COPP 9.1 Cultural, Religious and Spiritual Services

Prison

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| **Principles**  As referenced in the[Guiding Principles for Corrections in Australia, 2018](https://justus/intranet/prison-operations/Documents/guidelines-for-corrections-in-aus.pdf):  2.1.6 Prisoners are provided the opportunity to practice the religion, cultural or spiritual expression of their choice safely, unless that practice is contrary to the good order and management of the prison. |

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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

External contracted parties shall provide cultural, religious and spiritual services with a focus on pastoral care, to support the religious and spiritual needs of the whole prison population. These services are not based on any particular religion.

Prison Officers shall respect the religious and spiritual diversity of the prison’s population. Prison Officers shall show respect and sensitivity towards religious or spiritual beliefs, practices, objects and symbols.

A prisoner must not be subject to any form of discrimination by declaring themselves of any faith or religion or as belonging to none.

Prisoners shall be permitted to*:*

1. practice and observe their religious or spiritual beliefs
2. receive guidance and visits from recognised and approved religious or spiritual representatives with similar religious beliefs to those of the prisoner[[1]](#footnote-1).

A prisoner must not be required to conduct work that is unsuitable or offensive to their registered religion or spiritual beliefs.

Prisoners have the right to change their registered religion.

Superintendents may impose restrictions on provisions outlined in this COPP for the safety and security of the prison or any person.

Aboriginal prisoners may have a strong spiritual connection to their culture that is not based on a religion. [COPP 4.2 – Aboriginal Prisoners](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) provides guidance for working with Aboriginal prisoners who may require support that is different and separate from services outlined in this COPP.

# Roles and Responsibilities

### The Superintendent, Coordinating Chaplains, other Chaplains and approved religious/spiritual representatives shall facilitate activities at each prison.

### Superintendents shall recognise the major religions, their festivals and events which may include:

### Buddhism

1. Christianity
2. Hindiusm
3. Islam
4. Judaism

### Chaplains shall:

1. offer pastoral care to prisoners
2. offer pastoral care to prisons staff and others where requested
3. conduct religious and spiritual practices and ceremonies
4. refer to other religious organisations as required
5. be actively involved in prison activities as agreed with the Superintendent
6. provide religious materials as requested
7. provide the Superintendent with information on religious/spiritual beliefs to be provided to staff
8. record all services to prisoners that are performed under the service agreement, in the TOMS Religious and Spiritual Services module.

### Rehabilitation and Reintegration shall provide the Superintendent with a calendar of the major religious festivals and events at the start of each calendar year.

# Head Wear Associated with Religious Practice

## Male prisoners

### Approved items of headwear associated with religious practice are available for purchase on request, but can only be worn:

1. during religious ceremonies/activities which are facilitated directly by the chaplain or their approved representative, and
2. in the prisoner’s cell.

### The following table provides a guide for the provision of male head wear:

|  |  |  |
| --- | --- | --- |
| Religion | Headwear Type – Male |  |
| Islam (Muslim) | Taqiyah or Araqchin – short and rounded cap | A picture containing indoor  Description automatically generated |
| Judaism | Skullcaps, Kippot or Kippah – brimless cap | A picture containing hat  Description automatically generated |
| Sikhism | Turban, Dastar or Dumalla – Cover for long uncut hair |  |

## Women prisoners

### Women prisoners whose religion is Islam are permitted to wear a hijab or headdress, refer to the guidance below for women head wear. They are also permitted to use the headwear worn on reception into custody, providing it is coloured black or purple. If the hijab is not one of these colours, the prisoner shall request a replacement hijab from the canteen; they must not be refused a replacement if they do not have the funds to immediately meet the cost.

### The cost for the hijab or headdress shall be deducted from the prisoner’s private cash account (PPCA) and managed in accordance with [COPP 8.4 – Prisoner Finances](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Women prisoners may request the hijab or head wear from a family member or a friend. The head wear shall be searched in accordance with [COPP 11.2 –Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### A woman prisoner, with a designated religion of Islam, shall request in writing, approval to purchase a hijab if they were not wearing one on reception into custody and forward to the Prison’s Chaplain. The Prison’s Chaplain shall verify the details of the request, prior to forwarding the request to the Superintendent for approval.

### The hijab shall be worn to cover the head and neck, but the face must always be clearly visible. Eligible women prisoners may wear the hijab at any time or place within the prison but can be asked to remove it during a pat or strip search, in accordance with [COPP 11.2 – Searching](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).

### The wearing of a burqa or any other similar garment which covers any part of the face is not permitted.

### The following table provides guidance for women head wear:

|  |  |  |
| --- | --- | --- |
| Religion | Headwear Type – Female |  |
| Islam (Muslim) | Hijab - Head wear that covers the hair, neck and upper chest. | Icon  Description automatically generated |
| Judaism | Mitpahat – Head scarf worn by married women. | A picture containing headdress, hat, white, black  Description automatically generated |
| Sikhism | Chunni or Dupatta – Long head scarf. |  |
| Turban – Cover for long uncut hair | A picture containing umbrella, accessory, clipart  Description automatically generated |

# Cultural Staff Awareness

Cultural awareness is sensitivity to the similarities and differences that exist between two different cultures and Prison Officers shall apply this sensitivity when communicating with persons from another cultural group.

## Touch and gender

### Prison Officers, when engaging with prisoners from different cultures, shall be mindful of the following:

### customs may be different in some cultures, for example:

### shaking hands as a greeting, especially with women, is not appropriate in certain Asian and Middle Eastern cultures.

### it may not be acceptable for a male to be alone in a room with a woman, where there is no kinship

### physical contact (eg providing comfort) may be viewed as offensive when providing support to prisoners; as far as practicable, physical contact should be avoided, as any misunderstandings may result in potential allegations against staff.

### Staff shall always remain professional in their communications with prisoners and avoid using colloquial language or terms of endearment.

## Training and information

### Superintendents, in conjunction with Chaplains, shall make information available to staff regarding religious/spiritual beliefs and diversity. This includes encouraging and supporting staff to access available training and information sessions, where practicable. Available resources include:

1. [Diverse WA - Cultural Competency Training](http://www.diversewa.omi.wa.gov.au/) – is an interactive training program provided by the Office of Multicultural Interests (OMI) and can be completed online. Access is free for WA Public Sector staff, using their Departmental email address.
2. [OMI website](https://www.omi.wa.gov.au/) – provides information sheets on the following religions: Baha’i, Buddhism, Christianity, Hinduism, Islam, Judaism and Sikhism.

# Interpreter Services

### An accredited interpreter shall be offered when a prisoner has difficulties understanding or speaking in English.

### Prison Officers may utilise [Translating and Interpreting Service](https://www.tisnational.gov.au/) to book a phone interpreter or an onsite interpreter with the Superintendent’s approval.

# Religious Registration

## Reception

### Reception Officers shall collect a prisoner’s religious information during reception intake, in accordance with [COPP 2.1 – Reception](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

## Change of religion

### Prisoners shall be informed they can change their religious registration at any time by submitting a [Change of Religion Notification](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form. A copy of the completed form shall be forwarded to the Information Release and Litigation Management (IRLM) team and then on to Intelligence Services. A copy of the form shall also be provided to the coordinating Chaplain at the prison. The original form shall be placed on the prisoner’s unit file.

### The IRLM team shall arrange for the prisoner’s TOMS profile to be amended to reflect the change.

# Religious and Spiritual Activities and Daily Regime

## Overview

### When scheduling the prison’s daily routine or religious and spiritual activities, consideration shall be given to significant religious/spiritual days and practices relevant to the prisoners’ beliefs (eg prayer times or religious events such as Ramadan).

## Activities outside of the prison

### Where activities involve participation outside the prison, approval for that activity shall be provided in accordance with [COPP 8.7 – External Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Prisoners may be granted Absence Permits to participate in external religious/spiritual activities[[2]](#footnote-2) in accordance with [COPP 14.5 – Authorised Absences and Absence Permits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Religious and Spiritual Support

## Overview

### Prison Chaplains shall liaise regularly with reception staff to identify newly received prisoners and their associated religious/spiritual requirements.

### During the orientation process, or on transfer into a prison, prisoners shall be made aware of the:

1. scope and availability of religious/spiritual activities
2. application process to:

* be seen by a member of the Chaplaincy
* have a representative of their declared faith attend the prison, in accordance with [COPP 2.2 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Prison Officers shall notify a prison chaplain as soon as practicable when a prisoner requests a religious or spiritual service (eg meet a chaplain or representative of a religion).

### The prison Chaplaincy should be considered as part of the support process for prisoners who may be ‘at risk’, in accordance with the [At Risk Management System (ARMS) Manual](#_Related_COPPs_and).

### Prison Chaplains shall conduct religious and spiritual practices and ceremonies regardless of the Chaplain’s own faith.

### The Superintendent shall approve services spiritual practices and ceremonies to ensure the security and good order of the prison.

### Prisoners may receive support and guidance (including visits) from approved religious/spiritual representatives, where services are outside the experience and expertise of the Prison Chaplain, refer section 8.

### The chaplaincy, where practical and if a prisoner’s faith is not represented, shall make arrangements for the prisoner to have access to a religious/spiritual visitor of their own faith.

# Religious and Spiritual Visitors

## Religious and spiritual visits

### Religious and spiritual visitors may be permitted to attend the prison at the request of a prisoner in accordance with [COPP 7.3 – Official Religious, Spiritual and Other Visitors](#_Related_COPPs_and).

# Articles

## Overview

### Subject to security considerations, prisoners shall be allowed to possess and have access to religious/spiritual articles relevant to the requirement of their religious or spiritual beliefs.

### Each prison shall maintain a supply of sacred writings/scriptures such as prayer books relevant to the religious/spiritual beliefs of their respective prisoner population. Where required, these may be made available in other languages.

### Where an article contains material in a language other than English, the article must be sourced from an approved supplier or from the respective consulate. Intelligence Services shall maintain a list of approved suppliers and provide prisons with this information.

### For a prisoner’s possession or storage of an approved religious/services article refer to [COPP 3.1 – Managing Prisoner Property](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Application

### Prisoners may make an application for religious/spiritual articles at their own expense, through the Chaplaincy via the Prison’s Interview form, where the item is not already available at the prison.

### The Coordinating Chaplain shall make a recommendation to the Security Manager at the prison for consideration, who shall determine whether the article is permitted and if any security conditions should apply.

### The Chaplain shall explain this decision to the prisoner concerned, where applications are not approved.

### Approved articles shall be sourced by the Chaplaincy. Chaplains may maintain religious/spiritual articles (eg those donated from religious/spiritual organisations or consulates). All items shall be cleared by the prison’s Security team before being made available to prisoners.

## Communion wine

### Religious/spiritual visitors may be permitted to take alcoholic communion wine into a prison for a religious/spiritual service, subject to the following conditions:

1. all articles, including communion wine must be declared upon entry and exit to the prison, in accordance with the conditions of entry, refer [COPP 7.3 – Official, Religious, Spiritual and Other Visitors](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
2. communion wine must not be stored at the prison
3. any unused wine must be removed from the prison at the end of service
4. the wine must always be kept under direct observation of the person conducting the service
5. no more than 500 mls (before dilution) of wine shall be taken into the prison at any one time
6. the wine must be diluted by equal parts (water to wine) before consumption.

## Dietary requirements

### Prisoners can be provided with special dietary food to meet established cultural, religious or other special needs where practicable, in accordance with [Special Meals Guidelines](https://dojwa.sharepoint.com/sites/intranet/prison-operations/PrisonIndustries/special-meals-guidelines.pdf) and [COPP 6.3 – Prisoner Food and Nutrition](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Prisoners who have specific dietary requirements are required to complete a [Special/ Religious/ Cultural Meal Request form.](https://justus/intranet/prison-operations/Pages/copp-forms.aspx)

# Standing Orders

### Superintendents may make and issue a Standing Order/s for providing cultural, religious and spiritual services, aligned with this COPP, including procedures for the provision of:

### cultural, religious and spiritual activities

### access to religious or spiritual articles (relevant to the safety and security of the prison or any person)

### storage of religious and spiritual articles for safety and securely purposes

### schedules for all cultural, religious and or spiritual activities/services (to be posted in places easily visible to all prisoners and Officers).

# Annexures

## Related COPPs and documents

Related COPPs

* [COPP 3.1 – Managing Prisoner Property](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 4.2 – Aboriginal Prisoners](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 6.3 – Prisoner Food and Nutrition](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 7.3 – Official, Religious, Spiritual and Other Visitors](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 8.4 – Prisoner Finances](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 8.7 – External 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 14.5 – Authorised Absences and Absence Permits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

## Definitions and acronyms

| Term | Definition |
| --- | --- |
| ARMS Manual | At Risk Management System (ARMS) Manual |
| Chaplain | A general term for a representative of a religion (eg an imam, minister, pastor, priest, rabbi) who provides religious or spiritual services within a prison. |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational Instruments that provide instructions to staff on how the relevant legislative requirements are implemented. |
| Coordinating Chaplain | The Chaplain endorsed by the Religious and Spiritual Services Board to facilitate chaplaincy work and religious activities in one or more prisons. |
| Pastoral Care | Provision of listening, emotional, social and spiritual support. |
| Ramadan | A major Islamic religious event. Devotees are required to fast from dawn until sunset for one month. The event concludes with the feast of Eid-al-Fitr. |
| Religious/spiritual visitor | A person approved to visit prisoners under s. 95E(b) *Prisons Act 1981*. Religious/spiritual visitors are not employees or contracted with the Department, they are strictly visitors for the purpose of providing religious or spiritual guidance to prisoners. |
| Religious and Spiritual Services Board (the Board) | The Religious and Spiritual Services Board provides high level oversight of religious and spiritual services in WA prisons and the Banksia Hill Detention Centre. The Board’s membership comprises:   * Assistant Commissioner, Rehabilitation and Reintegration * Assistant Commissioner Custodial Operations * Assistant Commissioner Women and Young People * Director, Contract Management and Rehabilitation and Reintegration * Service Providers. |
| Religious article | An item (including literature) of special significance that has spiritual, religious or devotional meaning. |
| Superintendent | The Superintendent as defined in s. 36 *Prisons Act 1981* and includes any reference to the position responsible for the management of a private prison under Part IIIA *Prisons Act 1981*. Does not extend to the Officer in Charge of a prison. |
| Total Offender Management Solution (TOMS) | The computer application used by the Department of Justice for the management of prisoners in custody. |
| Woman | An adult female human being. |

## Related legislation

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

# 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 within Head Office will undertake management oversight as required.
* Monitoring and 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 |
| 1.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 4 November 2021 | 6 December 2021 |
| 2.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 2 March 2022 | 8 March 2022 |
| 3.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 27 June 2024 | 09 July 2024 |

1. s.95E *Prisons Act 1981* [↑](#footnote-ref-1)
2. r. 54D(f) *Prisons Regulations 1982* [↑](#footnote-ref-2)