COPP 12.6 Prisoners in Western Australian (WA) Police Force Lockups

Prison

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| Principles [As referenced in theGuiding 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.  3.1.13 Where prisoners who present an extreme risk require movement outside a secure environment, comprehensive risk assessments are conducted and movements are planned to mitigate risks to staff, the community and the prisoner. |

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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).

# Policy

Prisoners are moved between court, prisons and other facilities for a number of reasons, in accordance with legislation[[1]](#footnote-1) and authorisation from the Superintendent under the delegated authority of the Chief Executive Officer (CEO)[[2]](#footnote-2).

Prisoners are moved in a safe, humane, efficient and decent manner that meets their individual needs, ensures self-respect and privacy as required, while providing adequate safety and security for both the community, prisons and staff managing prisoners.

Prisoners may be detained in lockups operated by the Western Australian (WA) Police Force on behalf of the Department of Justice, Corrective Services, in any one or more of the following circumstances:

* whilst in transit between prisons
* pending removal to a prison
* at the request of the prisoner and with the consent of the Lockup Keeper, or
* at the request of a Lockup Keeper and with the consent of the prisoner
* when accommodation is insufficient at the local prison
* court attendance
* release from custody
* any other special or extenuating circumstances as determined by the relevant Deputy Commissioner.

# Standard Requirements

### Prisoners may be detained in lockups operated by the WA Police Force, or on behalf of the Department of Justice, Corrective Services in accordance with legislation[[3]](#footnote-3).

### The relevant Assistant Commissioner may intervene in any decision or recommendation made by a Superintendent and may substitute his/her recommendation or decision. The reasons for the change shall be detailed and recorded.

### A prisoner serving imprisonment in a lockup shall not be credited with gratuities unless with the express approval from the relevant Assistant Commissioner.

### The Superintendent shall provide the Lockup Keeper with a list of approved visitors for each prisoner placed in a lock up[[4]](#footnote-4).

### A prisoner serving imprisonment in a lockup is eligible to apply to the responsible Superintendent for that lockup for early discharge in accordance with legislation[[5]](#footnote-5) and [COPP 14.6 – Prisoners Released from Custody](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

### The Lockup Keeper shall advise the Superintendent immediately of an escape by a prisoner. The Superintendent shall then notify the Superintendent Administration and the Operations Centre (OPCEN) as soon as practicable of the details of the escape in accordance with [COPP 13.1 – Incident Notifications, Reporting and Communications](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

### The procedure following the death of a prisoner at a lockup shall be subject to legislation[[6]](#footnote-6).

### No more than 3 prisoners at any one time shall be approved for placement at any one lockup, except with the approval of the relevant Assistant Commissioner.

# Temporary Prisoner Placement

### When a prisoner cannot be held in the local prison due to insufficient secure accommodation or there is no separate accommodation for male and women prisoners, the following applies:

1. the Superintendent/Officer in Charge (OIC) of the prison shall seek approval from the relevant authority of the lockup for temporary placement of the prisoner
2. the relevant authority of the lockup shall confirm their approval in writing to the Superintendent, completing the [Application for Temporary Placement at Police Lockups](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) form, signed by both the Superintendent and the person in charge of the lockup.

# Lockup Requests/Placement

## Prisoner placement

### A prisoner’s placement in a lockup is dependent upon the approval of the Commissioner of Police[[7]](#footnote-7), and the Superintendent who has responsibility for that lockup in accordance with the [Appendix A: Schedule of WA Police Lockups](#_Appendix_A:_Schedule).

### The management and routine of a prisoner approved for placement in a lockup is the responsibility of the Lockup Keeper; however the Commissioner, Corrective Services or their delegate shall retain custody of the prisoner.

## Prisoner or Lockup keeper requests

### Prisoners may make a written application to the Superintendent for approval to be transferred to a lockup and apply in writing to the Lockup Keeper to remain in a lockup for a period in excess of 14 days.

### The Superintendent shall consider the merits of the application having regard to the continuing custody and welfare of the prisoner.

### A Lockup Keeper may make a request to a Superintendent for a prisoner to be placed at a lockup. A prisoner placed at a lockup in this circumstance must consent to the placement.

### Prisoners shall be required to meet all of the following conditions and obtain approval from the Superintendent to serve their sentence at a lockup, if the prisoner:

1. is rated as minimum security following the completion of a Management and Placement Checklist (MAP) or Individual Management Plan (IMP) as appropriate and in accordance with [COPP 2.3 – Assessments, Placements and Sentence Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
2. is not on remand or the subject of an outstanding appeal against their sentence or conviction
3. performance has been good and is assessed as highly likely to respond positively (in management and security) to the supervisory regimen at the lockup
4. has completed any identified treatment programs
5. does not meet the definitions under section 16 (6) of the *Prisons Act 1981* [[8]](#footnote-8)
6. does not have any medical conditions and/or requirements for medication that may impact on his/her placement at the lockup.

### An [Application for Temporary Placement at Police Lockups](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) shall be completed and signed by both the Superintendent and the Lockup Keeper.

### A prisoner, whose application is approved for placement in a lockup in excess of 3 months shall have:

### his/her placement reviewed at the completion of each 3 month period[[9]](#footnote-9)

### a Lockup Placement review completed (TOMS)

### a copy of the report forwarded to the Superintendent Administration.

### The prisoner shall have his/her security rating reviewed as necessary in accordance with [COPP 2.3 – Assessments, Placements and Sentence Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Lockup placement prior to release or /extenuating circumstances

### The Superintendent may seek the approval of the Lockup Keeper for the placement of a prisoner in a lockup during the last 3 weeks of the prisoner’s sentence to facilitate his/her release to his/her home[[10]](#footnote-10).

### Applications based on special or extenuating circumstances outside the criteria may be approved by the relevant Assistant Commissioner and the following applies:

### the Superintendent/OIC shall seek the approval of the Lockup Keeper for placement of the prisoner at the lockup for release or extenuating circumstances.

### the Lockup Keeper shall confirm their approval in writing to the Superintendent by completing the [Application for Temporary Placement at Police Lockups](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) form.

### the Superintendent and the Lockup Keeper shall sign the completed form.

### If the placement is based on extenuating circumstances, the [Application for Temporary Placement at Police Lockups](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) shall be approved by the relevant Assistant Commissioner prior to placement.

### The Superintendent shall arrange for the prisoner’s transfer for the purpose of release or due to extenuating circumstances, when the prisoner enters the last 3 weeks of their sentence.

### Any application by the prisoner for early discharge must be finalised before the prisoner is placed at the lockup.

## Inspection of lockups

### Superintendents, as specified in the [Appendix A: Schedule of WA Police Lockups](#_Appendix_A:_Schedule), have responsibility over lockups used for prisoner placement and are required to visit each lockup once every financial year.

### A [Lockup Report](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) is to be completed on each visit and shall be forwarded to the relevant Assistant Commissioner via the Superintendent Administration advising of the lockups’ continued suitability, or otherwise, for prisoner placement[[11]](#footnote-11).

### The Superintendent shall send a copy of the completed [Lockup Report](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) to the Regional Superintendent of WA Police Force and to the Lockup Keeper.

# Annexures

## Related COPPs and other documents

**Related COPPS**

* [COPP 2.3 – Assessments, Placements and Sentence Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.1 – Incident Notifications, Reporting and Communication](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.6 – Prisoners Released from Custody](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)

## Definitions and acronyms

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| Term | Definition |
| Assessment and Case Management (ACM) | An electronically managed system to support the assessment, classification and case management of prisoners |
| 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. |
| Individual Management Plan (IMP) | The approved plan developed in consultation with treatment and education assessors and the prisoner. The IMP spans the prisoner's sentence through to release. It identifies prisoner needs and contains recommendations for prison placements, security classification and interventions that will assist the prisoner to live a pro-social life on release to the community. |
| Lockup Keeper | The Police Officer or other person in charge of a police lockup |
| Management and Placement-Sentenced (MAP-Sentenced) | The MAP-Sentenced is the checklist completed to determine initial security rating and placement for a sentenced prisoner and generally will define a prisoner’s security rating for the first 6 months in custody post-sentencing. |
| Relevant Assistant Commissioner | Either the Assistant Commissioner Custodial Operations (Adult Male Prisons) or Assistant Commissioner Women and Young People. |
| 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. |
| Woman | An adult female human being. |

## Related legislation

* *Coroners Act 1994*
* *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 Branch will undertake checks in accordance with the [Operational Compliance Framework](http://justus/intranet/department/standards/Documents/monitoring-compliance-framework.docx).
* 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 Policy Compliance and Contracts | 31 August 2020 | 4 January 2021 |
| 2.0 | Operational Policy | Approved by the A/Director Operational Policy Compliance and Contracts | 18 June 2021 | 21 January 2021 |
| 3.0 | Operational Policy | Approved by the A/Director Operational Policy Compliance and Contracts | 2 March 2022 | 8 March 2022 |
| 4.0 | Operational Policy | Approved by the A/Director Operational Policy Compliance and Contracts | 14 July 2023 | 14 July 2023 |

Appendix A: Schedule of WA Police Force Lockups

Schedule of WA Police Force lockups or lockups operated on behalf of the Department of Justice for which prisons have potential prisoner placement/unit conference (or equivalent) responsibility.[[12]](#footnote-12)

|  |  |
| --- | --- |
| Albany Regional Prison | Greenough Regional Prison |
| Albany  Narrogin | Carnarvon  Exmouth  Geraldton  Meekatharra  Moora  Mt Magnet |
| Bandyup Women’s Prison |
| Midland  Joondalup |
| Karnet Prison Farm |
| Broome Regional Prison | Armadale |
| Broome  Kununurra  Wyndham |
| Roebourne Regional Prison |
| Karratha  Newman  South Hedland |
| Bunbury Regional Prison |
| Bunbury  Busselton |
| Wooroloo Prison Farm |
| Merredin  Northam |
| Casuarina Prison |
| Mandurah  Rockingham |
| West Kimberley Regional Prison |
| Derby  Fitzroy Crossing  Halls Creek |
| Eastern Goldfields Regional Prison |
| Esperance  Eucla  Kalgoorlie  Laverton  Leonara  Norseman |

1. Part IV *Prisons Act 1981* [↑](#footnote-ref-1)
2. s 16 (5) *Prisons Act 1981* [↑](#footnote-ref-2)
3. s 16 *Prisons Act 1981* [↑](#footnote-ref-3)
4. division 7 *Prisons Regulations 1982* [↑](#footnote-ref-4)
5. s 31 *Prisons Act 1981* [↑](#footnote-ref-5)
6. *Coroners Act 1996* and r 74, r 75 *Prisons Regulations 1982* [↑](#footnote-ref-6)
7. s 16 (7) (b) *Prisons Act 1981* [↑](#footnote-ref-7)
8. s 16 (6) *Prisons Act 1981* [↑](#footnote-ref-8)
9. s 16 (19) [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) [↑](#footnote-ref-9)
10. s 33 *Prisons Act 1981* [↑](#footnote-ref-10)
11. s 16 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) [↑](#footnote-ref-11)
12. s 16 *Prisons Act 1981* and r 85 Prisons Regulations 1982 [↑](#footnote-ref-12)