



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

# Revised Code of Inspection Standards for Adult Custodial Services

Standards to assess the treatment of and conditions for prisoners in Western Australia

September 2020

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# 1 Office of the Inspector of Custodial Services

## 1.1 Our roles and responsibilities

The Office of the Inspector of Custodial Services (the Office) provides independent accountability to the custodial corrections system and assurances to the community through the inspection and review of custodial services, with publicly available reports tabled in the Western Australian Parliament.

We are governed by the *Inspector of Custodial Services Act 2003*. It provides for the role of the Inspector as a Parliamentary officer, the requirement to report to Parliament, the establishment of an Office to support the Inspector, and comprehensive powers and responsibilities to obtain and use information about custodial services.

## 1.2 Our vision and values

Our purpose is to report to Parliament on the state of custodial places and services with the intention of:

- improving public confidence in the justice system
- ensuring decent treatment of detained people
- ensuring the justice system provides value for money.

We seek to provide valuable advice that contributes to the overall development of custodial facilities and services in Western Australia. Our values are:

**Integrity:** We seek to act ethically, honestly, impartially and in the best interests of the community.

**Quality:** We seek to be efficient in all that we do, deliver on-time, and provide well-researched advice and recommendations.

**Equity:** We treat all people with respect and we value diversity.

**Innovation:** We value creativity, learning and continuous improvement in the pursuit of excellence.

## 1.3 Introduction

The Office initially published a Code of Inspection Standards for Adult Custodial Services in 2007 (OICS, 2007). That code was complemented a year later by the Inspection Standards for Aboriginal Prisoners (OICS, 2008). Together these standards represented an important contribution to consistency and transparency of prison inspection in Western Australia. They were developed using relevant international treaties, covenants, and the Revised Standards Guidelines for Corrections in Australia (Government of Western Australia, et al, 2004). They also drew on various other instruments, community standards, best practice research, and our own experience conducting inspections since 2001.

Some minor amendments have been made to the standards since their initial publication. However, this is the first comprehensive revision we have conducted. The product is a contemporary set of inspection standards which include specific standards for female prisoners; transgender, gender diverse, and intersex prisoners; older prisoners; and prisoners with disability. We have also fully incorporated our standards for Aboriginal prisoners. As before, the standards have been aligned to relevant instruments including:

- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (NMR)
- United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) (BR)
- The Yogyakarta Principles (YP)
- European Prison Rules (EPR)
- Guiding Principles of Corrections in Australia (GPCA).

We also gratefully acknowledge our use of HM Inspectorate of Prisons' Expectations (for men and women in prisons) (HM Inspectorate of Prisons, 2017; HM Inspectorate of Prisons, 2014), and the New Zealand Office of the Inspectorate *Te Tari Tirohia* Inspection Standards (Office of the Inspectorate *Te Tari Tirohia*, 2019) which we used to guide our revision process.

Each of our standards includes a list of measures that we will use to assess the treatment of prisoners in Western Australia. However, we are not limited by these measures and may use additional gauges when we inspect a prison or review functions of custodial services. The measures also do not prevent the prison from achieving the standard through other means.

We intend to review these inspection standards regularly to remain contemporaneous and relevant to the changing needs of prisoners in Western Australia.

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## 2 Standards for all prisoners

Throughout these standards, reference to 'prisoner' denotes all adult people held in Western Australian prisons, regardless of their status as sentenced, on remand, or appealing their sentence, unless it is specifically cited.

### 2.1 Basic principles<sup>1</sup>

1. All prisoners are treated with respect for their inherent dignity and value as human beings.
2. No prisoner is subjected to, and all prisoners are protected from, torture and other cruel, inhuman, or degrading treatment or punishment.
3. Prisoners identified as victims of torture or other cruel, inhuman, or degrading treatment or punishment are supported to address their specific needs and seek redress if they wish to do so.
4. Every person in prison is safe and secure, including prisoners, staff, service providers, and visitors.
5. Prisoners are not discriminated against on the grounds of race, colour, gender, language, religion, political opinion, national or social origin, property, birth, or any other status.
6. Prisoners individual needs are catered for without discrimination, particularly for the most vulnerable cohorts within the population.
7. All activities in prison are underpinned by the principle that people are sent to prison as punishment, not for punishment.
8. Prisoners can access appropriate rehabilitation and reintegration activities, programs, and services to support their release.
9. The prison promotes personal responsibility, self-respect, and self-dignity, minimising the differences between life in custody and life at liberty.

### 2.2 Early days in custody

#### Reception and admission<sup>2</sup>

10. Prisoners feel safe and are treated with respect on their reception and first night in prison. Their individual needs and risks are identified and supported.
11. Newly admitted prisoners have immediate access to services to resolve any family, domestic, and economic issues.

#### Health screening on reception<sup>3</sup>

12. Prisoners receive an initial health and psychological assessment to identify any immediate health problems and risks, and processes are initiated to address these.

#### Orientation<sup>4</sup>

13. Prisoners receive a prompt, effective and supportive orientation to understand life in prison.

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1 NMR 1, 2, 3, 4, 5, 34

GPCA 2.1.1

2 NMR 7, 54, 55, 62, 68

GPCA 1.2.2, 2.2.3

EPR 15.1, 15.3, 16(d), 19.2, 24.8, 24.9, 37.1

3 NMR 30, 80.2

GPCA 2.2.4, 2.3.3, 2.3.7

EPR 15.1(e), 15.1(f), 16(a), 38.3, 42.1

4 NMR 54, 55

GPCA 2.2.1

EPR 15.2, 30

## Remand prisoners<sup>5</sup>

14. The regime for unconvicted prisoners reflects that they have been charged, but not convicted of an offence.
15. Remand prisoners with bail conditions are helped to meet their conditions and be released from custody.
16. The stress and uncertainty associated with being remanded in custody are minimised by the prison.

## 2.3 Duty of care

### Access to legal representatives and resources, and attendance at court<sup>6</sup>

17. Prisoners have access to legal representatives and resources.
18. The prison assists prisoners to prepare for their court appearance.

### Bullying and violence reduction<sup>7</sup>

19. Prisoners feel safe from bullying and victimisation.
20. The prison works to prevent radicalisation and violent extremism from being organised or supported by any prisoner.

### Victims of abuse or trauma<sup>8</sup>

21. Prisoners identified as victims of abuse or trauma experienced prior to coming into prison, receive appropriate interventions and support, and they can seek redress if they wish to do so.

### At risk prisoners<sup>9</sup>

22. At risk prisoners are treated with dignity and respect.

### Protection and administrative segregation<sup>10</sup>

23. Protection prisoners are appropriately located and safely managed to prevent harm, abuse, and neglect.
24. Administrative segregation is strictly governed.

### Shared cells<sup>11</sup>

25. Prisoners are only allocated to shared cells after a formal risk assessment.

### Requests and complaints<sup>12</sup>

26. Request and complaints procedures are effective, timely, and well understood.

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5 NMR 11(b), 111.2, 111.3, 112.1, 113, 116, 118,

GPCA 2.3.9, 3.3.3, 5.1.8

EPR 18.8(a), 95.1, 96, 99, 100.1, 101

6 NMR 19.3, 20, 61, 119.2, 120

GPCA 2.3.5

EPR 20.4, 23.1, 23.2, 23.4, 23.6, 70.7

7 GPCA 1.2.2, 3.1.3, 3.1.8, 3.2.8, 3.2.9

BR 7.3

EPR 52.2

8 NMR 30(b)

GPCA 3.1.8

BR 7.1, 7.2, 25.1, 25.2

EPR 25.4

9 GPCA 3.1.6, 3.1.7

EPR 47.2

10 GPCA 3.1.3, 3.3.5, 3.3.7

11 NMR 12.1

EPR 18.5, 18.6, 18.7

12 NMR 8(d), 80.2, 56.1, 56.3, 56.4, 57



27. Prisoners can make requests and lodge complaints without being victimised, and appeal decisions easily.

## 2.4 Managing behaviour

### Encouraging positive behaviour<sup>13</sup>

- 28. The relationship between staff and prisoners is positive and respectful.
- 29. There are clearly defined rules and codes of conduct for staff, prisoners, and visitors.
- 30. Prisoners are encouraged to develop pro-social behaviours and responsibility for their actions.
- 31. Appropriate and effective systems manage feuding and payback where it affects prison operations.

### Punishment and disciplinary procedures<sup>14</sup>

- 32. Secondary punishment (additional to imprisonment) and prisoner discipline is open, efficient, fair, proportionate, and in line with legislation.
- 33. Prisoners are only segregated with proper authority and for the shortest period.
- 34. Prisoners are always kept safe while segregated and their individual needs are recognised and addressed.

### Use of force and restraints<sup>15</sup>

- 35. Force is only used as a last resort and never as a punishment. When used, force is legitimate, necessary, proportionate, and subject to rigorous governance.
- 36. Prisoners are not located in special accommodation, or placed in mechanical restraints or anti-rip clothing except as a last resort and with proper authorisation.

## 2.5 Daily life

### Regime<sup>16</sup>

- 37. The regime is purposeful and sufficiently flexible to account for the diversity of the prisoners.

### Living conditions and hygiene<sup>17</sup>

- 38. The prison provides a clean and suitable environment that is fit for purpose and compliant with public health practices.
- 39. Prisoners are encouraged to keep themselves, their cells, and communal areas clean.
- 40. Prisoners are held in a safe environment where security is proportionate to risk and not unduly restrictive.
- 41. The built environment is culturally appropriate, particularly for the high overrepresentation of Aboriginal prisoners.

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GPCA 1.3.1, 1.3.2, 1.3.3, 2.3.7

EPR 38.3, 50, 53.7, 70

13 NMR 1, 77, 91

GPCA 2.3.1, 2.4.1, 2.4.2, 2.4.3, 3.2.3, 3.4.1, 3.2.3, 5.3.2

EPR 30.1, 51.2, 72.1, 73, 75

14 NMR 8(c), 8(e), 23, 36, 37, 38, 39, 40.1, 41, 42, 43, 44, 45, 46, 80.2

GPCA 2.3.2, 2.3.7, 3.4.2, 3.4.3, 3.4.4, 3.4.5

EPR 38.3, 43.2, 56.1, 57.2, 58, 59, 60, 61, 62

15 NMR 8(c), 8(f), 43.2, 47.2, 48.1, 49, 82

GPCA 3.1.5, 3.1.14, 3.1.15, 3.1.16

EPR 60.6, 64, 65, 66, 68.2, 68.3, 68.4, 69

16 NMR 3, 5.1, 11

GPCA 2.1.1, 2.1.3, 2.1.4, 3.1.1, 3.3.4

EPR 5, 18.8, 25, 49, 52.3, 102, 104.1

17 NMR 13, 14, 15, 16, 17, 18

GPCA 1.1.7, 2.1.2, 2.1.4, 3.2.2, 4.1.7, 4.2.6

EPR 18.1, 18.2, 19, 51.1

## Clothing and bedding<sup>18</sup>

- 42. Prisoners have sufficient presentable and clean clothing suitable for their needs.
- 43. Prisoners can wear non-prison clothing when attending court and on release.
- 44. Prisoners have a bed and clean bedding suitable for their needs.

## Family and community contact<sup>19</sup>

- 45. The prison provides adequate resources for e-visits, and phone and mail contact.
- 46. Appropriate measures prevent the inappropriate use of phone and mail systems without unduly interfering with privacy.
- 47. Prisoners are encouraged to maintain and develop relationships with family and friends through visits.
- 48. Prisoners have safe, secure, and direct contact with their visitors.
- 49. The prison has an accessible and child-friendly visitors' centre with adequate amenities.
- 50. Visit facilities are comfortable, pro-social, and safe.
- 51. Prisoners can visit sick relatives and attend the funeral of a family member.
- 52. Prisoners are kept up to date with news and current events.

## Recreation<sup>20</sup>

- 53. All prisoners can spend at least two hours recreating in the open air every day.
- 54. Prisoners have regular access to physical exercise and recreational activities.
- 55. Prisoners have regular access to a suitable library to meet their needs.

## Food and nutrition<sup>21</sup>

- 56. Prisoners have a varied, healthy, and balanced diet which meets their individual needs.
- 57. Prisoners' food and meals are stored, prepared, and served in line with hygiene regulations.
- 58. Special diets are provided for medical reasons, religious beliefs, lifestyle choices, and other reasonable special needs.

## Religious and spiritual support<sup>22</sup>

- 59. Prisoners' freedom of religion is respected. They can practice their religion or beliefs fully and in safety.
- 60. Prisoners are supported by the chaplaincy, contributing to their overall care, support, and rehabilitation.

## Property<sup>23</sup>

- 61. Prisoners' property held in storage is secure, and prisoners can access it on reasonable request.

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18 NMR 19, 20, 21

GPCA 2.1.2, 4.2.4

EPR 19.7, 20.1-3, 21

19 NMR 58.1, 60, 63, 70, 80.2, 106

GPCA 2.1.10, 2.3.7, 2.3.15, 3.1.10, 3.2.7, 5.1.4, 5.2.2

BR 28

EPR 24.1-7, 24.10, 38.3

20 NMR 4.2, 23, 64, 105,

GPCA 2.3.2, 2.3.6, 4.2.9, 5.3.2

EPR 27, 28.5

21 NMR 22

GPCA 4.2.1, 4.2.2, 4.2.3

EPR 22.1, 22.3, 22.5

22 NMR 65, 66

GPCA 2.1.6

EPR 29.1, 29.2, 38.2

23 NMR 67.1-3

GPCA 2.3.16

## Incentives, earned privileges and gratuities<sup>24</sup>

- 62. The incentive scheme is applied fairly, consistently, and transparently.
- 63. The gratuity system is fair and transparent, and based on prisoner engagement and skill levels.

## Prisoners purchases<sup>25</sup>

- 64. Prisoners can purchase a range of items to meet their diverse needs.

## 2.6 Health and support

### Physical health care<sup>26</sup>

- 65. Health care meets the needs of prisoners in an environment that promotes dignity and maintains privacy.
- 66. Prisoners give informed consent for health care and information sharing.
- 67. Prisoners receive a health examination by qualified health staff within 72 hours of reception.
- 68. Health service delivery is culturally appropriate.
- 69. Allied health and specialist services are provided on referral.
- 70. Prisoners are supported and encouraged to optimise their health and wellbeing.
- 71. Medications are safely distributed to prisoners.
- 72. Health services promote continuity of care on release or transfer.
- 73. Prisoner health files are accurate, up-to-date, and confidential.
- 74. Health staff are qualified and have integrated input into the prison regime.

### Mental health care<sup>27</sup>

- 75. Prisoners mental health care needs are adequately and appropriately met.
- 76. Effective multidisciplinary processes detect and manage prisoners in crisis.
- 77. Staff have suitable and culturally appropriate mental health training for the safe management of prisoners.
- 78. The prison promotes and supports resilience in all prisoners.

### Substance use treatment<sup>28</sup>

- 79. Effective strategic mechanisms safely reduce the demand for drugs and alcohol.
- 80. Prisoners with histories of substance misuse receive specialised and individualised treatment, and culturally appropriate support.

### Support<sup>29</sup>

- 81. Effective and valued prisoner support and peer support programs meet the diverse risks and needs of the population.

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EPR 15.1(d), 31.1, 31.3, 31.7, 33.4

24 NMR 95, 103.1, 103.3

GPCA 2.3.11

EPR 26.10, 26.12, 28.4, 105.4, 105.5

25 NMR 103.2

GPCA 4.2.8

EPR 26.11, 31.5

26 NMR 24, 25, 26, 27, 30, 31, 32, 33, 35, 46, 67.4, 80.2

GPCA 1.1.4, 1.5.1, 1.5.3, 1.5.4, 1.5.5, 2.3.1, 2.3.7, 3.1.8, 3.3.6, 4.1.1, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, 4.1.9, 4.1.10, 4.2.5, 5.1.6, 5.2.4

EPR 16(a), 22.6, 31.6, 38.3, 39, 40, 41, 42.2, 42.3, 43, 44, 46, 48

27 NMR 5.2, 24, 25, 31, 109, 110

GPCA 4.1.4, 4.1.6, 4.1.12, 4.1.13, 4.2.5, 4.2.7, 5.1.6, 5.1.8, 5.1.10

EPR 12, 40.4, 40.5, 43.1, 47.2

28 NMR 24.2

GPCA 1.1.4, 4.1.11, 5.1.6, 5.1.7

29 GPCA 5.4.4

82. An effective Aboriginal Visitors' Scheme meets the diverse risks and needs of Aboriginal prisoners.  
83. An Aboriginal Elders program enhances the cultural life of the prison.

## 2.7 Security

### Procedural security<sup>30</sup>

84. Prisoners' wellbeing is safeguarded by effective security systems.  
85. Effective systems control access to the prison.  
86. There is an effective contraband and drug supply reduction strategy.  
87. Incident prevention and response capabilities align with assessed risk.

### Searches<sup>31</sup>

88. Searches are only conducted when necessary and with respect for the person's dignity and privacy.  
89. The strip searching of prisoners, staff, and visitors is only conducted when absolutely necessary, and with respect for their individual rights, dignity, and comfort.

### Emergency Management<sup>32</sup>

90. The prison is prepared for emergency management incidents and monitors performance for predictors of disturbance.  
91. Specialised services that can control, limit, or modify an emergency to reduce its consequences are readily available and rapidly deployed for emergency management incidents.

### Deaths in custody and serious incidents<sup>33</sup>

92. The prison promptly notifies all relevant parties about serious incidents and facilitates a comprehensive investigation.

### Special high-security management regimes<sup>34</sup>

93. Prisoners under special high-security management regimes are treated with decency and humanity.

### Transport<sup>35</sup>

94. Transport arrangements ensure the safety and security of prisoners.  
95. Prisoners being transported are treated with respect and decency, and attention is paid to their individual needs.

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EPR 50

30 GPCA 1.1.8, 2.1.10, 3.1.5, 3.2.1, 3.2.4, 3.2.7

EPR 49, 51.2

31 NMR 1, 50, 51, 52, 53

GPCA 2.3.12

EPR 54.1-5, 54.9

32 GPCA 1.4.3, 1.4.6, 3.1.1, 3.2.1

EPR 52.2

33 NMR 8(f), 69, 71.1, 71.3, 72

GPCA 1.4.4, 1.4.6, 2.3.13, 2.3.14

EPR 24.8, 24.9

34 GPCA 1.1.4, 3.1.4, 3.2.9, 3.3.4, 3.3.8, 3.3.9

EPR 53.1, 53.2, 53.4, 53.5, 53.7

35 NMR 18.1, 21, 22, 68, 73

GPCA 2.1.4, 3.1.5, 3.1.11, 3.1.12, 3.1.13, 3.3.9

EPR 17.3, 32

## 2.8 Rehabilitation and reparation

### Classification, sentence administration, and case management<sup>36</sup>

- 96. People are held in custody and released in accordance with the law.
- 97. Prisoners know the details of their custody.
- 98. The assessment and classification system is based on prisoners' individual risks and needs.
- 99. Prisoners are held as close as possible to their family and community of interest.
- 100. All prisoners have an individual case management plan which meets their assessed needs and risks.
- 101. Prisoners are supported to achieve the goals of their individual case management plan.
- 102. Appropriate information is shared with relevant authorities and stakeholders.

### Programs<sup>37</sup>

- 103. All prisoners are assessed to identify their risks and programmatic needs.
- 104. Prisoners risks and programmatic needs are addressed.
- 105. All programs and counselling services are best practice and evidence based.
- 106. Life skills programs meet the needs of the prisoner population.

### Education<sup>38</sup>

- 107. All prisoners are assessed to identify their educational needs, wants, and abilities.
- 108. Educational opportunities are relevant to needs and interests of the prisoners.

### Employment<sup>39</sup>

- 109. All prisoners can engage in work that is purposeful and increases their employability on release.
- 110. Prisoner work is not exploitative, harmful, or for the private benefit of staff.
- 111. Prisoners' work provides specific benefit to the community.

### Preparation for release<sup>40</sup>

- 112. The prison adequately prepares all prisoners for their release.
- 113. Prisoners near release are placed at minimum-security, preferably in work camps or other pre-release centres.
- 114. Prisoners receive all necessary practical support and information for the day of their release.

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36 NMR 7, 8(a-c), 59, 89.1, 92, 93, 94, 119.1

GPCA 1.1.1, 1.1.2, 1.1.3, 1.1.4, 2.1.3, 2.1.8, 2.1.9, 3.3.1, 3.3.2, 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.3.1

EPR 14, 15, 16(b), 16(c), 17, 18.10, 30.3, 33.1, 51, 52, 103, 104

37 NMR 87, 88, 91

GPCA 1.1.4, 1.5.3, 5.1.6, 5.1.7, 5.1.8, 5.1.9, 5.3.2

EPR 16(e), 18.8(b)

38 NMR 4.2, 78, 87, 89, 92.1, 98.2, 98.3, 104

GPCA 5.1.6, 5.1.11, 5.1.12, 5.2.1

EPR 28.1, 28.2, 28.7(a), 89.1, 106

39 NMR 96, 97, 98, 99, 100, 101, 102, 104

GPCA 1.1.7, 3.3.10, 5.1.12, 5.1.13, 5.3.2, 5.3.3, 5.4.2, 5.4.3, 5.4.4

EPR 26, 105.2, 105.3

40 NMR 67.2, 87, 88, 89.2, 90, 106, 107, 108

GPCA 5.2.1, 5.2.3, 5.2.4, 5.2.6, 5.3.3, 5.3.4

EPR 6, 33.3, 33.4, 33.7, 33.8, 107

## 2.9 Special categories of prisoners

### Younger prisoners<sup>41</sup>

115. The distinct gender-specific needs of young prisoners are identified and appropriately responded to.

### Foreign national prisoners

116. Foreign national prisoners are supported to maintain connection with their family and community of interest.

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<sup>41</sup> NMR 11(d), 98.2, 104.1  
BR 36, 37, 38, 39  
EPR 18.8(c), 26.5, 28.3, 81.3

## 3 Standards for female prisoners

Female prisoners represent a small yet significant group in prisons. In Western Australia, they currently make up about 11 per cent of the total prisoner population, a figure that has increased in the past decade, up from approximately eight per cent (DOJ, 2019; DCS, 2009).

Female prisoners have different needs and pose different risks compared to their male counterparts. Many female offenders have complex health and wellbeing needs. They may have experienced sexual assault, intimate partner violence, and other occasions of trauma. Many have low self-esteem, and histories of self-harm and/or attempted suicide. These may be exacerbated by time in custody due to the grief and anxiety associated with separation from children and other dependents.

An added complexity in Western Australia is that Aboriginal women are overwhelmingly overrepresented in prison. On 4 January 2020, 46 per cent of the 777 women in prison were Aboriginal, many of whom have histories of marginalisation and disadvantage. For these reasons, assessing the treatment of and condition for women in prison requires additional attention. However, while the following standards refer to female prisoners, they can also be applied to prisoners of any gender without discrimination.

### 3.1 Early days in custody

#### Reception and admission<sup>42</sup>

##### Standard

117. Female prisoners feel safe and respected during their first days transitioning into custody.

#### Gender responsive health assessment on reception<sup>43</sup>

118. Female prisoners receive a comprehensive, gender-specific health examination on reception.

##### Orientation

119. Orientation processes are gender-specific, and culturally appropriate.

### 3.2 Duty of care

#### At risk female prisoners<sup>44</sup>

120. At risk female prisoners are treated with dignity and respect through individualised urgent and ongoing care.

#### Placement and accommodation<sup>45</sup>

121. Female prisoners are held in accommodation suitable to their needs and under the least restrictive regime for their assessed risks.

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42 BR 2

43 BR 6

EPA 34.1, 34.2

44 BR 16

45 NMR 11(a)

GPCA 2.1.4

BR 4

EPR 18.8(b), 34.1

### 3.3 Daily life

#### Regime<sup>46</sup>

122. The regime for female prisoners is purposeful, respectful, and gender-responsive.

#### Living conditions and hygiene<sup>47</sup>

123. Female prisoners are held in conditions that are clean and dignified. Women are encouraged to maintain their own personal care and hygiene.

#### Clothing<sup>48</sup>

124. Female prisoners have adequate access to clean, gender-appropriate clothing that is in good condition.

#### Family and community contact<sup>49</sup>

125. Female prisoners are encouraged to develop and maintain strong family and community contact.

#### Incentives, earned privileges, and gratuities

126. Female prisoners have equal access to incentives and earned privileges.

### 3.4 Health and support

#### Physical health care<sup>50</sup>

127. Health care services meet the complex needs of female prisoners in a safe and dignified environment.

128. Pregnant prisoners' health care needs are met by services and support equal to that in the community.

129. Gender-specific preventative health care services and promotion are available.

#### Mental health care<sup>51</sup>

130. Female prisoners' gender-specific mental health needs are identified, treated, and supported by services equal to those in the community.

#### Substance use treatment<sup>52</sup>

131. Female prisoners receive gender-specific substance use treatment and support.

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46 BR 10.1, 42.2

EPR 34.1

47 NMR 13, 14, 15, 16, 17, 18

BR 5

EPR 19.3, 19.4, 19.7, 34.1

48 NMR 19

EPR 34.1

49 NMR 106

BR 26

50 NMR 24.1, 28

GPCA 4.1.1, 4.1.14

BR 7, 8, 10, 11.1, 17, 18, 48

EPR 34

51 NMR 24.1

GPCA 4.1.6, 4.2.5

BR 12, 13, 16, 35

EPR 34.1

52 BR 15



## 3.5 Security

### Searches<sup>53</sup>

132. Search practices maintain the inherent dignity of female prisoners, resident children, and child visitors.

### Punishment and disciplinary procedures<sup>54</sup>

133. Punishment and disciplinary procedures for female prisoners are fair, reasonable, and gender responsive. They do not unduly affect prisoners' children.

### Use of force and restraints<sup>55</sup>

134. Use of force and restraint practices are respectful, and gender-responsive.

## 3.6 Rehabilitation and reparation

### Classification, sentence administration, and case management<sup>56</sup>

135. Female prisoners' classification, sentence administration, and case management account for their specific risks and needs.

### Access to gender-responsive programs<sup>57</sup>

136. Female prisoners can access gender-specific programs that are culturally appropriate.

### Education and employment<sup>58</sup>

137. Education and employment opportunities for female prisoners are diverse, of interest, and increase the likelihood of successful reintegration.

### Preparation for release<sup>59</sup>

138. Female prisoners are prepared for their release.

## 3.7 Prisoners and children

### Pregnancy and postnatal support<sup>60</sup>

139. Pregnant and postnatal prisoners are adequately supported and treated with dignity and respect.

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53 NMR 50, 51, 52.1

BR 19, 20, 21

EPR 34.1, 54.5

54 NMR 43.2

BR 22, 23

55 NMR 48.2, 49

GPCA 3.1.16

BR 24

EPR 34.1

56 BR 40, 41(a)

EPR 34.1

57 GPCA 5.1.9

BR 41(c), 42.3, 42.4

EPR 34.1

58 EPR 26.4, 34.1

59 NMR 108.1, 108.2

BR 45, 46, 47, 55

EPR 34.1

60 NMR 28, 90

## Child wellbeing

140. Where it is in the best interests of the child(ren), female prisoners can access programs and support to develop and maintain the relationship with their child(ren), including those for whom they are recognised primary carers.

## Resident children<sup>61</sup>

141. Policies for the resident children program are comprehensive, and the processes are fair, equitable, and inclusive of the applicant.

142. Resident children are always safe.

## Health care for resident children<sup>62</sup>

143. The health care needs of resident children are adequately met.

## The removal of a child from prison<sup>63</sup>

144. Female prisoners are supported when their children are removed from the prison.

## 3.8 Special categories of female prisoners

### Aboriginal women<sup>64</sup>

145. Aboriginal female prisoners are treated with dignity and respect.

### 3.9 Prison staff<sup>65</sup>

146. Prison staff are adequately trained in the distinct needs of female prisoners.

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BR 42.2, 48.1

EPR 34.1

61 NMR 29

GPCA 3.1.9

BR 33.3, 49, 50, 51.2

EPR 36.1, 36.3

62 BR 9, 33.3, 51.1

63 BR 52

64 BR 54

65 NMR 76.2

GPCA 1.2.2

BR 29, 33.1

EPR 81.3

## 4 Standards for transgender, gender diverse, and intersex prisoners

The Yogyakarta Principles are a set of principles on the application of international human rights standards in relation to sexual orientation and gender identity (Yogyakarta, 2016). The principles define gender identity as referring to a person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned to them at birth (The Yogyakarta Principles, 2007).

For people who identify as transgender, their gender identity is different to their sex assigned at birth. They may identify as male, female, or non-binary. Gender diversity acknowledges that some peoples' experiences of gender do not neatly fit into the binary framework (AGA). People identifying as intersex are defined as being 'born with sex characteristics that do not fit typical definitions for male or female bodies, including sexual anatomy, reproductive organs, hormonal patterns, and/or chromosome patterns' (UN Human Rights Office, 2016).

Two of the Yogyakarta Principles are specific to people in detention:

**Principle 9** – The right to treatment with humanity while in detention.

**Principle 10** – The right to freedom from torture and cruel, inhuman, or degrading treatment or punishment.

Despite the distinct needs and risks, particularly regarding vulnerability, for transgender, gender diverse, and intersex prisoners, there are no figures identifying their numbers in Western Australian prisons.

### 4.1 Early days in custody

#### Gender identity

147. Transgender, gender diverse, and intersex prisoners are addressed as, and referred to in, the gender they identify with.

### 4.2 Duty of care

148. The dignity, sensitivity, and privacy of transgender, gender diverse, and intersex prisoners is respected.

#### Bullying and violence reduction<sup>66</sup>

149. Transgender, gender diverse, and intersex prisoners are safe from violence or abuse.

#### Placement and accommodation<sup>67</sup>

150. Transgender, gender diverse, and intersex prisoners are consulted and their preference is considered when decisions are made about their placement in prison.

151. The placement assessment of transgender, gender diverse, and intersex prisoners includes comprehensive consideration of their safety and wellbeing.

152. Transgender, gender diverse, and intersex prisoners are managed under the least restrictive regime for their assessed needs and risk, and they are not unduly segregated.

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66 NMR 76.2

YP 9(d), 9(g), 10(a), 10(b), 10(c)

EPR 81.3

67 YP 9(a), 9(c), 9(d)

### 4.3 Daily life

#### Property, clothing, and appearance<sup>68</sup>

153. Transgender, gender diverse, and intersex prisoners can access personal effects to maintain their gender identity and appearance.

### 4.4 Health and support

#### Health care<sup>69</sup>

154. Access to health care adequately and appropriately meets the needs of transgender, gender diverse, and intersex prisoners, and it is equal to that which they can receive in the community.

#### Support

155. Comprehensive and individualised support plans meet the needs of transgender, gender diverse, and intersex prisoners.

### 4.5 Security

#### Searches<sup>70</sup>

156. Search procedures maintain the inherent dignity of transgender, gender diverse, and intersex prisoners.

#### Transport

157. Transport arrangements for transgender, gender diverse, and intersex prisoners ensure their safety and security.

### 4.6 Rehabilitation and reparation<sup>71</sup>

158. Transgender, gender diverse, and intersex prisoners have equal access to rehabilitative and reparative opportunities.

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68 NMR 18.2

69 NMR 24.1, 24.2,  
GPCA 4.1.16, 4.2.5  
YP 9(b)

70 NMR 50, 52.1

71 NMR 108.1, 108.2  
GPCA 5.1.9

## 5 Standards for older prisoners

Western Australia's prison population is ageing. Between 2010 and 2018 the median prisoner age increased from 33.5 years to 34.6 years (ABS, 2010; ABS, 2018). Factors contributing to this include:

- the overall ageing of the Australian population
- the compounding effect of people serving long sentences
- changes in sentencing laws and practices
- increased offending rates for people over the age of 50 years.

Researchers, policymakers, and corrections administrators have yet to reach a consensus as to what constitutes an 'older offender' and definitions vary substantially. Despite this, many use the definition of prisoners 50 years or older. This is based on research that identified an apparent 10-year difference between the overall health of prisoners and that of the general population. The acceleration of the ageing process among prisoners is generally attributed to a combination of lifestyle factors prior to entering prison, including poor nutrition, substance misuse, and a lack of medical care. There is also an understanding that prison environments accelerate age-related illnesses and conditions (Australian Institute of Criminology, 2011).

Roughly just over 10 per cent of the prisoner population in Western Australia is aged 50 years and older. These prisoners compound resource challenges because they are more likely to have health problems. They also have different needs in terms of daily regime, and transition requirements from prison.

### 5.1 Early days in custody

159. Older prisoners' age-specific needs and risks are identified early for their appropriate management in prison.

### 5.2 Duty of care

#### Placement and accommodation<sup>72</sup>

160. Older prisoners' age-related needs are a prioritised consideration in their placement.

161. Older prisoners with age-related health issues are managed respectfully and fairly.

### 5.3 Daily life

#### Regime

162. The regime for older prisoners is purposeful, respectful, and allows variation from the primary design aimed at younger prisoners.

### 5.4 Health and support

#### Health care<sup>73</sup>

163. Older prisoners receive proactive, compassionate, and respectful health care for their age-related needs.

#### Support

164. Adequate support is provided to older prisoners.

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72 NMR 76.2

EPR 81.3

73 NMR 24.1

GPCA 4.1.17

### Employment, education, and programs<sup>74</sup>

165. Older prisoners have access to appropriate and meaningful education, employment, and program opportunities that meet their needs.

### Preparation for release<sup>75</sup>

166. Older prisoners are adequately prepared for their release.

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<sup>74</sup> GPCA 5.1.9

<sup>75</sup> NMR 90, 108.1, 108.2

EPR 107.2

## 6 Standards for prisoners with disability

The United Nations Convention on the Rights of Persons with Disabilities states that:

Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

However, some researchers have included short-term impairments, such as mental illness, which can be exacerbated by imprisonment (People with Disability Australia, 2017). Throughout these standards reference to 'prisoners with disability' adopts the United Nations definition and includes short-term impairments.

People with cognitive or intellectual disabilities are considerably overrepresented in prison with estimates suggesting 20 per cent of the prison population have a cognitive or intellectual disability compared with 2-3 per cent of the general population (People with Disability Australia, 2013). People with sensory disabilities, particularly deafness and hearing impairments, are also overrepresented, with research from the Northern Territory finding more than 90 per cent of Aboriginal prisoners with significant hearing loss (Vanderpol & Howard, 2011). However, people with physical disability are underrepresented, possibly due to the physical disability itself being prohibitive of criminal activity (Human Rights and Equal Opportunity Commission, 1989).

In Western Australia, people with a disability equate to about 10 per cent of the prison population. Prisoners with disability can experience social isolation, negative attitudes, and lack of awareness from other prisoners and staff. They can also experience difficulties meeting their requirements for parole and in transitioning back into the community. They can be vulnerable to manipulation and assault in prison, and communication barriers can result in incidents and management issues.

### 6.1 Early days in custody

#### Disability screening<sup>76</sup>

167. Prisoners are systematically screened for various types of disability on entry to prison.

### 6.2 Duty of care

#### Guardianship<sup>77</sup>

168. Prisoners under legal guardianship are appropriately represented while in prison.

#### Bullying and violence reduction

169. Prisoners with disability feel safe from bullying and victimisation.

#### Placement and accommodation<sup>78</sup>

170. Prisoners with disability are held in accommodation suitable to their needs and risks.

### 6.3 Managing behaviour

#### Disciplinary procedures and punishment<sup>79</sup>

171. Disciplinary processes and punishment adequately and respectfully account for a prisoner's specific impairment.

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76 GPCA 4.1.15

77 GPCA 2.3.5, 2.3.8

78 NMR 109.1

79 NMR 39.3, 45.2

## 6.4 Daily life

### Regime

172. Prisoners with disability are actively and purposefully involved in a regime that accounts for their individual needs and risks.

## 6.5 Health and support

### Health care<sup>80</sup>

173. The health care needs of prisoners with disability are appropriately met.

### Support<sup>81</sup>

174. Prisoners with disability receive comprehensive and individualised support to meet their needs.

## 6.6 Security

### Use of force and restraints<sup>82</sup>

175. Use of force and restraints practices and procedures are respectful and ensure the inherent dignity of prisoners with disability.

### Searches<sup>83</sup>

176. Prisoners with disability are treated with dignity and respect during all searches.

### Transport<sup>84</sup>

177. Prisoners with disability have an equal opportunity to attend court, medical appointments, and other leave of absence activities in person. These transports are safe and secure.

## 6.7 Rehabilitation and reparation

### Employment, education, and programs<sup>85</sup>

178. Prisoners with disability have equal access to tailored rehabilitative and reparative opportunities that meet their needs.

### Preparation for release<sup>86</sup>

179. Prisoners with disability are adequately prepared with any necessary supports in place for their release.

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80 NMR 109.3

GPCA 2.3.8, 4.1.15

81 NMR 76.2

EPR 81.3

82 GPCA 3.1.16

83 NMR 50

84 GPCA 1.2.2

85 GPCA 5.1.9

86 NMR 108.1, 108.2



## 7 Governance

The daily average prisoner population has been increasing in Western Australia over the last decade. In 2019, the average daily population was 6,910 up considerably from 4,734 in 2010. The safe and secure management of prisoners is achieved through good governance. This involves comprehensive strategic planning, accountable and transparent systems, and sufficient, competent staffing to meet the objectives of imprisonment and the diverse needs of the prisoner population being managed.

### 7.1 Strategic planning and prison-community relations

#### Strategic planning<sup>87</sup>

180. A strategic vision informs a comprehensive plan of the prison's general aims, principles, values, and strategic actions.

#### Environmental sustainability

181. The prison is committed to environmental sustainability encouraging good practices in staff and prisoners.

#### The prison and community relations<sup>88</sup>

182. A wide range of community-based service providers are regularly involved with the prison.

183. The community knows about and has input into prisons, staff, and their work.

### 7.2 Records management<sup>89</sup>

184. The prison has comprehensive and accurate records management processes.

### 7.3 Human Resources

#### Prison staff<sup>90</sup>

185. All staff have the necessary knowledge, skills, and authority to work in a prison, and they are trained to the highest standards of professional competence, integrity, and honesty.

186. Prison staffing meets the needs of the prison to manage prisoners safely and meet the aims of imprisonment.

#### Staff grievances<sup>91</sup>

187. Staff can aptly express and resolve work related grievances.

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87 GPCA 1.4.4, 2.3.4

EPR 72.2

88 NMR 74.2, 88

GPCA 1.4.1, 2.4.4, 5.1.6, 5.2.4, 5.4.2, 5.4.4

EPR 90.1

89 NMR 6, 7, 8, 9, 92.2, 92.3

GPCA 1.5.1, 1.5.2, 1.5.3, 1.5.4, 1.5.5, 1.5.6

90 NMR 74.1, 74.2, 75, 76, 78.1, 79.1, 80.1

GPCA 1.1.4, 1.1.7, 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5, 1.2.7, 1.4.4, 1.5.6

BR 30

EPR 8, 25.2, 72.2, 72.4, 73, 76, 77, 81.1-3, 85

91 GPCA 2.4.6

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