COPP 13.1 Incident Notifications, Reporting and Communications

Prisons

|  |
| --- |
| Principles As referenced in the [Guiding Principles for Corrections in Australia, 2018](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx)*:*  1.4.6 Timely and independent reviews are undertaken in response to critical incidents, serious injury or loss of life, and findings are reported to relevant authorities. |

**Contents**

[Principles 1](#_Toc152325762)

[1 Scope 3](#_Toc152325763)

[2 Policy 3](#_Toc152325764)

[3 Incident Reporting 4](#_Toc152325765)

[3.1 General 4](#_Toc152325766)

[3.2 Reporting of COVID-19 4](#_Toc152325767)

[3.3 Incident report 4](#_Toc152325768)

[3.4 Incident Descriptions 5](#_Toc152325769)

[3.5 Review 5](#_Toc152325770)

[3.6 Incident Minutes 6](#_Toc152325771)

[3.7 Summary 6](#_Toc152325772)

[3.8 Assurance and national reporting 6](#_Toc152325773)

[4 Critical Incident Reporting 6](#_Toc152325774)

[4.1 Overview 6](#_Toc152325775)

[4.2 Critical incident assessment 7](#_Toc152325776)

[4.3 Immediate Critical Incident Notifications 7](#_Toc152325777)

[4.4 Written critical incident briefing 8](#_Toc152325778)

[4.5 Critical incident reporting using TOMS 8](#_Toc152325779)

[4.6 Post incident debrief 8](#_Toc152325780)

[5 Critical Incident Review and Communications 9](#_Toc152325781)

[5.1 Superintendent’s Review 9](#_Toc152325782)

[5.2 Communication requirements 9](#_Toc152325783)

[5.3 Assaults 10](#_Toc152325784)

[5.4 Death of a prisoner 10](#_Toc152325785)

[5.5 Escapes 10](#_Toc152325786)

[5.6 Use of force 10](#_Toc152325787)

[6 Reporting Suspected Staff Misconduct 10](#_Toc152325788)

[7 Annexures 11](#_Toc152325789)

[7.1 Related COPPs and other documents 11](#_Toc152325790)

[7.2 Definitions and Acronyms 11](#_Toc152325791)

[7.3 Related legislation 14](#_Toc152325792)

[8 Assurance 14](#_Toc152325793)

[9 Document Information 14](#_Toc152325794)

[9.1 Document version history 14](#_Toc152325795)

[Appendix A – Incident reporting and notification flow chart 15](#_Toc152325796)

[Appendix B – Incident Categories, Tags and Definitions 16](#_Toc152325797)

[Appendix C – Mandatory Testing of Prisoners for Infectious Diseases 42](#_Toc152325798)

# 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).

It also applies to every organisation contracted to the Department under the *Court Security and Custodial Services Act 1999*[[1]](#footnote-2), for the provision of custodial transport services.

# Policy

The reporting of incidents is a legal requirement and an integral part of the Department’s operations. Officers are required to report to the Superintendent every matter coming to their notice which may jeopardise the security of the prison or the welfare or safe custody of prisoners[[2]](#footnote-3).

Through incident reporting, opportunities to reduce risks and improve the security, welfare and safety of prisoners and staff can be identified.

A consistent, systematic, and professional response is crucial in reporting and managing incidents. This COPP sets out the defined categories and incident types, which may jeopardise the security of the prison or the welfare or safe custody of prisoners. These incidents shall be reported by officers and staff in all cases.

This COPP defines incidents considered critical incidents, given their potential serious effect on the good order and security of the prison or the welfare and safe custody of prisoners. Additional notification and communication requirements apply to critical incidents.

All incidents shall be reported in the Incidents and Charges module on the Total Offender Management Solution (TOMS). Incident reports shall be factual and completed in a timely manner.

It is important that all incident reporting, notifications, and communications are undertaken through the correct chain of command. This ensures incidents are managed and communicated appropriately to relevant staff and internal and external stakeholders.

Custodial Service contractors are required to notify the Commissioner of the following events while performing their contracted duties:

* escape
* death of a person in custody
* other emergencies or serious irregularities[[3]](#footnote-4).

Responding to incidents may be stressful and traumatic; employees can access free and confidential counselling through the Department's provider of [Employee Assistance Program](https://dojwa.sharepoint.com/sites/intranet/human-resources/safety-health/Pages/employee-welfare.aspx) and services.

# Incident Reporting

## General

### An incident is any event that may:

1. jeopardise the good order or security of a prison or custodial service
2. jeopardise the safety or health of staff, prisoners, contractors, or visitors
3. adversely affect the normal routine operation of a prison or custodial service
4. result in a loss of privilege, or
5. result in a charge for a prison offence.

### Where a Prison Officer has reasonable suspicion that there has been a transfer of bodily fluids during an incident, refer to, [Appendix C – Mandatory Testing of Prisoners for Infectious Diseases](#_Appendix_C_–).

### Where Physical Evidence has been gathered, as part of or during an Incident, this will be managed in accordance with [SMF-DIR-003 Physical Evidence Management.](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/srs-operational-guidance.aspx)

### The Operations Centre (OPCEN) shall be immediately notified by phone (1300 000 327) and advised via email ([operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au)) of all high security (HSE), serious injury or life threatening unscheduled external escorts of a prisoner. Where the unscheduled external escort is not a high security escort or is not life-threatening, notification to the OPCEN is via email only to [operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au).

## Reporting of COVID-19

### Testing positive for COVID-19 shall not be reported as a critical incident.

### Officers shall complete an incident report but not classify the incident as critical.

### Additional notification and reporting shall be in accordance with [COVID-19 Operational Guidance](https://dojwa.sharepoint.com/News/Pages/COVID-19-latest-news.aspx).

## Incident report

### One new Incident Report is created per incident in the Incident and Charges module on TOMS using the set format and instructions to populate the applicable fields.

### The Incident Report shall be finalised within 5 days unless in exceptional circumstances.

### The Incident Report shall include the following:

1. date and time of the incident
2. location of the incident
3. classification tag of the incident
4. names of any persons involved (prime persons) and/or witnesses (if any)
5. other attending persons, prisoners etc involved in the incident, for example, main prisoner(s) involved including Offender ID (if known)
6. audio visual details; and
7. confirmation of the above.

## Incident Descriptions

### With the exception of Court Security and Custodial Services (CS&CS) contractors, all officers and staff, including Health Services (HS) staff involved in, or who witnessed an incident, shall independently complete an Incident Description.

### HS staff shall record basic medical information including a brief description of injuries. HS staff shall not provide detailed medical information or treatment provided on the Incident Report. Details of injuries and/or medical treatment shall be recorded in the prisoner’s medical record.

### CS&CS Contractor personnel shall prepare individual report descriptions in the approved movements reporting system (ie, Electronic Prisoner Escort Management System (ePEMS)). One staff member shall then submit an Incident Report on TOMS, which provides a summary of the incident and the relevant ePEMS reference number.

### All Incident Descriptions shall be completed prior to ceasing duty unless in exceptional circumstances as approved by the Superintendent/Officer in Charge (OIC).

### The Incident Description should start with the following statement:

### ‘On (day) (month) (year), I (state your name) was on duty as (status/rostered position) at (name of prison), commencing shift at (shift start time). At approximately (time of incident) hours…..’

### When completing Incident Descriptions Officers shall ensure they are factually accurate and include:

1. details of what started the incident, if known
2. facts in sequence including details of all persons involved
3. actions taken by witnesses and attending officers etc
4. where the incident involved medical assessment or treatment, the attendance of HS staff, the name of Medical Practitioner, Nurse, time of arrival, description of involvement and time of departure
5. how the incident was resolved or controlled; and
6. any recommendations for further action/s (eg, loss of privileges), charge(s), further investigation required).

## Review

### The Superintendent shall authorise a Senior Officer (SO)/Principal Officer/ Assistant Superintendent (Review Officers) to review all Incident Description(s) and complete the Incident Minutes.

### Review Officers shall be vigilant and reasonably satisfied that Incident Descriptions have been completed independently and not plagiarised.

### Review Officers shall ensure the correct incident tags and incident statistics on TOMS have been completed for the incident.

## Incident Minutes

### An independent SO/Principal Officer/Assistant Superintendent shall submit an additional minute prior to finalising the incident where the SO/Principal Officer/Assistant Superintendent responsible for completing the Incident Minutes was involved in the incident.

### Incident Minutes shall conclude the Incident Report, with information including:

1. a summary of the incident and any additional information
2. actions taken following the incident; and
3. outcomes as a result of the incident.

### The relevant SO and Principal Officer and Assistant Superintendent of the prison receiving the prisoner shall minute and finalise incidents created and submitted by the CS&CS Contractor. The Incident Minutes shall:

1. acknowledge receipt of the incident summary details recorded by the CS&CS Contractor
2. record any actions taken following the handover of the prisoner from the CS&CS Contractor; and
3. record any outcomes as a result of the incident.

## Summary

### A summary of the incident on TOMS shall be included with information such as incident location, type of incident, prisoners involved (if known). Other information includes findings, actions and outcomes.

## Assurance and national reporting

### The Department’s Business Intelligence and Reporting branch, provides data on some incidents to the National Corrections Statistics Group for Australia and New Zealand.

### Accurate reporting assists the Department in its operational management and meeting state and national reporting requirements.

### The Superintendent shall authorise a SO/Principal Officer/Assistant Superintendent to review all incident statistics and categorisations providing regular assurance that the prison is accurately reporting incidents.

# Critical Incident Reporting

## Overview

### Critical incidents have, or may have, significant consequences to individuals and/ or custodial operations.

### Critical incidents may:

1. involve a serious security breach
2. place staff, visitors, or prisoners under significant risk
3. place the security of the prison under significant risk
4. involve the serious injury or death of any person on prison property or in custodial service, or
5. generate significant public or media scrutiny.

### In addition to compiling an Incident Report on TOMS, critical incidents require an additional level of notification.

### The 4 stages of reporting critical incidents are:

1. TOMS Incident Report
2. Critical Incident Brief
3. Critical Incident Notification
4. Ministerial Briefing Note.

## Critical incident assessment

### Dependent on the nature of the incident, the SO/Principal Officer/Assistant Superintendent shall assess the situation to determine if the incident should be classified as critical.

### Incident definitions and criteria provided in [Appendix A – Incident Categories, Tags and Definitions](#_Appendix_B:_Incident) are to be used in making this determination.

### Where doubt exists whether the incident is critical, the Superintendent/OIC and/or OPCEN should be contacted immediately for advice.

## Immediate Critical Incident Notifications

### Critical incidents are to be escalated through the chain of command. Where one officer cannot be contacted, the next officer in the chain of command shall be contacted immediately.

|  | Procedure | Responsibility |
| --- | --- | --- |
| 1. | Contact the Superintendent/OIC and advise a critical incident is occurring or has occurred. | SO/Principal Officer/Assistant Superintendent |
| 2. | Immediately notify (within 1 hour of discovery of the critical incident) the OPCEN via 1300000327 with the following information:   1. overview of incident 2. who is/was involved 3. place of incident 4. when the incident occurred or was identified 5. why the incident occurred, were there any triggers? 6. what happened or is happening 7. any identified injuries, issues, or ongoing concerns 8. external agency involvement (if applicable) 9. security, safety, or operational impacts 10. contact person for the incident and telephone number; and 11. other relevant information (ie hourly written critical incident briefings may be requested to provide situational updates). | OIC/Superintendent |
| 3. | During business hours verbally notify the relevant Deputy Commissioner (eg, Adult Male Prisons, Women and Young People or Operational Support). | Superintendent |
| 4. | Outside of Business hours, the OPCEN shall determine if the critical incident is to be escalated to the Duty Deputy Commissioner. | OPCEN |
| 5. | The OPCEN shall notify relevant internal and external stakeholders (including the Director General and Commissioner) of a critical incident as required. | OPCEN |
| 6. | Provide ongoing updates to the OPCEN, as required. | SO/Principal Officer/ OIC/Superintendent/ Assistant Superintendent |

## Written critical incident briefing

### Following the incident, the Superintendent/OIC shall ensure the completion of a written critical incident brief (part 1) on TOMS within 3 hrs.

### The written critical incident briefing shall be utilised by the OPCEN to provide further notifications to senior internal staff and communications to relevant external stakeholders.

## Critical incident reporting using TOMS

### The reporting procedures for recording critical incidents on TOMS (except for incidents involving the death of a prisoner) are the same for incident reporting.

### In the case of a death of a prisoner, further incident information shall be recorded in accordance with the procedures detailed in [COPP 13.2 – Death of a Prisoner](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

## Post incident debrief

### The Superintendent/OIC shall determine the requirement for an immediate and a formal debrief for all incidents in line with the Department’s [Organisational Debriefing Guidelines](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/emf.aspx). At a minimum, the Superintendent/OIC shall conduct an immediate debrief after all critical incidents. This debrief provides staff with the opportunity to discuss support post incident without analysis or re-living the incident and is an important part of the recovery process. In any debrief, the following points should be considered:

1. review of the incident
2. good practice identified
3. employee welfare
4. any concerns
5. lessons learned; and
6. any other relevant information.

### A report summarising the debrief session shall be documented in accordance with the Department’s [Operational Debriefing Directive (EMFDIR-000)](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/emf.aspx).

### The Department acknowledges all incidents irrespective of the severity can be traumatic for staff. As part of the incident debrief the Superintendent/OIC shall ensure all staff are aware of the availability of the services provided by [Employee Welfare](https://dojwa.sharepoint.com/sites/intranet/human-resources/safety-health/Pages/employee-welfare.aspx).

# Critical Incident Review and Communications

## Superintendent’s Review

### The Superintendent shall coordinate a review of all critical incidents for which they are responsible.

### Comments shall be recorded on TOMS within 5 business days via a critical incident brief part 2.

### The Superintendent shall consider information that covers any:

1. issues identified
2. actions taken
3. findings
4. lessons learned
5. improvements identified; and
6. other relevant information.

### The Superintendent shall conduct further reviews and/or communications as set out in this COPP or as directed by the relevant Deputy Commissioner responsible for the prison or custodial service.

## Communication requirements

### The relevant Deputy Commissioner, responsible for the prison or custodial service, shall coordinate the preparation of a written Ministerial Briefing, or other formal communications, where advised by the Office of the Commissioner.

### In the case of the following critical incidents, formal communications are to be completed as set out in this COPP and/or as advised:

1. prisoner/staff assaults (refer to section 5.3)
2. a death of a prisoner (in accordance with [COPP 13.2 – Death of a Prisoner](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx))
3. an escape (in accordance with [COPP 13.3 – Escape](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)).

### Communication with the media will not be undertaken by any employee of the Department. All media enquiries are to be directed to the Department’s Public Affairs business area.

## Assaults

### The Superintendent/OIC shall ensure every assault, including alleged assaults, on a prisoner or staff member is reported to the Western Australian (WA) Police Force within 24 hours. This occurs by either calling the nearest police station, or the WA Police Operations on 131 444. An incident report number and/or details of the time, date and person spoken to shall be recorded on TOMS in the relevant Incident Report.

### Information provided to the WA Police Force is to indicate (if known) whether the victim(s) intends to pursue criminal charges. The victim is to be supplied with the incident report number and/or details to pursue further action against the perpetrator of the assault.

## Death of a prisoner

### The death of a prisoner shall be managed in accordance with [COPP 13.2 – Death of a Prisoner](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

## Escapes

### The escape of a prisoner shall be managed in accordance with this [COPP 13.3 – Escape.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

## Use of force

### The use of force on a prisoner shall be managed in accordance with [COPP 11.3 – Use of Force and Restraints](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Reporting Suspected Staff Misconduct

### Staff are obliged to report every misconduct they suspect staff may be engaging in (refer to [A Guide for Reporting Misconduct](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/reporting-misconduct.aspx)).

### Staff reporting suspected misconduct and/or criminal activity can report such incidents via:

1. email Misconduct Reporting [DOJMisconductReporting@justice.wa.gov.au](mailto:DOJMisconductReporting@justice.wa.gov.au)
2. the Safeline number: 1300 880 532 where information can be supplied to an officer or provided anonymously
3. making a disclosure under the *Public Interest Disclosure Act 2003.*

### Staff may also report staff misconduct directly to the [Public Sector Commission](https://publicsector.wa.gov.au/) and/or the [Corruption and Crime Commission](https://www.ccc.wa.gov.au/).

# Annexures

## Related COPPs and other documents

Related COPPs

* [COPP 4.9 At-risk Prisoners](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 6.6 – Voluntary Starvation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.1 – Security and Control](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.3 – Use of Force and Restraints](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.2 – Death of a Prisoner](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.3 – Escape](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

Other documents

* [A Guide for Reporting Misconduct](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/reporting-misconduct.aspx)
* [Organisational Debriefing Guidelines](https://dojwa.sharepoint.com/sites/security-intelligence/security-response/Pages/emf.aspx)

## Definitions and Acronyms

| Term | Definition |
| --- | --- |
| Commissioner of Corrective Services | The position designated by the Director General as responsible for the management of the Corrective Services Division of the Department of Justice. The Commissioner also holds the title of Deputy Director General. |
| 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. |
| Conducted Energy Weapon (CEW) | A handheld device capable of causing temporary, involuntary muscle contractions, incapacitating a subject through the application of an electrical current. |
| Contractor | Means the organisation engaged to provide the Services under the *Court Security and Custodial Services Act 1999.* |
| Corrective Services | A division of the Department of Justice that provides support to the justice system and the community of Western Australia by ensuring the security and safety of detainees and prisoners as well as offenders on community-based orders, with a focus on rehabilitation. |
| Court Security and Custodial Services (CS&CS) contractor | The organisation contracted to the Department under the *Court Security and Custodial Services Act 1999*, for the provision of custodial transport services. |
| Deputy Commissioner | Adult Male Prisons: The position designated by the Commissioner as responsible for the management of the Adult Male Prisons Directorate within Corrective Services.  Women and Young People: The position designated by the Commissioner as responsible for the management of the Women and Young People Directorate within Corrective Services.  Operational Support: The position designated by the Commissioner as responsible for the management of the Operational Support Directorate within Corrective Services. The Deputy Commissioner Operational Support is responsible for all privately operated prisons and custodial services. |
| Electronic Prisoner Escort Management System (ePEMS) | The CS&CS Contractor’s computerised data management system used for recording events related to prisoners, persons in custody and other persons. |
| 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. |
| Loss of Privilege | The losing of selected privileges, associated with a prisoner’s level of management, following reported misconduct or poor behaviour. |
| Misconduct | Misconduct refers to public officers, such as Prison Officers working in public prisons, taking action that involve corrupt and/or criminal conduct as described in s.4 *Corruption, Crime and Misconduct Act 2003*.  Serious misconduct occurs when a public officer:  acts corruptly or corruptly fails to act in the course of their duties; or  corruptly takes advantage of their position for the benefit or detriment to any person; or  commits an offence, while acting or purporting to act in his or her official capacity, which carries a penalty of 2 or more years’ imprisonment.  Minor misconduct occurs when a public officer:  adversely affects the honest or impartial performance of the functions of a public authority or public officer, whether the public officer was acting in their official capacity at the time of engaging in the conduct; or  constitutes or involves the performance of functions in a manner that is not honest or impartial.  constitutes or involves a breach of the trust placed in the public officer; or  constitutes or involves the misuse of information or material that the public officer has acquired in connection with their functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person; or  constitutes, or could constitute, a disciplinary offence providing reasonable grounds for termination of a person's office or employment. |
| Officer in Charge (OIC) | As defined in s.3(1) *Prisons Act 1981* and refers to either the Superintendent or the officer in charge of a prison at a particular time. Also includes any contract worker authorised by the Commissioner in accordance with s.15I (1) (a) *Prisons Act 1981* to perform the functions of a Superintendent in a privately operated prison. |
| Operations Centre | A branch of Security and Response Services within Operational Support of the Corrective Services Division in the Department. |
| Prison Officer | A person appointed or deemed to have been appointed for the purposes of the *Prisons Act 1981* under, or as referred to in, s.6 or s.13. Also includes any contract worker authorised by the Commissioner under s.15I(1)(b) *Prisons Act 1981* to perform the functions of a prison officer. |
| Privilege | A concession or item extended to a prisoner that is an addition to any entitlements provided by statute or common law. |
| Security Report | A tool for staff to report observations, associations, anything that appears unusual or out of the ordinary in relation to the security or safety of the Department’s staff, clients, people in custody or members of the community. For more information on security reporting, refer to [COPP11.1 – Security and Control](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx). |
| Serious Injury | An injury that requires medical treatment involving:   1. overnight hospitalisation; or 2. on-going medical treatment. |
| Staff | All persons employed by the Department of Justice. Also includes all contract workers authorised by the Commissioner in accordance with s.15I(1) *Prisons Act 1981* to perform a function. |
| Superintendent | The Superintendent as defined in s.36 *Prisons Act 1981* and includes any reference to the position responsible for the management of a private prison under Part IIIA *Prisons Act 1981*. Does not extend to the Officer in Charge of a prison. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Corrective Services to record and manage comprehensive information relating to prisoners. |
| Weapon | An article which is being used with the intention to injure or cause fear of a person. |

## Related legislation

* *Corruption, Crime and Misconduct Act 2003*
* *Court Security and Custodial Services Act 1999*
* *Occupational Safety and Health Regulations 1996*
* *Prisons Act 1981*
* *Prisons* *Regulations 1982*
* *Public Interest Disclosure Act 2003*
* *Public Sector Management Act 1994*

# 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 Information

## Document version history

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by A/Director Operational Policy, Compliance and Contracts | 7 May 2020 | 31 May 2021 |
| 2.0 | Operational Policy | Approved by the Commissioner | 18 December 2020 | 21 December 2020 |
| 3.0 | Operational Policy | Approved by the Commissioner  CM: S21/75538 | 20 July 2023 | 1 December 2023 |
| 4.0 | Operational Policy | Approved by Assistant Director Operational Policy  CM Ref: D24/504734 | 20 May 2024 | 28 May 2024 |

Appendix A – Incident reporting and notification flow chart

# Appendix B – Incident Categories, Tags and Definitions

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| [Misconduct](#_Prisoner_Misconduct) | [Environmental](#_Environmental) | [Assault](#_Assault_2) | [Unauthorised/unlawful items](#_Unauthorised/Unlawful_Items_1) | [Administrative](#_Administrative) | [Medical emergency](#_Medical_/Emergency) | [Use of force and restraints](#_Use_of_Force_1) | [Security](#_Security) |
| Behaviour – threatening | Airborne contaminant | Assault – sexual \* | Firearm/ammunition | [Detained in error](#_Administrative_Incident) | Attempted suicide\* | Cell Extraction | Escape\* |
| Behaviour – indecent exposure | Explosion | Assault – indecent\* | Data storage device | [Released in error](#_Administrative_Incident) | Death of a prisoner\* | Use of force and restraints – defence and control baton, chemical agent, firearm, restraints bed, spit hood, conducted energy weapon (CEW, eg, Taser) | Attempted escape |
| Misconduct – other | External fire | Assault – physical\* | Drug paraphernalia | [Industrial action](#_Administrative_Incident) | Death of a person other than a prisoner | Physical control and restraint | Bomb threat |
| Cell damage | Flood | Assault – attempted | Makeshift tool | Administrative incident – other | [Bodily fluid contact](#_Medical_Incident/Emergency) | Force ordered and used to conduct a search | Civil demonstration |
| Fighting | Hazardous material spill |  | Mobile phone |  | Communicable disease |  | Hostage |
| Graffiti | Interrupted/ damaged prison utilities |  | SIM Card |  | Injury |  | Suspect device/package |
| Inciting others | Storm/cyclone damage |  | Suspected alcoholic brew |  | Sudden illness |  | Roof top or elevated structure |
| Property/infrastructure damage (outside cell) | Environmental incident – other |  | Suspected illicit  Substance |  | Voluntary starvation |  | Prisoner disturbance |
| Out of bounds |  |  | Tattoo gun/paraphernalia |  | Self-harm – actual\* |  | Security equipment loss/theft/removal |
| Disobeying an order |  |  | Weapon |  | Medical incident/ emergency - other |  | Break-in/attempted break-in |
| Secretion |  |  | Unauthorised/  unlawful item-other |  | Suicide – threat**\*** |  | Fire – cell/internal infrastructure |
| Smoking |  |  |  | **\* - These incident types are reported to national bodies** | Self-Harm- threat |  | Barricade |
| Behaviour- Abusive |  | **Classified as a Critical** | | | COVID-19 |  | Intruder |
|  |  | **\*May be classified as a Critical depending on the scale, severity and/or potential consequences of the incident.**  **Note: A phone call to the OPCEN is also required for discovery of unauthorised items listed in blue** | | |  |  | Security system failure/compromise |
|  |  | **Not to be classified as a Critical** | | |  |  | Security incident – other |

**Misconduct**

|  |  |
| --- | --- |
| **Behaviour – threatening** |  |
| **Definition:** | A prisoner behaves in a threatening manner which may include threats to seriously injure or kill another person and the threat has created a fear that it would be carried out. |
| **When to report it as critical:** | When the threat is considered to indicate harm is likely to occur to the victim and the WA Police Force has been contacted and the threat reported. |

|  |  |
| --- | --- |
| **Behaviour – indecent exposure** | |
| **Definition:** | A prisoner who offends against decency by the exposure of a body part of his or her person without touching another person, or in a place within the view of a person. Indecent exposure does not have to involve the genitals, it could involve the baring of the buttocks or other parts of the body.  The incident is reported as an Assault – sexual or Assault – indecent where the incident involves touching. |
| **When to report it as critical:** | Where the officer believes, the exposure may lead to an assault and has been reported to WA Police Force. |

|  |  |
| --- | --- |
| Misconduct – other | |
| **Definition:** | Every prisoner misconduct incident not covered by other incidents in the category. |
| **When to report it as critical:** | When the incident:   1. may cause significant public or media scrutiny of staff, policies, procedures, business units or stakeholders; or 2. jeopardises the good order and security of custodial operations or any person; or 3. relates to any current media or political issue relating to the Department specifically, or the government generally. |

|  |  |
| --- | --- |
| Cell damage | |
| **Definition:** | Where a prisoner has intentionally damaged their cell or items within their cell. |
| **When to report it as critical:** | When:  a) significant damage has occurred to cell infrastructure/furniture rendering the cell unusable; or  b) damage has compromised the security of the cell. |

|  |  |
| --- | --- |
| Fighting | |
| **Definition:** | A confrontation between two or more prisoners resulting in physical violence.  An incident is reported as a fight where:   1. willing participation was given by all participants; and 2. did not result in serious injury (it is considered that willing participation is not present where infliction of serious injury occurs).   The incident is reported as Assault – physical when a serious injury occurs. |
| **Note:** | The Operations Centre (OPCEN) shall be immediately notified by phone (1300 000 327) and advised via email ([operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au)) of all high security (HSE), serious injury or life threatening unscheduled external escorts of a prisoner. Where the unscheduled external escort is not a high security escort or is not life-threatening, notification to the OPCEN is via email only to [operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au) |
| **When to report it as critical:** | All fights where a weapon was used and  Fights resulting in a prisoner requiring:   1. external hospitalisation: Admitted as an in-patient for medical treatment at an external medical facility; or 2. on-going medical treatment: Treatment provided by a medical practitioner on multiple occasions. Note: medical treatment does not include medical assessment only or awaiting test results. |

|  |  |
| --- | --- |
| Graffiti | |
| **Definition:** | Where a prisoner writes or draws on a wall or other Departmental property without permission and within view of others. |
| **When to report it as critical:** | When the graffiti is likely to jeopardise the good order and security of custodial operations, for example where the graffiti relates to gangs, racist or radical ideological statements, messages, or symbols. |

|  |  |
| --- | --- |
| **Inciting others** | |
| **Definition:** | Encouraging or urging others to engage or behave in an indecent and/or violent way. |
| **When to report it as critical:** | When inciting others is likely to jeopardise the good order and security of custodial operations. |

|  |  |
| --- | --- |
| **Property or infrastructure damage (outside of a cell)** | |
| **Definition:** | Wilful damage to property or infrastructure by a prisoner, contractor or visitor. |
| **When to report it as critical:** | When the damage jeopardises the:   1. integrity of a building; or 2. good order and security of custodial operations. |

|  |  |
| --- | --- |
| Out of bounds | |
| **Definition:** | A prisoner is out of bounds if they are in an area they are not authorised to be. This does not include elevated areas, for example, fences etc (refer to [Roof top or elevated structure](#_Security_Incident)). Out of bounds may include a prisoner retrieving property between perimeter fences but without the intent to escape. |
| **When to report it as critical:** | When the behaviour or incident jeopardises the good order and security of custodial operations. |

|  |  |
| --- | --- |
| Disobeying an order | |
| **Definition:** | Where a prisoner does not obey a rule or lawful order from a prison officer or other staff. |
| **When to report it as critical:** | Not applicable |

|  |  |
| --- | --- |
| **Secretion** | |
| **Definition:** | The act of hiding or concealing an item. Typically, items are internally secreted or concealed on their person. |
| **When to report it as critical:** | Not applicable |

|  |  |
| --- | --- |
| Smoking | |
| **Definition:** | Where a prisoner is smoking in an undesignated area. |
| **When to report it as critical:** | Not applicable |

|  |  |
| --- | --- |
| Behaviour – abusive | |
| **Definition:** | A prisoner uses abusive, obscene, offensive, or indecent language. |
| **When to report it as critical:** | Not applicable |

**Environmental**

|  |  |
| --- | --- |
| Airborne contaminant | |
| **Definition:** | A potentially harmful airborne substance/material that can affect the health of staff and/or prisoners (not a communicable disease). |
| **When to report it as critical:** | When an airborne contaminant has:   1. affected the health of a staff member and/or prisoner requiring that person to receive external medical assessment and/or treatment; or 2. significantly disrupts custodial operations. |

|  |  |
| --- | --- |
| Explosion | |
| **Definition:** | A sudden explosive action, the cause of which may include: an incendiary device; over pressurised, compromised, or ruptured gas lines/bottles, fuel storage containers, electrical devices/systems, chemical supplies, water pipes or an improvised explosive device. |
| **When to report it as critical:** | When the explosion, or the material/chemical released from the explosion, is:   1. considered hazardous; or 2. significantly disrupts custodial operations. |

|  |  |
| --- | --- |
| External fire | |
| **Definition:** | An uncontrolled fire external to the prison, including a bush fire. |
| **When to report it as critical:** | When there is a significant threat to:   1. custodial infrastructure; or 2. the good order and security of custodial operations. |

|  |  |
| --- | --- |
| Flood | |
| **Definition:** | Excess water causing flooding which affects the operation of the prison. |
| **When to report it as critical:** | When the flood:   1. restricts the operation of the prison; or 2. causes significant damage to building infrastructure; or 3. creates a dangerous or hazardous environment on Departmental property. |

|  |  |
| --- | --- |
| Hazardous material spill | |
| **Definition:** | Every spilt substance or material that could adversely affect the health or safety of staff, prisoners, or any other person. |
| **When to report it as critical:** | When a hazardous spilt material has:   1. significantly affected the health and/or safety of any person; or 2. caused, or is likely to cause, significant or ongoing disruption to custodial operations. |

|  |  |
| --- | --- |
| Interrupted/damaged prison utilities | |
| **Definition:** | An interruption, deliberate or not, to prison centre water, sewage, electrical, gas or communication infrastructure. |
| **When to report it as critical:** | When the interruption causes, or is likely to cause, significant or ongoing disruption to custodial operations. |

|  |  |
| --- | --- |
| **Storm/cyclone damage** | |
| **Definition:** | Damage caused as a direct result of a severe storm or cyclone activity such as high winds, hail, or excess rain. |
| **When to report it as critical:** | When damage:   1. creates a hazardous environment or weakens the integrity of buildings and/or infrastructure; or 2. is likely to cause, significant disruption to custodial operations. |

|  |  |
| --- | --- |
| **Environmental incident – other** | |
| **Definition:** | Every environmental incident not covered by other incidents in the category. |
| **When to report it as critical:** | When the incident:   1. may cause significant public or media scrutiny of staff policies, procedures, business units or stakeholder; or 2. jeopardises the good order and security of custodial operations or any person. |

**Assault**

|  |  |
| --- | --- |
| \*Assault – sexual | |
| **Definition:** | A person commits or attempts to commit sexual penetration against a person without consent,  or where consent:   1. is given as a result of intimidation or fraud; or 2. is unlawful, such as:   the person is legally deemed incapable of giving consent because of youth, mental incapacity; or  there is a familial relationship; or  where consent could not be given freely and voluntarily (for example if the victim was unconscious or intoxicated).  A sexual assault incident includes allegations of this type, for example where the victim reports that any person in any manner has sexually assaulted him/her and there is no obvious reason to doubt this claim, or there is clear evidence of such an assault having occurred. |
| **When to report it as critical:** | Every sexual assault is a critical incident. |

|  |  |
| --- | --- |
| **\*Assault – indecent** | |
| **Definition:** | A person commits or attempts to commit an indecent assault against a person, including the touching of someone else’s body in a sexual manner (including kissing, inappropriately touching someone’s breasts, buttocks, or genitals) without consent. An indecent assault incident includes allegations of this type, for example where the victim reports that any person in any manner has indecently assaulted him/her and there is no obvious reason to doubt this claim, or there is clear evidence of such an assault having occurred. |
| **When to report it as critical:** | Every indecent assault is a critical incident. |

|  |  |
| --- | --- |
| \*Assault – physical | |
| **Definition:** | A person strikes, touches, moves, or otherwise applies force of any kind to another person, either directly or indirectly without consent and includes physical contact with bodily fluid if the actions were deliberate.  A physical assault is carried out where consent:   1. is given because of intimidation or fraud; or 2. where consent could not be given freely and voluntarily (for example if the victim was unconscious or intoxicated).   A physical assault may also arise from administering a drug(s) to another person with an intent to assault.  A physical assault includes, allegations of this type, for example where the victim reports that any person has assaulted them and there is no obvious reason to doubt this claim.  A physical assault includes incidents where a prisoner is seriously injured as a result of a fight.  Note:If a victim’s condition is later determined to require external overnight hospitalisation, the incident shall be escalated to critical and immediately reported in accordance with this COPP once the determination has been made. |
| **Note:** | The Operations Centre (OPCEN) shall be immediately notified by phone (1300 000 327) and advised via email ([operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au)) of all high security (HSE), serious injury or life threatening unscheduled external escorts of a prisoner. Where the unscheduled external escort is not a high security escort or is not life-threatening, notification to the OPCEN is via email only to [operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au). |
| **When to report it as critical:** | Where a weapon was used and/or when the victim of the assault requires medical treatment, involving:   1. overnight hospitalisation: Admitted overnight as an in-patient for medical treatment at a medical facility (prison clinic, infirmary, or hospital), where overnight is considered being from one day to another; or 2. on-going medical treatment: Treatment provided by a medical practitioner on multiple occasions. Note: medical treatment does not include medical assessment only or awaiting test results.   All assaults on staff, contractors, volunteers, or visitors where the victim received a physical injury are to be reported as critical regardless of severity or if external medical assessment and/or treatment was required. |

|  |  |
| --- | --- |
| **Assault – attempted** | |
| **Definition:** | A prisoner attempts, unsuccessfully, to strike, touch, move, or otherwise apply force of any kind to another person, without consent. |
| **When to report it as critical:** | All assault attempts where a weapon was used are to be reported as critical. |

**Unauthorised/Unlawful Items**

|  |  |
| --- | --- |
| Firearm and/or ammunition | |
| **Definition:** | Every firearm/ammunition found in a prisoner’s possession or within the prison perimeter. |
| **When to report it as critical:** | Every incident of this type is a critical incident. |

|  |  |
| --- | --- |
| Unauthorised/Unlawful Items | |
| Definition: | Every item/article/object that was not lawfully introduced into the custodial facility or not authorised to be in a prisoner’s possession. |
| Items | * Data storage device (eg, USB) * Drug paraphernalia (eg, syringes or other implements directly related to illicit drug use) * Makeshift tool (eg, an item fashioned to act as a standard tool) * Mobile phone * SIM card * Suspected alcoholic brew (greater than 5 litres is considered a critical incident) * Suspected Illicit substance(s) * Tattoo gun or tattoo paraphernalia * Weapon (eg, an item fashioned to be used as a weapon) * Other: Every unauthorised/unlawful item not covered in these examples   **Note: A phone call to the OPCEN is also required for discovery of unauthorised items listed in blue** |
| **When to report as critical:** | When the incident:   1. may cause significant public or media scrutiny of staff, policies, procedures, business units or stakeholders; or 2. jeopardises the good order and security of custodial operations or any person. |

**Administrative**

|  |  |
| --- | --- |
| Detained in error | |
| **Definition:** | When a prisoner has been held in custody beyond the date they were lawfully entitled to be released.  \**Note this does not include instances where a prisoner has been approved to remain at a prison in accordance with Section 10 of* [COPP 14.6 Prisoners Release from Custody](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) |
| **When to report it as critical:** | Every incident when a prisoner is detained in error. |

|  |  |
| --- | --- |
| Released in error | |
| **Definition:** | When a prisoner is released from custody before the date they are lawfully entitled to be released, including being released without signing relevant papers. |
| **When to report it as critical:** | Every incident when a prisoner is released in error. |

|  |  |
| --- | --- |
| Industrial action | |
| **Definition:** | Typically, action taken by staff in protest of existing workplace arrangements, conditions, or processes; however, industrial action can be defined as to include:   1. staff performing work in a manner different to how it is normally performed; or 2. staff adopting a practice that restricts, limits, or delays the performance of work; or 3. a ban, limitation, or restriction by staff on performing or accepting work; or 4. a failure or refusal by staff to attend for work or perform any work; or 5. the lockout of staff from their employment by their employer. |
| **When to report it as critical:** | Every industrial action incident is critical. |

|  |  |
| --- | --- |
| Administrative incident – other | |
| **Definition:** | Every administrative incident not covered by other incidents in the category. |
| **When to report it as critical:** | When the incident:   1. may cause significant public or media scrutiny of staff, policies, procedures, business units or stakeholders; or 2. jeopardises the good order and security of custodial operations or any person; or 3. relates to any current media or political issues relating to the Department specifically, or the government generally. |

**Medical Emergency**

|  |  |
| --- | --- |
| \*Attempted suicide | |
| **Definition:** | An act performed by a prisoner where the circumstances indicate the intent of the act was to take their own life through:   1. self-inflicted injury; or 2. self-asphyxiation or hanging; or 3. intentional self-poisoning (including drug overdose); or 4. other intentional acts intended to take one’s own life.   For acts of self-injury without suicidal intention refer to Self-harm – actual. |
| **When to report it as critical:** | Every attempted suicide is a critical incident. |

|  |  |
| --- | --- |
| \*Death of a prisoner | |
| **Definition:** | When a prisoner dies in the legal custody of the Department, including privately operated prisons and while in the care of contractors providing a service for the Department such as transporting a prisoner. |
| **When to report it as critical:** | Every death in custodial operations is a critical incident. |

|  |  |
| --- | --- |
| Death of a person other than a prisoner | |
| **Definition:** | When a person, other than a prisoner, dies while on Departmental property or while performing authorised duties or a contracted service for the Department. |
| **When to report it as critical:** | Every death in custodial operations is a critical incident. |

|  |  |
| --- | --- |
| Body fluid contact | |
| **Definition:** | Where a person’s bodily fluid (such as blood, urine, saliva, faeces, and semen) comes into contact with another person. Contact can include a person’s clothing or footwear but also covers needle stick (or other sharps) injury and biting and when bodily fluid contacts another person’s open wound, eye, or mouth.  This incident should also be tagged Assault – physical if the actions were deliberate.  Also refer to [Appendix C – Mandatory Testing of Prisoners for Infectious Diseases](#_Appendix_C_–) regard the testing of prisoners at the request of the Prison Officer. |
| **When to report it as critical:** | When medical advice recommends the person obtain a blood test. Body fluid contact is not reported as critical when body fluid contacts with footwear or clothing. |

|  |  |
| --- | --- |
| Communicable disease | |
| **Definition:** | Every disease transmitted from one person to another; also called a contagious disease. These diseases can be transmitted by:   1. direct contact (body fluid); or 2. indirect (airborne) means. |
| **When to report it as critical:** | When the communicable disease has been identified by a Medical Practitioner and when the quarantine of a person is required to prevent spread of the disease to others.  Note: Positive COVID-19 results are not to be reported as a critical incident (refer section 3.2- ‘Reporting of COVID-19’) |

|  |  |
| --- | --- |
| Injury | |
| Definition: | An injury is when an officer/staff member considers an injury sustained by a prisoner requires first aid or medical assessment to be rendered.  The incident is reported in the assault category if the injury is the result of an assault. |
| Note: | The Operations Centre (OPCEN) shall be immediately notified by phone (1300 000 327) and advised via email ([operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au)) of all high security (HSE), serious injury or life threatening unscheduled external escorts of a prisoner. Where the unscheduled external escort is not a high security escort or is not life-threatening, notification to the OPCEN is via email only to [operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au). |
| When to report it as critical: | When the injury requires medical treatment, involving:   1. external hospitalisation: Admitted as an in-patient for medical treatment at an external medical facility; or 2. on-going medical treatment: Treatment provided by a medical practitioner on multiple occasions. Note: medical treatment does not include medical assessment only or awaiting test results. |

|  |  |
| --- | --- |
| Sudden illness | |
| **Definition:** | A sudden illness occurs because of a sudden and unexpected deterioration of health. |
| **Note:** | The Operations Centre (OPCEN) shall be immediately notified by phone (1300 000 327) and advised via email ([operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au)) of all high security (HSE), serious injury or life threatening unscheduled external escorts of a prisoner. Where the unscheduled external escort is not a high security escort or is not life-threatening, notification to the OPCEN is via email only to [operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au). |
| **When to report it as critical:** | When the sudden illness requires medical treatment, involving:   1. external hospitalisation: Admitted as an in-patient for medical treatment at an external medical facility; or 2. on-going medical treatment: Treatment provided by a medical practitioner on multiple occasions. Note: medical treatment does not include medical assessment only or awaiting test results. |

|  |  |
| --- | --- |
| Voluntary starvation | |
| **Definition:** | Voluntary starvation is where a prisoner makes a conscious decision to refuse to eat or drink. |
| **When to report it as critical** | Where voluntary starvation is upgraded to stage 2 on TOMS in accordance with [COPP 6.6 – Voluntary Starvation](https://dojwa.sharepoint.com/intranet/prison-operations/Pages/prison-copps.aspx). |

|  |  |
| --- | --- |
| Self-harm – actual | |
| **Definition:** | Acts of self-injury by which a prisoner has purposely harmed themselves, such as self-laceration, self-battering or deliberate recklessness, carried out without suicidal intentions. |
| **Note:** | The Operations Centre (OPCEN) shall be immediately notified by phone (1300 000 327) and advised via email ([operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au)) of all high security (HSE), serious injury or life threatening unscheduled external escorts of a prisoner. Where the unscheduled external escort is not a high security escort or is not life-threatening, notification to the OPCEN is via email only to [operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au). |
| **When to report it as critical:** | When the self-harm incident requires medical treatment, involving:   1. overnight hospitalisation: Admitted overnight as an in-patient for medical treatment at a medical facility (prison clinic, infirmary, or hospital), where overnight is considered being from one day to another; or 2. on-going medical treatment: Treatment provided by a medical practitioner on multiple occasions. Note: medical treatment does not include medical assessment only or awaiting test results.   \*Note – A prisoner who commits and act of actual self-harm shall be managed in line with COPP 4.9 – At Risk Prisoners. |

|  |  |
| --- | --- |
| Medical incident/emergency – other | |
| **Definition:** | Every medical incident/emergency not covered by other incidents in the category. |
| **Note:** | The Operations Centre (OPCEN) shall be immediately notified by phone (1300 000 327) and advised via email ([operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au)) of all high security (HSE), serious injury or life threatening unscheduled external escorts of a prisoner. Where the unscheduled external escort is not a high security escort or is not life-threatening, notification to the OPCEN is via email only to [operationscentre@justice.wa.gov.au](mailto:operationscentre@justice.wa.gov.au). |
| **When to report it as critical:** | When the incident requires medical treatment, involving:   1. external hospitalisation: Admitted as an in-patient for medical treatment at an external medical facility; or 2. on-going medical treatment: Treatment provided by a medical practitioner on multiple occasions. Note: medical treatment does not include medical assessment only or awaiting test results; or   When the incident:   * may cause significant public or media scrutiny of staff, policies, procedures, business units or stakeholders; or * jeopardises the good order and security of custodial operations or any person; or * relates to any current media or political issue relating to the Department specifically, or the government generally. |

|  |  |
| --- | --- |
| \*Suicide – threat | |
| **Definition:** | The threat to commit an act of suicide or communicating or suggesting that a suicidal act or other suicide related behaviour might occur in the near future.  \*Note: report as Attempted Suicide where the circumstances indicate the prisoner’s intent of the act was to take their own life through:   1. self-inflicted injury; or 2. self-asphyxiation or hanging; or 3. intentional self-poisoning (including drug overdose); or 4. other intentional acts intended to take one’s own life.   For acts of self-injury without suicidal intention refer to Self-harm – actual. |
| **When to report it as critical:** | Not recorded as critical.  \*Note – A prisoner who threatens to commit an act of suicide should be managed in line with COPP 4.9 – At-Risk Prisoners. |

|  |  |
| --- | --- |
| Self-harm – threat | |
| **Definition:** | The threat to commit acts of self-harm or other self-harm related behaviour might occur in the near future. |
| **When to report it as critical:** | Not recorded as critical.  \*Note – A prisoner who threatens an act of self-harm shall be managed in line with COPP 4.9 – At-Risk Prisoners. |

|  |  |
| --- | --- |
| Coronavirus (COVID-19) | |
| **Definition:** | COVID-19 has been confirmed by a positive Rapid Antigen Test (RAT) result (done for screening or when tested for symptoms) or a positive Polymerase Chain Reaction (PCR). |
| **When to report it as critical:** | Not applicable. |

**Use of Force and Restraints**

|  |  |
| --- | --- |
| Cell extraction | |
| **Definition:** | The removal of a non-compliant prisoner from a cell. The cell extraction shall be conducted using the Department’s approved control, restraint, and physical force techniques to maintain security and good order. |
| **When to report it as critical:** | When a staff member or prisoner receives an injury requiring external medical assessment or treatment during the cell extraction. |

|  |  |
| --- | --- |
| Use of force and restraints – defence and control baton, chemical agent, firearm, restraints bed, spit hood, conducted energy weapon (CEW, eg, Taser) | |
| **Definition:** | The application of one of the above use of force and/or restraints. The use of force shall be applied using the Department’s approved control, restraint, and physical force techniques to maintain security and good order. |
| **When to report it as critical:** | When the incident involves the following use of force options:   1. firearm (draw, cover, or discharge); or 2. CEW (eg, Taser) (only discharge); or 3. chemical agent (only discharge); or 4. baton (only use).   When the incident involves the following restraint options:   1. spit hood; or 2. restraint bed.   Or when a staff member or a prisoner receives an injury requiring external medical assessment or treatment. |

|  |  |
| --- | --- |
| Physical control and restraint | |
| **Definition:** | The application of one of the above use of force agents. The use of force shall be conducted using the Department’s approved control, restraint, and physical force techniques to maintain security and good order.  Note: The planned routine use of restraints for movement purposes is not a reportable incident. |
| **When to report it as critical:** | When a staff member or prisoner receives an injury requiring external medical assessment or treatment. |

|  |  |
| --- | --- |
| **Force ordered and used to conduct a search** | |
| **Definition:** | A search ordered by the Superintendent conducted with force as reasonably necessary for the purpose of taking anything found on the prisoner[[4]](#footnote-5). |
| **When to report it as critical:** | When the prisoner is female and/or a staff member or prisoner receives an injury requiring external medical assessment or treatment. |

**Security**

|  |  |
| --- | --- |
| Escape | |
| **Definition:** | When a prisoner unlawfully:   1. removes themselves from the lawful control/supervision of an authorised custodian when outside a custodial facility, or 2. leaves a custodial facility through unofficial or illegal means, or 3. leaves an authorised activity whilst external to the main prison (ie, section 95 activity, work camp).   Note: Situations where a prisoner unlawfully breaches a prison’s outer perimeter are considered an escape. |
| **When to report it as critical:** | Every escape is considered a critical incident. |

|  |  |
| --- | --- |
| **Attempted escape** | |
| **Definition:** | When a prisoner attempts to unlawfully:   1. remove themselves from the lawful control/supervision of an authorised custodian when outside a custodial facility; or 2. leave a custodial facility through unofficial or illegal means, or 3. leaves an unauthorised activity whilst external to the main prison (ie, section95, work camp).   Note: Situations where a prisoner unlawfully breaches a prison’s outer perimeter are considered an escape. |
| **When to report it as critical:** | Every attempted escape is considered a critical incident. |

|  |  |
| --- | --- |
| Bomb threat | |
| **Definition:** | A bomb threat is a statement to detonate an explosive or incendiary device to cause property damage, death, or injury, even though the device may not exist. |
| **When to report it as critical:** | Every bomb threat is a critical incident. |

|  |  |
| --- | --- |
| Civil demonstration | |
| **Definition:** | Demonstrations are a form of activism, such as a gathering of people taking place on departmental property by persons other than prisoners. |
| **When to report it as critical:** | Every civil demonstration is a critical incident. |

|  |  |
| --- | --- |
| Hostage | |
| **Definition:** | Every person who is unlawfully detained, depriving them of their liberty (ie, a person held against their will). |
| **When to report it as critical:** | Every hostage situation is a critical incident. |

|  |  |
| --- | --- |
| Suspect device/package | |
| **Definition:** | Every suspicious article/object at any custodial facility that requires further investigation by external emergency service(s). |
| **When to report it as critical:** | Every suspect device/package is a critical incident. |

|  |  |
| --- | --- |
| Roof top or elevated structure | |
| **Definition:** | When a prisoner in a custodial facility unlawfully climbs onto an elevated structure, for example, a roof of a building or a fence. |
| **When to report it as critical:** | Every roof top or elevated structure incident shall be reported as critical (ie, Departmental building, fences). |

|  |  |
| --- | --- |
| Prisoner disturbance | |
| **Definition:** | When multiple prisoners are causing significant disruption to custodial operations, or their actions significantly jeopardise the good order and security of the custodial facility. |
| **When to report it as critical:** | Every prison disturbance is a critical incident. |

|  |  |
| --- | --- |
| Security equipment loss/theft/removal | |
| **Definition:** | Any equipment used by staff that, if lost, stolen, or removed from the prison without the appropriate authorisation, may jeopardise the good order and security of custodial operations.  This includes equipment such as operational key bunches (including vehicle/machinery keys), digital radios, instruments of restraint, approved use of force equipment, mobile duress alarms and protective equipment (riot gear). |
| **When to report it as critical:** | Every loss/theft/removal of security equipment is a critical incident. |

|  |  |
| --- | --- |
| Break-in/attempted break-in | |
| **Definition:** | A break-in or attempted break-in of a Departmental vehicle and/or building including buildings on gazetted Departmental property. |
| **When to report it as critical:** | When the incident jeopardises the good order and security of custodial operations. |

|  |  |
| --- | --- |
| Fire – cell/internal infrastructure | |
| **Definition:** | When there is a fire:   1. in a prisoner’s cell; or 2. on Departmental property and causes damage. |
| **When to report it as critical:** | When the fire:   1. causes damage that disrupts unit or custodial operations; or 2. causes damage to a cell rendering it unserviceable; or 3. when external assistance is required to control the fire. |

|  |  |
| --- | --- |
| Barricade | |
| **Definition:** | An improvised barrier across an entry/exit or thoroughfare designed to restrict/prevent observation or access. |
| **When to report it as critical:** | When the improvised barricade jeopardises the good order and security of custodial operations. |

|  |  |
| --- | --- |
| Intruder | |
| **Definition:** | A person who attempts to gain unauthorised access to a system, place, or building, typically, a breach of perimeter security. |
| **When to report it as critical:** | When the incident:   1. may cause significant public or media scrutiny of staff, policies, procedures, business units or stakeholders; or 2. jeopardises the good order and security of custodial operations or any person; or 3. relates to any current media or political issue relating to the Department specifically, or the government generally. |

|  |  |
| --- | --- |
| Security system failure/compromise | |
| **Definition:** | When the failure of a custodial facility’s security system compromises the security of the facility.  Security systems include offender cell call; perimeter CCTV; ground, fence and perimeter sensor detection systems; Fire systems internal or external lighting; electronic door lock failure, door found unsecured or other security systems deemed to be integral to the maintenance of a secure custodial facility. |
| **When to report it as critical:** | When the security system failure or compromise jeopardises the good order and security of custodial operations. |

|  |  |
| --- | --- |
| Security incident – other | |
| **Definition:** | Every security incident not covered by other incidents in the category. |
| **When to report it as critical:** | When the incident:   1. may cause significant public or media scrutiny of staff, policies, procedures, business units or stakeholders; or 2. jeopardises the good order and security of custodial operations or any person; or 3. relates to any current media or political issue relating to the Department specifically, or the government generally. |

# Appendix C – Mandatory Testing of Prisoners for Infectious Diseases

1. If a Prison Officer suspects on reasonable grounds there has been a transfer of bodily fluid from a prisoner to a Prison Officer, they shall notify the relevant Superintendent[[5]](#footnote-6).
2. The Superintendent shall refer to the [Communicable Diseases Procedures](https://dojwa.sharepoint.com/sites/health-services/Pages/Policy-and-Procedure.aspx) for the process to follow following an exposure/possible exposure to blood or bodily fluids.
3. In accordance with section 3.1.2 and where possible, the affected Prison Officer shall provide an Incident Description prior to ceasing duty. An Employee OSH Incident Report (HRD0076) must also be completed.
4. The Superintendent shall review the incident and where appropriate, consult with relevant areas (eg, OSH, Health Services, etc) to determine if the prisoner’s medical record should be reviewed. If required, the Superintendent shall request the Director Medical Services (DMS) to review the prisoner’s medical record to ascertain whether the prisoner has an infectious disease and notify the Superintendent of the results of the review.
5. The DMS shall not disclose any medical information about the prisoner other than the presence of an infectious disease.
6. The Superintendent shall advise the affected Prison Officer if an infectious disease is present and appropriate actions depending on the result (eg, seek medical assistance from an appropriate medical practitioner).
7. Regardless of the presence or absence of information to suggest an infectious disease on the prisoner’s medical record, the Superintendent may provide the prisoner with a completed [Test Authorisation Notice](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) which requires the prisoner to submit themselves for a body sample. The Superintendent shall ensure it is explained to them in a language the prisoner is most likely to understand.
8. If the prisoner agrees to provide the required sample, the Superintendent shall direct a Prison Officer, who is not the affected Prison Officer, to escort the prisoner to an appropriate place (including a place within a prison) where a qualified person may take the sample. The qualified person shall be provided a copy of the [Test Authorisation Notice](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx).
9. If the prisoner co-operates in providing the sample, however due to extenuating circumstances the sample is not able to be taken (ie, problematic venous access), the qualified person shall certify that a blood sample could not be obtained, including the reason why, and notify the Superintendent. The Superintendent shall notify the affected Prison Officer and encourage them to seek medical assistance. No further action shall be taken against the prisoner.
10. The escorting Prison Officer shall ensure the sample is sealed in a container and marked or labelled with the following in the presence of themselves and the prisoner[[6]](#footnote-7):
    1. the name of the prisoner; and
    2. the type of the sample taken; and
    3. the infectious disease for which the sample is to be tested; and
    4. the name of the qualified person who took the sample; and
    5. the time and date when the sample was taken.
11. The Superintendent shall receive the prisoner’s test results[[7]](#footnote-8).
12. The Superintendent shall provide the results of the test to the affected Prison Officer. The Superintendent shall not interpret the results and shall advise the affected Prison Officer to seek medical advice from an appropriate medical practitioner. The affected Prison Officer may disclose the test results in a manner that does not disclose the identity of the prisoner.
13. The Superintendent shall also disclose the test results to a Medical Officer responsible for the medical care and treatment of the prisoner.
14. If the prisoner refuses to co-operate fully in providing a sample, they may be charged with an aggravated prison offence as per section 70 of the *Prisons Act 1981*.
15. If the affected Prison Officer receives an infectious disease, it must be reportable under Regulation 2.5 of the *Occupational Safety and Health Regulations 1996* and a [Notifiable Injuries and Diseases Form](https://dojwa.sharepoint.com/sites/intranet/human-resources/safety-health/Pages/osh.aspx) must be completed and forwarded to the OSH Team.
16. The Superintendent shall make a written record of their decisions and actions on the TOMS incident report in a manner that does not disclose the prisoner’s medical information or test results.

1. Part 2, Division 2, Section 18 *Court Security and Custodial Services Act 1999* [↑](#footnote-ref-2)
2. s.12(b)(c) *Prisons Act 1981* [↑](#footnote-ref-3)
3. s.38(i) *Court Security and Custodial Services Act 1999* [↑](#footnote-ref-4)
4. s.41 *Prisons Act 1981* [↑](#footnote-ref-5)
5. r.29E *Prisons Regulations 1982* [↑](#footnote-ref-6)
6. r.29(I)(1) *Prisons Regulations 1982* [↑](#footnote-ref-7)
7. r.29K(1) *Prisons Regulations 1982* [↑](#footnote-ref-8)