COPP 8.3 Prison Libraries

Prison

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| Principles As referenced in the Guiding Principles for Corrections Australia 2018:  2.3.6 Prisoners are provided with library services for legal, recreational and educational needs. |

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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

Each prison shall provide library services to meet the recreational, educational, legal and other information needs of prisoners in accordance with the supervision levels and minimum privileges outlined in [COPP 10.1 – Prisoner Behaviour Management](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).

Library services provided by prisons should meet [Australian Library Information Association (ALIA)](https://read.alia.org.au/alia-minimum-standard-guidelines-library-services-prisoners) and community standards as far as practicable.

Library facilities and resources should accommodate the needs of prisoners:

* with disabilities
* from culturally and linguistically diverse backgrounds.

Libraries shall stock religious and spiritual texts in accordance with [COPP](https://justus/intranet/prison-operations/Pages/prison-copps.aspx) 9.1 –Cultural, Religious and Spiritual Services.

The Library Supervisor shall audit prison libraries as and when required and the Superintendent shall ensure, where necessary, resources are made available for auditing and reporting purposes.

# Library Resources

### The Superintendent shall provide and maintain adequate facilities for a library service.

### Materials permitted in prison libraries shall adhere to the requirements of [COPP 3.1 – Managing Prisoner Property](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).

### The Superintendent, in conjunction with the Library Supervisor, Casuarina Prison, shall ensure library services, equipment and materials are organised and provided to recognised library standards.

### Prisons administered by private contractors shall fund, purchase, and manage their own library resources in accordance with this COPP.

### The library collection shall include, where practicable, materials in both print and non-print formats to meet the informational, educational, cultural, recreational, legal and rehabilitative needs of the prison population.

### The library collection shall address the varying needs of the prison population, with consideration for:

1. ethnicity/cultural composition
2. age range
3. literacy level
4. disability/impairment
5. gender
6. language.

### Casuarina Prison shall be allocated a budget for state-wide library services.

### Upon approval of Casuarina’s budget, the state-wide library services budget shall be divided between prisons in accordance with population and endorsed by the Assistant Commissioner Custodial Operations (ACCO). The Library Supervisor, Casuarina Prison, shall notify the Business Manager of each prison via email to inform them of available funds for their library.

### The Library Supervisor, Casuarina Prison, shall purchase, catalogue and distribute library materials on approval from the ACCO.

### The Library Supervisor, Casuarina Prison, shall ensure new items are distributed with the required CD, loading instructions, and printed list to allow the receiving prison to load the items onto their AMLIB system accordingly.

### The Library Supervisor, Casuarina Prison, shall endeavour to minimise transport/distribution costs where practicable.

### Each prison may submit specific and/or general recommendations/requests to the Library Supervisor, Casuarina Prison at [CasuarinaLibrary@justice.wa.gov.au](mailto:CasuarinaLibrary@justice.wa.gov.au).

### Small satellite collections may be established within accommodation areas of a prison where access to library services cannot be facilitated due to different classifications or different management regimes.

### An Officer authorised by the Superintendent may approve community organisations that may donate items to the library, subject to the necessary security checks being conducted.

### The library shall accept only original copies of entertainment media.

### Entertainment media shall not be broadcast through the prison reticulated system without an appropriate license for public exhibition[[1]](#footnote-1).

### Each prison shall have a procedure for regular withdrawal of outdated and/or damaged materials from the collection.

### Abandoned library resources found within prison common areas must be returned to the library immediately.

# Library Privileges

### Prisoners are responsible for all items loaned to them by the library and have an obligation to return books to the library by the due date.

### If any member of staff has reason to believe a prisoner has misused library facilities or resources, they shall:

1. complete an incident report in accordance with [COPP 13.1 – Incident Notifications, Reporting and Communications](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
2. refer the matter to the security team for further investigation as required
3. withdraw library use (where a prisoner requires access to the library in their capacity as an enrolled student undertaking study or training, only their recreational library use shall be withdrawn).

### Prisoners charged and found guilty of destroying, damaging, losing or defacing library materials, shall be managed in accordance with [COPP 10.5 – Prison Offences and Charges](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).

### Any library owned resource must be immediately returned to the library:

1. if found by staff when preparing a prisoner’s property for transfer or discharge
2. in the event of a cell clearance for any reason (eg regression to a management cell).

### Staff borrowing library resources shall follow the guidelines set by the Library Officer.

# Legal Materials Available in Prison Libraries

### Legal resources shall be made available to all prisoners who are:

1. sentenced on appeal
2. on remand and self-representing in their pending court matters.

### The legal resources (not to be removed from the library) shall include:

1. basic law books
2. references including texts on criminal law
3. the laws of evidence
4. statutory interpretations
5. legal dictionaries.

Note: Civil matters are outside the parameters of the service provided.

### Each prison, at a minimum, shall have the following general texts available for reference only (not for loan) and updated as new editions are published:

1. Douglas, H., et al. Criminal Process in Queensland and Western Australia (Law Book Co)
2. Bagaric, M. Ross on Crime (Thompson Reuters)
3. Devereux J. & Blake M. Criminal Law in Queensland and Western Australia (LexisNexis Butterworths Australia)
4. Colvin, E., et al. Criminal Law in Queensland and Western Australia: cases and commentary (LexisNexis Butterworths Australia)
5. Hamer, D. Concise Australian Legal Dictionary (LexisNexis Butterworths Australia).

### The Superintendent shall ensure the library contains current unrestricted copies[[2]](#footnote-2) of the:

1. Prison Rules
2. Commissioners Operating Policies and Procedures (COPPs)
3. Standing Orders.

Note: All unrestricted Prison Rules, COPPs, and Standing Orders are available on the Department’s [external website](https://www.wa.gov.au/organisation/department-of-justice/custodial-policies-and-procedures). Superintendents shall be advised of amendments to these documents via email.

### The Superintendent shall ensure prisoners do not have access to restricted COPPs and Standing Orders.

### Each prison shall have up to date copies of the following legislation available in the prison library:

1. *[Bail Act 1982](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_70_homepage.html)*
2. [*Bail Regulations 1988*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1160_homepage.html)
3. [*Criminal Code Act Compilation Act 1913*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_218_homepage.html)
4. [*Criminal Law (Mentally Impaired Accused) Act 1996*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_228_homepage.html)
5. [*Evidence Act 1906*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_312_homepage.html)
6. [*Police Act 1892*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_729_homepage.html)
7. [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)
8. [*Prisons Regulations 1982*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1947_homepage.html)
9. [*Sentence Administration Act 2003*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_887_homepage.html)
10. [*Sentence Administration Regulations 2003*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_2041_homepage.html)
11. [*Sentencing Act 1995*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_888_homepage.html)
12. [*Sentencing Regulations 1996*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_2042_homepage.html)*.*

### The Superintendent of each prison shall ensure there is at least one computer available for use by prisoners to facilitate the preparation of their legal representation. This computer shall provide access to current Australian legislation (via Air Gapped LawOne) and appropriate word processing software for prisoner use for bona fide legal purposes.

### The Library Supervisor shall ensure that current versions of Air Gapped LawOne are distributed to each prison on a quarterly basis (at a minimum). The Superintendent is responsible for ensuring that procedures are in place for the loading and storing of the versions of Air Gapped LawOne provided by the Library Supervisor.

### Prisoners are not to be given access to the internet under any circumstances, unless approved by the Superintendent (Refer [COPP 7.1 – Prisoner Communication](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)).

### Court forms accessible from relevant court websites are to be provided to prisoners by the Library Officer, where requested.

### Prisoners shall be provided up to date information from the [Legal Aid website](http://www.legalaid.wa.gov.au/InformationAboutTheLaw/crime/Pages/Prisoners.aspx) regarding appeals, parole, family law issues, prison offences and Legal Aid services, when requested.

### Audits of each prison library’s legal materials shall be conducted at least annually. The Library Supervisor shall provide documentation, which, on completion by the relevant prison, shall be returned to the Library Supervisor.

# Legal and Appellant Library

### The purpose of the Legal and Appellant Library is to provide prisoners with opportunities to access legal materials and resources through prison-based libraries for the preparation and conduct of any ongoing or likely criminal legal proceedings when:

1. sentenced on appeal
2. on remand awaiting trial and self-representing.

### Prisoners who do not fall into the above categories and who wish to use the legal library must provide valid reasons to the Senior Officer in the Unit and the Library Officer before being allowed the privilege of using the legal library resources.

### Prisoners are not permitted to access the legal computer facilities and resources for other prisoners unless receiving permission by the Senior Officer in the Unit.

### Prisoners may request legal materials and resources by completing the [Request for Legal and Appellant Library Materials Form](https://justus/intranet/prison-operations/Pages/copp-forms.aspx) and submitting to the Library Officer for consideration and processing.

### The Library Officer shall examine each request to ensure the request is not likely to interfere with the good order and security of the prison. If the Superintendent, on considering the advice of the Library Officer, believes the request may interfere with the good order and security of the prison, they may refuse the application.

### If a prisoner lodges a request for legal and appellant material which is excessive (exceeds, for example, 10 cases) in itself, or if the prisoner has lodged a large number of requests in the past, then the prisoner may need to justify the request.

### The Library Officer shall forward accepted requests to the Library Supervisor.

### The Library Supervisor shall review each application and, where they consider that any material is inappropriate, inapplicable or excessive, may refuse the application or modify or refer the application to the relevant prison for more information.

### Where the Library Supervisor refers a request to a prison, the Superintendent shall ensure the request is discussed with the prisoner to explain the reason for the refusal and assist to modify the request in such a way that the request becomes acceptable, if appropriate.

### The Library Supervisor shall deliver the materials to the relevant Library Officer within 5 business days of receipt of the application wherever possible, on accepting a request.

### The Library Supervisor shall retain completed requests for materials.

### The Library Officer may charge a prisoner a fee to obtain specific legal material or resources from the Library Supervisor where:

1. excessive costs are incurred to locate or copy documents
2. the request is excessive
3. the prisoner has lodged a large number of requests in the past.

### The Library Officer may choose to waive fees where the fees are negligible or where a prisoner demonstrates that the material is essential to their legal matter or appeal and they are unable to pay the fees.

# Photocopying and Printing

### Prisoners may request the Library Officer to photocopy or print legal documents. The Library Officer shall print or photocopy the legal documents when duties permit.

### Photocopying services shall adhere to relevant copyright legislation[[3]](#footnote-3).

### Prisoners shall be charged for the service at 20 cents per page. Prisoners shall complete the [Request for Bona Fide Printing or Copying Form](https://justus/intranet/prison-operations/Pages/copp-forms.aspx) and a C63 Form. The [Request for Bona Fide Printing or Copying Form](https://justus/intranet/prison-operations/Pages/copp-forms.aspx) shall be filed within the Prison’s library and the C63 Form shall be sent to the cashier for processing.

### Documents considered to be inappropriate or not required for bona fide legal purposes shall not be photocopied by the Library Officer. Prisoners may refer the request to the Assistant Superintendent Offender Services.

### The Library Officer may choose to waive fees, where the fees are negligible or where a prisoner demonstrates that they are unable to pay the fees and that the material is essential to their legal case.

### Where the prisoner requires large quantities of photocopying/printing, the prisoner may purchase a ream of paper through the prison canteen or library. The paper is to be kept by the Library Officer for the sole use by the prisoner for photocopying/printing of the prisoner’s documents.

### Photographs relevant to a prisoner’s legal case shall be copied upon approval from the prison’s Security Manager.

### Library Officers shall not send facsimiles or emails for, or on behalf of prisoners.

# Standing Order

### The Superintendent of each prison may develop and issue a Standing Order, based on the demand for services, resources available and security considerations, specifying:

1. the times and days prisoners can access library services
2. borrowing library items
3. ordering library items
4. process for accepting library donations
5. permitted and restricted material
6. access to legal and appellant library
7. use of computers for legal purposes
8. procedure for regular withdrawal of outdated and/or damaged materials from the collection.

# Annexures

## Forms

* [Request for Legal and Appellant Library Materials Form](https://justus/intranet/prison-operations/Pages/copp-forms.aspx)
* [Request for Bona Fide Printing or Copying Form](https://justus/intranet/prison-operations/Pages/copp-forms.aspx)
* C63 Form (printed by Casuarina Prison Print Shop)

## Related COPPs

* [COPP 3.1 – Managing Prisoner Property](http://www.correctiveservices.wa.gov.au/_files/prisons/adult-custodial-rules/ac-rules/ac-rule-11.pdf)
* [COPP 7.1 – Prisoner Communication](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 9.1 – Cultural, Religious and Spiritual Services](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.1 – Prisoner Behaviour Management](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.5 – Prison Offences and Charges](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.1 – Incident Notifications, Reporting and Communications](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)

## Definitions and acronyms

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| 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. |
| Legal and Appellant Library | The purpose of the Legal and Appellant Library is for the use of a prisoner who:   * is a SENTENCED prisoner on APPEAL; or * is a REMAND prisoner who is remanded in custody, WITHOUT BAIL, awaiting trial; and * is representing him/herself in their pending court matters for which they have been incarcerated. |
| Legal materials and resources | Case law, legal precedents, legislation, unreported judgements, articles and commentary |
| Library Officer | An officer nominated by the Designated Superintendent who is responsible for providing library services in a prison. |
| Library Supervisor | A Vocational Support Officer responsible for library services to all public prisons in Western Australia. Based at Casuarina Prison. |
| 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). |
| Prison Officer | A person engaged or deemed to have been engaged to be a prison officer under s. 13 [*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 s. 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. |
| Superintendent | The Superintendent as defined in s. 36 [*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 [*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. |
| Air Gapped LawOne | In the context of this document, Air Gapped LawOne refers to the legislation database provided by Air Gapped LawOne, a legal publisher that specialises in the delivery of accurate and comprehensive legislation research tools. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to prisoners and detainees. |

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the [Compliance Manual](https://justus/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner will ensure that management oversight occurs as required.
* Operational Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework](https://justus/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 the A/Director, Operational Projects, Policy, Compliance and Contracts | 6 October 2021 | 8 November 2021 |
| 2.0 | Operational Policy | Scheduled Review  A/Director, Operational Projects, Policy, Compliance and Contracts | 14 August 2023 | 17 August 2023 |

1. *Broadcasting Services Act 1992* [↑](#footnote-ref-1)
2. s. 35(5) and s. 37(3) *Prisons Act 1981* [↑](#footnote-ref-2)
3. *Copyright Act 1968* [↑](#footnote-ref-3)