COPP 3.2 Issue of Medication by Custodial Officers

Youth Detention Centres

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| Principles In context of the following:  [Australasian Youth Justice Administrators Standards, 2009](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx):  Custodial environments are safe and secure.  [Australian Human Rights Commission National Principles for Child Safe Organisations, 2019](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx):  Risk management strategies focus on preventing, identifying and mitigating risks to children and young people. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all Youth Detention Centres (YDC) and Custodial Officers.

# Policy

The purpose of this document is to establish clear and consistent practices around the issuing of medication to detainees who are absent from the YDC.

The YDC has a duty of care to detainees to provide appropriate health services and encourage detainees to take responsibility for improving their health and wellbeing.

Custodial Officers have a responsibility to issue medication to detainees’ absent from the YDC, and in certain circumstances to prisoners.

The management of medication is governed by a recording and reporting regime which provides transparency and accountability.

# Issuing and Supervision of Medication

## Medication management

### For procedures on detainee access to health services refer to [COPP 3.1 – Access to Health and Psychological Services.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

### Health Services staff are responsible for managing medication in accordance with [Health Services Policy and Procedures.](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=health%20services&ql=3081#k=health%20services%20policy%20and%20procedure)

### Custodial Officers shall ensure where Police hand over medication to YDC staff, the medication shall be delivered directly to the Health Services staff for review.

### Custodial Officers shall ensure where a detainee is transferred to another unit that any medication stored in the unit is transferred with the detainee.

### Asthma inhalers and epi-pens shall be managed by Health Services staff and Custodial Officers in accordance with [Health Services Policy and Procedures.](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=health%20services&ql=3081#k=health%20services%20policy%20and%20procedure)

### In some circumstances, Custodial Officers may be required to issue medication (including when a detainee requires essential medication at a time where he or she is due to be absent from the YDC, e.g. court, and transport).

### In these instances the following process shall be followed:

1. Health Services staff shall provide Custodial Officers with the detainee’s medication clearly labelled with the detainee’s name and the time/date the medication is to be taken.
2. The [Medication Receiving and Release](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) form is to be provided with the medication on which the Custodial Officer shall note:

the Custodial Officers acceptance of the medication from Health Services staff

the date the detainee consumed the medication (in accordance with the dosage instructions) or if the detainee refused the medication

the completed [Medication Receiving and Release](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) form is to be returned to Health Services staff at the earliest possible opportunity.

1. The Custodial Officer shall check the identity of the detainee receiving the medication prior to the medication being issued.
2. The Custodial Officer shall provide the medication to the detainee on the date/time specified on the medication and shall supervise the consumption of the medication.
3. The Custodial Officer shall be responsible for ensuring that the detainee consumes the medication they have been issued. This shall involve the checking of the detainee’s mouth.
4. If there is any doubt as to the detainee’s consumption of the medication, the detainee’s Unit Manager/Senior Officer is to be informed immediately.

### Detainees shall not be permitted to take any medication which is brought into custody by him/her or parent/caregiver upon admission/transfer to the YDC, unless advice has been sought from, and written approval has been given by, Health Services staff prior to it being issued to the detainee.

## Perth Children’s Court

### In some circumstances, including while staffing the Perth Children’s Court (PCC) Custody Centre, Custodial Officers may be required to issue medication to prisoners who appear at PCC and require custody services.

### Any documentation accompanying the medication is to be completed and signed and returned to the sending prison (via internal mail).

### If there are any concerns in regard to the issuing of medication to a prisoner, the Senior Officer PCC Custody Centre shall contact Health Services staff of the sending prison to seek further advice.

## Medication transfer to responsible adult

### In some circumstances, Custodial Officers may be required to hand over medication to a detainee’s responsible adult (or other Custodial Officer, including WA Police Force Officer or court services staff).

### In these instances, the following process shall be followed:

1. The Custodial Officer shall record on the [Medication Receiving and Release form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) the date the medication was handed over to the external agency/ responsible adult.
2. The completed form shall be returned to Health Services staff at the earliest possible opportunity, including in the event the detainee has been discharged from custody.

# Annexures

## Related COPPs and documents

**Related COPPs**

* [COPP 3.1 – Access to Health and Psychological Services](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

**Documents**

* [Australian Human Rights Commission National Principles for Child Safe Organisations, 2019](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx)
* [Australasian Youth Justice Administrators Standards, 2009](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx)
* [Health Services Policy and Procedures](https://dojwa.sharepoint.com/sites/health-services)

## Definitions

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| Term | Definition |
| Commissioner’s Operating Policy and Procedures (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Custodial Officer | An officer with custodial functions, appointed under s 11(1) of the *Young Offenders Act 1994*; or a person who is appointed under section 11(1a)(a) as a custodial officer. This includes but is not limited to Youth Custodial Officers, Unit Managers and Senior Officers. |
| Detainee | Means a person who is detained in a detention centre as defined in s 3 of the *Young Offenders Act 1994*. |
| Medication | Medication, medicine or medicament is considered to be any substance or combination of substances intended to be administered to prisoners to treat, prevent, cure or diagnose any injury, illness or ailment. |
| Officers and Employees of Particular Classes | The following descriptions of classes of officers and employees are prescribed for the purpose of s 11(1a)(b) of the *Young Offenders Act 1994*, in r 49(2) of the Young Offender Regulations 1995:  (a) Medical staff persons who have undergone medical, nursing or health training and hold qualifications indicating successful completion of that training.  (b) Teaching staff persons who provide recreation or sports supervision, teachers, vocational trainers and social trainers.  (c) Program support staff counsellors, program facilitators and librarians.  (d) Centre support staff cleaning staff, laundry staff, gardening staff, vehicle driving staff, maintenance staff and hairdressers. |
| WA Police Force Officer | A person appointed under Part I of the *Police Act 1892,* to be a member of the Police Force of Western Australia. |
| PCC Custody Centre | Perth Children’s Court Custody Centre. |
| Prisoner | Any person in as defined in s 3 of the *Prisons Act 1981*, also includes a person not yet in the custody of a prison, but in the custody of a Contractor under the *Court Security and Custodial Services Act 1999*. |
| Public Service Officer | An officer employed in the State Government Public Service, subject to Part 3 of the *Public Sector Management Act 1994* and includes such officers and other persons as are necessary to implement or administer this Act. |
| Senior Officer | A Youth Custodial Officer who is substantive to this rank, or a Unit Manager, or Youth Custodial Officer acting in the capacity of Senior Officer, appointed by the Chief Executive Officer with reference to s 11 of the *Young Offenders Act 1994.* |
| Staff | Any person or officer of the Department of Justice, Corrective Services, including a Public Service Officer, youth Custodial Officer or an employee of a particular class: and any contractor who provides services to the Department of Justice. |
| Superintendent | In accordance with s 3 of the *Young Offenders Act 1994, ‘*The person in charge of a detention centre’. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to prisoners and detainees. |
| Unit Manager | A Youth Custodial Officer substantive to this rank or Youth Custodial Officer acting in the capacity of Unit Manager, appointed by the Chief Executive Officer with reference to s 11 of the *Young Offenders Act 1994*. |
| Youth Detention Centre | A gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees. Refer to section 13 of *Young Offenders Act 1994.* |

## Related legislation

* *Court Security and Custodial Services Act 1999*
* *Police Act 1892*
* *Public Sector Management Act 1994*
* *Young Offenders Act 1994*
* *Young Offenders Regulations 1995*

# Assurance

It is expected that:

* The YDC will undertake local compliance in accordance with the [Compliance Manual.](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=operational%20compliance&ql=3081)
* Women and Young People, Head Office will undertake management oversight as required.
* Operational Compliance will undertake checks in accordance with the [Operational Compliance Framework.](https://dojwa.sharepoint.com/search/Pages/results.aspx?k=operational%20compliance&ql=3081)
* Independent oversight will be undertaken as required.

Document Version History

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| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by the Director Operations Projects, Policy, Compliance and Contracts | 1 July 2020 | 5 October 2020 |
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