COPP 14.5 Authorised Absences and Absence Permits

Prison

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| Principles As referenced in the Guiding Principles for Corrections in Australia, 2018:  5.2.3 prisoners can access relevant staff, external services/agencies, family and community groups to assist in meeting their reintegration needs.  5.2.4 Aboriginal and Torres Strait islander prisoners are provided with culturally relevant reintegration and post release services.  5.2.6 Temporary leave programs are available to eligible prisoners, to support reintegration through continued engagement with family and community and access to education and employment opportunities. |

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# Scope

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

# Policy

The Chief Executive Officer has delegated powers to grant an absence permit, under the *Prisons Act 1981,[[1]](#footnote-1)* to an authorised approver(s) as per [Appendix A – Delegated Authority to Approve an Absence Permit](#_Delegated_Authority_to), dependent on the purpose or circumstances for which the absence permit is being considered. In the absence of the primary Delegated Authority, or where a prisoner appeals an initial decision, an application shall progress to the next higher level of Delegated Authority.

The Delegated Authority is not to give an absence permit unless satisfied the absence will facilitate one or more of the following objectives:

* the rehabilitation of prisoners and the successful reintegration of prisoners into the community
* the compassionate treatment of prisoners and their families
* the facilitation of the provision of medical or health services to prisoners; and/or
* the furthering of the interests of justice.

In all cases, consideration to grant an absence permit must take into account the safety and interests of the public.

# Eligibility

## Prescribed purposes or circumstances

### Prisoners may only be granted an absence permit from a prison or external facility for a purpose or circumstance prescribed in the *Prisons Regulations 1982,*[[2]](#footnote-2) or to deal with circumstances that are in the opinion of the Delegated Authority exceptional.[[3]](#footnote-3)

### The prescribed purposes or circumstances for which a prisoner may be granted an absence permit are:

1. facilitating the rehabilitation and successful reintegration of a prisoner into the community
2. facilitating the education and training of a prisoner
3. facilitating the employment, or the preparation for employment, of a prisoner
4. facilitating participation by a prisoner in community work or work associated with the operation of the prison
5. facilitating the maintenance of cultural ties and enabling the prisoner to meet cultural obligations
6. facilitating the observance of religious or spiritual beliefs and practices of a prisoner
7. facilitating the participation in recreational activities or other activities that promotes the wellbeing of a prisoner
8. preparing a prisoner for release
9. facilitating the maintenance of contact between a prisoner and their family, or any other approved person, and enabling them to meet responsibilities to that family or person, including parental or guardianship responsibilities
10. enabling a prisoner to be absent from prison on compassionate grounds
11. facilitating the provision of medical, dental, or other approved ancillary health service to a prisoner; or
12. facilitating the investigation of an offence or the administration of justice.

## Eligibility to apply

### Every prisoner is eligible to apply for an absence permit for the purposes or circumstances mentioned in section [3.1.2 (j) and (k).](#_The_prescribed_purposes)

### For all other purposes and circumstances in section [3.1.2 (a – i)](#_The_prescribed_purposes), prisoners of a minimum-security rating are eligible to apply for an absence permit. These are generally to facilitate the prisoner’s successful reintegration into the community.

### A prisoner sentenced to a life or indefinite sentence is only eligible to apply for an absence permit for the purposes of section [3.1.2 (a – i)](#_The_prescribed_purposes) where they have achieved a minimum security rating, and for reintegration objectives as part of an approved Re-Socialisation Programme[[4]](#footnote-4) as per [COPP14.3 – Re-Socialisation Programme](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Applications for prisoners applying for an absence permit to attend a funeral occurring interstate, or a visit to a dangerously ill person located interstate will not be considered.

### A Criminal Law Mental Impairment (CLMI) prisoner is not eligible to be granted an absence permit, unless the absence is for:

1. the facilitation of the provision of medical or health services; or
2. the furthering of the interest of justice[[5]](#footnote-5).

### A CLMI prisoner may, however, be eligible for a Leave of Absence Order in accordance with the conditions set out in the [*Criminal Law (Mental Impairment) Act 2023*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_228_homepage.html)[[6]](#footnote-6). Applications from a CLMI prisoner relating to section 3.1.2 (j), shall be referred to Adult Community Corrections Criminal Law Mental Impairment Services Team (<mailto:ACC.CLMI@justice.wa.gov.au>) who will action the application and refer to the Mental Impairment Review Tribunal if required.

## Duration of absence permit[[7]](#footnote-7)

### In considering what is reasonably required, the duration permitted shall consider how the prisoner’s absence will be managed within operational requirements and management of the prisoner.

### For the purpose of, or in the circumstances mentioned in section [3.1.2 (a – h),](#_The_prescribed_purposes) the period specified in the absence permit shall not be longer than:

1. the shortest period reasonably required, including travel time; or
2. 12 hours, plus travel time to and from the prison, whichever is shorter.

### For the purpose of, or in circumstances mentioned in section [3.1.2 (j), (k) or (l),](#_The_prescribed_purposes) the period specified in the absence permit shall be the shortest period reasonably required, including travel time.

# Absence Permit to Facilitate Rehabilitation and Reintegration[[8]](#footnote-8)

## General requirement

### The Superintendent of each prison shall arrange for the provision of services or programs for the wellbeing and rehabilitation of prisoners[[9]](#footnote-9).

### Where services or programs are to occur outside a prison, the external activity shall first be pre-approved as per [COPP 8.7 – External Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### An absence permit must be granted prior to the prisoner commencing any proposed external activity.

### Absences for the purposes of rehabilitation and reintegration activities generally include:

1. education, training, and employment programs
2. recreational and sporting activities
3. community work or work related to the prison’s operation
4. maintaining and strengthening family and community connections to assist in the prisoner’s reintegration on release.

## Application and assessment process

### Prison staff shall, where required, assist eligible prisoners prepare the relevant applications. The applications shall be assessed, and relevant information provided to the Delegated Authority to determine the prisoner’s suitability to be granted an absence permit.

### Specific application and assessment procedures are in place for external activities as per the following COPPs:

1. [COPP 8.7 – External Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
2. [COPP 8.2 – Prisoner Employment Program](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
3. [COPP 14.2 – Home Leave](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

# Absence Permits for Compassionate Reasons[[10]](#footnote-10)

## General requirements

### Prisoners may apply for an absence permit on the following compassionate grounds:

1. attending a funeral (or funeral-like activity)
2. visiting a dangerously ill person; or
3. other exceptional circumstances where an event or situation is considered to cause grave difficulty or extreme stress to a prisoner or person with a significant relationship to the prisoner.

### Birthdays, reunions, award ceremonies, and weddings/receptions are not considered to meet the requirements for an absence permit on other compassionate grounds.

### For applications made by a CLMI prisoner, these absences are authorised under a Leave of Absence Order as per [COPP 12.2 – Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx), Appendix B, Part 1D.

## Funeral applications

### The Superintendent/Officer in Charge (OIC) shall be made aware by staff when any prisoner is grieving the death of a family member/friend, and ensure the appropriate support is provided.

### Prisoners shall be offered the opportunity to apply to attend a funeral and advised that generally, an absence permit shall only be granted for funeral related activities occurring on the same day.

### Prisoners generally shall not be permitted to attend a viewing unless they are unable or have elected not to attend other funeral-like activities.

### Prison staff, when they first become aware of a potential application for a funeral attendance, shall enter the details of the deceased into the TOMS Funeral Register and commence the prisoner’s funeral application as per the [Funeral Register Procedure Manual](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/sentence-management.aspx). If the deceased has already been entered into the Funeral Register by another officer or facility, prison staff should commence the prisoner’s application under the existing entry.

### Prison staff shall only enter the funeral details (date, time, location) on TOMS when they have been confirmed by the funeral home. The application shall not be finalised until these details are confirmed.

### Prison staff shall assess, document, and verify all relevant and available information, including any details provided by external parties to establish:

1. the nature and importance of the prisoner’s relationship with the deceased person
2. whether any victim(s) of the prisoner’s current offending (including remand offences) were known to them and may be present during the funeral
3. whether there are any potential risks and security considerations, and any alerts between other prisoners applying.

### Sentence Management may request that Prison Management consult with prisoners, and their families, in circumstances where several applications are received for the same funeral or funeral-like activity.

### Generally, no more than four prisoners shall attend any one funeral.

### Prison officers shall establish the nature and significance of the relationship, including kinship relationships and community or cultural obligations, between the prisoner and the deceased as immediate or extended family.

### The application shall address whether the prisoner’s attendance at a funeral has the potential to cause victim issues, including the attendance of persons protected from contact with the prisoner by way of a court order.

### Prison officers shall consider factors that may affect any conditions or restrictions placed on the absence permit, when considering any risks to the safety and interests of the community, such as the:

1. prisoner’s escape history
2. prisoner’s offence history, including the nature and seriousness of offences, and pattern of offending behaviour
3. outcome (including cancellation) of any previous absence permits granted; and
4. prisoner’s TOMS alerts, prison charge history, and any facility management reports.

### Prison Management are responsible for making any security recommendations when completing the application. The Superintendent shall address any security concerns when making a recommendation.

### All documentation relevant to the funeral application, including assessment of the various security risks, shall be provided to assist with decision making.

### The assessment shall include an evaluation of transport arrangements and supervision requirements. Where a prisoner needs to be temporarily transferred to another prison to attend a funeral, the application must address whether the receiving prison can accommodate the prisoner, and the transfer can occur prior to the funeral date.

### Where a prisoner is required to transfer prior to receiving a decision on their application, they shall be advised that the transfer is not confirmation of approval.

### Prison Management, at the conclusion of the funeral application, shall make a recommendation based on whether:

1. the relationship between the prisoner and the deceased person meets policy requirements
2. any victim issues preclude the prisoner’s attendance
3. the escort can be facilitated by prison staff in the event that the contracted escort provider is unable or not contracted to; and
4. there are any behavioural or security issues which deem the prisoner to be too great a risk for the purpose of a funeral escort.

## Dangerous illness applications

### The Superintendent/OIC shall be made aware when any prisoner raises a dangerous illness application and ensure the prisoner is provided appropriate support.

### A person is considered dangerously ill when written medical advice indicates that their illness or injury is life threatening and death is imminent.

### Generally, visits to a dangerously ill person shall be limited to attendance at a hospital, hospice, or aged care facility. During Office hours, Sentence Management shall request a residential profile from Intelligence Services, in circumstances where a dangerously ill person is located at a private residential address. After hours, the Operations Centre (OPCEN) will request the residential profile from Intelligence Services.

### The residential profile shall be escalated to a decision-maker as per Appendix A who shall decide on the application, considering the safety of the community, the prisoner, and escorting staff.

### The Dangerous Illness or Other Application checklist on TOMS shall be utilised to complete an application when a prisoner requests to visit a dangerously ill person or on other compassionate grounds.

### Prison Officers shall assess, document, and verify all relevant and available information, including any details provided by external parties to establish:

1. the nature and importance of the prisoner’s relationship with the dangerously ill person
2. the condition and prognosis of the dangerously ill person
3. whether any victim(s) of the prisoner’s current offending (including remand offences) were known to them and may be present during a visit to the dangerously ill person; and
4. whether there are any potential risks and security considerations, and any alerts between other prisoners applying.

### The relationship between the prisoner and the dangerously ill person shall be identified as immediate or extended family, and in all instances prison staff shall establish the nature and significance of the relationship, including kinship relationships, and community or cultural obligations.

### An application shall not be recommended where:

### any victim concerns are stipulated in the application and assessment documentation; and

### the prisoner is identified as being the respondent in a Restraining Order and granting the absence permit may lead to a breach of the conditions of that Order.

### Prison Officers, in considering risks to the safety and interests of the community, shall consider factors that may affect any conditions or restrictions placed on the absence permit, such as:

1. the prisoner’s escape history
2. the prisoner’s offence history, including the nature and seriousness of offences, and pattern of offending behaviour
3. the outcome (including cancellation) of any previous absence permits granted; and
4. the prisoner’s TOMS alerts, prison charge history, and any management reports.

### Prison Management are responsible for making any security recommendations when completing the application. The Superintendent, based on any relevant concerns, may recommend the prisoner’s application not be approved for security reasons.

### The assessment shall include an evaluation of transport arrangements and supervision requirements. Where a prisoner needs to be temporarily transferred to another prison to visit the dangerously ill person, the application must address whether the receiving prison can accommodate the prisoner and that the inter‑prison transfer can occur in time for the visit to be facilitated.

### Where a prisoner is required to transfer prior to receiving a decision on their application, they shall be advised that the transfer is not confirmation of approval.

### At the conclusion of the application a recommendation shall be made including whether:

1. the relationship between the prisoner and the patient meets policy requirements
2. written medical advice has been received and indicates that the dangerously ill person’s death is imminent
3. any victim issues preclude the prisoner’s attendance
4. the escort can be facilitated by prison staff in the event that the contracted escort provider is unable to facilitate; and
5. there are any potential risks, security considerations and any alerts between other prisoners applying.

### Prisoners shall be advised that generally only a single visit to a dangerously ill person shall be permitted.

## ‘Other’ Compassionate Leave Applications

### ‘Other compassionate leave’ not classified as a funeral activity or as visiting a dangerously ill person can be considered under this section only in exceptional circumstances where the event or situation is causing grave difficulty or extreme stress to:

### the prisoner; or

### to a person with a significant relationship to the prisoner.

### Approval for ‘other compassionate leave’ can only be determined by the relevant Deputy Commissioner or Duty Deputy Commissioner.

## Prisoner visit to mother and child immediately post birth

### Prisoners with a minimum-security rating are eligible to apply for an absence permit to visit the mother of their child at a medical facility, immediately after the birth of their child. This enables prisoners to meet family responsibilities, including parental or guardianship responsibilities[[11]](#footnote-11).

### A prisoner cannot apply to be present during the actual birth of their child.

### The Visit to Mother and Child Immediately Post Birth Application on TOMS shall be utilised to record and assess the prisoner’s application. Applications are not to be finalised until after the child has been born and shall include:

1. confirmation of the relationship between the prisoner and the mother
2. confirmation by the relevant medical facility of the birth of the child; and
3. a recommendation as to whether the application is supported, including victim issues, transport considerations and security recommendation.

Approval for a visit to mother and child immediately post birth leave is determined in accordance with [Appendix A](#_Delegated_Authority_to).

### Before the birth of a baby, prisoners with an active ‘Restricted Visits’ alert shall submit a TOMS Application for Child Visits form (in accordance with [COPP 7.4 – Visitor Restrictions and Bans](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)) and a Absence Permit application.

### Generally, prisoners with an active ‘Restricted Visits’ alert shall not be considered favourable for a prisoner visit.

## Application assessments

### Prison Management shall finalise applications and all supporting documentation saved to Attachments in ACM Checklists – View on TOMS and notify Sentence Management upon finalising an application.

### Applications from High Security Escort (HSE) prisoners that are recommended by Sentence Management shall be referred to the relevant Assistant Commissioner for a decision, in consultation with the Assistant Commissioner Security and Response Services and the Superintendent Special Operations Group (SOG).

### The complete application should be reviewed along with the most current HSE intelligence assessment (completed by Intelligence Services) to determine whether the funeral escort should go ahead and if so, whether escalated SOG resources should be used to undertake the escort.

### Should the latest HSE intelligence assessment not address a specific security concern, additional input from Intelligence Services may be requested (by exception) to help inform the decision-making process.

### During office hours, applications shall be forwarded to Sentence Management, who shall review and assess the application, obtaining decisions in accordance with Appendix A.

### Sentence Management shall advise Prison Management of the decision. If the application is approved, Sentence Management shall also advise the escorting officers nominated to conduct the escort.

### For after-hours applications the prison shall contact the OPCEN via telephone, prior to emailing the application and any supporting documentation. The OPCEN shall then deny or defer the application or recommend and progress the application and any supporting documentation to the Duty Deputy Commissioner for a decision. The OPCEN shall notify the prison of the decision, as well as the escorting officers nominated to conduct the escort.

### If a prisoner decides to withdraw their application to attend a funeral or to visit a dangerously ill person, the prison shall arrange for the prisoner to submit their decision in writing by completing and signing a [Funeral or Dangerous Illness Application Withdrawal.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) A copy of the signed form is to be provided to AC-SM-Funerals.

## Applications approved

### Upon notification of an application being approved, Prison Management shall instruct officers to:

1. advise the prisoner verbally of the decision and enter a TOMS offender note to that effect; and
2. commence the necessary escort and transport arrangements as per [COPP 12.2 – Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx), complete an absence permit, and the Transfer and Discharge sheet on TOMS.

### Prison Management are responsible for determining the level of operational security necessary to facilitate the prisoner’s attendance at a funeral or visiting a dangerously ill person.

### The prisoner shall be allowed to phone a support person to advise them of the decision.

### If the escort contractor gives notification of non-provision of service, the OPCEN shall liaise with Prison Management to determine if prison staff can undertake the escort.

### If for any reason the escort does not occur, Prison Management are responsible for updating the absence permit status to ‘did not proceed’ and entering the reasons why the escort did not occur.

## Applications not approved/Alternatives to attendance

### Prison Management on notification of an application not being approved, shall immediately instruct an Officer to advise the prisoner verbally of the decision and reason(s) provided by Sentence Management. The Officer is to enter a TOMS offender note to that effect and record the prisoner’s reaction to the decision.

### The prisoner shall be allowed to phone a support person to advise them of the decision.

### Prison Officers shall be vigilant in monitoring adverse emotional reactions following a prisoner’s unsuccessful application. Additional support from Peer Support, Health Services staff and/or the Aboriginal Visitors Scheme should occur where applicable. An At-Risk Management System (ARMS) referral is to be made where any concern regarding the prisoner’s reactions or a risk of self-harm is identified as per [COPP 4.9 – At Risk Prisoners](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Alternative activities shall be considered where a prisoner’s application has not been approved which may include:

1. having the prisoner transferred to the nearest prison for visits with family and community members
2. conducting a memorial service within the prison
3. facilitating flexible visiting arrangements with family
4. assisting the prisoner to write something to be read at the funeral
5. facilitating e-visits with family members before, during and after a funeral
6. video-link to the funeral proceedings
7. playing back a recording of the funeral
8. facilitating a phone call with family members, or other significant support people; and/or
9. any other culturally appropriate activity the Superintendent deems suitable.

## Appeals

### The prisoner is entitled to one appeal of the decision not to grant an absence permit for a funeral, visit to a dangerously ill person, or ‘other compassionate leave’ application.

### A decision made by the Commissioner; Corrective Services cannot be appealed.

### Requests to appeal a decision will only be actioned by Sentence Management when received in writing from the prison. The prisoner can attach supporting documentation they have received, such as a letter from a legal representative, family, or a community member.

### Sentence Management cannot action an appeal lodged by a third party on behalf of a prisoner.

### Prisoners appealing a decision shall be provided with, and where required, assisted to complete the [Appeal – Funeral Attendance/Visit to Dangerously Ill Person form.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx)

### Prisoners appealing the decision are to provide further relevant information addressing the reason(s) their application was not approved. The Appeal documentation shall then be forwarded to Sentence Management, as well as support letters received from family and/or community members.

### The appeal will be reconsidered by persons not involved in the original decision and of a higher authority than the original decision‑maker. Once a decision is made on the appeal, Sentence Management shall notify the relevant Prison Management of the final decision.

### Where the appeal is required to be submitted after-hours and there is insufficient time for Sentence Management to consider the appeal the following day, the OPCEN shall refer the appeal and any supporting documentation to the Duty Deputy Commissioner for a decision. The prison shall contact the OPCEN via telephone, prior to emailing the appeal.

### The OPCEN shall notify the prison of the decision, as well as the escorting officers nominated to conduct an approved escort for an upheld appeal.

### If the appeal is not in relation to the decision, however, relates to the non-provision of service by the contracted escort provider, then the prisoner may write to ACCESS.

## Absence permit suspension, varying and revocation

An approving authority may vary, suspend or revoke an absence permit in accordance with the *Prisons Act 1981.[[12]](#footnote-12)*

# Absence Permit to Facilitate Medical or Health Services[[13]](#footnote-13)

### Prisoners may only attend medical appointments arranged by Health Services, which may include dental, hearing, optical, or other ancillary appointments for assessment and/or treatment.

### When a prisoner needs to attend medical or health appointments external to the prison, Health Services shall advise and provide all relevant details to the Superintendent/OIC, or the Authorised Assistant Superintendent.

### Approval to grant an absence permit to facilitate medical or health appointments does not require the prisoner to make an application.

### The OIC shall authorise the prisoner’s absence and detail in writing any conditions or restrictions to maintain the safe custody of the prisoner during the absence.

### A risk assessment of any potential issues associated with the security and escort arrangements shall be undertaken in accordance with [COPP 12.2 – Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### For high security escort prisoners refer to [COPP 12.5 – High Security Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### If a prisoner is being admitted to hospital for a life-threatening illness/injury, the Superintendent/OIC shall report the incident as per [COPP 13.1 – Incident Notifications, Reporting and Communications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Notification to the prisoner’s next of kin shall be conducted as per [COPP 6.1 – Prisoner Access to Health Care](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# External Medical Care for Residential Children

### There may be circumstances where the primary carer for a residential child within a prison, is approved as per [COPP 4.5 – Residential Children](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx), to accompany the child who has an external medical appointment or emergency. The purpose or circumstances under the *Prisons Regulations 1982*, for which an absence permit may be granted includes:

1. enabling the prisoner to meet their parental or guardianship responsibilities, for a minimum-security rated prisoner,[[14]](#footnote-14) or
2. on compassionate grounds, for prisoners with a security rating higher than minimum.[[15]](#footnote-15)

### Assessment should take into consideration the details set out in the approved Child Care Plan.

### Approval to grant an absence permit to facilitate external medical care for residential children does not require the prisoner to make an application.

### For high security escort prisoners refer to [COPP 12.5 – High Security Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Standard security considerations shall apply to the absence of the primary carer of a residential child within a prison, including escort and restraints provision, refer to [COPP 12.3 – Conducting Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Absence Permit to Further the Interests of Justice[[16]](#footnote-16)

## Application considerations

### External policing and intelligence agencies may submit a formal written application requesting access to a prisoner for the purposes of facilitating the investigation of an offence(s) and/or for the administration of justice.[[17]](#footnote-17)

### Absence permit applications of this kind require the requested prisoner to be escorted from the custodial environment to a pre-determined location(s).

### Written application requests from an external agency are to be addressed to the Deputy Commissioner, Operational Support and emailed to the Corrective Services Operations Centre via email: [OperationsCentre@justice.wa.gov.au](mailto:OperationsCentre@justice.wa.gov.au).

### The OPCEN shall ensure the written application includes:

### the prisoner’s details (full name and DOB)

### the details (rank, full name, regimental number and mobile number) of at least one police officer/agent that will receive custody of the prisoner

### the preferred date and time period to conduct the interview/investigation

### the prescribed purpose of the s.83 request (why the agency wishes to complete the interview/investigation and why it cannot be completed in the prison environment (i.e., integrity of the investigation/operational compromise etc.)

### detail of the specific address and/or location(s) the interview/investigation will be conducted; and

1. transport arrangements should the external agency request to transport the prisoner.

### [Intelligence Services](mailto:IntelligenceServices@justice.wa.gov.au) shall review the application and provide a summary of any relevant holdings associated with the prisoner. The application shall be provided to the Delegated Authority for assessment as per section 9.2.1.

### Once all required details are verified as per section 9.1.4, the OPCEN shall liaise, via email, with the SOG to ascertain their availability to conduct the escort as requested by the respective agency.

### If the SOG cannot facilitate the escort on the requested date or over the requested time period, the OPCEN shall liaise with the requesting agency to either:

1. negotiate a change in date and/or time period; or
2. ascertain the viability of the agency’s armed response capability, to conduct the escort in place of the SOG.

## Application, assessment and approval

### The OPCEN shall develop and sign a [s.83 (1)(d) Absence Permit](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) covering letter to the Delegated Authority summarising the application from the requesting agency ensuring the detail required in section 9.1.4 is clearly articulated. A copy of the intelligence summary shall also be attached with the covering letter.

### The OPCEN will further populate a [s.83 (1)(d) Absence Permit](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) and submit the draft permit, covering letter and original request from the external agency to the Delegated Authority for final review and signing.

### The absence permit shall detail the following:

1. details of the requesting agency
2. prison the prisoner is currently incarcerated
3. prisoner’s full name and offender identification
4. name(s) of the persons who will receive custody of the prisoner
5. the reason why s.83(1)(d) Absence Permit has been requested by the respective agency
6. references to s.83(1)(d) and s.83(3)(a) of the *Prison Act 1981*
7. the period of absence requested (date and time from/time to) as per r.54E(3) of the *Prison Regulations 1982*
8. the reason for the absence as per r.54D(I) of the *Prison Regulations 1982*
9. the transportation arrangements for the prisoner’s escort
10. the supervision requirements – who is nominated in the requesting agency to be responsible for the prisoner’s safety and welfare whilst absent from the prison as per r. 56K(1)(a) and (b) of the *Prisons Regulations 1982*
11. the custody handover requirements at the conclusion of the interview including:

* advice regarding whether formal charges have been preferred or are likely to be preferred
* any behavioural observations regarding the prisoner whilst in the agency’s custody
* any information that would suggest the prisoner is at risk to self or at risk from other parties as a result of the information communicated during the interview; and

1. the specified location(s) the prisoner will attend during the period of absence.

### The OPCEN, on behalf of the Delegated Authority, shall ensure a signed copy of the absence permit is forwarded to the:

1. requesting agency
2. Superintendent and Security Manager of the prison where the prisoner is in custody
3. SOG; and
4. Adult Male Prisons (AMP) [CS-AMP-Operations@justice.wa.gov.au](mailto:CS-AMP-Operations@justice.wa.gov.au) or Adult Women’s Prisons (AWP) [AWP@justice.wa.gov.au](mailto:AWP@justice.wa.gov.au) (as applicable).

### The OPCEN on behalf of the Delegated Authority shall advise the external agency if the request to conduct the escort has been approved, providing a copy of the signed Absence Permit and Prisoner Handover Form via email, no later than the business day prior to the escort.

### The OPCEN shall ensure all related absence permit correspondence is archived in Content Manager, including emails and signed documents relating to the absence permit.

### The OPCEN on behalf of the Delegated Authority, if not approved, shall ensure the requesting agency and Intelligence Services are advised of the reason(s) why the absence permit was denied.

## Managing prisoner safety and security

### Investigations by external agencies have the potential to increase the risks for the prisoner, in terms of self-harming behaviours or harm perpetrated by other prisoners.

### The Superintendent shall execute the instructions and conditions of the absence permit, ensuring the management of the operational plan associated with the prisoner’s absence. This may include limiting the release of information relating to the absence to other prison staff.

### Generally, the SOG will conduct the escort of a prisoner for the purposes of facilitating the investigation of an offence(s) and/or for the administration of justice.[[18]](#footnote-18)

### However, the external agency on approval by the Delegated Authority, may conduct the escort.

## Handover

### If the SOG are conducting the escort, they shall obtain the completed Prisoner Handover Form from the external agency at the conclusion of the prisoner’s interview and prior to escorting the prisoner back to the prison.

### The SOG Officers or external agency returning the prisoner shall provide reception staff with the completed [Prisoner Handover Form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) on their return to the prison. The [Prisoner Handover Form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) shall include the following information (but is not limited to):

### advice regarding whether formal charges have been preferred or are likely to be preferred

### any behavioural observations regarding the prisoner

### any information that would suggest the prisoner is at risk to self or at risk from other parties as a result of the information communicated during the interview; and

### any immediate concerns.

### The Superintendent shall forward a copy of the [Prisoner Handover Form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) to [intelligenceservices@justice.wa.gov.au](mailto:intelligenceservices@justice.wa.gov.au).

# Interstate Absence Permits

### Interstate absence permits are required for cross-border external activities.

### The Delegated Authority may, as they think appropriate, grant an interstate absence permit for the purpose or circumstances as prescribed in the *Prisons Regulations 1982*, or to deal with circumstances considered exceptional.

### The Delegated Authority, on granting an interstate absence permit to a prisoner, shall ensure written notice of the permit and the period of the permit are given to the participating State or Territory, as stipulated in the *Prisons Regulations 1982.*[[19]](#footnote-19)

### This section does not apply to interstate prison transfers in accordance with the [*Prisoners (Interstate Transfers) Act 1983*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_749_homepage.html), which are approved as stipulated in that Act.

# Absence Permits

## Documentation

### Prisoners shall be provided with a copy of the absence permit (not the application) and informed it is to be with them at all times while absent from the prison, for the following activities:

1. Home Leave
2. Prisoner Employment Program (PEP)
3. compassionate leave; or
4. visit the mother of their child, immediately post birth.

### An absence permit shall include:

1. the name(s) of the prisoner(s)
2. the reason for a period of the absence(s), including an allowance for travelling time; and
3. conditions of the permit, including standard conditions set out in the *Prisons Regulations 1982.*[[20]](#footnote-20)

### The Gate Senior Officer and the relevant supervising officer must ensure that the prisoner is listed on the Transfer and Discharge sheet and the Offender Movement Information sheet prior to the prisoner departing the prison.

### Prisoners shall not proceed on an external activity from a prison or work camp unless an absence permit has been approved and the required documentation completed in accordance with the following formats:

|  |  |
| --- | --- |
| Reason for Absence | Absence Permit Format |
| Home Leave | * Absence Permit on TOMS * Offender Management Movement sheet – Home Leave * Transfer and Discharge sheet |
| PEP | * Absence Permit on TOMS * Offender Management Movement sheet – PEP * Transfer and Discharge sheet |
| Compassionate Leave (funeral attendance or visit to a dangerously ill person) | * Absence Permit on TOMS: Compassionate leave (funeral attendance or visit to a dangerously ill person) * Leave of Absence Order or Mental Impairment Review Tribunal approval, (if applicable). * Transfer and Discharge sheet * Offender Movement Information sheet |
| Visit to mother of their child immediately post birth | * Absence Permit on TOMS: visit to mother of their child immediately post birth * Transfer and Discharge sheet * Offender Movement Information sheet |
| External Activities | * Transfer and Discharge sheet * Offender Movement Information sheet |
| Primary carer attending a medical appointment with a resident child | * Medical Appointment form * Transfer and Discharge sheet * Offender Movement Information sheet |
| The facilitation of the provision of medical or health services to prisoners | * Medical Appointment Form * Offender Movement Information Sheet * Transfer and Discharge Sheet |
| Furthering the interest of Justice | * Absence Permit – s 83(1)(d) *Prisons Act 1981* * Offender Movement Information sheet * Transfer and Discharge sheet |

### Absence Permits shall be completed on TOMS if required, in accordance with the [Absence Permit Module Procedure Manual for Custodial Staff.](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=absence%20permit%20module&ql=3081)

## Conditions of absence permit

### The Delegated Authority may issue written instructions providing for additional conditions or restrictions that shall apply to the permit. The prisoner shall be made aware of these additional conditions.

### The Superintendent shall determine and provide instructions regarding security arrangements for any permit, including the level of supervision or whether restraints required. The absence permit shall specify the level of supervision, where applicable.

### A prisoner who is absent from prison under a permit, as a standard condition, shall comply with any order or direction given by an Officer or other person responsible for the supervision of the prisoner.

### An absence permit may be issued in relation to more than one prisoner and/or for more than one period of absence.[[21]](#footnote-21)

## Record keeping

### All absence permits must be retained by the prison while the permit is active.

### When the absence permit is no longer required at the prison, it shall be filed and archived onsite.

# Annexures

## Related COPPs

* [COPP 4.5 – Residential Children](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 4.9 – At Risk Prisoners](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 6.1 – Prisoners Access to Health Care](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 8.2 – Prisoner Employment Program](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 8.7 – External Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.2 – Coordinating Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.3 – Conducting Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.5 – High Security Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.1 – Incident Notifications, Reporting and Communications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.2 – Home Leave](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

## Definitions and acronyms

| Term | Definition |
| --- | --- |
| Absence Permit | The document authorising a prisoner to be absent from a prison. A prisoner with a valid absence permit shall be deemed to be in lawful custody while absent as authorised by the permit. |
| After hours | After 1600 hours and before 0800 hours on weekdays, all hours on weekends and on public holidays. |
| Delegated Authority | The person or class of persons to whom the Director General (CEO) has delegated the authority to approve an absence permit. |
| Authorised Assistant Superintendent | The Assistant Superintendent or Manager Assessments (or in the case of privately operated prisons, the relevant Assistant Director) of the prison whose responsibilities include prisoner management and/or assessments. The Authorised Assistant Superintendent is authorised by the Superintendent to undertake the responsibilities as per this policy. |
| Chief Executive Officer (CEO) | Director General for the Department of Justice. |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational instruments that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Dangerously ill | A person is considered dangerously ill where medical advice indicates that their illness or injury is life threatening and that death is imminent. |
| Extended family | Where there is a proven kinship or extended familial relationship within the culture of the prisoner or the deceased. This includes where the deceased was the Primary Care Giver to the prisoner or had significant involvement in the prisoner’s upbringing, or tribal lore activities. When considering a cultural / kinship relationship the following information should be understood:   * Kinship can be best described as the connection of an individual with others, not necessarily by blood, but by a complex relationship within the community, which conveys collective responsibilities and the sharing of resources both financial and material. * Cultural relationships are not limited to Aboriginal culture and are intended to apply equally to all cultures. |
| Funerals or funeral like activities | Funerals are ceremonies honouring someone who has died and include activities, such as funeral services, burial services, memorial services, a viewing of the deceased and visiting the gravesite. The funeral shall be arranged by a Funeral Director or equivalent. Funerals do not include activities generally referred to as a wake. |
| Furthering the interests of justice | To attend a place for the purpose of facilitating the investigation of an offence or the administration of justice by state or federal police or other law enforcement agency (Does not include attendance at a court or other body with judicial authority). |
| Generally, | Where the word ‘generally’ is used in any provision in this policy, it is taken to mean that what is stated in that provision is the intention and may only be varied in exceptional circumstances. |
| HSE | High Security Escort – an escort of a prisoner on the HSE List and conducted in accordance with [COPP 12.5 – High Security Escorts.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) |
| Immediate family | Biological / legal mother, father, sister, brother, son, daughter, grandparent, grandchild or current husband, wife or de-facto partner of the prisoner. |
| Interests of Justice | External policing and intelligence agencies may submit a formal written application requesting access to a prisoner for the purposes of facilitating the investigation of an offence(s) and/or for the administration of justice. |
| Criminal Law Mental Impairment CLMI) Prisoner | A person who is detained in prison under s.49 of the [*Criminal Law (Mental Impairment) Act 2023*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_228_homepage.html)*.* |
| Office hours | 0800 hours to 1600 hours on weekdays, excluding public holidays. |
| OPCEN | The Corrective Services Operations Centre. |
| PEP | Prisoner Employment Program. |
| Primary Carer | The main person currently or previously responsible for the day-to-day care and responsibility for a child either by formal or informal arrangement. In regard to this COPP, ‘primary carer’ means a prisoner who has a child residing in prison, approved in accordance with [COPP 4.5 – Residential Children.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) |
| Prison | As defined in s. 3 or s. 23 *[Prisons Act 1981](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)*. Any reference in this policy to a prison includes an external facility/work camp. |
| SOG | Special Operations Group |
| Superintendent | The Superintendent as defined in s. 36 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) and includes any reference to the position responsible for the management of a private prison under Part IIIA [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). Does not extend to the Officer in Charge of a prison. |
| Supervision | The monitoring and recording of a prisoner’s movements. Refer to [COPP 8.7 – External Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) for further details in regard to the supervision of prisoners participating in external activities. |
| TOMS (Total Offender Management Solution) | An electronic database used by the Department of Justice to record and manage comprehensive information relating to offenders in custody which facilitates their effective management. |

## Related legislation

* *Prisons Act 1981*
* *Prison Regulations 1982*
* *Criminal Law (Mental Impairment) Act 2023*
* [*Prisoners (Interstate Transfer) Act 1983*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_749_homepage.html)

# 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 ensure that management oversight occurs as required.
* Monitoring and 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 Policy, Compliance and Contracts | 11 Aug 2021 | 18 September 2021 |
| 2.0 | Operational Policy | Approved by the Commissioner | 02 June 2022 | 07 June 2022 |
| 3.0 | Operational Policy | Approved by the A/Director Operational Policy, Compliance and Contracts | 25 October 2022 | 26 October 2022 |
| 4.0 | Operational Policy | Approved by the Commissioner  CM Ref: S23/92028 | 6 November 2023 | 25 January 2024 |
| 5.0 | Operational Policy | Approved by Assistant Director Operational Policy  CM Ref: D24/411239 | 22 May 2024 | 27 May 2024 |
| 6.0 | Operational Policy | Approved by Assistant Director Operational Policy  CM Ref:S24/84497 | 06 August 2024 | 07 August 2024 |
| 7.0 | Operational Policy | Approved by Deputy Commissioner, Operational Support  CM Ref: S24/86755 | 30 August 2024 | 01 September 2024 |

Appendix A – Delegated Authority to Approve an Absence Permit

Acronyms:

DC OPSPT – Deputy Commissioner Operational Support

DCOS – Deputy Commissioner Offender Services

DCAMP – Deputy Commissioner Adult Male Prisons

DCAWP – Deputy Commissioner Adult Women’s Prisons

DOWS – Director Operations Women’s Services

ACCO – Assistant Commissioner Adult Custodial Operations

ACAWP – Assistant Commissioner Adult Women’s Prisons

ACRR – Assistant Commissioner Rehabilitation and Reintegration Superintendent Administration

\* Office hours are 0800 – 1600 hours weekdays, excluding public holidays

\*\* **Approving Authority** listed in red can grant or deny a permit in the absence of the primary Delegated Authority.

| Activity | Prisoner Security Classification | Positions Authorised to Deny, Defer, Recommend or have Limited approval authority. | Positions Delegated as Approving Authority | Positions Delegated as Approving Authority for Interstate Absence Permits |
| --- | --- | --- | --- | --- |
| **Approved External Activities** *(s 95 Prisons Act 1981)* | **Minimum security prisoners only** who meet the suitability and eligibility requirements as specified in [COPP 8.7 – External Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) | **Superintendent**  May deny an application or approve prisoners other than those who:   * are under consideration for or detained under a court order in accordance with the *High-Risk Serious Offender Act 2020* * have a current offence in the category of ‘highest’ on the Offence Severity Scale.   In the above listed cases the Superintendent may recommend the application and progress to the Approving Authority, i.e., ACCO or ACAWP. | ACCO  ACAWP  DC AMP  DC AWP | **DC AMP**  **DC AWP** |
| **Prisoner Employment Program**  *(s 95 Prisons Act 1981)* | **Minimum security prisoners only** who meet the suitability and eligibility requirements as specified in accordance with [COPP 8.2](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) – [Prisoner](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) Employment [Program](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) | **Director Sentence Management**  May deny, defer or recommend the application and progress to the Approving Authority. | ACRR  DCOS | **N/A** |
| **Home Leave**  *(s 95 Prisons Act 1981)* | **Minimum security prisoners only** who meet the suitability and eligibility requirements as specified in accordance with [COPP 14.2](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) – [Home](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) Leave | **Director Sentence Management**  May deny, defer or recommend the application and progress to the Approving Authority. | ACRR  DCOS | **N/A** |
| **Prisoner visit to the mother of their child immediately post birth**  *(s.83(3)(a) Prisons Act 1981)* | **Minimum security prisoners only** | **During office hours: Director Sentence Management or, Manager Release Planning or Departmental Representatives on the Prisoners Review Board.**  May deny or recommend the application and progress to the Approving Authority. | **ACCO ACAWP**  **Superintendent Administration**  DC AMP or DC AWP | **N/A** |
| **After office hours: Operations Centre**  (No Approving Authority)  May deny or defer an application or recommend the application and progress to the Approving Authority. | **After office hours:**  **Duty Deputy Commissioner** |
| **Funeral attendances/ visits to dangerously ill person**  *(s.83(3)(a) Prisons Act 1981)* | **All prisoners** (except High Security Escort (HSE) prisoners, refer [COPP 12.5 – High Security Escorts)](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) | **N/A** | **During office hours:**  **Director Sentence Management or, Manager Release Planning or Departmental Representatives on the Prisoners Review Board or,**  **ACCO or ACAWP**  **Super Admin**  DC AMP or DC AWP | **N/A** |
| **After office hours:**  **Operations Centre**  (No Approving Authority)  May deny or defer an application or recommend the application and progress to the Approving Authority. | **After office hours:**  **Duty Deputy Commissioner** | **N/A** |
| **HSE Prisoners**, refer [COPP 12.5](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) – High Security [Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) | **During office hours:**  **Director Sentence Management or, Manager Release Planning or Departmental Representatives on the Prisoners Review Board or,**  **Superintendent Administration**  May deny or recommend the application and progress to the Approving Authority | **During office hours:**  **ACCO or ACAWP**  DC AMP or DC AWP in consultation with Assistant Commissioner Security and Response Services | **N/A** |
|  | **After office hours:**  **Operations Centre**  (No Approving Authority)  May deny or defer an application or recommend the application and progress to the Approving Authority. | **After office hours:**  **Duty Deputy Commissioner**  in consultation with the Assistant Commissioner Security and Response Services and Superintendent Special Operations Group. | **N/A** |
|  | Dangerous illness escorts to a private residential location | **During office hours:**  **Director Sentence Management or,**  **Manager Release Planning or,**  **Departmental Representatives on the Prisoners Review Board**  May deny or recommend the application and progress to the Approving Authority, in consultation with the OPCEN and Intelligence Services. | **During office hours:**  **Superintendent Administration**  **ACCO or ACAWP**  **DC AMP or DC AWP** | **N/A** |
|  | **After office hours:**  **Operations Centre**  (No Approving Authority)  May deny an application or defer to allow Sentence Management to consult with Intelligence Services. | **After office hours:**  **Duty Deputy Commissioner** | **N/A** |
| **Other Compassionate Leave**  *(s.83(3)(a) Prisons Act 1981)* | **All Prisoners** | **During office hours:**  **Director Sentence Management**  **Manager Release Planning**  **Departmental Representatives on the Prisoners Review Board**  May deny or recommend the application and progress to the Approving Authority | **DC AMP**  **DC AWP** | **N/A** |
|  |  | **After office hours:**  **Operations Centre**  (No Approving Authority)  May deny or recommend the application and progress to the Approving Authority | **Duty Deputy Commissioner** | **N/A** |
| **Primary Carer to attend medical appointment with residential child**  *(s.83(3)(a) Prisons Act 1981)* | **All prisoners** who have residential children in accordance with [COPP 4.5 Residential Child](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) other than:   * maximum security prisoners * HSE prisoners * prisoners serving life/indefinite sentences | N/A | **During office hours:**  **Superintendent**  **After office hours:**  **Officer in Charge (OIC)** | **N/A** |
| **Maximum Security Prisoners** other than:  HSE prisoners  prisoners serving life/indefinite sentences | **Superintendent/OIC**  May deny or recommend the application and progress to the Approving Authority  **After office hours:**  Superintendent/OIC are to escalate recommendation via the OPCEN who will obtain a decision from the Duty DC. | **During office hours:**  **ACCO or ACAWP**  DC AMP or DC AWP  **After office hours:**  **Duty Deputy Commissioner** | **N/A** |
| **HSE prisoners or prisoners serving life or indefinite sentences** | **Superintendent/OIC**  May deny or recommend the application and progress to the Approving Authority  **After office hours:**  Superintendent/OIC are to escalate recommendation via the OPCEN who will obtain a decision from the Duty DC. | **During office hours:**  **DO-WS**  DC AMP or DC AWP  in consultation with the Assistant Commissioner Security and Response Services  **After office hours:**  **Duty Deputy Commissioner**  in consultation with the Assistant Commissioner Security and Response Services. | **N/A** |
| **The facilitation of the provision of medical or health services to prisoners**  *(s.83(3)(a) Prisons Act 1981)* | **All prisoners** other than:   * HSE prisoners | N/A | **During office hours:**  **Superintendent/OIC**  **After office hours:**  **OIC** | **N/A** |
| **HSE prisoners** |  | **During office hours:**  **Superintendent/OIC** including:  notifications in accordance   * with [COPP 12.5 – High Security Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and notification to the SOG as a matter of priority |  |
|  | **After office hours:**  **OIC** including:   * notifications in accordance with [COPP](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) 12.5 – High Security Escorts and notification to the SOG as a matter of priority |  |
| **The furthering of interest of justice other than court appearances** (*s.83(1)(d) Prisons Act 1981)* | **All prisoners** | **Operations Centre**  May or may not recommend the application to progress to the Approving Authority. | **DC OPSPT**  **Duty Deputy Commissioner in the absence of DC OPSPT during business hours.** | **DC OPSPT**  **Duty Deputy Commissioner in the absence of DC OPSPT during business hours.** |

1. s.83 (2) *Prisons Act 1981* [↑](#footnote-ref-1)
2. r.54D *Prisons Regulations 1982* [↑](#footnote-ref-2)
3. s.83 (3) *Prisons Act 1981* [↑](#footnote-ref-3)
4. r. 54F(4) *Prisons Regulations 1982* [↑](#footnote-ref-4)
5. s. 84 *Criminal Law (Mental Impairment) Act* 2023 [↑](#footnote-ref-5)
6. Division 5, s. 77 *Criminal Law (Mental Impairment) Act 2023* [↑](#footnote-ref-6)
7. r. 54E *Prisons Regulations 1982* [↑](#footnote-ref-7)
8. s.83(1)(a) *Prisons Act 1981* [↑](#footnote-ref-8)
9. s. 95 *Prisons Act 1981* – as delegated by the Director General (CEO) [↑](#footnote-ref-9)
10. s.83(1)(b) *Prisons Act 1981* [↑](#footnote-ref-10)
11. r. 54D (i) *Prisons Regulations 1982* [↑](#footnote-ref-11)
12. s.83B *Prisons Act 1981* [↑](#footnote-ref-12)
13. s.83(1) (c) *Prisons Act 1981* [↑](#footnote-ref-13)
14. r.54D (i) *Prisons Regulations 1982* [↑](#footnote-ref-14)
15. r.54D (j) *Prisons Regulations 1982* [↑](#footnote-ref-15)
16. s.83(1) (d) *Prisons Act 1981* [↑](#footnote-ref-16)
17. r.54D(l) *Prisons Regulation 1982* [↑](#footnote-ref-17)
18. r.54D(l) *Prisons Regulation 1982* [↑](#footnote-ref-18)
19. Division 10 [*Prisons Regulations 1982*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1947_homepage.html) [↑](#footnote-ref-19)
20. r.54K [*Prisons Regulations 1982*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1947_homepage.html) [↑](#footnote-ref-20)
21. section 83(4) *Prisons Act 1981* [↑](#footnote-ref-21)