COPP 5.1 Prisoner Accommodation

Prison

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| Principles As referenced in the[Guiding Principles for Corrections Australia 2018](http://justus/intranet/prison-operations/Documents/guidelines-for-corrections-in-aus.pdf)*:*  3.3.2 Prisoners are assessed and allocated to accommodation compatible with their assessed risks and needs to ensure their safety and security and the good order of the facility.  3.3.3 Unsentenced prisoners are accommodated in a manner which acknowledges their legal status and where practicable, provides for the separation between sentenced and unsentenced prisoners.  3.3.4 The particular needs of specific prisoner cohorts are reflected in placement decisions.  3.3.5 Prisoners who are segregated/separated have daily contact with appropriate staff and their circumstances are reviewed on a regular basis. |

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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

Prisoners are placed in suitable accommodation, taking into account their legal status and any specific security, protection, medical or welfare requirements.

Risk assessments shall be completed to assist in determining appropriate accommodation placement.

Remand prisoners shall be accommodated and kept separately from sentenced prisoners[[1]](#footnote-1), as far as practicable and where in the interests of security permit.

Male and female prisoners must be assigned separate cells and sleeping quarters in different parts of the prison[[2]](#footnote-2).

All reasonable efforts shall be made to ensure shared cell accommodation placements do not adversely impact the safety of prisoners, and the security and good order of the prison.

Superintendents shall ensure processes and procedures are in place to assist prisoners in being orientated to the accommodation unit and cell.

# Cell Assessment

## Shared cell risk assessment

### Prison Officers shall complete a Multiple Cell Occupancy – Risk Assessment checklist on TOMS upon a prisoner’s initial reception into prison to enable placement to be facilitated. This checklist shall be completed regardless of whether the intended placement is to be in a single or shared cell.

### Prison Officers shall review information recorded on the prisoner’s Medical Status module on TOMS when completing the Multiple Cell Occupancy – Risk Assessment checklist, to check for any health issues which may impact on a prisoner’s shared cell occupancy. If required, Health Services may provide additional information.

### If any comment provided on the Multiple Cell Occupancy – Risk Assessment checklist is considered to justify an alert ‘not to share cell’, this is to be indicated on the checklist (Question 5). A ‘not to share cell’ alert will be automatically activated, and the comments listed in Question 5 shall auto-populate into the alert details in the alert module.

### Superintendents shall ensure a prisoner’s ‘not to share cell’ alert is reviewed when an Individual Management Plan (IMP) Review is being conducted, refer [COPP 2.3 – Assessments, Placements and Sentence Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx). If the circumstances of the alert have changed, the Superintendent shall ensure a new Multiple Cell Occupancy – Risk Assessment checklist is completed.

## Upper bunk occupancy

### Prior to placing a prisoner in an upper bunk, Prison Officers shall commence the Upper Bunk Occupancy – Risk Assessment checklist on TOMS to assess a prisoner’s suitability.

### Prison Officers shall check:

1. the Medical Alerts tab in the Medical Status module on TOMS. No prisoner shall be allocated an upper bunk if ‘No’ is stated against ‘Fit for Upper Bunk’.
2. Alerts for any issues relevant to placement in an upper bunk.

### Prison Officers shall explain the following to the prisoner:

1. only the ladder is to be used for entry and exit from the upper bunk
2. the prisoner is to use two hands for stability at all times when using the ladder to enter or exit the upper bunk
3. the ladder is not to be used as shelving or for any purpose other than to enter and exit the upper bunk
4. only one mattress is to be used on the upper bunk
5. only one prisoner is to use the upper bunk at any time
6. only the prisoner who is allocated to the bunk is permitted to utilise the bunk
7. prisoners are not permitted to jump on or from the bunk
8. any defect detected in a bunk is to be reported to unit staff immediately.

### Prison Officers shall finalise the Upper Bunk Occupancy – Risk Assessment checklist on TOMS, following the appropriate instruction and demonstration as required.

### Prison Officers shall periodically check the prisoner allocated to the top bunk is the prisoner using that bunk and that the bunk and ladder are being used in an approved manner.

### Prison Officers shall report incidents involving misuse or injuries resulting from accidents and usage of double bunks or other bed design in accordance with [COPP 13.1 – Incident Notifications, Reporting and Communications](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

# Cell Placement

## General

### When allocating a prisoner to a cell or changing a prisoner’s allocated cell within a unit, Prison Officers shall refer to and consider:

1. the prisoner’s Multiple Cell Occupancy – Risk Assessment checklist
2. the prisoner’s Upper Bunk Occupancy – Risk Assessment checklist, where applicable
3. [Appendix A – Prisoner Cohorts and Cell/Bed Definitions](#_Appendix_A:_Prisoner).

### In determining a prisoner’s cell placement, Prison Officers shall also consider the following factors and check the alerts on TOMS:

1. safety, health and well-being (any immediate risk to self or others, protection etc.)
2. gender/identity factors, where applicable
3. legal status (i.e. remand or sentenced prisoner)
4. offence history
5. associations
6. disabilities
7. ethnicity
8. any other relevant factors.

### Superintendents shall ensure that prisoners in a known consensual sexual relationship are not placed in the same cell. Where Prison Officers become aware that a consensual sexual relationship has commenced, an alternative cell placement shall be required.

### Prison Officers shall be mindful of the potential for conflict between occupants, when placing prisoners in shared cells. If a prisoner’s circumstances change at any time which may affect their placement in a shared cell or an upper bunk, Prison Officers shall review and complete the following:

1. a Multiple Cell Occupancy – Risk Assessment Checklist on TOMS, if no risk is deemed to be present, the officer shall advise the appropriate Senior Officer who shall determine if any existing ‘not to share cell’ alert is to be deactivated
2. an Upper Bunk Occupancy – Risk Assessment Checklist on TOMS and where necessary, the prisoner shall be given a bottom bunk.

## Long term Prisoners

### Subject to security and population considerations, Superintendents shall consider the placement of long-term prisoners in single cells.

### In determining a long-term prisoners’ suitability for placement in a single cell, the factors outlined in [section 4.1](#_General_requirements) shall be considered.

## Induction into accommodation

### Where practicable, the Unit Manager, prior to a prisoner being placed in a cell shall ensure they receive an initial orientation to the unit. As well as the information contained within the Prisoner Handbook, the unit orientation should include:

1. movement in and out of cells and between units
2. emergency procedures
3. areas within the unit that are not accessible to prisoners
4. where meals may be taken
5. details of the daily unit routine
6. times of the day when movement within the unit are restricted.

Refer to [COPP 2.2 – Orientation](https://justus/intranet/prison-operations/Pages/prison-copps.aspx) for prison orientation information.

## Prisoner responsibilities

### Prisoners shall be informed of their responsibilities in relation to behavioural expectations and accountabilities as outlined in [COPP 2.2 – Orientation](http://justus/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 10.1 – Prisoner Behaviour Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

### A prisoner shall keep his bedding and cell clean and be responsible and accountable for the proper care of any furniture and contents as directed by the Superintendent[[3]](#footnote-3), refer to [COPP 6.5 – Prisoner Hygiene and Laundry](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

# Cell Call System

## General

### Upon initial placement into a cell/unit, following reception, the Prison Officer shall:

1. advise prisoners of the purpose and operational use of the Cell Call System and that misuse or inappropriate use may result in disciplinary action or sanctions
2. ensure the Cell Call System is operational and managed in accordance with [COPP 11.1 – Security and Control](http://justus/intranet/prison-operations/Pages/prison-copps.aspx). Prisoners shall not be placed in a cell with a non-functioning or damaged prisoner Cell Call System.

### The Cell Call System shall be tested fortnightly, the results recorded in the unit Occurrence Book and the relevant form submitted as directed by the Superintendent.

### Activation and use of the Cell Call System is recorded electronically.

## Emergency calls

### On receiving an emergency call via the Cell Call System, the receiving officer shall:

1. ascertain the name of the prisoner and the nature of the emergency
2. advise the prisoner that assistance will be provided if required
3. advise a Unit Officer so that an appropriate response is initiated
4. if the prisoner is threatening self-harm – attempt to maintain a dialogue until an officer is physically able to attend the cell.

### In the event that there is no response from the prisoner, the receiving officer shall initiate an immediate response to the cell without delay.

### Details of the emergency call should be reported in accordance with [COPP 11.1 – Security and Control](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Non-emergency calls

### Where non-urgent calls are received, the Unit Officer shall:

1. answer the call, but warn the prisoner about improper use of the Cell Call System
2. Complete a Cell Call form (in TOMS) and record in the Occurrence Book (when related to an incident, or emergency situation).

# Cell and Hygiene Inspections

## Cell inspections

### Cell inspections shall be completed as part of the daily routine to ensure compliance with the required standard.

### Cells shall have a visual inspection to ensure that:

1. locks and windows have not been tampered with
2. smoke alarms are in place and undamaged
3. all electrical items have intact security seals fitted
4. all USB ports have security seals fitted with no signs of tampering
5. cell is free from damage
6. viewing hatch is clear of obstructions
7. only approved posters and pictures are on pin up boards
8. all clothing is neatly folded and stored in shelves provided
9. beds made neatly
10. no bedding, towels or clothing used as curtains or dividers
11. Where a cell contains a bunk bed, that the bunk and ladders are in a suitable condition.

### Where a cell is found to be damaged or tampered with, a report shall be made, and the prisoner moved to another cell.

### Where an electrical item is found to be damaged or where the security seals have been tampered with, the item is to be removed from the cell and returned to Reception for inspection/repair and an incident report submitted on TOMS.

## Cell hygiene inspection

### Cell hygiene inspections shall be undertaken in conjunction with the cell inspection to ensure general cleanliness of the cell to include:

1. floors are swept and mopped
2. viewing hatch is clean
3. rubbish bins are empty
4. the following are clean and free from dust and grime:

* shelves and benches
* windows and window tracks
* doors and walls
* televisions
* toilet and basin
* viewing hatch

### Cell and Hygiene Inspections shall be recorded in the Unit Occurrence Book.

# Other Considerations

## Cell searches

### Cells and units shall be searched in accordance with [COPP 11.2 – Searching](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Property in cell/unit

### Prisoner’s personal property in their possession shall be managed in accordance with [COPP 3.1 – Managing Prisoner Property](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

# Record Keeping and Documentation

## General requirements

### Prison Officers shall maintain a record in the Unit’s Occurrence Book and TOMS:

1. of cell/unit allocations, including the date and time a prisoner was assigned a cell/unit
2. if a prisoner was moved to another cell/unit
3. prisoner health and welfare checks
4. placement and review of shared cell accommodation
5. cell and hygiene inspections (Unit Occurrence Book only)

### Prison Officers shall verbally advise prisoners of any decisions or changes regarding their accommodation placement and where possible the reasons for the decision/changes.

### Where a modification to a cell or bed is required, the Superintendent shall complete a [Cell and Bed Modification Form](https://justus/intranet/prison-operations/Pages/copp-forms.aspx).

## Unit plans

### Unit Plans shall be updated to ensure they comply with all COPPs and Standing Orders. If there is a discrepancy between a Unit Plan and a COPP or Standing Order, the relevant COPP or Standing Order must prevail over the Unit Plan.

### Superintendents shall ensure Unit Plans are reviewed on an annual basis, to ensure they remain current and compliant with Department policy.

### Unit Plans may provide information specific to the Unit such as:

1. Staff roles and responsibilities within the unit
2. Emergency exits
3. Unit Layout
4. Fixed duress button locations
5. Isolation valves
6. Bolt hole locations
7. Process for resetting fire panels
8. Time medical staff attend
9. Canteen days and times
10. Library days
11. Laundry days
12. Recreation / Oval access days

# Standing Order

### The Superintendent of each prison may develop and issue a Standing Order for the placement and management of prisoners within the prison’s accommodation units, which may include, but is not limited to:

1. cell placement/allocation
2. cell call system
3. cell and hygiene inspections.

# Annexures

## Related COPPs

* [COPP 2.1 – Reception](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* COPP 2.2 – Orientation
* [COPP 2.3 – Assessments, Placements and Sentence Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 3.1 – Managing Prisoner Property](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 4.3 – Female Prisoners](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.1 – Prisoner Behaviour Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.7 – Separate Confinement](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.1 – Security and Control](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.2 – Searching](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.1 – Incident Notifications, Reporting and Communications](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)

## Definitions and acronyms

| Term | Definition |
| --- | --- |
| Cell | Traditional cells, bedrooms, dormitories, wards and all other types of prisoner accommodation used to hold prisoners overnight within a prison or external facility. |
| Commissioner’s Operating Policy and Procedures (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Officer in Charge (OIC) | An officer designated as having the charge and superintendence of a prison in the absence of the Superintendent. |
| Orientation | The process whereby prisoners are informed about prison life, including the regime, their responsibilities and prison systems and services. |
| Prisoner | Any individual classified as a prisoner under the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). |
| Prison Officer | A person engaged or deemed to have been engaged to be a Prison Officer under s. 13 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)or deemed to have been appointed under section 6 to an office designated by [COPP 1.1 – Delegation of Officers as Prison Officers](http://justus/intranet/prison-operations/Pages/prison-copps.aspx) and suitably trained to undertake searches in accordance with this COPP. |
| Reception Officer | Prison Officer(s) undertaking any reception processes upon the receipt, transfer or discharge of a prisoner and does not refer only to those officers designated as Reception Officers. |
| Shared cell | Any cell used to hold more than one prisoner. Refer also to the definition of ‘cell’. |
| Superintendent | The Superintendent as defined in s. 36 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) includes any reference to the position responsible for the management of a private prison under Part IIIA of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). This does not extend to the Officer in Charge. |
| Total Offender Management Solution (TOMS) | The computer application used by the Department of Justice for the management of prisoners in custody. |

## Related legislation

* *Prisons Act 1981*
* *Prisons Regulations 1982*

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the [Compliance Manual](http://justus/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner will ensure that management oversight occurs as required.
* Operational Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework](http://justus/intranet/department/standards/Documents/monitoring-compliance-framework.docx).
* Independent oversight will be undertaken as required.

# Document Version History

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| --- | --- | --- | --- | --- |
| Version | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 11 August 2021 | 16 August 2021 |
| 2.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 8 October 2021 | 8 November 2021 |
| 3.0 | Operational Policy | Scheduled Review  Approved by the A/Director Operational Policy, Compliance and Contracts | 8 August 2023 | 9 August 2023 |

Appendix A: Prisoner Cohorts and Cell Placement

The following cohorts of prisoners may be considered for alternative placement from mainstream prison population, following completion of the relevant risk assessments:

* At-Risk prisoners
* protection prisoners
* transgender and intersex prisoners
* high security prisoners
* mentally impaired accused prisoners
* prisoners with disabilities
* prisoners confined to cells in accordance with [COPP 10.7 – Separate Confinement](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).
* prisoner with specific health needs

Refer to relevant COPPS in [Category 4 – Management of Specific Prisoners](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)

Prisoners may be accommodated in the following types of cells:

**secure cell** – a standard cell where prisoners can be locked in the cell.

**open cell** – a standard cell located in a prison, work camp or prison farm where prisoners are not secured in their cell.

**disability cell** – a cell that caters for prisoners with a disability or frail / aged prisoners who have mobility constraints and require some level of care.

**primary carer/baby cell** – a cell used by prisoners to allow care for their baby or children in prison where it is considered to be in the best interests of a child (refer [COPP 4.3 – Female Prisoners](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)).

**buddy cell** – a standard cell that has an internal door which connects to another cell, and may be opened during lock-up hours, permitting the prisoners to move between cells without compromising the security or integrity of the cell.

**special purpose cell** – a cell constructed and reserved for a special purpose(s) and not considered long-term general accommodation cell. These cells can have multiple purposes as listed below:

* **safe observation cell** – a cell which houses prisoners who require a higher level of observation or present as high risk, refer [COPP 4.9 – At-Risk Prisoners](http://justus/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 5.2 – Observation Cells](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).
* **standard observation cell** – a cell which houses prisoners who require an increased level of observation (moderate or low risk prisoners), refer [COPP 4.9 – At-Risk Prisoners](http://justus/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 5.2 – Observation Cells](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).
* **management cell** – a cell that may be used for a multitude of purposes. These may include basic or close supervision or for a period of separate confinement, refer [COPP 10.1 – Prisoner Behaviour Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 10.7 – Separate Confinement](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).
* **reception holding cell** – a cell where prisoners can be held temporarily; typically located in prison reception areas whilst waiting for processing.
* **infirmary cell** – a cell which assist in addressing the clinical needs of prisoners by providing accommodation to a standard of a ward within the general community.
* **punishment cell** – a cell certified fit for purpose by the Chief Executive Officer or delegate in writing[[4]](#footnote-4).

1. r. 57 *Prison Regulations 1982* [↑](#footnote-ref-1)
2. s. 44 *Prisons Act 1981* [↑](#footnote-ref-2)
3. r 41(1)(2) *Prisons Regulations* 1982 and r 61 *Prisons Regulations 1982* [↑](#footnote-ref-3)
4. r. 68 *Prison Regulations 1982* [↑](#footnote-ref-4)