COPP 12.7 Warrants

Prison

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| --- |
| PrinciplesAs referenced in the [Guiding Principles for Corrections in Australia, 2018](http://justus/search/Pages/results.aspx?k=guiding%20principles%20for%20correctionshttp://justus/search/Pages/results.aspx?k=guiding%20principles%20for%20corrections):1.1.3 Conditions and penalties imposed by courts and releasing authorities are administered consistently.1.5.2 Records of sentence details, administration and personal information are maintained, used for legitimate purposes and secured from unauthorised access and use. |

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# Scope

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

# Policy

Prisoners shall be received into the custody of the Department of Justice on receipt of the authorised warrant and any other relevant documentation, in accordance with legislation[[1]](#footnote-1).

# Warrants, Bring Up Orders, Summonses and Hearing Notices

## Warrants

### The documentation authorising a person’s imprisonment is included in [Appendix A: Warrants/Orders](#_Appendix_A:_Warrants/Orders).

### Authorised warrants for the purpose of transporting prisoners are as follows:

1. imprisoned prisoners – warrants of commitment
2. prisoners detained in custody - remand warrants

### Reception/Movements Officers shall contact the Sentence Information Unit (SIU), the Warrants Bureau, or the Western Australian (WA) Police Force to follow up necessary paperwork if a prisoner presents to prison with a valid instrument authorising their imprisonment but an Arrest Warrant for an outstanding parole matter (parole/early release order suspension/cancellation) has not accompanied the prisoner (refer [Appendix A: Warrants/Orders](#_Appendix_A:_Warrants/Orders)).

### Movements Officers shall confirm with the relevant court, where applicable, if the prisoner is required to appear in person and document the following on TOMS against the relevant warrant:

1. court contacted
2. name of the person contacted
3. outcome/decision
4. date and time contacted
5. reason if a video-link request was denied.

### Movements Officers shall ensure, following video-link court appearances, that:

1. warrants and other court dispositions are obtained expeditiously for each prisoner, particularly when they have received non-custodial dispositions and are to be released. It should be noted that where the court has granted unconditional bail release to a prisoner appearing via video link, a remand warrant will not be provided.
2. prisoners who have been granted bail/surety are released as soon as practicable to meet Bail conditions[[2]](#footnote-2)
3. prisoners who have been granted bail/surety, though are unable to obtain an approved surety undertaking, shall be held at the local regional prison for at least one week prior to transfer to enable the prisoner the opportunity to be released to bail/surety in their home location.

## Juvenile warrants and orders

* + 1. Prisons shall receive a prisoner into the custody of an adult prison on a Detention Warrant, issued by the Children’s Court. The Warrant must indicate the prisoner is ‘to be placed in the custody of an adult prison’.
		2. If the Detention Warrant does not specifically state the Person in Custody (PiC) is to be placed at an adult prison, they shall be placed at Banksia Hill Detention Centre.

## Bring up Orders

### Bring up Orders can be issued by a Judge, Judge’s Associate, Magistrate or a Superintendent[[3]](#footnote-3) of a prison (this duty cannot be delegated) for appearances in person or via video-link.

### Bring up Orders may be issued upon a court’s request when:

1. a prisoner was previously on bail and is in custody on other matters
2. a prisoner is required to appear in court on another new criminal matter
3. the date of a prisoner’s court appearance is brought forward
4. a prisoner is required to appear in court on a civil matter (including care and protection matters in the Children’s Court)

### a prisoner is required to appear in court as a witness.

### Where a court appearance is changed to a later date, the court must issue a new remand warrant with the new date in order to keep custody of the prisoner.

### A Bring up Order alone cannot maintain the legal custody of a prisoner.

### Bring up Orders should show the name, title and signature of the issuing authority (or title and signature if the Order is made by the Superintendent).

## Hospital Order acts as a remand warrant

### A signed Hospital Order by a psychiatrist informing a prisoner has not been deemed an involuntary patient following a psychiatric assessment, has the effect of a remand warrant[[4]](#footnote-4) or a custody order under the *Criminal Law (Mental Impairment) Act 2023[[5]](#footnote-5)* and the prisoner shall be returned to the relevant prison on discharge from the authorised hospital.

## Summonses and court hearing notices

### Summonses and Court Hearing Notices are issued by WA Police Force or other authorities requiring defendants to appear in court on charges and infringements.

### WA Police Force or other authority have the responsibility to list matters with the appropriate court after issuing a summons or court hearing notice, if they require the prisoner to appear in court.

### The Superintendent shall ensure prisoners are advised they are not required to attend court, and instead can plead to their charges in writing, if they are issued with Court Hearing Notices. This shall be recorded on TOMS.

### The Superintendent shall issue a Bring up Order if a summons issued requires a prisoner to appear as a witness.

### If a matter is listed with the court and the prisoner has not pleaded to the charges in writing and the court has not issued a Bring up Order, the matter can be heard in the prisoner’s absence.

### Movements Officers shall retain a copy of the Summons/Court Hearing Notice (where applicable) for assessment purposes and to ensure warrant documentation held in prisoners’ warrant files are complete and up to date.

### A Summons or Court Hearing Notice cannot be used to maintain the legal custody of a prisoner.

# Warrant handling and attendance at court or investigative proceedings

## Remand prisoners, written orders

* + 1. Warrants and written orders (eg Return Orders, refer [COPP 12.2 –Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)) shall accompany all new remand prisoners where a further remand is required (ie following a court appearance).
		2. The Superintendent shall ensure written orders from a judicial body directing a prisoner be brought up to a place named in the order:
1. are recorded on TOMS; and
2. arrangements are made to facilitate the prisoner’s attendance at those proceedings.

### Prisoners shall not require an Absence Permit for the purpose of attending court or investigative proceedings.

## Court appearance via video-link and warrants

### Movements Officers shall ensure warrants and other court dispositions are obtained expeditiously for each prisoner following a video-link court appearance, particularly when the prisoner has received a non-custodial disposition.

## Processing remand warrants or written orders

### Movements Officers shall receive Remand Warrants (either handwritten or electronically signed) and written orders and process these in TOMS, ensuring the:

1. requirement of the prisoner’s presence is legal
2. identity of the person or organisation making the request for the prisoner to be brought up is legal
3. date, time and place requested is correct
4. purpose of the Order[[6]](#footnote-6).

## Processing requests where no written order exists

* + 1. The Superintendent may, by written order (via Bring up Order module in TOMS), direct the prisoner to be brought up[[7]](#footnote-7), when:
1. a request has been made to bring up a prisoner to be present at the proceedings of a judicial body
2. no written order exists from the judicial body.

### The judicial body shall provide the prison with the:

1. prisoner’s name
2. date, time and place the prisoner is required to attend.

### The Superintendent shall issue[[8]](#footnote-8) a written order (cannot be delegated) for a prisoner to be brought to the place at the time indicated, once satisfied the request is genuine via the Bring up Order Module on TOMS.

### The Superintendent shall execute the order and ensure relevant arrangements are made for the escort.

### Movements Officers shall process electronically received Bring up Order requests and obtain the Superintendent’s signature.

# Warrants of Commitment

## Sentenced status

### Movements/Reception Officers, when a prisoner is received, returned from court (or elsewhere) as a sentenced prisoner, shall update the prisoner’s status on TOMS (ie reflect ‘sentenced status rather than remand status); this includes prisoners who appear via video link and are sentenced to a period of imprisonment.

### Movements/Reception Officers shall notify SIU to ensure an existing remand prisoner’s status is reflected on TOMS (ie sentenced rather than remand status) if they receive Warrants of Commitment for non‑payment of fines.

### Movements Officers shall ensure the prisoner’s status is changed back to Remand after the EDR has passed if the prisoner is remanded past the estimated EDR of their release date on the Fines Warrants.

## Warrants of Commitment to Sentence Information Unit

### It is the responsibility of each individual prison to ensure electronic copies of warrants are emailed to SIU and the red document bag or secure satchel contains all of the necessary original warrants.

### The following procedures apply when processing Warrants of Commitment:

|  |  |  |
| --- | --- | --- |
|  | Procedure | Responsibility  |
| **1**. | Cross check all Warrants against printouts of the day’s Gate Offender Movements and a Transfer and Discharge (T&D) sheet (including video-link court appearances) to ensure they have been received for the day’s court appearances | Movements Officer |
| **2**. | Forward all Warrants of Commitment, including superseded warrants, to the SIU to allow for the timely calculation of sentences and data input on TOMS: * metropolitan – scan a copy of each warrant to SIU via email to AC-SM-SIU (generic email inbox) and send hard copy original warrants (with original signatures only) in red document bag via internal mail
* regional – scan a copy of each warrant to SIU via email to AC-SM-SIU (generic email inbox) and send hard copy original warrants (with original signatures only) in red document bag via courier
 | Movements Officer |
| **3.** | Retain copies of all Warrants of Commitment on TOMS | Movements Officer |
| **4.** | Forward all orders to attend at Court (by a judicial body or Superintendent) to Corporate Records Management | Movements Officer |
| **5.** | Conduct warrant audits 6 monthly to confirm the integrity of the warrant keeping system, by:* checking all warrants against the prison’s count to ensure there is one or more warrant(s) authorising custody for each prisoner
* confirming the data recorded on TOMS is correct
 | Superintendent |
| **6.** | Ensure records are kept indicating warrant audits have been completed | Superintendent |

## Sentence calculation and urgent Warrants of Commitment

### Movements Officers shall ensure that an estimated Earliest Release Date (EDR) is calculated from the Sentence Start Date (SSD), when a prisoner is sentenced to a new term of imprisonment and if the estimated calculated date is within 2 weeks of sentencing:

### scan a copy of the warrant to SIU via email to AC-SM-SIU (generic email inbox) or

### email notification to AC-SM-SIU and follow up with a phone call, providing advice of the urgent calculation required and relevant prisoner information.

### Movements Officers shall contact the SIU if there is any doubt as to the validity of a prisoner’s warrant regarding the sentence length imposed.

## Prisoners awaiting sentence information on TOMS

### Each prison has the responsibility to implement means to identify and follow up data input for prisoners who are awaiting sentence information being entered on TOMS. This shall ensure all Warrants of Commitment are entered on the TOMS system and shall reduce the risk of prisoners being released unlawfully while awaiting sentence information input.

### Movements Officers, based on the data available on TOMS and prior to releasing a prisoner, shall check the prisoner’s warrants file (hard copy record) against the sentence summary report, to ensure a Warrant of Commitment not entered on TOMS by the SIU is not missed.

## New terms approved

### The SIU shall conduct calculations and enter term details into TOMS on receipt of warrants, or where applicable, adjust existing term details.

### Movements Officers shall run the New Terms Approved Report on TOMS on every business day (or more if desired) to identify prisoners who have had new Warrants of Commitment entered in the date range selected.

### Movements Officers, on generating the report, shall:

### print a Sentence Summary for each prisoner and place on the prisoner’s warrant file

### print the Sentence Information ‘Advice to Offender’ for each prisoner and

### distribute to the prisoners concerned

# Warrants of Commitment for Non-Payment of Fines

## Default of fines warrants

### Reception/Movements Officers (during office hours) and the Superintendent of the prison (after office hours) shall check the validity of the warrants prior to accepting the prisoner for non-payment of fines.

### No prisoner shall be held in custody for the sole purpose of serving a custodial sentence for fines issued by the Fines Enforcement Registry (FER) under s 53 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Should a WA Police Force Officer attend a prison with an offender on an executed default of fines warrant, the Reception/Movements Officer shall ensure the warrant was issued by a Magistrate (not FER) otherwise the offender is not to be received.

## Calculation of release date

### Movements Officers shall check all warrants to:

### ensure each warrant clearly states the date of execution

### ascertain the warrant with the most days of commitment (indicated on the top right hand corner of the warrant).

### Movements Officers shall calculate release dates in accordance with [Appendix B: Warrants of Commitment for Non-Payment of Fines](#_Appendix_B:_Warrants).

## Payment of fines and calculating amounts

### Occasionally, a relative, friend or acquaintance of a prisoner serving a period of imprisonment for default of fines[[9]](#footnote-9) may choose to pay a prisoner’s fines to have a prisoner released.

### The Officer in Charge (OIC) shall direct the relative, friend or acquaintance to the nearest courthouse or FER to pay outstanding amounts.

### The OIC (trained in fines calculation) shall calculate the amount owing in accordance with [Appendix C: Calculation of Amounts Owing](#_Appendix_C:_Calculation_1) and provide the estimated amount owing and details of the Warrants of Commitments (ie charge numbers and amounts owing) to the relative/friend/acquaintance, if they choose to attend a courthouse or FER to pay the fines.

### The OIC shall accept the original receipt (courthouse or FER) from the relative/friend as proof that payment has been made and release the prisoner unless there are other outstanding matters.

### The OIC shall ensure the issuing agency (courthouse or FER) is contacted, if there is any doubt as to the legitimacy of the receipt, prior to releasing the prisoner.

### The OIC shall follow the above process when friends/relatives arrive at a prison to pay fines outside of office business hours.

### All fine defaults are served at the rate of $250 per day rounded down. For example, a warrant stating a default amount of $480 is equivalent to 1 day in custody, and similarly, a warrant stating a default amount of $260 is equivalent to 1 day in custody. Fines will be served concurrently against the warrant bearing the most imprisonment days.

### When calculating an estimated payout figure, all the warrants are taken into consideration. For example, if a prisoner has 10 warrants with differing periods (days) of default, the warrants that have been served completely are discarded from the calculation. The warrants which have been partly served are then calculated as to what amount is left owing on each warrant, refer [Appendix C: Calculation of Amounts Owing](#_Appendix_C:_Calculation_1).

## Payment of fines issued under other legislation

### Warrants of Commitment until Fine is Paid[[10]](#footnote-10) – these warrants must be paid in full, or the prisoner must serve the period in prison as stated on the warrant. The financial penalty on these warrants cannot be reduced by the number of days served before payment.

### Warrant of Commitment for Not Paying a Fine[[11]](#footnote-11)– the financial penalty on these warrants can be reduced by the number of days served before payment. If payment is not made, the warrant is satisfied when the total days imposed are served.

# Annexures

## Related COPPs

* [COPP 12.2 – Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

## Definitions and acronyms

|  |  |
| --- | --- |
| 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. |
| Court  | Courts and Tribunals of Western Australia and any place in Western Australia where a person or body acts judicially |
| 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. |
| Judicial Body | A court, tribunal or other body or person that has judicial or quasi-judicial functions or otherwise acts judicially |
| 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 |
| Prisoner | Any person as defined in s.3 *Prisons Act 1981*; 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 Act 1999*. |
| Return Order | A direction issued by a prison for the return of a prisoner from court, where instrument(s) authorising the detention of the prisoner remain after court proceedings |
| 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. |
| 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. |
| Warrant | A written order of a judicial body, including a Bring Up Order (includes courts, tribunals, Royal Commission, Crime Corruption Commission (CCC)) |

## Related legislation

* *Fines, Penalties and Infringement Notices Enforcement Act 1994*
* *Prisons Act 1981*
* *Prisons Regulations 1982*
* [*Sentencing Act 1995*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_888_homepage.html)
* *Criminal Law (Mental Impairment) Act 2023*

# 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 will undertake management oversight as required.
* Operational 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 | 1 December 2020 | 4 January 2021 |
| 2.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 18 January 2021 | 21 January 2021 |
| 3.0 | Operational Policy | Approved by the Director Operational Projects, Policy, Compliance and Contracts | 18 June 2021 | 9 July 2021 |
| 4.0 | Operational Policy | Approved by the A/Director Operational Policy, Compliance and Contracts | 17 July 2023 | 24 July 2023 |
| 5.0 | Operational Policy | Approved by Deputy Commissioner, Operational SupportCM Ref: S24/86740 | 30August 2024 | 1 September 2024 |

# Appendix A: Warrants/Orders

|  |  |
| --- | --- |
| **Warrants** | **Legislation** |
| Remand Warrant | Part 1, s 3 *Criminal Procedure Act 2004* means a warrant issued by a court under this Act or the *Sentencing Act 1995* that orders that an accused be kept in custody while a case is adjourned |
| Warrant of Commitment | s 36 [*Sentencing Act 1995*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_888_homepage.html), if a court imprisons an offender and does not suspend the term, it must issue a Warrant of Commitment accordingly |
| Warrant of Commitment (non-payment of fines) | s 53, and Part 5 *[Fines, Penalties and Infringement Notices Enforcement Act 1994](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_11794_homepage.html)***\*can only be issued by a Magistrate (not FER)** |
| Warrant of Commitment until fine is paid | s 58 [*Sentencing Act 1995*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_888_homepage.html) (ordering a person to be imprisoned until a fine is paid in full but if not, for no longer than specified on the warrant) |
| Warrant of Commitment for Not Paying a Fine | s 59 [*Sentencing Act 1995*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_888_homepage.html) (the total amount of days imprisoned will be reduced if the prisoner chooses to pay the outstanding balance and the outstanding balance will reduce in accordance with the number of days spent in prison prior to payment) |
| Warrant of Commitment upon order for detention | s 87 *High Risk Serious Offenders Act 2020*, if a court orders under this Act that an offender be detained in custody, it must issue a warrant for the offender’s arrest, if necessary, and detention in a prison under the *Prisons Act 1981* |
| **Orders** | **Legislation** |
| Custody Order | s 46(1) [*Criminal Law (Mental Impairment) Act 2023*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_228_homepage.html) |
| Hospital Order | s 19(3)(c) [*Criminal Law (Mentally Impairment) Act 2023*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_228_homepage.html) |
| Order for Arrest and Imprisonment for Contempt of Court | s 90 [*Civil Judgements Enforcement Act 2004*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_148_homepage.html) |
| Sentencing documents provided by Interstate Judiciary Services | *Prisoners (Interstate Transfer) Act 1983* |
| Sentencing documents provided by International Judiciary Services | [*Prisoners (International Transfer) Act 2000*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_748_homepage.html) |
| Warrant of Arrest (Order) | s 70(2) and s.117(1) [*Sentence Administration Act 2003*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_887_homepage.html) issued for Parole Order suspension or cancellation or Re-Entry Release Order suspension or cancellation (accompanied by an order Suspending or Cancelling an Early Release Order) |

# Appendix B: Warrants of Commitment for Non-Payment of Fines

Calculation of release date:

1. Count the number of days from the **execution** date (or date of issue/commencement date if execution details are not required) and release the prisoner on the final day. Each day in custody or part thereof in custody is counted as 1 day in custody.
2. Warrants issued under s 53 [*Fines, Penalties and Infringement Notices Enforcement Act 1994*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_11794_homepage.html), fines will be served concurrently with the warrant bearing the most imprisonment days (and concurrently with any other period of imprisonment). Movements/Reception Officers shall ensure prisoners are not accepted into prison custody if the total days to be served is 1 as this period is already taken as served as soon as they enter police custody. The same applies when the total days to be served are 2 and the prisoner was arrested (and fines warrants executed) by WA Police Force the day prior to delivering the prisoner into prison custody, refer [Appendix D: Example of Release Date Calculation.](#_Appendix_D:_Example)
3. Warrants issued under s 58 *Sentencing Act 1995* (Warrants of Commitment Until Fine is Paid) can be cumulative or concurrent, as stated on the warrant.

# Appendix C: Calculation of Amounts Owing

**Example**

On 24/09/2011 a prisoner has requested a payout figure for release that day. The figure must be worked out separately on each warrant as they run concurrently with each other.

When calculating the cost per day, all cents left over are rounded down to the nearest dollar as follows:

Prisoner Jones was arrested by WA Police Force on 23/09/2011 and arrived into prison custody on 24/09/2011 with the following warrants of Commitment (executed on 23/09/2011):

|  |  |  |
| --- | --- | --- |
| Ch/No 349/10 | $625.20 | - 2 days |
| Ch/No 354/10 | $1200.00 | - 4 days |
| Ch/No 332/11 | $1324.00 | - 5 days |
| Ch/No 334/11 | $734.00 | - 2 days |

The prisoner has spent 2 (part) days in custody which is considered as 2 days served:

|  |  |
| --- | --- |
| **Ch/No 349/10:** | has been completed so does not come into the calculation. |
| **Ch/No 354/10:** | $1200.00 divided by 4 = $300 daily rate.2 days served = $600.00 to come off $1200.00 = **$600.00** to pay out this fine. |
| **Ch/No 332/11:** | $1324.00 divided by 5 days = $264.80 rounded to the nearest dollar (in favour of the prisoner) is $265.00 daily rate.2 days served = $530.00 to come off $1324.00 = **$794.00** to pay out this fine. |
| **Ch/No 334/11:** | has been completed so does not come into the calculation. |

The remains of charges 354/10 and 332/11 are added together to arrive at a payout figure as follows:

$600 + $796 = $1396 to pay to be able to be released that day.

Officers must check that all warrants were executed on the same day to ensure the correct monetary figure is taken off each warrant for each day served in custody.

# Appendix D: Example of Release Date Calculation

As an example, Prisoner Jones is received into X Prison on 2 February 2011. He has 12 warrants for default of fines (under s 53 *Fines, Penalties and Infringement Notices Enforcement Act 1994*), all of which were executed on 1 February 2011.

The most number of days on any of these Default of Fines Warrants is 5 days. Prisoner Jones must then be released on 5 February 2011, unless the prisoner has any other reason to remain in prison (ie further Remand Warrant or sentenced for other matters).

Thus, the prisoner’s Sentence Start Date (SSD) is the day the warrants were executed, which is the day the prisoner was detained by WA Police Force and imprisonment began. It is not the day the prisoner is received into prison.

Each day in custody or part thereof, whether in police custody or prison custody is counted as 1 day in custody.

Refer to [Balance of Fine Calculation Sheet](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) for assistance when calculating both the release date and the monetary balance owing on any particular day. Should there be any uncertainty in relation to this calculation, SIU may be contacted (during business hours only).

1. s 20 *Prisons Act 1981* [↑](#footnote-ref-1)
2. s 11 *Bail Act 1982* [↑](#footnote-ref-2)
3. r. 54V Prisons Regulations 1982 [↑](#footnote-ref-3)
4. s. 26 *Mental Health Act 2014* [↑](#footnote-ref-4)
5. s. 49 Criminal Law (Mental Impairment) Act 2023 [↑](#footnote-ref-5)
6. 3,4 s 85 *Prisons Act 1981* [↑](#footnote-ref-6)
7. [↑](#footnote-ref-7)
8. r. 54V Prisons Regulations 1982 [↑](#footnote-ref-8)
9. s 53 and Part 5 *Fines, Penalties and Infringement Notices Enforcement Act 1994* and s 59 *Sentencing Act 1995* [↑](#footnote-ref-9)
10. s 58 *Sentencing Act 1995* [↑](#footnote-ref-10)
11. s 59 *Sentencing Act 1995* [↑](#footnote-ref-11)