COPP 4.3 Women Prisoners

Prison

|  |
| --- |
| Principles As referenced in the[Guiding Principles for Corrections in Australia, 2018](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Documents/guidelines-for-corrections-in-aus.pdf)*:*  2.1.3 Individual prisoners/offenders are managed and supervised in a manner that responds to their particular risk and needs, including the impacts of victimisation and trauma.  2.1.4 Female prisoners are placed separately to male prisoners  2.4.2 Staff model prosocial behaviour by treating all persons with decency, respect and fairness.  3.1.12 Transport of persons in custody is conducted in a safe and humane manner, taking into account the dignity of the person being transported.  3.3.4 The particular needs of specific prisoner cohorts are reflected in placement decisions.  4.1.6 Health services within correctional services provide for trauma informed care practices.  4.1.14 Health care provided for women in custody is gender appropriate, emphasising underlying determinants of health unique to women including reproductive and sexual health; and facilitating access to counselling services for victims of violence.  4.2.4 Prisoners are provided with clean clothing, bedding and sanitation facilities appropriate to the climate, to support and maintain personal and group health and ensure decent living conditions in prison. |

# Contents

[1 Scope 3](#_Toc97198349)

[2 Policy 3](#_Toc97198350)

[3 Reception, Placement, Orientation 4](#_Toc97198351)

[4 Managing Women Prisoners 4](#_Toc97198352)

[5 Clothing 4](#_Toc97198353)

[6 Searching 4](#_Toc97198354)

[7 Religious Clothing 4](#_Toc97198355)

[8 Use of Force and Restraints 5](#_Toc97198356)

[9 Escorts 5](#_Toc97198357)

[10 Programs and Counselling 5](#_Toc97198358)

[11 Medical Care 5](#_Toc97198359)

[12 Recreation 5](#_Toc97198360)

[13 Communication and Social Visits 6](#_Toc97198361)

[14 Urine Testing 6](#_Toc97198362)

[15 Canteen Standards 6](#_Toc97198363)

[16 External Activities 6](#_Toc97198364)

[17 Emergency Management 6](#_Toc97198365)

[18 Annexures 7](#_Toc97198366)

[18.1 Related COPPs and other documents 7](#_Toc97198367)

[18.2 Definitions and acronyms 7](#_Toc97198368)

[18.3 Related legislation 8](#_Toc97198369)

[19 Assurance 9](#_Toc97198370)

[20 Document Version History 9](#_Toc97198371)

# Scope

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

# Policy

The purpose of this document is to establish clear and consistent practices when working with women prisoners.

Women’s Prisons and those that accommodate women prisoners shall operate on the principles of trauma informed practices with policies being guided by national and international standards such as the [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)](https://undocs.org/A/RES/65/229).

The management of women prisoners shall occur in a manner that is sensitive and appropriate to their individual needs and treats the prisoner with dignity, humanity, respect and with due consideration to cultural and religious requirements.

The gender specific and developmental needs of women prisoners should be recognised and access to an equal range of services including education, vocational training, skill development, employment opportunities, health, programs and recreational activities shall be made available.

The management of women prisoners is governed by a rigorous recording and reporting regime which provides transparency and accountability.

Prisons shall promote positive re-entry into the community by supporting women prisoners to build and maintain relationships with family and significant others.

All communications with prisoners should be embedded in such a way that language diversity is acknowledged, understood.

Prisoners unable to communicate in spoken and/or written English are made aware of their right to communicate in their preferred language and if necessary, provide interpreters who are certified by the National Accreditation Authority for Translators and Interpreters (NAATI).

# Reception, Placement, Orientation

### During the admission process, women prisoners shall participate in a full health screen in accordance with [COPP 2.1 – Reception](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and shall be issued clothing, footwear and personal hygiene items in accordance with [COPP 6.5 – Prisoner Hygiene and Laundry.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

### The placement of women prisoners shall occur in accordance with [COPP 2.3 – Assessments and Sentence Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### At prisons with both male and women prisoners, the Superintendent shall ensure male and women prisoners have separate cells and sleeping quarters in different parts of the prison.[[1]](#footnote-2)

### The Unit Manager (UM) shall ensure a unit orientation takes place within 3 working days of being transferred into the women precinct in accordance with [COPP – 2.2 Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Managing Women Prisoners

### Women prisoners may be supervised by a Prison Officer (Officer) of either gender.

### Male Officers working with women prisoners shall at no time, except in an emergency, enter a women prisoner’s cell when occupied, unless accompanied by another Officer. A male Officer entering a cell in an emergency must advise the UM by radio of their intention to do so.

# Clothing

### In accordance with [COPP 2.1 – Reception](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx), the Superintendent may create a Standing Order related to the standard of additional clothing items issued to women prisoners.

# Searching

### Searches of women prisoners shall be carried out by women Officers and with dignity and respect in accordance with the searching procedures detailed in [COPP 11.2 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Religious Clothing

### The wearing of any garment which covers any part of the face is not permitted.

### A women prisoner shall request approval from the Superintendent to purchase religious clothing (ie Hijab) if part of their religious and spiritual beliefs, refer to [COPP 9.1 – Cultural, Religious and Spiritual Services](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Use of Force and Restraints

### The Superintendent shall ensure staff are trained in trauma informed de-escalation methods for women prisoners.

### Officers shall ensure the use of force and the application of restraints is carried out in accordance with [COPP 11.3 – Use of Force and Restraints](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Generally, force and restraint must not be used against a pregnant prisoner. Where force and restraint is required for a prisoner who is known to be pregnant or suspected to be pregnant, refer to [COPP 11.3 – Use of Force and Restraints](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Escorts

### Escorts of women prisoners, including High Security Escorts, shall be carried out in accordance with [COPP 12.2 – Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx), [COPP 12.3 –Conducting Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 12.5 – High Security Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Women prisoners must be able to take their own supply of sanitary products with them, particularly on long haul journeys. Sanitary kits must be freely available as a women prisoner leaves Reception.

# Programs and Counselling

### The Superintendent shall ensure that women prisoners have access to specifically designed activities and programs that are aimed at addressing underlying factors that led to their offending behaviour.

### The Superintendent shall ensure women prisoners have access to counselling, particularly those who have suffered abuse, domestic violence or bereavement.

# Medical Care

### The Superintendent, where possible, shall ensure women prisoners are given the option to be examined by women prison medical practitioners and health centre staff when required.

### Pregnant prisoners should be provided services and support commensurate with community standards, refer to [COPP 4.4 – Expectant Mothers](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### The Superintendent shall ensure women prisoners have access to sanitary items without having to ask prison staff.

# Recreation

### The Superintendent shall ensure women prisoners have access to a range of gender-appropriate active, passive, group and individual activities.

# Communication and Social Visits

### Reception staff shall ensure women prisoners on initial intake are provided the opportunity to make additional telephone calls to address urgent family issues and childcare issues, as per [COPP 2.1 – Reception](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Social visits for women prisoners, including inter-prison visits, shall occur in accordance with [COPP 7.2 – Social Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Visits from children are to be encouraged where appropriate; withdrawal of children’s visits is not to be used as punishment. In mixed prisons, the child/ren should be able to visit parents/caregivers together.

### Women prisoners can apply to have their child reside with them in custody as a long term resident, overnight or extended day visit in accordance with [COPP 4.5 – Residential Children](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Urine Testing

### Women prisoners shall be urine tested in accordance with [COPP 10.4 – Prisoner Drug and Alcohol Testing](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Women prisoners are to be given a dressing gown to wear for modesty whilst providing the sample.

# Canteen Standards

### The Superintendent of prisons that houses both male and women prisoners shall ensure the canteen is stocked with gender appropriate products and have equal access to the canteen to make selections.

# External Activities

### Where applicable, the Superintendent of a prison that accommodates minimum security women shall have a suite of s.95 placements for women to attend. It is preferred that placements are for women only and if mixed, women shall not be in direct contact with male prisoners.

# Emergency Management

### The Superintendent shall ensure the prison’s emergency management procedures and plans address the specific needs of women prisoners and in particular, pregnant, postnatal and resident children residing in the prison.

# Annexures

## Related COPPs and other documents

**Related COPPs**

* [COPP 2.1 – Reception](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 2.2 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 2.3 – Assessments, Placements and Sentence Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 4.5 – Residential Children](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 6.5 – Prisoner Hygiene and Laundry](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 7.2 – Social Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.4 – Prisoner Drug and Alcohol Testing](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.2 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.3 – Use of Force and Restraints](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.2 – Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.3 – Conducting Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

**Documents**

* [Guiding Principles for Corrections in Australia](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx)
* [Women in Prison – Prisons Standard](https://dojwa.sharepoint.com/sites/intranet/department/standards/StandardsProcedures/DCS-PrisonStandards-woman-in-prison.pdf)
* [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)](https://undocs.org/A/RES/65/229)

## Definitions and acronyms

|  |  |
| --- | --- |
| Term | Definition |
| 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. |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Prison Officer | A person engaged or deemed to have been engaged to be a prison officer under section 13 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)or deemed to have been appointed under Section 6 to an office designated by [COPP](http://www.correctiveservices.wa.gov.au/_files/prisons/adult-custodial-rules/ac-rules/ac-rule-12.pdf) 14.1 – Delegation of Officers as Prison Officers and suitably trained to undertake searches in accordance with this COPP. |
| Prisoner | Any individual classified as a prisoner under the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). |
| Senior Officer (SO) | A prison officer under Section 13 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) and a person appointed or deemed to have been appointed under Section 6 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) to an office designated by rules for the purposes only of this definition, who has successfully completed the ELTP and the Department’s Senior Officer promotional process. |
| Staff | All persons employed by the Department of Justice. Also includes all contract workers authorised by the Commissioner in accordance with Section 15I (1) *Prisons Act 1981* to perform a function. |
| Standing Order | means standing orders issued by a superintendent under section 37 of the *Prisons Act 1981* |
| Superintendent | The Superintendent as defined in Section 36 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) 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). This does not extend to the OIC of the prison. |
| Trauma-informed | Practices which recognise the impact of past traumas on a person and the potential for these traumas to influence how a person may respond to future actions. |
| Woman | An adult female human being. |

## Related legislation

* *Prisons Act 1981*
* *Prisons Regulations 1982*

# Assurance

It is expected that:

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

# Document Version History

| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| --- | --- | --- | --- | --- |
| 0.1 | Operational Policy | Initial draft | 18 July 2019 | N/A |
| 0.2 | Operational Policy | Updated following consultation | 13 March 2020 | N/A |
| 0.3 | Operational Policy | Tabled for approval with the Project steering Committee | 17 March 2020 | N/A |
| 0.4 | Operational Policy | Approved by Project Steering Committee | 17 April 2020 | N/A |
| 0.5 | Operational Policy | Minor amendments | 29 September 2021 | N/A |
| 0.6 | Operational Policy | Minor amendments following feedback from prisons and prior to A/Director Operational Projects, Policy, Compliance and Contracts approval. | 7 October 2021 | N/A |
| 1.0 | Operational Policy | Approved by A/Director Operational Projects, Policy, Compliance and Contracts | 7 October 2021 | 8 November 2021 |
| 1.1 | Operational Policy | Changed female to woman | 2 March 2022 | N/A |
| 2.0 | Operational Policy | Approved by A/Director Operational Projects, Policy, Compliance and Contracts | 2 March 2022 | 8 March 2022 |
| 3.0 | Operational Policy | Approved by Assistant Director Operational Policy  CM Ref: D24/479366  Feedback Ref: 250 | 08 May 2024 | 15 May 2024 |

1. s.44 *Prisons Act 1981* [↑](#footnote-ref-2)