COPP 12.1 Escort Vehicles

Prison

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| PrinciplesAs referenced in the[Guiding Principles for Corrections in Australia, 2018](http://justus/intranet/prison-operations/Documents/guidelines-for-corrections-in-aus.pdf):3.1.11 Persons in custody are transported using fit for purpose vehicles that are safe and meet relevant standards and are subject to regular and routine safety checks.3.1.12 Transport of persons in custody is conducted in a safe and humane manner, taking into account the dignity of the person being transported. |

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# Scope

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

It also applies to any organisation contracted to the Department under the *Court Security and Custodial Services Act 1999*[[1]](#footnote-1), for the provision of custodial transport services.

# Policy

Prisoners are transported between court, prisons and other facilities for a number of reasons, in accordance with legislation[[2]](#footnote-2) and authorisation from the Superintendent under the delegated authority of the Chief Executive Officer (CEO).

Prisoners are transported in secure and decent conditions which ensures their physical, emotional, mental and cultural needs are respected and their safety and dignity is maintained.

The transport of prisoners administered by the contractor are approved by the Department’s CEO[[3]](#footnote-3).

# Escort Vehicles

## Standard requirements

* + 1. The Department shall ensure any Department owned, contractor or chartered vehicle used to transport prisoners complies with the standard requirements in accordance with the Department’s [Minimum Standards for Secure Escort Vehicles](http://justus/intranet/contracts-purchasing/Documents/vehicle-standards-prisoner-escort.docx) policy. At the time of use the vehicle must be deemed safe and hygienic, with all vehicle equipment functioning.
		2. Escorting Officers shall hold the appropriate licence for the vehicle they are driving.
		3. Escorting Officers shall ensure escort vehicle doors are secured at all times (including any internal and external pod doors), unless:
1. in a secure location
2. for emergency assistance
3. for the purposes of providing food or water (through the hatch door); or
4. for the purposes of providing ventilation during a vehicle breakdown, eg opening the outer pod door.

## Secure vehicles

* + 1. A vehicle inspection and completion of the [Secure Escort Vehicles Daily Checklist](https://justus/intranet/prison-operations/Pages/copp-forms.aspx) shall be completed on all secure vehicles before they are taken offsite, regardless of whether there are prisoners on board.
		2. Prior to the transport of prisoners, Escorting Officers shall carry out a vehicle inspection, and complete the [Secure Escort Vehicles Daily Checklist](https://justus/intranet/prison-operations/Pages/copp-forms.aspx), to ensure the vehicle is deemed operational and fit for use, refer [COPP 11.6 – Vehicle Management](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).
		3. Any faults or defects must be reported to the Senior Officer (SO) Operations, Principal Officer or other responsible position and addressed before the vehicle or affected seat can be used. Emergency vehicles are exempt from the vehicle inspection requirement.

## Non-secure vehicles

* + 1. Escorting Officers shall conduct a vehicle check, refer section 3.2.1 and ensure:
1. rear windows are kept closed and the window lock activated
2. the vehicle is fitted with child-locks on the rear doors
3. prisoners are placed in the rear of the vehicle (passenger side preferable)
4. the appropriate number of Escorting Officer/s travel in the rear of the vehicle and occupy the seat closest to the door (see [COPP 12.2 – Coordination of Escorts](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)).
	* 1. Escorting Officers shall ensure all vehicle doors are locked when unattended or not in use.
		2. Escorting Officers shall apply restraints to the prisoner in accordance with [COPP 12.3 – Conducting Escorts](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).
		3. Escorting Officers shall maintain vigilance and monitor the prisoner(s) when the vehicle is stationary for a prolonged period of time.

## Vehicle tracking system

### In accordance with the Department’s [Minimum Standards for Secure Escort Vehicles](http://justus/intranet/contracts-purchasing/Documents/vehicle-standards-prisoner-escort.docx) policy, all secure escort vehicles shall have tracking devices installed and linked to a satellite duress alarm.

### The Operations Centre (OPCEN) shall undertake the monitoring and tracking of prisoner transport vehicles whilst external to the prison, as required.

### The OPCEN shall contact the relevant Gatehouse/Control Room, in the event Escorting Officers activate a duress alarm during an escort.

## Specific considerations

### Prisoners shall be transported in a secure vehicle except when approved by the Superintendent/Officer in Charge (OIC) or Contract Director (or their delegate) for movements conducted by the contractor, in the following circumstances:

1. as identified in the Fitness to Travel Assessment on TOMS
2. long distance travel (coach or air travel may be applicable)
3. pregnancy/labour/post-natal care (consult with Corrective Services health staff)
4. significant medical/mobility issues (consult with Corrective Services health staff)
5. travel within regional/remote areas (four wheel drive car may be appropriate)
6. minimum security prisoners
7. prisoners with disabilities, mental illness or other considerations
8. emergencies.
	* 1. Approval for transport in a non-secure vehicle in the above-listed circumstances shall be obtained from the Superintendent/OIC via completion of an External Movement Risk Assessment (EMRA) or Prisoner Movement Risk Assessment (PMRA) on TOMS in the case of coach/air travel. For escorts conducted by the contractor the Contract Director (or their delegate) shall ensure an equivalent risk assessment is completed.
		2. Prisoners engaging in external activities under a pre-existing risk assessment (, work camps, s. 95, Prisoner Employment Program, Re-integration Leave) do not require further Superintendent/OIC approval via an EMRA for transport in a non-secure vehicle for those purposes. Transport of those prisoners in a non-secure vehicle for other purposes shall require an EMRA.
		3. Any requests for special vehicles shall be recorded in the ‘Additional Destination Information’ field on the Transfer & Discharge (T&D) sheet on TOMS.
		4. All transportation of children (to be undertaken only when transported with the prisoner primary carer) must comply with statutory requirements relating to the restraint of children in motor vehicles. The transport of children shall be authorised by the Superintendent/OIC via approval of the Offender Movement Information (OMI) on TOMS.
		5. Male and female prisoners, where required, may be carried in the same escort vehicle, but must be separated and secured in such a way there is no chance of physical contact.
		6. Escorting Officers shall ensure trans, gender diverse and intersex prisoners are transported as per the requirements outlined in [COPP 12.2 - Coordination of Escorts](https://justus/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 4.6 –Trans, Gender Diverse and Intersex Prisoners](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Searching

* + 1. Searching of vehicles prior to and following the transfer of prisoners shall be conducted in accordance with [COPP 11.2 – Searching](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Exemptions

* + 1. The requirements of this COPP do not apply where a prisoner is travelling by themselves; examples include:
* Prisoner Employment Program
* in the company of a sponsor in a private vehicle (eg as part of resocialisation program)

# Annexures

## Related COPPs and other documents

Related COPPs

* [COPP 4.6 – Trans, Gender Diverse and Intersex prisoners](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.2 – Searching](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.6 – Vehicle Management](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.2 – Coordination of Escorts](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.3 – Conducting Escorts](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)

Other documents

* [Court Security & Custodial Services (CS & CS) contract](http://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/3914901aa07fe9393c76e34f4825806e0027deca/%24file/4901.pdf)
* [Minimum Standards for Secure Escort Vehicles](http://justus/intranet/contracts-purchasing/Documents/vehicle-standards-prisoner-escort.docx)

## Definitions and acronyms

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| **Term** | **Definition**  |
| Chief Executive Officer (CEO) | Director General for the Department of Justice |
| Commissioner’s Operating Policy and Procedure (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented |
| Contractor | The organisation engaged to provide prisoner transport services under the *Court Security and Custodial Services Act 1999* |
| Contract Director | As defined in Schedule 14 of the CS & CS Contract |
| Contract Manager (Corrective Services) | The relevant Contract Manager appointed to manage the Court Security and Custodial Services Contract, or the Contract for a privately operated prison under Part IIIA *Prisons Act 1981*. |
| Escorting Officers | A Prison Officer, an officer employed under the CS & CS Contract, or an officer employed by a private prison contractor who is trained to conduct prisoner escorts |
| Escorted travel | Prisoner movement between 2 locations on a departmental owned, chartered or contracted vehicle or aeroplane, while under escort by a prison officer, Western Australia Police Force officer or contracted officer |
| Escort Vehicle | Any vehicle used for the purpose of transporting persons in custody. Potentially escort vehicles could be equivalent to the largest vehicle designed to carry maximum security rated persons in custody that meet the licencing requirements of the Department of Transport for use on a gazetted road. |
| Fitness to travel | A prisoner’s ability to undertake vehicle or air travel in an air-conditioned vehicle, subject to adequate rest stops, sustenance and hydration and the availability of essential medication, without significant medical risk |
| 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. |
| Movements Officer | The Officer responsible for preparing and providing prisoner movements information for prisoners based at the prison. This includes completing and collation of the paperwork and associated TOMS records necessary to facilitate the transfer, movement and release of prisoners. |
| Non-Secure Vehicle | Any vehicle, when used for the purpose of transporting persons in custody, which has not been modified or designed to provide for the security and custody of persons in custody and prevent escape, such as a standard passenger vehicle, coach/bus or taxi, and which does not have to comply with the DoJ Minimum Standards for Secure Escort Vehicles |
| Officer in Charge (OIC)  | An officer designated as having the charge and superintendence of a prison in the absence of the Superintendent.  |
| Postnatal prisoner | A prisoner having given birth but prior to the prisoner’s discharge from hospital. A prisoner may be deemed as postnatal for the purposes of these procedures post birth (within 6 weeks of the birth) by Health Services staff. Deeming such prisoners as postnatal shall occur prior to each individual escort, in consultation with the Superintendent. |
| Pregnant Prisoner | A prisoner confirmed to be pregnant by medical staff |
| Prisoner | Any person in lawful custody and referred to as a prisoner in s. 3 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html); also includes a person not yet in the custody of a prison, but in the custody of a Contractor under the Court Security and Custodial Services Contract. |
| Public Service Officer | An officer employed in the State Government Public Service, subject to Part 3 *Public Sector Management Act 1994* and includes such officers and other persons as are necessary to implement or administer this Act |
| Secure Vehicle | Any vehicle used for the purpose of transporting persons in custody, regardless of security classification, which has been modified or designed to provide for the security and custody of persons in custody and prevent escape as provided for in the DoJ Minimum Standards for Secure Escort Vehicles”. |
| Staff | Any person in the paid or unpaid employment of the Department of Justice, Corrective Services, including contractors, subcontractors and volunteers. |
| 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). Does not extend to the Officer in Charge of a prison. |
| TOMS (Total Offender Management Solution) | An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to prisoners. |

## Related legislation

* *Court Security and Custodial Services Act 1999*
* [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)
* *Prison Regulations 1982*

# Assurance

It is expected that:

* Prisons shall undertake local compliance in accordance with the [Compliance Manual](http://justus/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner shall undertake management oversight as required.
* Operational Compliance Branch shall undertake checks in accordance with the [Operational Compliance Framework](http://justus/intranet/department/standards/Pages/monitoring.aspx).
* Independent oversight shall 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 | 1 December 2020 | 4 January 2021 |
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1. Part 2, Division 2, s. 18 *Court Security and Custodial Services Act 1999* [↑](#footnote-ref-1)
2. s. 16(1) and s. 26(1) *Prisons Act 1981* [↑](#footnote-ref-2)
3. s. 18 *Court Security and Custodial Services Act 1999* [↑](#footnote-ref-3)