COPP 4.4 Pregnant Prisoners

Prison

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| PrinciplesAs referenced in the Guiding Principles for Corrections in Australia, 2018:2.1.3 Individual prisoners are managed and supervised in a manner that responds to their particular risk and needs, including the impacts of victimisation and trauma.3.1.2 Prisoners are effectively managed, supervised and suitably placed to maintain the safety of all persons.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.4.1.4 Prisoners are provided a standard of health care equal to services available in the community that meet their individual physical health, mental health and social care needs fostering continuity of care between custody and the community.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.As referenced in the [National Child Safe Principles](https://childsafe.humanrights.gov.au/national-principles):3.1 Families participate in decisions affecting their child.7.1 Staff and volunteers are trained and supported to effectively implement the organisation’s child safety and wellbeing policy. |

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# 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 pregnant prisoners.

Pregnant prisoners shall be provided services and support commensurate with community standards.

Pregnant prisoners shall be managed through a multi-disciplinary team approach including the development of a care plan which considers gender specific and developmental needs of women prisoners and the care and protection of the prisoner during pregnancy and postnatally.

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

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

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

# Overview

### Pregnant prisoners shall be provided services and support commensurate with community standards and in accordance with the Health Services policy, [PM11 Pregnancy Testing, Management and Care of Children](https://justus/communities/health-services/Pages/Policy-and-Procedure.aspx).

### Health Services shall enter the pregnancy status on the Total Offender Management Solution (TOMS) ‘Medical Status’ page with the prisoner’s consent, in accordance with [PM11 Pregnancy Testing, Management and Care of Children](https://justus/communities/health-services/Pages/Policy-and-Procedure.aspx).

### Prison Officers shall check the TOMS ‘Medical Status’ to check a prisoner’s pregnancy status, with their consent.

### Unit Managers shall ensure that Prison Officers are informed at daily unit briefs. where a prisoner is pregnant.

### The Superintendent shall ensure that pregnant prisoners are provided with support and education regarding caring for themselves and their baby.

### The Superintendent shall ensure staff managing pregnant prisoners receive appropriate training.

# Care Plan

### The Superintendent shall ensure a Child Care Management Committee (CCMC) meeting is convened to develop a care plan. The CCMC should include both internal and external stakeholders.

### As a minimum, the care plan shall include, but not limited to the following:

* + 1. referral to relevant health practitioners
		2. referral to the mental health team, if required
		3. dietary requirements
		4. transport and transfer issues
		5. recreational activities
		6. postnatal treatment.

### The relevant Unit Manager shall explain the plan to the pregnant prisoner in a manner, pace and language that the prisoner understands. The relevant Unit Manager shall ensure the pregnant prisoner understands the plan by providing an opportunity for the prisoner to ask questions.

### The pregnant prisoner may request to have her baby reside with her in prison by submitting an Application for Residential Child or Application for Extended Day or Overnight Visits in TOMS, refer to [COPP 4.5 – Residential Children](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Accommodation

### The relevant Assistant Superintendent in consultation with Security shall conduct a risk assessment prior to the pregnant prisoner’s placement taking the following into consideration:

* + 1. risk from others
		2. mental health problems
		3. physical disability/mobility issues
		4. high risk pregnancy.

# Antenatal Care

### Prison Officers shall ensure where a pregnant prisoner requires extra bedding, the request is forwarded to the Unit Manager for consideration and authorisation.

### The Superintendent shall ensure pregnant prisoners are provided the opportunity to attend antenatal classes.

### All antenatal checks within the metropolitan area shall be conducted through King Edward Memorial Hospital (KEMH) and managed by Health Services.

### Antenatal checks for pregnant prisoners in the regions shall be conducted through the local hospital where obstetric services are consistently available and managed through Health Services.

### For those regional where a consistent obstetric service is not available in the local community, the pregnant prisoner shall be transferred to the metropolitan area to enable access to obstetric care arrangements.

# Treatment

### Pregnant prisoners shall be seen by a medical practitioner at the prison to determine appropriate treatment and referrals.

### Health Services staff shall conduct and facilitate regular health checks of pregnant prisoners through a shared care model with the local obstetric service.

### Where staff have significant concerns regarding the health of a pregnant prisoner a medical emergency shall be called, in accordance with [COPP 12.2 – Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Prison Officers are not to be present within sight or hearing of a pregnant or postnatal prisoner during any consultation, examination, clinical procedure, breastfeeding, or treatment – except where there are significant concerns of a compromise to public safety, or if the pregnant prisoner or medical staff requests.

### Escorting Officers shall position themselves at all times as to minimise the likelihood of escape.

### Where a Prison Officer’s presence is required that Prison Officer shall be a women and an Incident Report shall be completed as per [COPP 13.1 – Incident Reporting and Notifications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Pregnant prisoners based at metropolitan prisons shall deliver their babies at KEMH. Regional pregnant prisoners shall deliver their babies at the local hospital that provides consistent obstetric services or otherwise transfer to KEMH to deliver their baby.

# Nutrition

### Reception Officers on intake shall ensure kitchen staff are notified of the arrival of a newly pregnant prisoner.

### Health Services staff shall provide pregnant prisoners with nutritional and dietary advice.

### Staff shall ensure pregnant prisoners are provided small, frequent, freshly cooked nutritional meals.

### Staff shall ensure a light supper is provided for each pregnant prisoner consisting of a sandwich and piece of fresh fruit. Fruit should also be made available at all times and snacks should be healthy.

### Staff shall ensure pregnant prisoners are provided with access to food and beverages to address morning sickness.

### Additional food shall be made available to pregnant prisoners and breastfeeding mothers.

# Clothing

### The Superintendent shall ensure pregnant prisoners are provided with adequate clothing to cater for the changes throughout the pregnancy.

# Use of Force and Restraints

### As a general rule, force should not be applied to prisoners who are known to be pregnant or suspected to be pregnant unless all de-escalation options have failed and other reasonable means of controlling the situation have been exhausted. Where the use of force is being considered, the relevant Assistant Commissioner shall authorise approval, refer to [COPP 11.3 – Use of Force and Restraints](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Restraints shall not be applied to a pregnant prisoner at any time, unless required following a risk assessment, in accordance with COPP 11.3 -Use of Force and Restraints and [COPP 12.3 – Conducting Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### In the event restraints or use of force is required, an Incident Report shall be completed as per [COPP 13.1 – Incident Reporting and Notifications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Searches

### Prison Officers shall consider adjusting standard searching procedures where a prisoner is known to be pregnant or suspected to be pregnant to maintain the dignity and respect of the prisoner being searched, refer to [COPP 11.2 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) for standard searching procedures.

# Work and Recreation

### All prison based activities shall be conducted in accordance with [COPP 8.1 – Constructive Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). In the event that a pregnant prisoner is unable to continue her work due to the condition of her pregnancy, then the default gratuity level shall be the same as a mother with a resident child, that being level 3.

# Travel

### The Superintendent shall ensure that a Fitness to Travel Assessment is completed for any travel of a pregnant prisoner in accordance with Health Services policy, [PM11 Pregnancy Testing, Management of Pregnancy and Care of Children](https://justus/communities/health-services/Pages/Policy-and-Procedure.aspx).

### The escort of a pregnant or postnatal prisoner requires the completion of a External Movement Risk Assessment and the escort shall be conducted in accordance with the procedures detailed in [COPP 12.1 – Escort Vehicles, COPP 12.2 – Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 12.3 – Conducting Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Where possible, at least one of the Escorting Officer’s shall be a women, particularly when the pregnant prisoner is being treated as an outpatient or admitted as an in-patient for any obstetric and/or gynaecological consultation, examination and/or treatment at a clinic or hospital.

### High Security Escorts for pregnant or postnatal prisoners shall be determined in accordance with [COPP 12.5 – High Security Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Postnatal treatment

### Staff shall ensure postnatal prisoners returning from KEMH or the relevant regional hospital :

* + 1. are seen by Health Services staff within 1 hour of returning to the prison
		2. the postnatal care and treatment identified in the care plan is applied
		3. staff shall ensure postnatal prisoners are offered supports and referred to internal/external counselling services as required.

# Annexures

## Related COPPs and other documents

**Related COPPs**

* [COPP 4.5 – Residential Children](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 8.2 – Constructive Activities](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 12.1 – Escort Vehicles](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)
* [COPP 12.5 – High Security Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.1 – Incident Reporting and Notifications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

**Other Documents**

* [Guiding Principles for Corrections in Australia (revised 2018)](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx)
* [Health Services Policy and Procedure: PM11 Pregnancy Testing, Management of Pregnancy and Care of Children](https://dojwa.sharepoint.com/sites/health-services)
* National Child [Safe](https://childsafe.humanrights.gov.au/national-principles) [Principles](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx)

## Definitions and acronyms

| Term | Definition  |
| --- | --- |
| CCMC | Child Care Management Committee |
| 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. |
| Postnatal prisoner | A prisoner, having given birth but prior to the prisoner’s discharge from hospital after the birth of the child.  |
| Pregnant |

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| A current state of pregnancy confirmed by Health Services staff or another public health service provider.  |

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| 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. |
| Woman | An adult female human being.  |

## Related legislation

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

# Assurance

It is expected that:

* Prisons will 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

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| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by A/Director Operational Projects, Policy, Compliance and Contracts | 25 November 2021 | 28 December 2021 |
| 2.0 | Operational Policy | Approved by A/Director Operational Projects, Policy, Compliance and Contracts | 03 March 2022 | 03 March 2022 |
| 3.0 | Operational policy | Approved by A/Director Operational Policy, Compliance and Contracts | 20 April 2023 | 20 April 2023 |
| 4.0 | Operational Policy | Approved by Deputy Commissioner Operational SupportRef: S24/106824 | 21 October 2024 | 22 October 2024 |