shall be assessed in accordance with standard classification procedures. However, these prisoners are not eligible to be placed at Boronia Pre-Release Centre.

### Where a prisoner, described in section 4.3.6 above, is recommended for minimum security, DSM approval is required. This approval is to be reconfirmed at each subsequent review.

### A prisoner who has already achieved minimum security, and for whom possible removal is subsequently advised or confirmed, shall be reviewed immediately in line with the processes in this section.

### The assessment will also take into account the prisoner’s attitude to removal (i.e., acceptance of or opposition to, and whether the prisoner has lodged, or intends to lodge, an appeal against the Order). This would include the prisoner’s attitude if the appeal were dismissed.

# Initial Individual Management Plan (IMP)

## Overview

### The IMP is the document that outlines the management of the sentenced prisoner and provides informationregarding the following areas:

1. **Custody and Containment** - Term Details, Security Rating, Placement, Prisoner Behaviour and Outstanding Court Details.
2. **Care and Wellbeing** - Special Needs Referrals and Family/Social Contact Issues.
3. **Rehabilitation and Reintegration** - Main Intervention Needs (identified through the application of Treatment and Education Checklists) and Specific Parole Issues.
4. **Reparation** - Industry/Vocational Skills the prisoner has to offer.

### The IMP is a focus of the interaction between the sentenced prisoner and prison staff. It provides a meaningful guideline as to how the prisoner can progress through the system and identifies matters that require attention through treatment programs and/or educational/vocational training.

### An IMP requires regular review to ensure that the plan is relevant to the prisoner (see section 6.2.4).

## Source documents

### When preparing initial and subsequent review checklists and IMP documents every effort should be made to verify information reported by the prisoner through reference to other sources. This is particularly important regarding self-reported information on matters such as the circumstances surrounding an offence, prior criminal history and level of support from community members.

### Where practicable, Judicial Sentencing Remarks and Pre-Sentence Reports (if available) together with a current Court History (WA and Interstate) are to be used to assist the assessment and decision-making process. TOMS Notes and Incident reports should be reviewed and utilised where applicable, when completing Initial and Review IMPs.

### If the prisoner has previously been supervised in the community, as either a juvenile or an adult, attempts should be made to obtain information about their response to community supervision from Youth Justice or Adult Community Corrections. In addition, if a prisoner has served a period of detention in a youth custodial facility, information about that detention may be available through Youth Justice Services (subject to s.15A (4), (5) and (6) of the *Young Offenders Act 1994*).

### Where a prisoner is known to have served a period of detention, imprisonment or community supervision in another state or country, every effort should be made to obtain information from the relevant authorities.

## Prisoner input

### The relevant Assistant Superintendent or Case Management Coordinator shall ensure that:

1. The Assessment Writers provide adequate information, both written and verbal, about the assessment process to the prisoner during initial assessment.
2. Consultation with the prisoner takes place in the preparation of all assessment reports, but particularly so in respect of the Initial IMP. It is envisaged that several contacts between assessment staff and the prisoner will occur during the development of the IMP unless the prisoner consistently refuses to cooperate, contact is impracticable, or a judgement is made that such contact is contrary to the good order of the prison.
3. Prior to a Case Conference, Assessment Writers and Treatment and Education Assessors are to advise the prisoner of any recommendations made in reports available, unless a judgement is made that the provision of such information is contrary to the welfare of the prisoner, or the good order or security of the prison.
4. The prisoner is encouraged to make verbal and/or written representation during the development of their Initial IMP and at Case Conference.
5. Consideration is given to providing a prisoner advocate (or officer nominated by the prisoner) for any prisoner unable to present their case adequately due to language difficulty (staff may utilise the [Translating and Interpreting Service](https://www.tisnational.gov.au/)), or intellectual/physical disability. The Case Conference Chairperson should initiate such action, where relevant.
6. Following prisoner input, provision should be made for case discussion and decision in the absence of the prisoner.
7. The prisoner should be recalled, to be informed of the recommendation and their appeal rights, if applicable.

### If the prisoner disagrees with the assessment, security rating or placement every attempt should be made to resolve this with the prisoner prior to a recommendation being forwarded for approval. If this is not possible the prisoner’s disagreement must then be recorded explicitly in the documentation forwarded with any recommendation.

## Initial IMP

### An Initial IMP shall be developed, generally within 6 weeks of sentencing, for all prisoners serving an effective sentence of greater than 6 months.

### An Initial IMP shall be completed where a prisoner receives a backdated sentence, or is managed by a MAP-Sentenced checklist only and subsequently receives an additional sentence, which results in a total effective sentence of greater than 6 months, with at least 4 months remaining to their EED, or over 6 months and 2 days to their EDR/MAX.

### An Initial IMP may be completed for prisoners serving an effective sentence of 6 months or less, at the discretion of the relevant Assistant Superintendent or delegate, where information gathered during the completion of a MAP checklist identifies significant risks that should be further assessed.

### Where a prisoner is subject to a Custody Order under the *Criminal Law (Mentally Impaired Accused) Act 1996*, an Initial IMP is to be developed, generally within 6 weeks of sentencing.

### Where a prisoner is subject to a HRSOA Continuing Detention Order, an Initial IMP is to be developed, generally within 6 weeks of sentencing.

### For parole suspension/cancellation/adjournment/denial, refer to [Appendix A - Assessment Documentation Required Following Prisoners Review Board Decision](#_Appendix_A_–). When the Prisoners Review Board request an alternative program or Treatment Completion Report, refer to [Appendix B- Prisoners Review Board Request for an Alternative or Treatment Completion Report.](#_Appendix_B_–)

## Treatment and education assessments

### Prisoners requiring the development of an Initial IMP, shall be individually assessed, within 6 weeks of sentencing, to identify relevant educational/vocational courses and/or treatment interventions. Participation in targeted courses, counselling or programs, provides prisoners the opportunity to address their offending behaviors and develop new skills. This will support the prisoner’s reintegration back into the community and reduce their likelihood of re-offending.

### An Education and Vocational Training checklist shall be completed by qualified education assessors to assist in the determination of the educational and vocational needs for all prisoners.

### A Treatment Assessment Report shall be completed by qualified treatment assessors to determine the treatment intervention needs for eligible prisoners. The report is to incorporate all relevant administered assessments in determining the prisoner’s risk of re-offending, identified treatment targets and recommended interventions matched to the prisoner’s needs.

### Where available, Treatment Assessment Report and Educational and Vocational Training Checklist recommendations shall be considered as part of the development of the prisoner’s Initial IMP. Courses and interventions most likely to reduce the prisoner’s re-offending shall be prioritised, having regard to realistic opportunities given the length of the prisoner’s sentence.

### Prisoners may be re-assessed at any time during their sentence should it be determined necessary as a result of further sentencing or a change in the prisoner’s circumstances.

### For prisoners who are subject to the *Criminal Law (Mentally Impaired Accused) Act 1996,* it may be necessary for the treatment assessment to be conducted external to the usual treatment assessment procedures. This shall be determined on an individual basis, in consultation with the Chief Psychologist Clinical Governance and Innovation.

### For prisoners subject to a HRSOA Continuing Detention Order the High-Risk Serious Offender (HRSO) Planning Managers are responsible for completing the Treatment Assessment Report on TOMS. This Treatment Assessment Report is based on expert witness report(s) and no new assessments will be undertaken by the HRSO Planning Manager. This is to occur at initial HRSOA Continuing Detention Order imposition and following every review hearing/outcome if the HRSOA Continuing Detention Order is ordered to continue. Where this advice is not available within 6 weeks to facilitate the timelines of the Initial IMP, the Initial IMP may be completed, and the results of any assessment can be incorporated in the next IMP Review.

### For prisoners subject to a HRSOA Interim Detention Order a new Treatment Assessment Report will not be completed. In instances where a prisoner is required to undertake intervention while subject to a HRSOA Interim Detention Order the HRSO Planning Manager is responsible for entering a TOMS note outlining the Treatment Assessment Report that corresponds to the outstanding treatment need/program. The Data Monitoring and Auditing Officer will re-populate the required intervention need in TOMS.

### For prisoners serving a sentence with an indefinite term (other than those referred to under sections 5.5.6, 5.5.7 and 5.5.8), the Forensic Psychological Assessment Team shall provide a Treatment Assessment Report and related TOMS Note, within 11 months from the commencement date of the indefinite term. The report shall outline any recommended treatment programs or individual counselling interventions. Any treatment recommendations are to be incorporated in the next IMP Review. This includes indefinite prisoners returned to custody on Parole Suspensions/Cancellations.

### For prisoners convicted of a terrorism or terrorism related offence, it may be necessary for the treatment assessment to be conducted external to the usual treatment assessment procedures. This shall be determined on an individual basis, in consultation with the Chief Psychologist Clinical Governance and Innovation.

### For prisoners who are appealing **all** their convictions, a basic Treatment Assessment Report will be completed. A full Treatment Assessment Report will be undertaken once the appeal process has concluded.

# Classification and IMP Reviews

## Classification reviews

### A Classification Review checklist shall be completed on TOMS at the time the prisoner’s IMP is reviewed (usually at 6 or 12 monthly intervals), in accordance with the IMP review schedule (see section 6.2.4).

### A Classification Review checklist shall also be completed in the event of a change in the prisoner’s circumstances (see section 6.3.5), which warrants a review of the prisoner’s security rating and amendment to the IMP.

### The Classification Review checklist weights different security rating factors, than those considered in the Initial Security Rating score. The score takes into account the progress of a prisoner, or otherwise, at each review. All of the security rating items are to be scored as accurately as possible in accordance with the [SMM](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx). It is important to ensure the information used to score the items and complete the checklist is reliable and where possible verified via a documented source.

### The Classification Review checklist shall be applied when determining security ratings for all sentenced prisoners 6 months or more post sentencing.

### Where an override is recommended, the reasons shall be clearly stated in the Classification Review checklist override comments field and in the decision slip following Case Conference when recommending or approving the override.

## IMP reviews (scheduled)

### A prisoner's IMP will be subject to regular scheduled review. The review does not necessarily imply a change in the prisoner’s security rating, program requirements or education/vocational placement; rather it serves as an important process to recognise and document the prisoner’s progress and adjust or modify the prisoner’s plan, where necessary, as they progress through their sentence.

### The Assessment Writer shall review the prisoner’s overall behaviour and performance against the recommendations from their last approved IMP. Information, both written and verbal, should be gathered from relevant sources, including:

1. the prisoner
2. Unit staff/prisoner’s Unit File
3. TOMS Notes
4. programs, education and industries staff
5. the Prisoners Review Board (PRB) decisions (where applicable); and
6. any other relevant sources of information.

### From information gathered, the Assessment Writer shall:

1. monitor the progress of the prisoner against the recommendations contained in their last approved IMP
2. document the completion of scheduled courses and interventions contained in the IMP; and
3. modify or adjust the IMP, based on any changes to the prisoner's circumstances, where necessary (i.e., reschedule programs as required and future security rating alterations due to behaviour).

### The scheduling of IMP reviews shall be carried out as follows:

|  |  |
| --- | --- |
| Effective Sentence | Review Interval |
| Up to and including 6 months | No IMP/Nil Review |
| Over 6 months up to and including 3 years | Every 6 months |
| Over 3 years including Indefinite and Life Sentences | Every 12 months until 3 years prior to EED/EDR/SRD then every 6 months. |
| Parole denied | Immediately following a decision by the PRB, the review date is to be set as the day following EED. Where the decision is greater than 6 weeks to EED, then the review date is to be the day following the PRB decision. Then every 6 months to EDR, regardless of any re-application for parole. |

**Note 1:** This schedule is based on the effective sentence length. The Approving Authority may change as the prisoner progresses through their sentence (see section 10.1.1).

**Note 2:** A MAP-Sentenced should be performed within 5 working days of the prisoner having their ‘Status’ changed to ‘Sentenced’ (Refer [SMM](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx)). The sequence of review dates will be calculated from the MAP-Sentenced approval date with subsequent reviews being set at 6 or 12 monthly intervals in line with the schedule provided at section 6.2.4. If there is any delay in developing a prisoner’s MAP-Sentenced, the schedule will remain as if the MAP-Sentenced was performed within the required timeframe.

### If there is less than 3 months remaining until the EED, parole adjournment date or EDR, there is no obligation for a further review of an IMP unless there are special circumstances to do so.

### Where a prisoner is participating in an approved RSP, an IMP is not required.

### The reviewed IMP will be tabled at Case Conference, with its recommendations being subject to the decision of the Approving Authorities (see section 10).

## MAP and IMP reviews (unscheduled)

### For some prisoners, events will occur that will necessitate an out of schedule MAP or IMP review. Any out of schedule MAP or IMP review must detail the reasons for the review and the date of the next review is to remain as the previous scheduled review date.

### **Further sentence(s)** - If an additional effective sentence in excess of 1 year is imposed and/or the nature of the new offence/s is different to the offences addressed in the existing IMP, then a review of the IMP (including MAP-Sentenced/Classification Review and treatment needs as appropriate) should occur, incorporating the new effective time left to serve.

### **Additional remand warrant(s)** – If a further remand warrant is received after the prisoner has an approved IMP, a MAP-Sentenced or Classification Review may be applied to determine if the change in circumstance requires a review of the IMP.

### **Appeal decisions** - Where an appeal decision reduces or increases the sentence by 2 years or more a review will be conducted.

### **Change in circumstances** (see also section 9.2) - Where there has been a significant change in circumstances and it is deemed that the prisoner may require placement in a more secure or purpose specific environment, a review will be conducted. Change in circumstances may include:

1. conviction for a prison offence (s. 69 or s. 70 *Prisons Act 1981*)
2. significant conflict with other prisoners or prison staff, or other serious misconduct
3. significant deterioration in prisoner behaviour
4. parole adjourned, cancelled or denied
5. appeal against conviction or sentence
6. placement on a HRSOA Continuing Detention Order
7. termination of marriage/de facto relationship
8. custody or other Family Court disputes
9. family relocation
10. significant deterioration in a prisoner's family or business circumstances
11. medical (aged or permanent/severe injury)
12. escape (during current term of imprisonment)
13. refuse to participate in an identified treatment intervention.

## Reinstatement of IMPs after completion of an RSP

### Following completion of a Life or Indefinite sentenced prisoner’s RSP, Classification and IMP Review checklists are to be completed. The IMP is to be reviewed thereafter every 6 months.

### If the PRB communicates to the Department that a Life or Indefinite sentenced prisoner’s parole is not recommended to the Attorney General, or the Attorney General indicates or determines that parole will not be approved, Classification and IMP Review checklists are to be completed to return the prisoner to secure custody (see [COPP 14.3 – Re-Socialisation Programme](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)).

# Prison Placement Decisions

## Prison security ratings

### The following table outlines the prisoners permitted to be placed at each prison, based on their security rating:

|  |  |  |  |
| --- | --- | --- | --- |
| Prison | Minimum | Medium | Maximum |
| Acacia Prison | X | X |  |
| Albany Regional Prison | X | X | X |
| Bandyup Women’s Prison | X | X | X |
| Boronia Pre-release Centre for Women | X |  |  |
| Broome Regional Prison | X | \* | \* |
| Bunbury Regional Prison | X | X | \* |
| Casuarina Prison | X | X | X |
| Eastern Goldfields Regional Prison | X | X | \* |
| Greenough Regional Prison | X | X | \* |
| Hakea Prison | X | X | X |
| Karnet Prison Farm | X |  |  |
| Melaleuca Women’s Prison | X | X | X |
| Pardelup Prison Farm | X |  |  |
| Roebourne Regional Prison | X | X | \* |
| Wandoo Rehabilitation Prison | X | X |  |
| West Kimberley Regional Prison | X | X | \* |
| Wooroloo Prison Farm | X |  |  |

**Note:** \*Indicates a capacity for temporary placement in a restricted security section of the prison.

## Placement of prisoners subject to *High-Risk Serious Offenders Act 2020*

### For the purpose of this section, a prisoner subject to the *High-Risk Serious Offenders Act 2020* (HRSOA) will fall into one of 7 categories:

1. **HRSOA Liable – Due to sentence, offender liable for consideration under the HRSOA:** A prisoner whose offence type is listed in Schedule 1 HRSOA will have a ‘**HRSO Liable’** alert on TOMS
2. **HRSOA Under Consideration – Offender being considered/ progressing through HRSOA processes:** A prisoner who is liable under the HRSOA and following review by the High-Risk Serious Offenders Review Committee (HRSORC), has been referred to the State Solicitor’s Office for consideration of an application to the Supreme Court under the HRSOA. These prisoners will have a ‘**HRSO Under Consideration**’ alert on TOMS
3. **HRSOA Continuing Detention Order – Offender on a detention order with reviews before the Supreme Court** (there will be an initial annual review with the following reviews conducted every two years)**:** A prisoner who is subject to a detention order made by the Supreme Court under the HRSOA will have a ‘**HRSO Continuing Detention Order’** alert on TOMS
4. **HRSOA Supervision Order – Offender on a supervision order:** A prisoner who is subject to a supervision order made by the Supreme Court under the HRSOA will have a ‘**HRSO Supervision Order**’ alert on TOMS
5. **HRSOA Interim Detention Order** – A prisoner who is subject to an interim detention order will have a **‘HRSO Interim Detention Order’** alert on TOMS
6. **HRSOA Interim Supervision Order** – A prisoner who is subject to an interim supervision order made by the Supreme Court under the HRSOA
7. **HRSO Supervision Order Contravention** – A prisoner who is subject to a supervision order made by the Supreme Court under the HRSOA who has returned to custody will have a ‘**HRSO Supervision Order Contravention’** alert on TOMS.

### Prisoners who are HRSOA Liable will be advised by the Assessment Writer at the time of the Initial IMP assessment that they may be subject to review by the HRSORC under the HRSOA.

### Where a HRSOA Liable prisoner is located in a minimum-security setting and has been the subject of a parole adjournment or denial, the Authorised Assistant Superintendent shall have regard to the change in circumstances and is required to undertake an IMP review.

### Where the HRSORC decides that a prisoner’s case is to be referred to the State Solicitors Office (HRSO Under Consideration), and the prisoner is located in a minimum-security setting, the Authorised Assistant Superintendent shall ensure that the prisoner is immediately held in a closed (maximum or medium security) setting.

### Prisoners subject to a HRSOA Supervision Order, HRSOA Interim Supervision Order, HRSOA Supervision Order Contravention or HRSOA Interim Detention Order are to remain in a closed (maximum or medium) setting.

### Prisoners subject to a HRSOA Continuing Detention Order, may only be approved for a minimum-security rating and placement, where Adult Community Corrections (ACC) has provided written advice indicating the Supreme Court has supported the prisoner engaging in any treatment program or other program including development of independent living or self-management skills that requires placement at minimum security to achieve.

# Case Conference

## General

### A Case Conference is the forum during which assessment documentation (i.e., IMP, Classification Review checklist and other relevant documentation as required) is considered and recommendations or decisions are made regarding prisoners in respect to assessment, security rating and placement.

### It is important that Case Conferences are also used to inform prisoners of recommendations and the reasons for those recommendations.

### It is also where prisoners can raise issues in relation to their IMP or other documentation under consideration.

## Composition

### Case Conferences will comprise of the prisoner and at least 2 members and will include the Authorised Assistant Superintendent or Case Management Coordinator who will chair the meeting. Other member(s) may be drawn from the following areas:

1. Treatment Assessment
2. Education Assessment
3. Community Corrections
4. Supervisor Assessments (Hakea)
5. Senior Officer
6. Assessment Writer.

## Records

### Case Conferences will generally be held weekly. The Case Conference minutes will record:

1. date and time of Case Conference
2. membership present (name and position)
3. the prisoner’s name, TOMS ID, review type
4. any business as follows:

* Initial IMPs
* Subsequent IMP Reviews
* All other documentation (Re-Entry Release, Home Leave applications, Prisoner Employment Program applications, RSP Suitability Assessments and RSP Progress Assessments)
* Applications not to Proceed (C164 requests etc)
* Home Leave movements and progress (when applicable) in accordance with [COPP 14.2 – Home Leave.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* Prisoner Employment Program progress with input from the Employment Coordinator in accordance with [COPP 8.2 – Prisoner Employment Program.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

1. outcome or recommendation.

### Case Conference recommendations and subsequent TOMS decision slips will contain as a minimum requirement the following information in the sequence described:

1. security rating and reasons (the prisoner’s score is not to be referenced in the decision slip)
2. placement and reasons (i.e., to facilitate social/community contact; program participation, etc)
3. recommendation on any specific requirements (i.e., counselling, medical) where applicable
4. IMP recommendations
5. that the prisoner was informed of their right of appeal or did not attend Case Conference
6. next review date.

### Case Conference recommendations/decisions are to be expressed in terminology that the prisoner is likely to understand.

### The prisoner is to be verbally advised of their right of appeal.

### Case Conference is to ensure that the prisoner receives a copy of the recommended IMP within 5 working days of Case Conference.

### The Case Management Coordinator is to ensure that the prisoner receives a copy of the TOMS IMP Decision Slip within 2 working days of approval.

## Appeal against decision

### Any prisoner shall have the right of 1 appeal against the following decisions:

1. MAP checklist – security rating and placement components only
2. Initial IMP– security rating and placement components only
3. Subsequent IMP reviews – security rating and placement components only
4. Administration Decision Slip in cases where a Classification Review checklist has been performed or where placement has changed – security rating and placement components only
5. Home Leave – see [COPP 14.2 – Home Leave](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
6. Prisoner Employment Program - see [COPP 8.2 – Prisoner Employment Program.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

### Generally, an appeal by a prisoner against any decision shall be lodged with the Case Conference Chairperson, in writing within 21 days of the date of the decision, by completing the TOMS Appeal Against Decision Form (C232 – Pathway -TOMS Report Tree >Summaries > Appeal Against Decision).

### The grounds for appeal are:

1. policy and procedures have not been followed; and/or
2. inappropriate or inaccurate information has formed the basis of the decision; and/or
3. pertinent or relevant information was excluded; and/or
4. circumstances have changed significantly since the previous Case Conference.

### Appeal Authority Levels (MAPs and IMPs):

1. The Superintendent will determine an appeal against a decision of the Authorised Assistant Superintendent within 14 calendar days of receipt.
2. The DSM will determine an appeal against the decision of the Superintendent within 14 calendar days of receipt.
3. The relevant Assistant Commissioner will determine an appeal against the decision of the DSM within 14 calendar days of receipt.

### When reviewing the decision, the designated authority will consider all material taken into account in the original decision and any additional information provided by the prisoner or another.

### Written advice, in the form of a TOMS decision slip, of the outcome of the appeal will be forwarded to the prisoner within 3 business days. A prisoner may be transferred pending the outcome of an appeal against a transfer.

### Where concerns are held by the DSM that an override or outcome of appeal may not be in line with the intent of this COPP and related policies, it is to be reported to the relevant Assistant Commissioner, who will assess the appeal and has the authority to review the decision.

# Prison Transfers

## Transfers in line with approved TOMS decision slips

### The placement of prisoners should reflect a balance between security considerations, prisoner needs and program availability (where applicable). To achieve such a balance, it will be necessary from time to time to transfer prisoners from one prison to another.

### To provide adequate security, supervision and program opportunities compatible with each prisoner’s identified needs, placements are to be implemented in accordance with the prisoner’s approved TOMS decision slip in an orderly and equitable manner.

### Where a prisoner requires a temporary transfer to another prison for a matter relating to; visits, court, medical/mental health, short term treatment programs, population management and funeral/dangerous illness a TOMS Temporary Transfer decision slip should be completed. Upon completion of the relevant matter, a further TOMS Temporary Transfer decision slip should be completed to enable the prisoner’s return to the originating prison. **Note: Administrative Decision Slips should not be utilised to approve temporary transfers.**

### The Authorised Assistant Superintendent will ensure the following actions are completed prior to any prisoner transfer:

1. the relevant documentation and appropriate approval have been obtained and a TOMS decision slip completed prior to the prisoner’s transfer
2. receiving prison is notified of the prisoner(s) they will receive prior to transfer
3. the prisoner is informed of their impending transfer as soon as practicable, subject to security considerations
4. the prisoner is advised of the reasons for the transfer, subject to security considerations; and
5. the prisoner is provided the opportunity to inform their family (or significant others) of their impending transfer and new location, subject to security considerations.

## Temporary management/security transfers

### The Authorised Assistant Superintendent may transfer a prisoner to a prison of appropriate security rating as a precautionary measure for a period of not greater than 28 days without review:

1. when a prisoner represents or is perceived to represent a management/security risk; or
2. when a significant change is deemed to have occurred in a prisoner’s personal circumstances that may determine that the prisoner is at personal risk; or
3. to provide for investigation into incidents or information relating to a prisoner where necessary.

### Prisoners are not to be upgraded at the time this type of transfer occurs.

### A Management Transfer checklist is to be completed with an approved TOMS Temporary Transfer for Management Reasons decision slip to affect the transfer. A Movement alert should also be created in TOMS to record the detail of the management transfer.

### If a decision regarding the prisoner’s future placement has **not** been finalised during the 28-day transfer period, an additional Management Transfer checklist must be completed. This should outline the progress with investigations and detail the further period up to 28 days during which the full outcome of the situation is to be determined. This shall be communicated to the receiving prison.

### In the event of the prison charge being finalised or the outcome of investigations indicate that the prisoner will be better managed in the temporary placement prison then the procedures for permanent transfer shall be applied. The details relating to making the transfer permanent and reference to the Management Transfer document are to be clearly demonstrated in the MAP or Classification Review checklist and any decision slip where applicable.

### **Permanent transfer** - Where the temporary transfer is to become permanent the sending prison is to comply with the following:

1. prisoners managed via a MAP only - The MAP is to be reapplied and approved. This generates a TOMS decision slip to permanently effect the transfer.
2. prisoners managed via an IMP - A MAP-Sentenced/Classification Review checklist is to be utilised. The IMP is to be amended and approved. This generates a TOMS decision slip to permanently effect the transfer.

## Emergency/immediate threat transfers

### Where a prisoner presents a significant and immediate threat to the good order and/or security of a prison, or in the event of an emergency (reported to the Minister as a critical incident), the relevant Assistant Commissioner may, on the advice of the relevant Superintendent, or on the advice of the Assistant Commissioner Security and Response Services, authorise the immediate transfer of any prisoner(s) to another prison.

### The advice to the relevant Assistant Commissioner must include the outcome of a risk assessment completed for each prisoner involved, as to the proposed placement. These transfers are implemented through an Administrative Decision Slip.

### In such circumstances the requirement to complete a Management Transfer checklist, MAP, IMP or Classification Review prior to the prisoner’s transfer is suspended. However, the required checklists shall be completed by the sending prison without delay following the transfer.

### In some circumstances a prison will have responsibility to finalise a checklist (that creates a TOMS decision slip) after a prisoner has been transferred (i.e., MAP, IMP or Classification Review may need to be finalised to affect a prisoner’s permanent transfer) and the required approving authority, Superintendent or Authorised Assistant Superintendent does not have the access to approve the checklist. A request for temporary access to the required facility via AskIT Self Service Portal will enable access for the time required to complete the decision.

# Approving Authority Levels

### The following table details the authority able to recommend and/or approve the classification and placement of a prisoner, as set out in their MAP/IMP checklists and Administrative Decision Slips:

|  |  |
| --- | --- |
| Security Level | Approval Authority |
| Maximum and Medium | Authorised Assistant Superintendent |
| Maximum and Medium   * MIARB * HRSOA | Authorised Assistant Superintendent |
| Maximum and Medium #   * Strict Security Life * Strict/Safe Custody * Never to be Released * Indefinite/Life Sentence | Authorised Assistant Superintendent  Executive Council (EXCO) approval for transfer, as required.  (EXCO Minute reference number to be documented in the approval decision slip). |
| Minimum  Less than 3 years to EED or EDR/ MAX where no EED or passed EED | **Recommend:** Authorised Assistant Superintendent/Supervisor Assessments (Hakea Prison)  **Approve:** Superintendent/Assistant Superintendent Assessments and Prisoner Movements (Hakea Prison) |
| Minimum  Between 3 years to 5 years to EED or EDR/MAX where no EED or passed EED | **Recommend:** Superintendent/Assistant Superintendent Assessments and Prisoner Movements (Hakea Prison)  **Approve:** DSM |
| Minimum   * Immigration | **Recommend:** Superintendent/Assistant Superintendent Assessments and Prisoner Movements (Hakea Prison)  **Approve:** DSM |
| Minimum   * MIARB (Subject to MIARB approval) * HRSOA (Subject to ACC Memo being approved by a Deputy Commissioner) | **Recommend:** Authorised Assistant Superintendent/Supervisor Assessments (Hakea Prison)  **Approve:** Superintendent/Assistant Superintendent Assessments and Prisoner Movements (Hakea Prison) |
| Minimum #   * Strict Security Life * Strict/Safe Custody * Indefinite/Life Sentence.   (Subject to approval of an RSP) | Authorised Assistant Superintendent  (RSP decision and/or EXCO Minute reference number to be documented in the approval decision slip).  Note: On completion of RSP, IMP Review to be approved as per Minimum ‘Less than 3 years to serve’ detailed above. |

# EXCO approval required for placement change. A prisoner ordered to be detained in strict or safe custody or undergoing strict security life imprisonment may only be removed to another prison by order of the Governor, or in emergency by the DSM (as the Chief Executive Officer’s delegate), under the provisions of s 26 (2)(b) of the *Prisons Act 1981.*

### Prisoners who have confirmed removal orders or for whom removal is a distinct possibility are to be approved in accordance with sections 4.3.6 – 4.3.10.

### Where a prisoner has been denied/adjourned parole resulting in a change to the effective sentence length, the approving authority remains as per the approval table at section 10.1.1.

# Additional reviews potentially required during a prisoner’s sentence

## Prison initiated reviews/reports

1. **Lockup Placement** – refer to [COPP 12.6 – Prisoners in Police Lockups.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
2. **Parole Review or Parole (Short Term)** – refer to [COPP 14.4 – Parole Applications.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
3. **Re-socialisation Programme Suitability and Progress** – refer to [COPP14.3 –Re-Socialisation Programmes](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).
4. **Parole Review – EXCO** – refer to [COPP 14.4 – Parole Applications.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

### For information regarding the suitability, development, endorsement, implementation and breaches of RSPs refer to [COPP 14.3 – Re-Socialisation Programmes.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

## Prisoner initiated reviews/reports

### **Interstate prison transfer** - Prisoners serving a State or Commonwealth sentence of imprisonment may apply to be transferred to another State or Territory for welfare or legal reasons[[1]](#footnote-1). For information on these transfers, including eligibility and application process refer to the Sentence Management [Interstate and International Prison Transfers Operating Manual.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx)

### **International prison transfer** - The International Transfer of Prisoners Scheme allows for sentenced prisoners in a foreign country to apply for transfer to their home country to serve the remainder of their sentence[[2]](#footnote-2). For information on these transfers, including list of participating countries, eligibility and application process refer to the Sentence Management [Interstate and International Prison Transfers Operating Manual](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx).

### **Inter-prison visits** - refer to [COPP 7.2 – Social Visits.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

### **Home leave** - refer to [COPP 14.2 – Home Leave](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). A prisoner may apply 3 months prior to their eligibility date for commencement of Home Leave, noting that the prisoner must be rated minimum security at the time of application. The dates on which the prisoner is eligible to apply and commence Home Leave are recorded in the IMP. If a prisoner is a life/indefinite sentenced prisoner, their participation in Home Leave should be a component of an approved RSP.

### **Prisoner Employment Program** - refer to [COPP 8.2 – Prisoner Employment Program.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) An eligible prisoner may make a written application up to 3 months prior to the expected date of commencement on the Prisoner Employment Program, noting that the prisoner must be rated minimum security at the time of the application. If a prisoner is a life/indefinite sentenced prisoner, their participation in the Prisoner Employment Program should be a component of an approved RSP.

### **Re-entry Release Order** - refer to [COPP 14.1 – Re-entry Release Orders.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) A prisoner may apply 3 months prior to their eligibility date of commencement of the Re-entry Release Order. The dates on which the prisoner is eligible to apply and commence a Re-entry Release Order are recorded in the IMP. The Case Management Coordinator will notify the relevant Adult Community Corrections Centre of the application in accordance with [COPP 14.1 – Re-entry Release Orders.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

### **Transfers** – outside of scheduled IMPs - prisoners may request consideration for transfer to another facility for a variety of reasons. The reason for the transfer should be clearly identified within the IMP.

### **Temporary transfer for visits** - prisoners other than those subject to High Security Escort (HSE) status may request a temporary transfer to another prison for the purpose of visits. An officer will complete a Temporary Transfer for Visits checklist giving consideration against the following criteria:

1. Type and circumstances of offences: If applicable, an assessment of any potentially negative community reaction is to be made and considered
2. Visitors: The persons named as potential visitors at the receiving prison should have a genuine and ongoing relationship with the prisoner, whether family or cultural, and there must be some certainty that the nominated visitors will attend the prison
3. The prisoner’s conduct at their prison of placement and at the receiving prison
4. Medical/psychiatric services: The prisoner must not require specialised psychiatric or other specialised medical treatment, which is unavailable at the proposed receiving prison.
5. Court appearance: A prisoner with a future court appearance shall have this taken into consideration when making recommendations for temporary transfers
6. Duration of a temporary transfer. This will generally be restricted to 4 weeks per year (i.e., 1 week every 3 months or 2 weeks each 6 months).

### The Temporary Transfer for Visits checklist and Temporary Transfer for Visits Decision Slip on TOMS shall be approved by:

1. Prisoners with sentences of Strict Security Life and Strict/Safe Custody – Approval by the Governor is required.
2. All other prisoners, the Authorised Assistant Superintendent (subject to the agreement of the Authorised Assistant Superintendent of the receiving prison) is to approve.

### Where there is not a mutual agreement on the temporary transfer the Superintendent Administration shall mediate.

### **Early discharge** - refer to [COPP 14.6 – Prisoners Release from Custody.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

### **Absence permit on compassionate or humane treatment grounds** - refer to [COPP 14.5 – Authorised Absences and Absence Permits.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

## Other reviews/reports

### Removal - initiated at the request of the Department administering the *Migration Act 1958* (Cth). The Immigration Report checklist on TOMS is to be used. Once finalised, notify completion to Information Release via <mailto:informationrelease@justice.wa.gov.au>.

### TOMS Notes shall be used when prisoners have received correspondence or have been served documentation during the HRSO process. The category to select is HRSO Documentation Service. Where practical, the type of document received, the date received, and the date forwarded to the prisoner should be recorded.

# Annexures

## Related COPPs and other documents

Related COPPs

* [COPP 7.2 – Social Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 8.2 – Prisoner Employment Program](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.6 – Prisoners in Police Lockups](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.1 – Re-entry Release Orders](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.2 – Home Leave](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.3 – Re-Socialisation Programme](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.4 – Parole Applications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.5 – Authorised Absences and Absence Permits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.6 – Prisoners Release from Custody](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

Other documents

* [Guiding Principles for Corrections in Australia (2018)](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx)
* [Interstate and International Prison Transfers Operating Manual](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx)
* [Offence Severity Scale](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=offence%20severity%20scale&ql=3081)
* [Sentence Management Manual](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx)
* Victim Offender Contact [Policy](https://dojwa.sharepoint.com/sites/intranet/community-corrections/Pages/manuals-policies.aspx)

## Definitions and acronyms

|  |  |
| --- | --- |
| Term | Definition |
| Appeal | To apply for reconsideration of a lower court or higher court outcome. |
| Appeal Class Prisoner | A prisoner who has appealed or been granted leave to appeal to the Court of Criminal Appeal in respect of all current convictions and/or sentences or a prisoner who has been granted Special Leave to appeal by the High Court of Australia. |
| Assessment Writer | Any person engaged in the assessment of a prisoner in relation to sentence planning. |
| Authorised Assistant Superintendent | The Assistant Superintendent (or in the case of privately operated prisons the relevant Deputy Superintendent) the prison whose responsibilities include prisoner management and/or assessments. The Authorised Assistant Superintendent is authorised by the Superintendent to undertake the responsibilities as per this COPP. |
| Case Conference | A formal meeting convened to discuss a prisoner's assessment documentation including Initial and subsequent IMP Reviews. Special Case Conferences can also be called when there are particular concerns about a prisoner's behaviour or circumstances. |
| Case Management Coordinator | Means the position responsible for the quality control of prisoner assessment documentation and the facilitation of Case Conferences. |
| Classification Review Checklist | Means the checklist completed by the Assessment Officer to review a prisoner’s security rating after they have been sentenced for at least 6 months. This checklist is to be completed as part of the regular IMP Review process and informs the security rating for that review. The completed checklist is to be considered with the IMP Review by Case Conference. This checklist will also be used to review a prisoner's security rating where necessary, outside of scheduled IMP Reviews. |
| Commissioner’s Operating Policy and Procedures (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| DSM | Director Sentence Management |
| HRSORC | High Risk Serious Offenders Review Committee |
| EDR | Earliest Date of Release |
| EED | Earliest Eligibility Date for parole |
| Effective Sentence | The length of sentence that a prisoner is actually required to serve in prison prior to their EED for release on parole. If there is no EED use the EDR (MAX where no EDR) or SRD as applicable. |
| EXCO | Executive Council |
| Generally | Where the word ‘generally’ is used in any provision in this policy, it is taken to mean that what is stated in that provision is the intention and may only be varied in exceptional circumstances. |
| HRSOA | *High Risk Serious Offenders Act 2020* |
| HRSORC | High Risk Serious Offenders Review Committee |
| HSE | High Security Escort |
| Individual Management Plan (IMP) | The approved plan developed in consultation with treatment and education assessors and the prisoner. The IMP spans the prisoner's sentence through to release. It identifies prisoner needs and contains recommendations for prison placements, security classification and interventions that will assist the prisoner to live a pro-social life on release to the community. |
| Management and Placement-Remand (MAP-Remand) | The MAP-Remand is the checklist completed to determine initial security rating and placement for a remand prisoner. |
| Management and Placement-Sentenced (MAP-Sentenced) | The MAP-Sentenced is the checklist completed to determine initial security rating and placement for a sentenced prisoner and generally will define a prisoner’s security rating for the first 6 months in custody post-sentencing. |
| MAX | Maximum Date of Release |
| MIARB | Mentally Impaired Accused Review Board |
| Officer(s) | Any permanent, part time or casual employee, whether appointed under the provisions of s 6 or 13 of the *Prisons Act 1981,* s 11 of the *Young Offenders Act 1994*, s 64 of the *Public Sector Management Act 1994*, or contractor of the Department of Justice irrespective of the Industrial Award or Contract provisions under which they have been employed/engaged. |
| Offence Severity Scale (OSS) | The OSS is developed by Sentence Management under direction of the Director, Sentence Management. The severity of offences are determined by using relevant legislation (i.e., Criminal Code, Traffic Act, Firearms Act, Federal Acts etc.). The wording in most cases is a simplification of an offence type and not necessarily a specific offence and may include a group of offence types. The offences are grouped according to the level of harm to others. As offence terminology changes over time the OSS is updated accordingly. |
| Prisoner | Any person in as defined in s.3 of the *Prisons Act 1981*; also includes a person not yet in the custody of a prison, but in the custody of a Contractor under the *Court Security and Custodial Services Act 1999*. |
| Prisoners Review Board (PRB) | The Board established under s 102 of the *Sentence Administration Act 2003* and the authority responsible for determining release to state parole. |
| Prisoners subject to the *Criminal Law (Mentally Impaired Accused) Act 1996* | A prisoner who is subject to a custody order pursuant to the *Criminal Law (Mentally Impaired Accused) Act 1996*. |
| Prisoners subject to the *High-Risk Serious Offenders Act 2020* | A prisoner who is subject to the *High-Risk Serious Offenders Act 2020* (HRSOA). |
| Relevant Assistant Commissioner | Either the Assistant Commissioner Custodial Operations (Adult Male Prisons) or Assistant Commissioner Women and Young People. |
| Remand Prisoner | All prisoners as defined in r 55 of the *Prisons Regulations 1982*. |
| RSP | Re-Socialisation Programme |
| Security Ratings | The outcomes following the application of either the Initial Security Rating contained in the MAP (Remand or Sentenced), or the Classification Review checklist will result in a numeric score, which will identify a security rating for the prisoner. Each prisoner will be assigned one of the following three security ratings:  **Maximum Security**  Prisoners for whom high conditions of security are necessary and for whom escape must be made very difficult. Defined as presenting a high risk of escape and/or a high risk to the safety of the public in the event of an escape.  **Medium Security**  Prisoners who cannot be trusted in open conditions. Whilst these prisoners cannot be trusted in an open prison they do not present as having the resources or will to make a determined escape attempt from a secure prison. Defined as presenting a low to moderate risk of escape and/or a moderate risk to the safety of the public in the event of an escape.  **Minimum Security**  Prisoners who can be reasonably trusted in open conditions. Requiring a low degree of supervision and control within the prison. (Prisoner’s eligibility for s 95 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)external program activity and work camp placement may be subject to additional screening criteria.) |
| Sentence Management Manual (SMM) | A manual which is the responsibility of Sentence Management that provides guidance and context when completing checklists on TOMS. It also advises on the potential sources of information and processes, including how they are to be utilised to support the sentence management of prisoners. The manual is to be read in conjunction with this COPP and related policies and should not be altered without the permission of the DSM. |
| Sentenced Prisoner | All prisoners serving a term of imprisonment imposed by a court. |
| SHU | Special Handling Unit |
| SRD | Statutory Review Date |
| SSL | Strict Security Life |
| Superintendent | The Superintendent as defined in s 36 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)and includes any reference to the position responsible for the management of a private prison under Part IIIA of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). Does not extend to the Officer in Charge of a prison. |
| TOMS Notes | The area where information relating to a prisoner’s Individual Management Plan (or other behaviour/situation that may affect the prisoner’s IMP), may be recorded by a staff member. Notes inform interested parties as to the prisoner’s current situation. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Corrective Services to record and manage comprehensive information relating to offenders in custody which facilitates their effective management. |
| Unit Management File | The Unit Management File is the current operational file relating to a specific prisoner. The file is kept in the prison unit accommodating the prisoner and is used by department staff to maintain current information concerning the prisoner. The Unit Management file must accompany the prisoner upon permanent transfer. |
| Unit Manager | The Senior Officer managing the unit in which the prisoner is located. |

## Related legislation

* *Court Security and Custodial Services Act 1999*
* [*Criminal Law (Mentally Impaired Accused) Act 1996*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_228_homepage.html)
* *High Risk Serious Offenders Act 2020*
* *Migration Act 1958*
* *Prisons Act 1981*
* Prison Regulations 1982
* *Public Sector Management Act 1994*
* *Sentence Administration Act 2003*
* Sentence Administration Regulations 2003
* *Young Offenders Act 1994*
* *Prisoners (Interstate Transfer) Act 1983*
* *Prisoners (International Transfer) Act 2000*
* *International Transfer of Prisoners Act 1997*

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner will undertake management oversight as required.
* Operational Compliance will undertake checks in accordance with the [Operational Compliance Framework](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).

# Document Version History

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by Director Operational Policy, Compliance and Contracts | 3 August 2020 | 1 September 2020 |
| 2.0 | Operational Policy | Approved by Director Operational Policy, Compliance and Contracts | 31 August 2020 | 25 September 2020 |
| 3.0 | Operational Policy | Approved by Director Operational Policy, Compliance and Contracts | 23 September 2020 | 25 September 2020 |
| 4.0 | Operational Policy | Approved by Commissioner | 28 June 2021 | 05 July 2021 |
| 5.0 | Operational Policy | Approved by Director, Operational Policy, Compliance and Contracts | 1 April 2022 | 1 April 2022 |
| 6.0 | Operational Policy | Approved by Director, Operational Policy, Compliance and Contracts | 12 December 2022 | 12 December 2022 |
| 7.0 | Operational Policy | Approved by Director, Operational Policy, Compliance and Contracts | 16 December 2022 | 16 December 2022 |
| 8.0 | Operational Policy | Approved by A/Director, Operational Policy, Compliance and Contracts  CM Ref: D24/472852 | 18 June 2024 | 20 June 2024 |

Appendix A – Assessment Documentation Required Following Prisoners Review Board Decision

The following provides information relating to which documentation will be developed following a decision by the Prisoners Review Board.

**Note:**

* Where it is stipulated below that a MAP-Sentenced checklist (MAP-S) is required it must be determined whether it is an IMP or non-IMP prisoner MAP checklist.
* Where an Initial IMP is required, it must be determined whether to complete a   
  MAP-S (for prisoners that have served less than 6 months as a sentenced prisoner) or a Classification Review checklist (for prisoners that have served 6 months or more as a sentenced prisoner).

**Parole Suspension**

If a prisoner is returned to custody due to Parole Suspension and has a Parole review date or outstanding court within 6 months and 2 days of their reception date, a MAP-S (only) is to be performed.

If a prisoner is returned to custody due to Parole Suspension and has a Parole review date or outstanding court more than 6 months and 2 days into the future, a MAP-S, Initial IMP and an Education and Vocational Training Checklist (EVT) shall be performed. No treatment assessment is required.

If a prisoner’s Parole Suspension is reviewed and the decision is for the suspension to remain until the prisoner’s EDR and time to EDR is greater than 6 months and 2 days, then an Initial IMP, EVT and MAP-S/Classification Review (refer note above) shall be performed. No treatment assessment is required.

Where a prisoner on Parole Suspension has their Parole subsequently cancelled and time to EDR is greater than 6 months and 2 days, then an Initial IMP, EVT, Treatment Assessment Report (TAR) and MAP-S/Classification Review (refer note above) shall be performed. This is regardless of any outstanding court.

**Parole Cancellation**

If a prisoner is returned to custody due to Parole Cancellation for non-compliance and the time to EDR is less than 6 months and 2 days, a MAP-S only shall be performed.

If a prisoner is returned to custody due to Parole Cancellation and time to EDR is greater than 6 months and 2 days, a MAP-S, Initial IMP, EVT and a TAR shall be performed, regardless of any outstanding court matters.

**Parole Adjournment**

If a MAP only prisoner (short term parole) or prisoner on a Classification Review with no IMP (those with a backdated sentence/additional sentence and less than 4 months to EED at time of sentencing) is adjourned Parole with the requirement for a treatment assessment, the TAR shall be completed by a Prison Treatment Assessor. If a program is recommended, a booking shall be made only if the program can be completed prior to the prisoner’s EDR. An IMP is not required in this instance.

If a prisoner has been adjourned with a request for an alternate program to what was previously assessed, then refer to [Appendix B – Prisoners Review Board Request for an Alternative Program or Treatment Assessment Report](#_Appendix_B_–).

**Parole Denial**

**Note:** Where Parole has been denied (including self-denial) 6 weeks or more in advance of the EED, the date when Parole was denied should be used to establish time left to serve to EDR i.e., Parole Denial Date to EDR.

If a MAP only prisoner (short term parole) or a prisoner on a Classification Review with no IMP (backdated sentence/additional sentence and less than four months to EED at time of sentencing) is subsequently denied Parole and has greater than 6 months and 2 days between EED to EDR (refer note immediately above) an Initial IMP, MAP-S/Classification Review, EVT and TAR are all to be performed. This is irrelevant to any outstanding court.

If there is less than 6 months and 2 days from EED to EDR (refer note above), a MAP-S or Classification Review (if they have been in continuous custody as a sentenced prisoner for more than 6 months) is to be performed due to the prisoner’s changed circumstance. In the instance that a Classification Review is performed a TOMS Administrative Decision Slip is to be created to reference the outcome and effect any confirmation or change in security rating and placement.

Appendix B – Prisoners Review Board Request for an Alternative Program or Treatment Completion Report

The following procedures are to apply when the Prisoners Review Board requests:

1. a prisoner to undertake a program that the prisoner has not been assessed as requiring
2. a re-write of, or addendum to, treatment completion reports.

**Part A: Procedure when the Prisoners Review Board requests a prisoner to undertake a program that the prisoner has not been assessed as requiring.**

When the Prisoners Review Board (PRB) makes a recommendation for a prisoner to engage in a program that the prisoner has either not been assessed as requiring or requests an alternate program to what the treatment assessment recommends, the following procedure is to be followed, subsequent to the Board meeting, irrespective of the prison where the prisoner is placed.

1. The PRB Delegate from Sentence Management shall:

* Email the prisoner’s details and the PRB’s recommendations as soon as possible to the Offender Programs Managers (via the mailing list “[OM-OP Managers](mailto:OM-OPManagers@justice.wa.gov.au?subject=Offender%20Management%20Program%20Managers)”), copying in the Assistant Director Offender Programs, Operational Support Coordinator, supervising Community Corrections Officer (CCO) and the Case Management Coordinator (CMC) of the prison where the prisoner is currently placed.
* Create a TOMS Note advising that Offender Programs have been requested to conduct a review as recommended by the PRB.

1. Upon receiving notification from the PRB Delegate, the Offender Programs Manager who has responsibility for the prison in which the prisoner is housed, takes responsibility for completion of the reassessment and informs the PRB Delegate of their acceptance of the requirement and:

* Within 6 weeks, the assigned Offender Programs Manager will consider the PRB’s recommendations and undertake a review of the prisoner’s treatment needs. This may require additional treatment assessments to be performed.
* The assigned Offender Programs Manager will then forward the reassessment report to the Programs Operational Support Team who will create a TOMS Note, record the result of the review and forward the reassessment report to the PRB Delegate, Offender Records, CCO and CMC.
* The PRB Delegate will forward the reassessment report to the PRB via the email address CRT-MC-Prisoners Review Bd Sec-Reports.

1. If an additional or alternate intervention is supported by the Offender Programs Manager, the Data Monitoring and Auditing Officer (Offender Services) will update the Interventions module and notify the Case Management Coordinator to schedule programs as required.

**Part B: Procedure when the Prisoners Review Board Requests a Re-write of or Addendum to Treatment Completion reports.**

When the PRB makes a request for a re-write of, or addendum to a treatment completion report, the following procedure is to be followed subsequent to the Board meeting, irrespective of the facility where the prisoner is placed. Regardless of whether the Board requests a re-write or an addendum, Offender Programs will provide an addendum to the original report.

1. The PRB Delegate from Sentence Management shall:

* Email the prisoner’s details and the PRB’s recommendations as soon as possible to the Program Support Officer, copying in the supervising CCO and the CMC of the facility where the prisoner is currently placed.
* Create a TOMS Note advising that an addendum has been requested from Offender Programs for the particular treatment completion report, as per the PRB’s request.

1. Upon receiving notification from the PRB Delegate, the Program Support Officer shall:

* Take responsibility for completion of the addendum and inform the PRB Delegate of their acceptance of the requirement
* Organise for an addendum to the treatment completion report to be completed within 4 weeks, by referring the request to the relevant program Clinical Supervisor
* The Program Support Officer will then forward the completed addendum report to the PRB Delegate, Offender Records, CCO, and CMC and create a TOMS Note recording the activity.

1. The PRB Delegate will forward the addendum report to the PRB via the email address CRT-MC-Prisoners Review Bd Sec-Reports.

1. s 5 *Prisoners (Interstate Transfer) Act 1983* [↑](#footnote-ref-1)
2. s 3 *Prisoners (International Transfer) Act 2000* and s 5 *International Transfer of Prisoners Act 1997(Cth)* [↑](#footnote-ref-2)