COPP 10.7 Separate Confinement

Prison

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| PrinciplesAs referenced in the[Guiding Principles for Corrections in Australia, 2018](http://justus/communities/security-intelligence/security-response/SOGPublications/Guiding%20principles%20for%20corrections%20in%20Australia%202018.pdf)*:*2.1.8 Restrictions placed on prisoners / offenders are no more than necessary to maintain safety and security and are based on individual assessment of risk.2.3.2 Prisoners are provided a minimum of one hour out of cell per day, and in fresh air (weather permitting).3.3.6 Signs that a prisoner’s physical or mental health has or will be injuriously affected by continued sanctions or segregation/separation are recognised and considered, taking into account the safety of other prisoners and staff and the security and good order of the prison.3.3.7 Prisoners placed in segregation / separation and / or placed in a management or high security unit are managed under the least restrictive conditions consistent with the reason for their separation and to the extent necessary to minimise the associated risk. Prisoners are informed of the reason for their separation in a form and language they understand.3.3.9 Where prisoners who present an extreme risk are accommodated in specifically designated area(s), they are subject to a transparent and accountable management regime. |

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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

An order for separate confinement must only be made for the purposes of maintaining good government, good order, or security in a prison, and only when other options have been considered and deemed not appropriate.

A Superintendent may issue an order, under section 36(3) of the Prisons Act 1981, for a prisoner to be temporarily separately confined, out of necessity or in an emergency. In such cases, the period must be the shortest period necessary to manage the situation. This is referred to as a s 36(3) order.

Separate confinement refers to prisoners placed in separate confinement in accordance with section 43 of the Prisons Act 1981. This is referred to as a s 43 order. The Superintendent of a prison may request a s 43 order for the purposes of maintaining good government, good order or security in the prison[[1]](#footnote-1).

Separate confinement is an action of last resort and its duration is to be as brief as is necessary to ensure the good government, good order and security of the prison. An s 43 order must not be used as punishment and should only be used as a last resort, for the shortest possible period to manage prisoners that pose an unacceptable security risk or threat.

The authority to approve a s 43 order has been delegated by the Chief Executive Officer (Director General) to the positions of:

Commissioner of Corrective Services

Deputy Commissioner Adult Male Prisons

Deputy Commissioner Women and Young People

Assistant Commissioner Custodial Operations

Assistant Commissioner Women and Young People.

The s 43 order must be in writing, for a period specified, which does not exceed 30 days[[2]](#footnote-2).

The delegate must report in writing to the Commissioner and the Director General concerning every s 43 order. The Minister for Corrective Services shall be informed of every s 43 order made[[3]](#footnote-3).

A mental health assessment is to occur at the earliest reasonable opportunity and at latest within 72 hrs of separate confinement.

Separate confinement is not intended as a form of punishment. Punishment of a prisoner must only occur in the context of a penalty applied in accordance with Part VII *Prisons Act 1981* and is detailed [in COPP 10.5 – Prison Offences and Charges](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

# Section 36(3) Order

### Section 36(3) of the *Prisons Act 1981*, permits a Superintendent to issue orders to officers and prisoners as necessary for the good government, good order and security of the prison. This permission is considered to include the ability to place a prisoner in separate confinement for a short period of time in cases of necessity or emergency only.

### Circumstances of emergency or necessity involve sudden, unexpected events or matters which (although predictable) could not otherwise be dealt with. Such circumstances may include (but are not limited to):

1. a serious incident involving physical assault by a prisoner against staff or other prisoners
2. a potential imminent security threat requiring a prisoner to be separately confined to minimise the risk while further investigation is carried out
3. where a prisoner is diagnosed with a contagious disease and required to be immediately isolated to minimise the risks to the wider prison environment.

### The Superintendent shall ensure the reasons for placement on a s 36(3) order are recorded on Total Offender Management Solution (TOMS).

# Management of Prisoners on a s 36(3) Order

## Section 36(3) minimum entitlements

### Prisoners on a s 36(3) order for separate confinement shall have access to minimum entitlements, however, access or the circumstances in which these minimum entitlements may be delivered shall be in accordance with [Appendix A](#_Appendix_A-) and documented on TOMS.

### The Superintendent may temporarily suspend an entitlement(s), due to an emergency or for the purposes of maintain the good order and security of the prison.

### If any entitlement is not met a note must be recorded on the Supervision Log on TOMS.

## Supervision levels and privileges

### Prisoners on a s 36(3) order for separate confinement shall be managed on their relevant supervision level and privileges, with the exception of exercise and location of meals. Exercise and location of meals shall be managed in accordance with [Appendix A](#_Appendix_A-).

### The Superintendent has the discretion to make adjustments to supervision levels and privileges available to the prisoner as set out in [COPP 10.1 Prisoner Behaviour Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Review of a s 36(3) order for separate confinement

### Where a s 36(3) order for separate confinement is made, the period of separate confinement must end as soon as possible and should not, unless necessity or emergency require, continue for more than is necessary (eg. 48 to 72 hours).

### Where a continuation beyond the initial order (eg. 48 to 72 hours) is required for s 36(3) separate confinement the Superintendent shall provide justification, in regards to necessity or emergency and document the justification in TOMS.

### If the Superintendent considers that the ongoing separate confinement of a prisoner is required to maintain the good government, good order or security of a prison, the Superintendent must implement an alternative management plan which may include a s 43 placement prior to the expiry of the s 36(3) order.

### On completion of separate confinement on a s 36(3) order the Superintendent and relevant Unit Manager shall discuss and action ongoing management options for the prisoner.

# Section 43 Separate Confinement Order

## Application process

### Where a Superintendent is of the opinion that the separate confinement of a prisoner is necessary for the purposes of maintaining the good government, good order, or security of a prison, the Superintendent shall submit an application to the Assistant Commissioner Custodial Operations (ACCO), Assistant Commissioner Women and Young People (ACWYP) or relevant Deputy Commissioner (DC) by completing [an Application for a Section 43 Order](http://justus/intranet/prison-operations/Pages/copp-forms.aspx).

### The Superintendent shall detail a regimen for the prisoner as part of the application. The regimen (refer to [Appendix C](#_Appendix_B_–)) shall detail:

1. access to health
2. exercise
3. hygiene
4. food and water
5. visits.

### Consideration shall be given to the impact separate confinement may have for prisoners with vulnerabilities (ie disability, mental health conditions). Consideration shall also be given to prisoners on the At Risk Management System (ARMS) or Support and Monitoring System (SAMS) or under medical observation. This should be reflected in the application including management strategies as part of the regimen for access to health.

### The Superintendent shall ensure the application:

1. states the period of confinement and the [regimen](#_Section_43_Regimen)[[4]](#footnote-4)
2. states the location and cell where the confinement shall occur (refer to [Appendix B](#_Appendix_B_-))
3. outlines the specific nature of the prisoner’s circumstances
4. details recent and past incidents and prior management outcomes to support the Superintendent’s application that separate confinement is necessary.
5. provides justification for recommending separate confinement rather than other management options.
6. recommend a date that approval is required by based on any s 36(3) orders.

## Approval process

### The ACCO, ACWYP or relevant DC must be satisfied prior to approving an application that separate confinement of the prisoner is necessary for the purposes of maintaining the good government, good order or security of the prison.

### In making such a determination, the ACCO, ACWYP or relevant DC must be satisfied that:

1. the prisoner poses an unacceptable threat to good order or security of the prison
2. all other management strategies have been exhausted
3. the proposed regimen is appropriate, given the threat posed and the prisoner’s management prior to the application
4. the recommended confinement period is justified.

### The ACCO, ACWYP or relevant DC, shall notify the Superintendent of their decision and document the reasons for their decision.

### The ACCO, ACWYP or relevant DC shall provide a copy of the [Application for a Section 43 Order](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) and regimen to the Superintendent.

### The necessary staff and Prison Officers responsible for the prisoner’s management shall be informed by the Superintendent of the outcome.

### Prisoners shall be informed of the reason/s and duration of their s 43 Order. A copy of the regimen shall be provided to, and signed by the prisoner, placed on their unit file and recorded in TOMS.

### When required, a copy of the regimen may be displayed outside the prisoner’s cell and distributed to relevant staff.

### Where a s 43 application has been approved by the ACCO or ACWYP, the relevant DC shall be informed immediately.

### The relevant DC shall ensure notification to the Commissioner and Minister[[5]](#footnote-5) for Corrective Services is complete, and a formal Ministerial briefing follows.

# Management of section 43 Prisoners

### Prison Officers and staff responsible for the prisoner’s management while placed in separate confinement shall:

1. support the prisoner
2. monitor and remain alert to the prisoner’s physical and mental health during their separate confinement
3. assist in the development of plans for the supervision and management of the prisoner following their exit from separate confinement.

### The Superintendent or Unit Manager in charge of the prisoner may inform the prisoner’s family that the prisoner has been placed in separate confinement

## Section 43 Minimum Entitlements

### Prisoners on a s 43 order shall have access to the minimum entitlements (refer to [Appendix D](#_Appendix_D_–)).

### The Superintendent may temporarily suspend an entitlement(s), due to an emergency or for the purposes of maintain the good order and security of the prison.

### If any entitlement is not met a note must be recorded on the Supervision Log on TOMS.

## Section 43 Regimen

### A s 43 regimen[[6]](#footnote-6) is a systematic plan based on minimum entitlements which sets out health, exercise, food, personal hygiene and visit requirements for a prisoner on a s 43 order.

### The Superintendent shall include the proposed s 43 regimen as part of the application process.

## Supervision levels and privileges

### Prisoners on a s 43 order shall be managed on their relevant supervision level and privileges, with the exception of exercise and location of meals. Exercise and meals shall be in accordance with the s 43 Regimen (refer to [Appendix C](#_Appendix_B_–)).

### The Superintendent has the discretion to make adjustments to supervision levels and privileges available to the prisoner as set out in [COPP 10.1-Prisoner Behaviour Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Supervision Plan

### The Superintendent shall be responsible for documenting an individualised plan which details and describes key elements for managing the prisoner (refer to [Appendix E](#_Appendix_E_–Supervision)).

# Review of a section 43 Order

## Review

### The Superintendent may recommend to the ACCO, ACWYP or relevant DC the prisoner is removed from s 43 confinement at any time prior to the expiry of the s 43 order.

### The Superintendent may, on advice from Health Service (HS) staff and/or staff from Mental Health, Alcohol and other Drugs Services, recommend the immediate removal of the prisoner from separate confinement, or changes to the confinement regime, where considered necessary for the prisoner’s physical or mental health.

### The Superintendent shall review the s 43 order, using form [Review of a s 43 Order](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) before the expiration of the order, to determine:

1. incidents or behaviour management issues
2. recommendations and justifications for exit or a further s 43 order
3. management options.

### The completed review of a s 43 Order Form shall be submitted to the ACCO, ACWYP or relevant DC for consideration.

### The ACCO, ACWYP or relevant DC shall return the form to the Superintendent following completion.

### The outcome shall be communicated by the Superintendent to staff. The prisoner shall also be notified of the outcome.

### Where a further request for prisoner’s separate confinement is considered necessary, another application shall be made to the ACCO, ACWYP or relevant DC in accordance with this COPP.

### A s 43 Order cannot exceed 30 days.

# Documentation

### A written occurrence record must be kept using the TOMS Supervision Log for each prisoner held in separate confinement.

### The occurrence record shall document at a minimum:

1. prisoner management (ie access to privileges and facilities)
2. identification of Prison Officers
3. lockup, unlock
4. complaints relating to routine
5. searching times, and results
6. prisoner behaviour with a brief comment relating to reasons (eg bad news, or misconduct)
7. visitors to the area (eg Superintendent, health service personnel)
8. exercise, meal and shower times and phone calls made
9. refusal of meals or exercise
10. movements (eg work, medical, offender treatment programs, religious attendance)
11. other observations or comments as necessary.

# Annexures

## Related COPPs

* [COPP 10.1 – Prisoner Behaviour Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.5 – Prisoner Offences and Charges](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.5 – Authorised Absences and Absence Permits](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)

## Definitions and acronyms

| Term | Definition  |
| --- | --- |
| ACCO | Assistant Commissioner Custodial Operations  |
| ACWYP | Assistant Commissioner Women and Young People |
| At Risk Management System (ARMS)  | The At-Risk Management System is the Department's multi-disciplinary suicide prevention strategy for offenders. The tri-level system includes:**Primary prevention** - strategies to create physical and social environments in the detention centre that limits stress on detainees.**Secondary prevention** - strategies to support detainees at statistically higher risk of self-harm or suicide.**Tertiary prevention** - strategies aimed directly at individuals identified as at risk of self-harm or suicide.Or An interim or endorsed strategy to manage the detainee’s at-risk behaviour. |
| Authorised Officer | A Prison Officer authorised by the Superintendent to conduct a function / or activity from this COPP. This authorisation will be made in writing and recorded. |
| Chief Executive Officer (CEO) | Director General, Department of Justice. |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational Instruments that provide instructions to staff on 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. |
| Minimum Entitlement  | The conditions, services, activities and items informed by legislation, common law and other relevant instruments to which prisoners are entitled. |
| Officer in Charge (OIC) | An officer designated as having the charge and superintendence of a prison in the absence of the Superintendent. |
| Privilege | A concession or item available to a prisoner in addition to any entitlement provided under legislation or written instrument. |
| Relevant Deputy Commissioner (DC) | This refers to the either the Deputy Commissioner Adult Male Prisons or Deputy Commissioner Women and Young People. |
| Regimen | A systematic plan based on minimum entitlements which sets out health, exercise, food, personal hygiene and visit requirements for prisoners on a s 43 order. |
| Separate Confinement | Confinement for the purposes of, and in accordance with, s 43 *Prisons Act 1981.*A prisoner who is separated from other prisoners so that the prisoner is allowed no, or very limited, interaction with other prisoners. |
| 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) and 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). This does not extend to the OIC of the prison. |
| Supervision Level | A set of privileges which varies based on the behaviour of the prisoner.  |
| Supervision Plan | An individualised plan that details and describes key elements for managing prisoners which includes but not limited to: 1. Delivery of entitlements and privileges
2. Proposed behavioural management strategies
3. Internal escort information (eg required staff, recommended restraints)
 |
| Support and Monitoring System (SAMS) | SAMS is a whole of prison approach to the way prisoners who require multi-disciplinary intervention are identified and monitored. The system provides a standardised approach across all prisons managing prisoners identified as:1. 'Disturbed and Vulnerable'
2. long-term (chronic) risk to self
3. experiencing sensitive cultural or spiritual issues.

The purpose of SAMS is to make sure there is a collaborative, coordinated approach to identifying and managing prisoners who are not an immediate risk to themselves, however require additional support, intervention and/or monitoring in 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 [Compliance Manual](http://justus/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 [Compliance Framework](http://justus/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 | 11 September 2019 | N/A |
| 0.2 | Operational Policy | Updated following consultation | 26 March 2020 | N/A |
| 0.3 | Operational Policy | Tabled for approval with the Project Steering Committee | 26 March 2020 | N/A |
| 0.4 | Operational Policy | Amendments based on feedback from the Project Steering Committee | 2 April 2020 | N/A |
| 0.5 | Operational Policy | Approved by the Project Steering Committee  | 17 April 2020 | N/A |
| 0.6 | Operational Policy | Updated following consultation | 30 March 2021 | N/A |
| 1.0 | Operational Policy | Approved by the Commissioner | 19 May 2021 | 19 July 2021 |
| 1.1 | Operational Policy | Changed female to woman | 2 March 2022 | N/A |
| 2.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 2 March 2022 | 8 March 2022 |
| 2.1 | Operational Policy | Amendments based on feedback from Offender Services and Adult Male Prisons Directorate’s | 18 October 2022 | N/A |
| 3.0 | Operational Policy | Approved by the Commissioner  | 3 November 2022 | 4 November 2022 |
| 3.1 | Operational Policy | Minor change following legislation amendment, r56 of the *Prisons Regulations 1982* | 25 November 2022 | N/A |
| 4.0 | Operational Policy | Approved by the Commissioner | 7 December 2022 | 14 December 2022 |
| 4.1 | Operational Policy | Minor amendment to align paragraphApproved by A/Director, Operational Policy, Compliance and Contracts | 15 June 2023 | 26 June 2023 |

Appendix A – Management of Prisoners on a 36(3) Order

If any minimum entitlement is not met a note must be recorded on the Supervision Log on TOMS.

| Minimum Entitlements |
| --- |
| **Accommodation** | The cell shall be of such a size and ventilated and lighted not to cause injury to health of the prisoner.Clean bedding and access to sanitation facilities. |
| **Clothing and Footwear** | Prison issued and, in certain circumstances and subject to certain requirements in accordance with the *Prisons Regulations 1982[[7]](#footnote-7)* (eg Court appearances), the prisoner’s own clothes. |
| **Consulate Contact** | Prisoners identified as foreign nationals are offered contact details of the relevant consulate office and the opportunity and means to make contact. |
| **Exercise** | Weather permitting, access to open air for a minimum of 1 hour each day. The minimum time allowed for taking exercise shall not include the time taken for carrying out normal daily routines (making the bed, going to the shower, and for ablutions etc). |
| **Food and Water****Location of Meals** | Provided in cell or as the Superintendent directs, but separate from other prisoners. |
| **Gratuities** | Rate in accordance with level of labour performed as per the *Prisons Regulations 1982[[8]](#footnote-8)* |
| **Health Care** | The prisoner shall be provided with physical and mental health care that meets the prisoners’ essential physical and psychological needs. Consideration shall be given to the prisoners vulnerabilities (eg disability, mental health conditions). Additional consideration shall be given to prisoners on ARMS or SAMS or under medical observation.The Superintendent or Authorised Officer shall visit all prisoners in separate confinement each day to check their health and welfare is being maintained.Suitably qualified health service personnel shall monitor on a regular, preferably daily, basis the physical and mental health of all prisoners in separate confinement.At the discretion of Superintendent, review by Psychological and/or HS may be in sight of but out of hearing of an officer.The Superintendent may, on advice from HS clinical staff and/or staff from Mental Health, Alcohol and other Drugs Services,, recommend the immediate removal of the prisoner from separate confinement, or changes to the confinement regime, where considered necessary for the prisoner’s physical or mental health. |
| **Personal Hygiene** | Daily access to showers and personal hygiene items, but separate from other prisoners. The Unit Manager may approve extra access. |
| **Information** | The following information[[9]](#footnote-9) shall be provided, where a prisoner requests:1. contents of the warrant or other instrument instructing the prison to hold the prisoner in custody
2. where the dates are available, the prisoner’s anticipated date of discharge or the date upon which they become eligible for release on parole
3. information recorded on their gratuity account, and details contained in the records relating to the prisoner’s property and employment.
 |
| **Legal documents** | Access to the legal documents relating to any matter the prisoner has currently before the courts. |
| **Mail services** | Receipt and dispatch of mail[[10]](#footnote-10).  |
| **Religious and Spiritual Observance[[11]](#footnote-11)** | Access to religious and spiritual observance, provided as practicable. |
| **Socialisation** | Nil |
| **Telephone Calls** | Calls to legal representatives for matters currently before the courts, as required. |
| **Visits** | Subject to the requirements of the *Prisons Act*, receipt of visitors[[12]](#footnote-12) but separate from other prisoners.Remand prisoners - shall be permitted to receive social visits as soon as practicable after admission. They shall be permitted to receive two social visits per week, thereafter, subject to the physical capacity of the prison’s visiting facilities[[13]](#footnote-13), at times specified in [COPP 7.2 – Social Visits Appendix A – Visit Times Friends and Family](https://justus/intranet/prison-operations/Pages/prison-copps.aspx). A remand prisoner may be permitted to receive more than two social visits per week when there is physical capacity available within the prison’s visiting facility.Sentenced prisoners - access to one social visit per week. All prisoners - access to visits from official visitors in accordance with the *Prisons Act 1981[[14]](#footnote-14).* |
| **Writing Materials** | Paper and pen/ pencil provided to allow prisoners to write to social and official recipients.  |

Appendix B – Allocated Cells for section 43 Orders

Section 43 confinement can be undertaken in any cell that complies with section 43 (3).

The cell shall be of such a size and ventilated and lighted not to cause injury to health of the prisoner[[15]](#footnote-15).

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| Prison | Unit / Cell |
| Acacia Prison | Golf Block cells 1 to 30 |
| Albany Regional Prison | E2Multi-purpose cells – E4 to E7 |
| Bandyup Women’s Prison | M1 to M8 (Multipurpose cells in the Management Unit) |
| Boronia Pre-release Centre for Women | Nil |
| Broome Regional Prison | Nil |
| Bunbury Regional Prison | Unit 1 (Punishment Unit) – four cells |
| Casuarina Prison | Multi-purpose Unit - Cells M9 to M20 |
| Eastern Goldfields Regional Prison | Unit 1 E Wing MPU cells 1 to 6 (male)Unit 4 A cottage MPU cells 1 to 2 (women) |
| Greenough Regional Prison | Unit 1 cell 16, 21 to 24 (male)Unit 4 cell J2 and J7 (women) |
| Hakea Prison | Unit 1 cells B1 to B15 |
| Karnet Prison Farm | Nil |
| Melaleuca | Nil |
| Pardelup Prison Farm | Nil (Will transfer to Albany) |
| Roebourne Regional Prison | Unit 1 cell 3-08 and cell 3-09Unit 2 cell 4-10 and cell 4-11 |
| Wandoo Reintegration Facility | Nil |
| West Kimberley Regional Prison | Unit 5 (Multi-purpose Unit) – cells M1 to M5 |
| Wooroloo Prison Farm | Nil |

Appendix C – section 43 Regimen[[16]](#footnote-16)

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| Section 43 Regimen |
| Access to Health | The prisoner shall be provided with physical and mental health care that meets the prisoners’ essential physical and psychological needs. Consideration shall be given to the prisoners vulnerabilities (eg disability, mental health conditions).Additional consideration shall be given to prisoners on ARMS or SAMS or under medical observation.A mental health assessment is to occur at the earliest reasonable opportunity and at latest within 72 hrs of separate confinement. The Superintendent or Authorised Officer shall visit all prisoners in separate confinement each day to check their health and welfare is being maintained. Suitably qualified health service personnel shall monitor on a regular, preferably daily, basis the physical and mental health of all prisoners in separate confinement.At the discretion of Superintendent, review by Psychological and/or HS may be in sight of but out of hearing of an officer.The Superintendent may, on advice from HS clinical staff and/or staff from Mental Health, Alcohol and other Drugs Services,, recommend the immediate removal of the prisoner from separate confinement, or changes to the confinement regime, where considered necessary for the prisoner’s physical or mental health. |
| **Exercise** | Weather permitting, access to open air for a minimum of 1 hour each day.The minimum time allowed for taking exercise shall not include the time taken for carrying out normal daily routines (making the bed, going to the shower, and for ablutions etc.). |
| **Food and water****Location of meals** | Provided in cell or as the Superintendent directs, but separate from other prisoners. |
| **Personal Hygiene** | Daily access to showers and personal hygiene items, but separate from other prisoners. The Unit Manager may approve extra access. |
| Visits | Subject to the requirements of the *Prisons Act*, receipt of visitors[[17]](#footnote-17) but separate from other prisoners.A remand prisoner shall be permitted to receive social visits as soon as practicable after admission. They shall be permitted to receive two social visits per week, thereafter, subject to the physical capacity of the prison’s visiting facilities[[18]](#footnote-18), at times specified in [COPP 7.2 – Social Visits Appendix A – Visit Times Friends and Family](https://justus/intranet/prison-operations/Pages/prison-copps.aspx). A remand prisoner may be permitted to receive more than two social visits per week when there is physical capacity available within the prison’s visiting facility.Sentenced prisoners - access to one social visit per week. All prisoners - access to visits from official visitors in accordance with the *Prisons Act 1981[[19]](#footnote-19).* |

Appendix D – section 43 Minimum Entitlements

Prisoners on a s 43 order shall have access to the minimum entitlements. The Superintendent may temporarily suspend an entitlement(s), due to an emergency or for the purposes of maintain the good order and security of the prison.

If any entitlement is not met a note must be recorded on the Supervision Log on TOMS.

| Minimum Entitlements |
| --- |
| **Accommodation** | The cell shall be of such a size and ventilated and lighted not to cause injury to health of the prisoner[[20]](#footnote-20).Clean bedding and access to sanitation facilities. |
| **Clothing and Footwear** | Prison issued and, in certain circumstances and subject to certain requirements in accordance with the *Prisons Regulations 1982[[21]](#footnote-21)* (eg Court appearances), the prisoner’s own clothes. |
| **Consulate Contact** | Prisoners identified as foreign nationals are offered contact details of the relevant consulate office and the opportunity and means to make contact. |
| **Gratuities** | Rate in accordance with level of labour performed as per the *Prisons Regulations 1982[[22]](#footnote-22)* |
| **Information** | The following information[[23]](#footnote-23) shall be provided, where a prisoner requests:1. contents of the warrant or other instrument instructing the prison to hold the prisoner in custody
2. where the dates are available, the prisoner’s anticipated date of discharge or the date upon which they become eligible for release on parole
3. information recorded on their gratuity account, and details contained in the records relating to the prisoner’s property and employment.
 |
| **Legal documents** | Access to the legal documents relating to any matter the prisoner has currently before the courts. |
| **Mail services** | Receipt and dispatch of mail[[24]](#footnote-24).  |
| **Religious and Spiritual Observance[[25]](#footnote-25)** | Access to religious and spiritual observance, provided as practicable. |
| **Socialisation** | Nil |
| **Telephone Calls** | Calls to legal representatives for matters currently before the courts, as required. |
| **Writing Materials** | Paper and pen/ pencil provided to allow prisoners to write to social and official recipients.  |

Appendix E – Supervision Plan

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| Section 43 Supervision Plan |
| Plan |
| **Changes to Privileges and Supervision Level** | Please state in detail the specific changes to the relevant sections in regards to the privilege and/ or supervision plan. |
| **Internal Movements/ Escorts** |  |
| **Restraints**  |  |
| **Daily Timetable/ Routine** |  |
| **Radio/ Television** |  |
| **Furniture** |  |
| **Bedding** |  |
| **Utensils** |  |
| **Lights Out** |  |
| **Other** |  |

1. s.43 (1) *Prisons Act 1981* [↑](#footnote-ref-1)
2. s.43 (1) *Prisons Act 1981* [↑](#footnote-ref-2)
3. s.43 (2) *Prisons Act 1981* [↑](#footnote-ref-3)
4. r.72*. Prisons Regulations 1982* [↑](#footnote-ref-4)
5. s 43 (2) of the *Prisons Act* *1981* [↑](#footnote-ref-5)
6. r.72*. Prisons Regulations 1982* [↑](#footnote-ref-6)
7. r.60 (1) *Prisons Regulations 1982* [↑](#footnote-ref-7)
8. r.45 (1) *Prisons Regulations 1982* [↑](#footnote-ref-8)
9. r.51 (1) *Prisons Regulations 1982* [↑](#footnote-ref-9)
10. s.67, 67A and 68 *Prisons Act 1981* [↑](#footnote-ref-10)
11. s.95E *Prisons Act 1981* [↑](#footnote-ref-11)
12. *Part V1* of the *Prisons Act 1981* and *Part V Division 7* of the *Prisons Regulations 1982* [↑](#footnote-ref-12)
13. r.56(b) *Prisons Regulations 1982* [↑](#footnote-ref-13)
14. Part V1 *Prisons Act 1981* [↑](#footnote-ref-14)
15. s 43 (3) *Prisons Act 1981* [↑](#footnote-ref-15)
16. r.72 *Prisons Regulations 1982* [↑](#footnote-ref-16)
17. *Part V1* of the *Prisons Act 1981* and *Part V Division 7* of the *Prisons Regulations 1982* [↑](#footnote-ref-17)
18. r.56(b) *Prisons Regulations 1982* [↑](#footnote-ref-18)
19. Part V1 *Prisons Act 1981* [↑](#footnote-ref-19)
20. s.43 (3) *Prisons Act 1981* [↑](#footnote-ref-20)
21. r.60 (1) *Prisons Regulations 1982* [↑](#footnote-ref-21)
22. r.45 (1) *Prisons Regulations 1982* [↑](#footnote-ref-22)
23. r.51 (1) *Prisons Regulations 1982* [↑](#footnote-ref-23)
24. s.67, 67A and 68 *Prisons Act 1981* [↑](#footnote-ref-24)
25. s.95E *Prisons Act 1981* [↑](#footnote-ref-25)