



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

Revised Code of Inspection Standards for Adult Custodial Services

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

December 2020

These standards are available on the Office's website and will be made available, upon request, in alternative formats.

Table of Contents

1	Office of the Inspector of Custodial Services	4
1.1	Our roles and responsibilities	4
1.2	Our vision and values	4
1.3	Introduction	4
2	Standards for all prisoners	7
2.1	Basic principles.....	7
2.2	Early days in custody.....	7
2.3	Duty of care.....	10
2.4	Managing behaviour	15
2.5	Daily life	18
2.6	Health and support.....	28
2.7	Security	35
2.8	Rehabilitation and reparation.....	40
2.9	Special categories of prisoners	46
3	Standards for female prisoners	48
3.1	Early days in custody.....	48
3.2	Duty of care.....	49
3.3	Daily life	50
3.4	Health and support.....	51
3.5	Security	53
3.6	Rehabilitation and reparation.....	54
3.7	Prisoners and children	56
3.8	Special categories of female prisoners.....	58
3.9	Prison staff	59
4	Standards for transgender, gender diverse, and intersex prisoners	60
4.1	Early days in custody.....	60
4.2	Duty of care.....	60
4.3	Daily life	62
4.4	Health and support.....	62
4.5	Security	63
4.6	Rehabilitation and reparation.....	64
5	Standards for older prisoners	65
5.1	Early days in custody.....	65
5.2	Duty of care.....	65
5.3	Daily life.....	66

5.4	Health and support.....	66
5.5	Rehabilitation and reparation.....	67
6	Standards for prisoners with disability.....	68
6.1	Early days in custody.....	68
6.2	Duty of care.....	69
6.3	Managing behaviour	70
6.4	Daily life.....	71
6.5	Health and support.....	71
6.6	Security	72
6.7	Rehabilitation and reparation.....	74
7	Governance.....	75
7.1	Strategic planning and prison-community relations	75
7.2	Records management	76
7.3	Human Resources	77
8	Bibliography	79

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.

Our inspection standards

The main areas in which we operate when conducting our inspections

WE LOOK AT...

1 EARLY DAYS IN CUSTODY

- Prisoners know their rights and responsibilities.
- Prisoners feel safe coming into custody. They are treated with respect and their immediate needs are met.

2 DUTY OF CARE

- Prisoners are not discriminated against.
- Every person in a prison feels safe, supported, can complain and seek redress if they want to.
- Staff are culturally competent.

3 MANAGING BEHAVIOUR

- Behaviour management is open, efficient, fair, and proportionate.
- The relationship between staff and prisoners is respectful. It encourages pro-social behaviour and responsibility for one's own actions.

4 DAILY LIFE

- Prison life is purposeful and sufficiently flexible to account for the diversity of the prisoners.
- Prisoners are encouraged to maintain and develop relationships with family and friends.

5 HEALTH

- Prisoners are supported and encouraged to optimise their health and wellbeing.
- Health care meets the needs of prisoners in an environment that promotes dignity and maintains privacy.

6 SECURITY

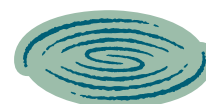
- An effective, ethical, and balanced approach ensures the security of the prison and the prisoners.
- Security measures align with risk.

7 REHABILITATION AND REPARATION

- Programs and services are evidence based.
- Education, employment, and programs are relevant to individual prisoner's needs and increase the likelihood of successful reintegration.
- Prisoners are held under the least restrictive regime and managed as per their individually assessed needs and risks.

8 GOVERNANCE

- The prison is led by a comprehensive strategic plan, and accountable and transparent systems.
- Staff are skilled, empowered, and present in sufficient numbers to ensure prisoners are managed safely.



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 principles¹

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, gender identity, intersex status, sexuality, disability, 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 admission²

Standard

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.

Measures

- Prisoners are treated with decency and respect during the admission and reception process.
- Reception is a welcoming and supportive environment that reduces the anxiety of admission.
- Newly arrived prisoners' needs are promptly assessed to ensure their immediate and ongoing safety, particularly regarding their risk of self-harm and suicide.
- All relevant information is collected to identify and effectively manage prisoner's needs and risks.
- The prison checks for outstanding fines or warrants and advises prisoners of the option of expiation of fines to clear them.
- Interviews safeguard the prisoner's privacy, and only relevant information is given to unit staff.
- Prisoners know their rights and responsibilities while in prison.
- Information is conveyed to prisoners in a language and format they understand.

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

- Prisoners can inform their families of their imprisonment as part of the admission process. If contact cannot be made, repeated efforts are made until notification is successful. A free telephone call is given, and additional support is provided to those without external support.
- Accommodation is clean and hygienic. Prisoners receive basic equipment and supplies, and they can shower on their first night.
- Prisoners know how to access help and support from staff, family, and peer supporters.
- Peer supporters are used effectively in reception and during first night arrangements.
- New prisoners are placed separately from the general population during admission and orientation.
- Regular welfare checks are carried out on new arrivals.
- Staff are appropriately trained including to manage those who are anxious, distressed, or uncooperative.

Standard

11. Newly admitted prisoners can immediately inform their families and access to services to resolve any family, domestic, and economic issues.

Measures

- Prisoners can immediately inform their families of their imprisonment.
- Aboriginal prisoners from remote communities are given special help to contact family and community.
- Consular and diplomatic representative support is obtained, where required.
- Prisoners can immediately plan and access services for the welfare of their children, next of kin, other dependents, and pets.
- Prisoners can immediately access services to resolve any banking, property, and business operations issues.

Health screening on reception³

Standard

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

Measures

- Health screening is conducted by appropriately qualified health staff including, where necessary, mental health professionals and Aboriginal health workers.
- All prisoners are offered an appointment with a general practitioner within 28 days of coming into custody. Those with urgent health needs are prioritised.
- Prisoners taking essential medication on reception are assessed to ensure continuity of treatment.
- Prisoners are respected. They know their right to privacy and confidentiality is safeguarded.
- Accredited interpreters are used to ensure full understanding and exchange of information by the prisoner and health staff, where necessary.
- Prisoners know the results of their screening, including the detection of any illness or medical condition.
- If health screening is not possible immediately, prison management ensures the prisoner's safety until their health status is known.
- Prisoners are informed of how to make an appointment for future treatment or assessments.

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

Orientation⁴

Standard

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

Measures

- Prisoners promptly receive comprehensive information about the prison rules, regime, and services available in a language and format they understand including but not limited to Auslan, brail, interpreters, assistive technology, or Easy English.
- Staff are respectful and encourage prisoners to confirm their understanding during orientation and after they have settled in.
- Peer supporters are used effectively in orientation processes.
- Prisoners know how to access support mechanisms available within the prison including counselling services, peer support, and visiting agencies.
- Prisoners know their obligations, including outcomes of non-compliance so they can make informed choices.
- Prisoners know how to contact their families and that their personal mail and telephone calls are monitored.
- Prisoners know of internal and external complaints mechanisms and how to use them, including their right to communicate confidentially with relevant authorities.
- Up to date orientation information is prominently displayed around the prison.

Remand prisoners⁵

Standard

14. The regime for unconvicted prisoners reflects that they have been charged, but not convicted of an offence.

Measures

- Unconvicted prisoners are not required to, but can and are encouraged to join in work, education, and programs.
- Unconvicted prisoners can undertake reasonable activity to maintain external interests.

Standard

15. Remand prisoners with bail conditions are helped to meet their conditions and be released from custody.

Measures

- Prisoners with bail conditions are immediately consulted about their ability to meet the conditions to assist their lawful release to bail at the earliest possible time.
- Prisoners can access information and support to apply for bail and find bail accommodation.
- Any bail conditions attached to a remand custody order are actively and regularly reviewed.
- Prisoners released to bail have their identification and legal documents, monies, property, and medication

⁴ NMR 54, 55

GPCA 2.2.1

EPR 15.2, 30

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

returned immediately.

- Remand prisoners are released with access to accommodation and money for food.
- The prison ensures prisoners have the means to safely reach their home, particularly Aboriginal prisoners from remote communities which are not serviced by public transport.

Standard

16. The stress and uncertainty associated with being remanded in custody are minimised by the prison.

Measures

- Remand prisoners are managed separately from sentenced prisoners. They are not placed in contact with sentenced prisoners unless they indicate, in writing, that they have no objection.
- If remand and sentenced prisoners are unavoidably placed together, regular assessment occurs to prevent bullying.
- Conditions of imprisonment for remand prisoners are not less than those of sentenced prisoners.
- Security assessments are promptly completed for remand prisoners to manage them at the lowest level of security consistent with their risk.
- Where possible, remand prisoners are allocated a single cell.
- Remand prisoners can receive social visits every day.
- The prison assists remand prisoners to resolve any urgent matters arising from their transition to prison.
- First time prisoners are given information concerning the first few days in custody, and how they can obtain further information about their case or prison circumstances.
- Special first nights and days' regimes ensure remand prisoners' safety and wellbeing.
- Remand prisoners have opportunities to address drug and alcohol issues, develop cognitive skills, and access personal development and life skills programs.
- Prisoners remanded longer than six months are case managed. Conditions of their continued custody are regularly reviewed.

2.3 Duty of care

Access to legal representatives and resources, and attendance at court⁶

Standard

17. Prisoners have confidential access to legal representatives and resources.

Measures

- Prisoners are given help to find a legal representative if they do not have one.
- Prisoners are assisted to communicate with a legal representative of their choosing.
- Contact with legal representatives is confidential, and can be face-to-face, by telephone, mail, and/or audio-visual link.
- All communication with legal representatives is confidential and occurs as often as required.
- Prisoners can access up-to-date legal resources and copies of the *Prisons Act 1981*, *Prisons Regulations 1982*, rules, and other policy documents relating to the management, rights, and entitlements of prisoners.
- Legally privileged correspondence is not opened by prison staff unless authorised by law.

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

Standard

18. The prison assists prisoners to prepare for their court appearance.

Measures

- Prisoners have adequate time and facilities to prepare their defence.
- A computer and printer are available to prepare legal correspondence and documents.
- Facilities are available for legal representatives to review digital evidence with prisoners.
- Remand prisoners can wear their own clean and pressed clothing when appearing in court.
- Prisoners attending court receive meals at normal times, or if this is not possible, before their attendance.
- The prison facilitates video court appearances, maximising the use of technology and reducing the unnecessary transport of prisoners without impinging on the prisoners' rights to appear in person.

Bullying and violence reduction⁷

Standard

19. Prisoners feel safe from bullying and victimisation.

Measures

- The prison has an effective anti-bullying strategy.
- The prison promptly investigates allegations of bullying, abuse, or violence, and responds where required.
- If harm, abuse, or bullying is alleged or suspected, prompt action is taken to protect the prisoner and prevent retaliation.
- Alleged victims are not discriminated against in any way due to their reporting of or taking action against bullying, abuse, or violence.
- Victims of bullying, abuse, or violence are provided appropriate support.
- Perpetrators of violence and antisocial behaviour are supported to change their behaviour.

Standard

20. The prison works to prevent radicalisation and violent extremism from being organised or supported by any prisoner.

Measures

- Prison staff are trained to identify radicalisation and violent extremism.
- The prison provides opportunities for de-radicalising extremists.

⁷ GPCA 1.2.2, 3.1.3, 3.1.8, 3.2.8, 3.2.9

BR 7.3

EPR 52.2

Victims of abuse or trauma

Standard⁸

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.

Measures

- Prisoners can be identified as victims of ill-treatment, abuse, or trauma at any time during custody.
- Disclosures or evidence of abuse or trauma are handled sensitively and professionally by trained staff. Accurate records are kept and chain of evidence procedures are followed.
- Prisoners who have been ill-treated or abused are adequately supported by gender-specific and culturally appropriate services, including health services, counselling, and programs.
- Prisoners who have been ill-treated or abused can access legal representation and information about their rights.

At risk prisoners⁹

Standard

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

Measures

- Appropriate structural mechanisms are in place to promptly identify and respond to at risk prisoners.
- Multidisciplinary intervention is available.
- At risk prisoners can access the support and counselling services to meet their needs.
- Risk factors, historical information, and cultural factors are considered in assessing and responding to self-harm and suicide.
- At risk prisoners are held under the least restrictive regime based on their assessed risk, needs, health and wellbeing.
- Staff can identify prisoners exhibiting signs of crisis, and are adequately trained to manage those prisoners.

Protection and administrative segregation¹⁰

Standard

23. Protection prisoners are appropriately located and safely managed to prevent harm, abuse, and neglect.

Measures

- Prisoners can be placed in protection, and apply for protection status.
- A prisoner requesting protection is segregated until an assessment and determination is made.
- If harm or abuse is alleged or suspected, prompt action is taken to protect the prisoner and to investigate.

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

- Protection prisoners are placed in a safe and secure environment within the prison.
- Protection prisoners have equal access to all services and activities available to other prisoners.
- Staff working with protection prisoners are trained to recognise signs of harm, abuse or bullying.
- Protection status is regularly reviewed with the view to returning the prisoner to a standard regime as soon as possible. Reviews include prisoner consultation and collaboratively establishing the source of the threat.
- Prisoners can appeal their placement in protection.
- Prisoners requesting to leave protection remain segregated until assessed as appropriate.

Standard

24. Administrative segregation is strictly governed.

Measures

- Prisoners in administrative segregation are told the reason for their segregation in a language and format they understand.
- Administrative segregation is never used for an extended period or as punishment. Any regime deprivation is clearly explained to the prisoner, and it is accurately recorded.
- Prisoners in administrative segregation are not placed in a punishment cell.
- Prisoners in administrative segregation are managed under the least restrictive regime consistent with the reason for their segregation.
- Prisoners in administrative segregation are visited daily by prison management. They are never denied access to medical attention or any existing schedule of medication.
- Administrative segregation is regularly reviewed with the view to returning the prisoner to a standard regime as soon as possible. Reviews include prisoner consultation.
- Prisoners can appeal their placement in administrative segregation.

Shared cells¹¹

Standard

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

Measures

- Where possible, prisoners do not share cells.
- Formal risk assessments occur prior to the allocation of prisoners to shared cells.
- Formal risk assessments include consulting the prisoners involved.
- Staff promptly respond to emergency cell calls.
- Cell observation panels are not obstructed.
- The size of a cell for two occupants should meet or exceed the *Standard Guideline for Prison Facilities in Australia and New Zealand 1990*.

¹¹ NMR 12.1
EPR 18.5, 18.6, 18.7

Requests and complaints¹²

Standard

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

Measures

- Prisoners know how to make requests and complaints. They can access information about procedures in a language and format they understand.
- Prisoners do not have to repeatedly request services they access or receive on a regular basis.
- Staff and prisoners are encouraged to resolve requests at the lowest level first, before making a formal written request or complaint.
- Complaint processes are equally accessible, including to those with low-level literacy and/or cultural barriers.
- Hard copy forms are easily accessible when needed.
- Requests and complaints can be lodged confidentially.
- If required, prisoners receive help to make requests and complaints, including by access to an accredited interpreter.
- Complaints are investigated appropriately and fairly.
- Culturally appropriate mediation services are available.
- Complaints about health care provision and treatment are managed separately from other complaints.
- Responses are prompt, easy to understand, comprehensive, respectful, and address the issues raised.
- All complaints are accurately recorded and remedied, including those resolved at the lowest level.
- Accurate records of staff misconduct (and associated evidence) are maintained to support decisions.
- There are effective and thorough quality assurance processes with external validation.
- Making a complaint or representation to an external authority with a mandate to respond to complaints is simple and confidential. The correspondence to and from external authorities is not opened by prison staff.
- The prison responds promptly to external authorities' complaint investigations and recommendations.

Standard

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

Measures

- Prisoners are not victimised or disadvantaged for making complaints.
- Prisoners are not prevented from using the official complaints procedures.
- Prisoners are not encouraged to withdraw complaints.
- Complaints about staff are investigated by an appropriately senior and independent person.
- People making complaints against staff or other prisoners are protected from possible recrimination.
- Complaints are escalated if a prisoner believes they have, or the complaint has been treated unfairly or unreasonably.
- Prisoners know how to appeal decisions internally and through an independent authority.
- Prisoners have access to recognised external organisations offering support in pursuing a complaint.
- The prison has distinctly marked envelopes and special post boxes for prisoners to send confidential mail to appropriate authorities. Envelopes and post boxes are discreetly located away from the direct view of staff.
- Prisoners receive help to pursue complaints beyond the prison, if they need to do so, such as contacting legal advisors or making direct applications to the courts.

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

GPCA 1.3.1, 1.3.2, 1.3.3, 2.3.7

EPR 38.3, 50, 53.7, 70

- Post boxes are regularly emptied and mail is forwarded without unnecessary delay.

2.4 Managing behaviour

Encouraging positive behaviour¹³

Standard

28. The relationship between staff and prisoners is positive and respectful.

Measures

- Staff treat all prisoners lawfully with dignity and respect, acknowledging their individual needs and rights to health and wellbeing.
- There are plenty of opportunities for positive communication between staff and prisoners.
- Prison staff exercise care and regard for prisoners' rights to privacy and confidentiality.
- Staff engage proactively with prisoners and seek to know prisoners as individuals.
- Staff treat prisoners' property and cells with respect.
- Staff are trained to know the effect of cultural and life experiences (such as trauma, abuse, and mental illness) on prisoner's behaviour and respond accordingly.
- Staff know that some Aboriginal people may be compliant with authority. This behaviour is not exploited.
- Staff can access support to help them manage the demands of their work.

Standard

29. There are clearly defined rules and codes of conduct for staff, prisoners, and visitors.

Measures

- All rules and codes of conduct are prominently displayed in appropriate areas of the prison and in ways that are clearly understood and culturally appropriate.
- Breaches of rules or codes of conduct are appropriately investigated and managed.

Standard

30. Prisoners are encouraged to develop pro-social behaviours and responsibility for their actions.

Measures

- Staff support prisoners to change their behaviour, giving them advice and opportunities to improve.
- Staff are good role models demonstrating ethical, professional, accountable, respectful, and transparent behaviour.
- When rules are breached, staff take time to explain how and why to the prisoner.

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

Standard

31. Appropriate and effective systems manage feuding and payback where it affects prison operations.

Measures

- Prison management seeks culturally appropriate advice, including mediation, to manage feuding prisoners and payback.
- The prison provides opportunities for prisoners from the same family or skin group to interact together, including prisoners of a different gender and security rating, where their assessed risk permits.

Punishment and disciplinary procedures¹⁴

Standard

32. Secondary punishment (additional to imprisonment) and prisoner discipline is open, efficient, fair, proportionate, and in line with legislation.

Measures

- Where possible, antisocial behaviour is managed effectively without formal punishment or discipline, which are only used as a last resort.
- Prisoners are not subject to prolonged solitary confinement, corporal punishment, punishment by placement in a dark cell, reduced diet, sensory deprivation or any cruel, inhuman, or degrading punishments.
- A prisoner is not punished except in accordance with the law, regulation or rule relating to their behaviour.
- Alleged breaches are investigated and where necessary prosecuted promptly by a competent authority.
- Prisoners are promptly told of alleged breaches, and understand the charges and procedures they face.
- Prisoners can access legal advice and defend themselves.
- Where required, interpreter services are used to explain charges, processes, and the process for defending the charges. This includes obtaining culturally relevant advice and assistance for Aboriginal prisoners.
- No unofficial or collective punishments are used.
- Sanctions are proportionate to the seriousness of the offence, and do not include prohibiting family contact.
- Prisoners are not sanctioned twice for the same act or offence.
- Prisoners can appeal against sanctions imposed on them.
- Punishment and disciplinary processes are accurately recorded.
- All outcomes are monitored and quality assured with emerging patterns identified and acted upon.
- No prisoner is employed or given authority in any disciplinary capacity.
- Where an alleged breach is prosecuted as a crime, prisoners are entitled to due process that exist in criminal proceedings, including unimpeded access to a legal representative.

Standard

33. Prisoners are only segregated with proper authority and for the shortest period.

Measures

- Prisoners are not segregated except as a last resort, for the shortest time possible and subject to proper authorisation. Accurate records are maintained, including documenting the duration of the segregation.
- Prisoners know why they have been segregated.

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

- A multidisciplinary staff group, including health staff, monitors prisoners held in segregation.

Standard

34. Prisoners are always kept safe while segregated and their individual needs are recognised and addressed.

Measures

- Staff monitoring segregated prisoners are appropriately trained and supported to recognise mental health issues or distress.
- Staff monitoring segregated prisoners are vigilant in detecting signs of decline in mental health, mitigating the social isolation inherent in segregation and escalating any concerns.
- Prisoners in segregation have meaningful daily conversations with various staff including prison management and health services.
- Prisoners in segregation can exercise in the open air for at least two hours every day in a space large enough to enable meaningful exercise.

Use of force and restraints¹⁵

Standard

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.

Measures

- Firearms are not used against persons except in accordance with the relevant law regulating the circumstances of their use.
- Staff are appropriately trained in approved use of force methods which emphasise the routine use of de-escalation techniques.
- All weapons and restraints are approved for use and are regularly reviewed.
- Weapons and restraints are only lawfully used as a last resort, for the shortest time necessary, and never as a punishment.
- Weapons and restraints are only issued to general duty prison officers in exceptional circumstances.
- Planned use of force is properly authorised and recorded.
- All staff involved in a use of force are debriefed and complete appropriate reports promptly. They can access supports where required.
- Prisoners are debriefed verbally after an incident and receive an explanation of why force was used on them with a view to preventing reoccurrence.
- Prisoners receiving end-of-life care are not restrained unless there is an assessed serious risk.
- Health staff recognise risks associated with restraint, attend all use of force situations, brief staff appropriately and comprehensively assess prisoners' well-being during and after an incident, and initiate all required treatment/interventions promptly.
- Use of force is subject to effective, independent, and timely review.
- Use of force data is monitored and any emerging patterns are identified and acted on.
- Use of force documentation and associated footage is securely retained and is scrutinised by prison management to identify good practice, opportunities for improvement, and possible ill-treatment.

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

Standard

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.

Measures

- The use of any cell from which normal furniture, bedding or sanitation has been removed or in which a person is held in anti-rip clothing is authorised and recorded as a use of special accommodation.
- Special accommodation, mechanical restraints and anti-rip clothing are properly authorised and only used for the shortest time necessary.
- Prisoners are not strip searched or deprived of their normal clothing in special accommodation without sufficient specific intelligence and proper authorisation.
- Prisoners with severe mental illness and prisoners at risk of suicide or self-harm are not held in special accommodation except in clearly documented and authorised exceptional circumstances and in consultation with the mental health team.
- Monitoring of prisoners in special accommodation is carried out at frequent and irregular intervals, and accurate records are maintained.
- Prisoners are encouraged to return to a standard cell at the earliest opportunity.

2.5 Daily life

Regime¹⁶

Standard

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

Measures

- The prison has a balanced regime that safely meets the varied skills, capacities, needs, and interests of all prisoners, including those from culturally diverse backgrounds.
- The regime empowers all prisoners to make good choices and to be actively involved in purposeful activities.
- The regime maximises time out of cell.
- The regime minimises the difference between life in prison and life in the community.
- The prison has separate sections for the various prisoner cohorts, including appropriate levels of privacy.

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

Living conditions and hygiene¹⁷

Standard

38. The prison provides a clean and suitable environment that is fit for purpose and compliant with public health practices.

Measures

- Prison infrastructure is compliant with all relevant environmental health regulations.
- Prisoners live, work, and eat in a hygienic environment that is properly maintained.
- No restriction or disciplinary sanction can negatively affect the legal minimum living conditions.
- Good quality drinking water is available and food safety standards are met.
- Appropriate precautions minimise hazards and protect prisoners from risks to their health.
- All prisoner cells have suitable climatic controls to guard against extreme temperatures.
- The prison has robust infection prevention and control measures.
- Hygiene and ventilation in industry areas are adequate. Equipment is properly maintained and regularly cleaned.
- Smoking is prohibited in prison buildings.

Standard

39. Prisoners are encouraged to keep themselves, their cells, and communal areas clean.

Measures

- Prisoners can shower or wash in private every day, except where the prisoner's safety is at risk.
- Suitable ablutions are clean and accessible.
- Prisoners receive basic hygiene and toiletry products, including sanitary items, for their personal use.
- Prisoners can access sufficient cleaning materials to keep their cells and communal areas clean.
- Adequate water, of appropriate temperature, is available.
- Information promoting good hygiene practices is available to prisoners.
- Prison practices ensure the day to day cleaning is sufficient to maintain proper standards of hygiene.

Standard

40. Prisoners are held in a safe environment where security is proportionate to risk and not unduly restrictive.

Measures

- Perimeter barriers can deter and withstand a determined internal or external breach but do not overpower the senses or cause fear.
- A prison without perimeter barriers, or where these are open for part of the day, has clear zoning and signs indicating the limits of prisoner and outsider access.
- Infrastructure is built and maintained to recognised building standards with a 'healthy buildings' approach to climate control, amenity, lighting, and outlook.
- Building design and layout are suitably functional and meet the prisoner profile.
- Internal buildings and static security measures have regard for prisoner, staff, and visitor safety while

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

'normalising' the environment.

- The prison has ligature minimised cells.
- The prison does not exceed its design capacity and seeks to avoid overcrowding.

Standard

41. The built environment is culturally appropriate, particularly for the high overrepresentation of Aboriginal prisoners.

Measures

- Prison infrastructure acknowledges the diversity of Aboriginal cultures, beliefs, and languages, and provides a range of spaces appropriate to the needs of different Aboriginal groups.
- Prison infrastructure accounts for Aboriginal avoidance customs and practice.

Clothing and bedding¹⁸

Standard

42. Prisoners have sufficient presentable and clean clothing suitable for their needs.

Measures

- Prison issued clothing is not undignified or humiliating. It fits properly and is in good repair.
- Prisoners have sufficient sets of appropriate clothing for general use, work, and recreation.
- Clothing is suitable for the climate and to keep prisoners healthy.
- Culturally appropriate and religious items of clothing are available to prisoners, where assessed risk permits.
- Prisoners have regular access to laundry facilities, sufficient for a daily change of clean clothes.
- Prisoners receive new underwear on arrival in prison, and are not required to share underwear with other prisoners. They receive enough underwear and socks to be able to change them daily.
- Protection prisoners' laundry is safeguarded from malicious tampering.

Standard

43. Prisoners can wear non-prison clothing when attending court and on release.

Measures

- Prisoners can wear their own clothes when attending court.
- Prisoners' personal clothing stored at the prison is cleaned prior to being worn.
- Prisoners' families can bring in suitable clothing for the prisoner to attend court, or for their release.
- The prison has a suitable variety of clean, good quality clothes for prisoners' use when they do not have access to their own clothes.

18 NMR 19, 20, 21
GPCA 2.1.2, 4.2.4
EPR 19.7, 20.1-3, 21

Standard

44. Prisoners have a bed and clean bedding suitable for their needs.

Measures

- Every prisoner is provided a bed and bedding. Prisoners do not sleep on the floor.
- Sufficient clean bedding is provided for each new prisoner on arrival.
- Bedding is in good repair, suitable to the climate and to keep prisoners healthy.
- Bedding is laundered weekly to ensure cleanliness. Where necessary, it is replaced.
- Mattresses and pillows provide adequate comfort and support. They are clean and replaced when needed.
- Mattresses and bedding are durable and non-flammable.

Family and community contact¹⁹

Standard

45. The prison provides adequate resources for e-visits, and phone and mail contact.

Measures

- Prisoners know their entitlements to e-visits, phone calls and mail.
- There are sufficient phones and e-visit facilities to meet the needs of prisoners.
- The costs of phone calls and e-visits are kept to a minimum.
- The location of phones and terminals permit reasonable privacy.
- Prisoners can send as many letters as they can afford. There are no restrictions on quantity received.
- Outgoing mail is sent within 24 hours, incoming mail is received by the prisoner within 24 hours of arrival.
- Prisoners can access various electronic options to maintain family contact.
- Prisoners can access phone numbers of outside organisations and know which numbers they can call.
- Prisoners know of and can access a phone interpreter service.
- Prisoners unlikely to get regular visits due to distance receive extra calls and/or allowances.
- Officer initiated calls are provided where necessary, particularly for Aboriginal prisoners from remote communities and foreign national prisoners who may need help and resources to keep in touch with family abroad. Calls are appropriately monitored, and adequately recorded.

Standard

46. Appropriate measures prevent the inappropriate use of phone and mail systems without unduly interfering with privacy.

Measures

- Recipients of prisoner communication approve of the contact.
- Prisoners know that their mail and phone calls can be security checked and recorded.
- Mail is only opened to check for unauthorised enclosures. Valid reasons must exist to read prisoner's mail.
- Staff observe confidentiality. They do not discuss communications except in proper reporting procedures.

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

Standard

47. Prisoners are encouraged to maintain and develop relationships with family and friends through visits.

Measures

- Contact between prisoners and the community is encouraged.
- Sentenced prisoners are permitted a minimum of one visit each week.
- Unconvicted prisoners can receive visits every day where this does not unfairly affect the visits of others.
- Searches are respectful, proportionate, and take account of individual needs.
- Visitor searches are not excessive so to discourage their visit. Visitors are not routinely strip searched.
- The prison has flexible and special arrangements for visits where there is a genuine need, including offering extended visits for those travelling long distances.
- Extra visits or phone calls are included in the earned incentive and privilege scheme.
- Approval arrangements for visitors are culturally appropriate.
- Prisoners are encouraged to have visits with their children unless this is not in the child's best interests.
- The prison facilitates regular inter-prison and intra-prison visits.
- There is adequate provision of children's/family days to meet the needs of the population.

Standard

48. Prisoners have safe, secure, and direct contact with their visitors.

Measures

- Prisoners can receive contact visits.
- Security arrangements and restrictions on physical contact are not excessive.
- The prison ensures visits start and finish on time.
- Non-contact visits are only authorised if a significant risk arises from visits, justified by security intelligence.
- The use of non-contact visits is reviewed regularly.
- Sufficient visit spaces and non-contact rooms are available to meet standard demand.
- Prisoners are informed if their visit is denied or has been changed to non-contact.
- Visitors allowed non-contact visits when all non-contact rooms are full, are offered the next available time.

Standard

49. The prison has an accessible and child-friendly visitors' centre with adequate amenities.

Measures

- Family support services are available before and after visits.
- Amenities are welcoming and child-friendly. There is safe storage available for visitors' property.
- Effective and efficient processes minimise wait times.
- The visit booking system is simple, accessible, and flexible to deal with the number and diverse requirements of visitors.
- Information about transport services, visiting hours, and what visitors can expect is readily available.
- There are arrangements for visitors to get to/from the prison if public transport is unavailable or far away.
- Visitor parking and access arrangements are appropriate, especially for visitors with disability.

Standard

50. Visit facilities are comfortable, pro-social, and safe.

Measures

- Facilities reflect the needs of visitors, including having adequate disability access and a suitable area to feed and change young children. Suitable clean play facilities, equipment, and toys are also available for children, and child-parent interaction.
- Enough comfortable tables and seating are provided.
- Clean and hygienic ablutions with hand washing facilities are available.
- Visitors and prisoners can access refreshments during visits.
- The visits area is monitored for security by measures commensurate with the prison's security level.
- Security arrangements do not unduly encroach on privacy.
- Facilities provide for the observance of traditional cultural practices. If necessary, alternative venues are available to facilitate simultaneous visits by people observing Aboriginal avoidance customs.
- There is an effective feedback system for prisoners and visitors about their visits experience.

Standard

51. Prisoners can visit sick relatives and attend the funeral of a family member.

Measures

- The prison advises prisoners promptly about the death or serious illness of a family member and provides support for the prisoner's individual needs and continued wellbeing.
- Prisoners can visit sick relatives, attend funerals, burials, and other occasions of special family significance.
- The prison recognises the special kinship and family obligations of Aboriginal prisoners.
- The prison seeks advice from relevant community members or groups about who should be permitted to attend and participate in a funeral. There is a presumption in favour of the community nominated prisoner.
- Restraint use during compassionate leave escorts is as discreet as possible.
- Prisoners can participate in the funeral and discharge any obligations, including those of cultural significance.
- Escorting staff are trained. They are professional, sensitive, and culturally aware.
- Where attendance is not possible, the prison provides appropriate internal mechanisms for grieving.
- Sorry time ceremonies can continue for as long as culturally appropriate, in a suitable space fit for purpose.

Standard

52. Prisoners are kept up to date with news and current events.

Measures

- Prisoners can access information about news and current events through various mediums.

Recreation²⁰

Standard

53. All prisoners can spend at least two hours recreating in the open air every day.

Measures

- All prisoners, including those subject to disciplinary sanctions or restrictive measures, can spend at least two hours per day recreating in the open air.
- Time out of cell is regular and predictable.
- Prisoners know that time in the open air is vital to mental and physical health and promotes rehabilitation.
- Prisoners do not have to choose between access to the open air and other important activities.

Standard

54. Prisoners have regular access to physical exercise and recreational activities.

Measures

- There is regular access to recreation for all prisoners.
- Access is equal and appropriate, including for those in protection and women in predominantly male prisons.
- The range of activities reflects the various health and fitness needs of the population.
- Prisoners are encouraged to participate in physical education, fitness, team sports, and games.
- Passive recreation options are available, well stocked, and in good repair, particularly art materials and musical equipment.
- Despite whether the prison or prisoner meets the cost of artwork created, intellectual property rights endure.
- Culturally appropriate recreational activities are available.
- Prisoners can acquire personal development, skills, and training from recreational activities.
- Recreational areas are fit for purpose, and have adequate and safe equipment.
- Prisoners can shelter from the weather in exercise areas. Outside exercise is only cancelled in severe conditions.
- The time allocated for recreation does not conflict with other purposeful or essential activities.
- Approved prisoners can participate in structured recreational activities outside of the prison.

Standard

55. Prisoners have regular access to a suitable library to meet their needs.

Measures

- Prisoners can regularly access the library and its resources.
- The quality and quantity of the resources reflect the needs of the population, and includes an adequate supply of culturally and linguistically appropriate material.
- Use of the library is encouraged for learning and social interaction in an informal and relaxed setting.
- The library promotes literacy and the resources support educational and training programs.
- The library has up-to-date legal resources and copies of the *Prisons Act 1981*, *Prisons Regulations 1982*, rules, and other policy documents relating to the management, rights, and entitlements of prisoners.

20 NMR 4.2, 23, 64, 105,
GPCA 2.3.2, 2.3.6, 4.2.9, 5.3.2
EPR 27, 28.5

Food and nutrition²¹

Standard

56. Prisoners have a varied, healthy, and balanced diet which meets their individual needs.

Measures

- Menus are designed with advice from dietitians and nutritionists, to meet the prison population's needs.
- Menus consider the availability of fresh produce, climate, prisoner work requirements, and special meals.
- Prisoners are regularly consulted about the quality, quantity, and variety of food. Opinions are respected and accounted for.
- Prisoners know about healthy eating and its benefits. Healthy eating education is culturally engaging and accommodates the various learning styles of all prisoners.
- Prisoners can choose between food options.
- Meals times are reasonable and generally match those in the community. Meals are available at non-meal times for those arriving at or returning to the prison at differing times.
- The prison monitors the nutritional standards of meals in self-care facilities.
- Clean drinking water is available to every prisoner. Those working outside the prison or who are in transit have adequate supplies of clean drinking water.

Standard

57. Prisoners' food and meals are stored, prepared, and served in line with hygiene regulations.

Measures

- Prisoners and staff who work with food are trained, health-screened, and wear appropriate clothing.
- Staff supervise the serving of food to prevent tampering and bullying, and to ensure portion control.
- Prisoners can eat out of their cells, with others, wherever possible.
- Staff ensure that prisoners do not miss out on receiving meals, and gaps between meals are reasonable.
- Kitchens are regularly inspected for hygiene and safety standards.
- All areas where food and drinks are consumed are regularly inspected to ensure they meet food safety standards. This includes self-care facilities and cultural locations on site where traditional foods may be prepared, cooked, and eaten.

Standard

58. Special diets are provided for medical reasons, religious beliefs, lifestyle choices, and other reasonable special needs.

Measures

- Prisoners' medical diets are catered for, including the nutritional needs of pregnant women and nursing mothers.
- Prisoners' vegan and vegetarian lifestyle choices are catered for.
- Religious and cultural requirements for food procurement, storage, preparation, distribution, and serving are fully observed.

²¹ NMR 22

GPCA 4.2.1, 4.2.2, 4.2.3

EPR 22.1, 22.3, 22.5

- A range of traditional foods and bush tucker are available to meet diversity of the prison population. The prison has working relationships with community groups to assist in securing regular supply.

Religious and spiritual support²²

Standard

59. Prisoners' freedom of religion is respected. They can practice their religion or beliefs fully and in safety.

Measures

- The prison has a tolerant approach to religious and spiritual diversity.
- Prisoners are encouraged to practice their religion and fulfil religious lifestyle requirements.
- Prisoners have access to worship and faith-based groups, and pastoral visits.
- Prisoners of no faith can, where appropriate, access their preferred spiritual support.
- There are suitable multi-faith facilities accessible by prisoners.
- Religious service times are advertised. Times do not clash with key regime activities.
- Staff supervision of faith services is respectful and proportionate.
- The prison provides food which respects prisoners' religious dietary requirements.
- Prisoners can obtain, keep, and use artefacts of religious significance, and access religious publications. This also includes religious items of clothing where assessed risk permits.
- Aboriginal Elders or leaders can address the emotional and spiritual needs of Aboriginal prisoners.
- Aboriginal spirituality is encouraged and strengthened through the systematic observance of customs relating to language, food, death, healing, storytelling, rites of passage, and traditions.
- Aboriginal prisoners can access leave to attend law obligations, where their assessed risk permits.

Standard

60. Prisoners are supported by the chaplaincy, contributing to their overall care, support, and rehabilitation.

Measures

- Chaplaincy teams represent the broad range of faiths in the prison population. They establish and maintain links with faith communities outside the prison.
- Chaplains are involved immediately when a prisoner is near to death or has died, to support the dying prisoner, relatives, other prisoners, and staff.
- Chaplains can offer assistance to all prisoners who have experienced bereavement or loss.
- Chaplains can identify and challenge extremist ideologies that purport to be based on religious belief.
- Chaplains can help prisoners meet their faith needs on release.
- Chaplains are available to prisoners of no faith and are not less favourably treated than those of faith.

²² NMR 65, 66
GPCA 2.1.6
EPR 29.1, 29.2, 38.2

Property²³

Standard

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

Measures

- Prisoners can keep and receive property subject to security and volume considerations.
- The list of allowed property adequately meets the needs of the population.
- The amount of property held in possession and storage accounts for individual needs.
- Prisoners' property cannot be destroyed by the prison.
- There are fair and effective processes for identifying and regulating property in cells.
- The removal of property is explained to prisoners who can appeal such decisions.
- All property is accurately recorded, and securely and respectfully stored, transferred, and controlled. Valuables are routinely security marked.
- Prisoners are fairly compensated for possessions that are lost or damaged in storage.
- All property is returned to prisoners on release or transfer.

Incentives, earned privileges and gratuities²⁴

Standard

62. The incentive scheme is applied fairly, consistently, and transparently.

Measures

- Prisoners understand the incentives and earned privileges available to them. They know how to obtain them, and the behaviours that may result in losing those privileges.
- All prisoners have equal opportunities to obtain incentives and earned privileges.
- Prisoner behaviour is reviewed regularly so they can demonstrate their progress.
- Prisoners know how to appeal any decisions about privileges and sanctions.
- Changes to incentives or earned privileges are clearly communicated and compensation is provided where appropriate.

Standard

63. The gratuity system is fair and transparent, and based on prisoner engagement and skill levels.

Measures

- Gratuities are credited accurately and on time.
- Gratuities are recorded and controlled in a transparent and effective manner.
- Different gratuities levels are applied fairly, based on skill and workload, and gender, disability, ethnic or cultural groups are not disproportionately represented in the lowest levels.
- Prisoners in education, training, and programs are eligible for gratuities at all levels.

²³ NMR 67.1-3

GPCA 2.3.16

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

- Prisoners who leave work to participate in programs do not lose their gratuities. They can resume a commensurate work position after completing the program.
- Positions key to the essential operating of the prison are not remunerated at the highest levels to the exclusion of prisoners in full-time education or training.
- Gratuity levels reflect prisoners' willingness to participate in the regime, they are not unduly penalised if the prison has insufficient rehabilitative and reparative opportunities available.
- Prisoners have easy access to accurate and up-to date records of their finances.
- Prisoners are educated and encouraged to budget and save money.
- Visitors can easily deposit money into prisoners' accounts. The prison ensures the propriety of all deposits.
- Prisoners who arrive without private money are offered an advance for spends.

Prisoners purchases²⁵

Standard

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

Measures

- Prisoners can buy approved items through a prison spends system, placing orders at least once a week.
- New prisoners without private money can access an advance with repayment staged over time.
- Up-to-date price lists are prominently displayed with prices broadly equal to those in the community.
- The products available meet the diverse needs of the population, including culturally appropriate items and a range of healthy options.
- Prisoners can purchase a wide range of approved hobby materials.
- Prisoners are regularly consulted on the range of goods available for purchase.
- Prisoners' movements to and from spends are strictly monitored to ensure they are not intimidated or have their purchases stolen.
- Purchases are available to those at court, new arrivals, and those sick in cell or otherwise confined.

2.6 Health and support

Physical health care²⁶

Standard

65. Health care meets the needs of prisoners in an environment that promotes dignity and maintains privacy.

Measures

- Prisoners are treated with dignity, respect, compassion, and sensitivity.
- All prisoners have equal access to health, wellbeing, and social care services.
- All prisoners have adequate and appropriate access to dental care.
- The prison has working partnerships with service providers, including a local Aboriginal Medical Service.
- There is a multidisciplinary approach to prisoner health care.

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

- Prisoners can access accurate information about their health in a language and format they understand.
- Prisoners with medical complaints are seen promptly, and as required by the diagnosis and prognosis.
- Prisoners can access health staff of their own gender if they want and can have a representative present if they receive treatment from health staff of a different gender.
- Urgent health care is attended to immediately by a 24-hour on-call or standby health service.
- Prisoners can access 24-hour nursing care if required.
- Only qualified health staff triage prisoners. Triage policies and processes do not disadvantage any prisoner.
- Health staff respond promptly to medical emergencies with appropriate emergency equipment.
- Medical testing is conducted by appropriately qualified staff and results are accurately recorded. Due care is taken to communicate processes and results to the prisoner in a language and format they understand.
- Prisoners isolated for health reasons have all the rights and privileges given to other prisoners, where it does not jeopardise the health of others.
- There are sufficient rooms to provide a full range of health services.
- Prisoners are seen in private, except in clearly documented exceptional circumstances.
- Health services has all the required equipment to provide services that meet the needs of the population.
- All clinical equipment is appropriately cleaned, maintained, and serviced.
- Robust systems prevent, identify, and manage communicable diseases.
- Health staff can communicate to prison management if a prisoner's physical or mental health has been, or will be, injuriously affected by continued imprisonment, or any condition of imprisonment.
- Prisoners are safe, shielded from abuse, and can access independent advocacy services if required.
- Prisoners can complain about their treatment in confidence without recrimination. Responses are timely, easy to understand and address all the issues raised.

Standard

66. Prisoners give informed consent for health care and information sharing.

Measures

- Consent to medical treatment is voluntary and can be withdrawn at any time.
- Voluntary implied, written, or oral consent is obtained for medical treatment. It can be withdrawn any time.
- If there is any doubt about a prisoners' ability to decide, obtaining consent should wait.
- If a prisoner lacks the capacity to decide, health staff make 'best interests' decisions in line with legislation.
- Prisoners are advised of all available health services, treatment options, potential side-effects, and the cost of treatment in a language and format they understand.
- Accredited interpreters and Aboriginal health workers are used to ensure prisoners understand and can make informed decisions about their health care.
- Treatment refusal is documented and the effects of not receiving treatment are fully explained.
- Information sharing is respectful of medical confidentiality, and promotes continuity of care and maintains safety.
- If a prisoner's health needs will affect their management, appropriate information is given to the relevant custodial staff and accounted for in the prisoner's individual management plan.
- Prisoners are not the subject of unreasonable medical or scientific research.

Standard

67. Prisoners receive a health examination by qualified health staff within 72 hours of reception.

Measures

- Newly received prisoners receive a health examination within the first 72 hours.
- Transferred prisoners who have received a full assessment are further screened at the new prison.

- Health files from external health providers and previous times in custody are consulted.
- Prisoners under medical treatment or receiving medications on reception can continue that treatment or medication if endorsed by health staff.
- Prisoners with major or ongoing needs have care plans prepared, implemented, and regularly reviewed.

Standard

68. Health service delivery is culturally appropriate.

Measures

- Health care staff are culturally aware and have a clear understanding of the cultural factors and beliefs of the prison's significant prisoner cohorts, to inform their diagnoses.
- An Aboriginal definition of health is adopted for Aboriginal prisoners and includes attention to physical, spiritual, cultural, emotional, and social wellbeing.
- All Aboriginal prisoners receive a comprehensive health check on admission, including assessment for cardiovascular conditions, blood borne viruses, diabetes, mental health conditions, auditory capacity, and a full family history of relevant health needs and status.
- The prison has an Aboriginal health worker.
- Accredited interpreters and Aboriginal health workers are used when required.
- Appropriate changes are made to medication schedules when this is affected by religious practices.

Standard

69. Allied health and specialist services are provided on referral.

Measures

- Prisoners can receive treatment from specialist practitioners, and allied and private health professionals.
- Referrals are based on medical opinion and community standards, and are not unduly influenced by security.
- Acute needs are immediately addressed.
- Prisoners on waiting lists are informed of expected wait times and any delays.

Standard

70. Prisoners are supported and encouraged to optimise their health and wellbeing.

Measures

- There is a whole of prison approach to promoting health and wellbeing.
- Prisoners receive individualised and general evidence-based health promotion and education that is non-judgmental and culturally appropriate.
- Prisoners can access health checks, disease prevention and screening programs, sexual health services, smoking cessation, addictions support and counselling, and other programs to help manage their health.
- Prisoners can confidentially access dental dams, condoms, and needles for harm minimisation.

Standard

71. Medications are safely distributed to prisoners.

Measures

- Medication is distributed at clinically appropriate times of the day.

- Prisoners can access over-the-counter medications which is documented, complies with general legal requirements, and does not place any responsibility for clinical decisions on non-medical staff.
- Prisoners taking prescription medications upon reception can continue to do so if endorsed by health staff.
- Prescription medications only cease when recommended by appropriately qualified health staff.
- Prescription medications with the potential for abuse or dependency are only prescribed when there is no alternative, and with strict controls.

Standard

72. Health services promote continuity of care on release or transfer.

Measures

- On release, all prisoners receive a summary of their health status and referral to a community health care provider of their choice, including to Aboriginal Community Controlled Health Organisations. Individualised health promotion advice is also provided.
- Prescription medications are provided to prisoners on release or transfer.

Standard

73. Prisoner health files are accurate, up-to-date, and confidential.

Measures

- Prisoners have accurate health records created on initial assessment and kept up-to-date with details from all subsequent contacts.
- Files are securely stored and access is limited to appropriate personnel. Prisoners have the right to access their own health information and files.
- Prisoner health information is provided to state and federal health record systems, either electronically or via the prisoner on discharge.

Standard

74. Health staff are qualified and have integrated input into the prison regime.

Measures

- Staff are competent and qualified to support the needs of the prisoner population.
- Staff receive ongoing professional development.
- Staff maintain their professional registration, and have regular clinical and managerial supervision.
- Staff are consulted and provide input on all areas of the prison regime relevant to prisoners' health.

Mental health care²⁷

Standard

75. Prisoners mental health care needs are adequately and appropriately met, in line with the preferences of the individual.

Measures

- Prisoners' mental health needs, including any comorbidities and alcohol and other drug needs, are assessed during their initial health screening at reception.
- People who are remanded to prison and require psychiatric or intellectual disability assessment are promptly referred to an appropriate mental health facility to meet their needs.
- Competent practitioners deliver a community-equivalent range of evidence-based interventions and support for prisoners with mental health needs including learning disabilities, trauma, and neurological, mental, and personality disorders.
- Sufficient effective psychological counselling services are available.
- Mentally ill prisoners are not punished for behaviour which is a consequence of their illness.
- Prisoners with mental illness have care plans which are regularly reviewed with their mental health practitioners. This includes suitable discharge planning for continuity of care post-release.
- Prisoners entering custody under medical or psychiatric treatment, can continue treatment in prison.
- Prisoners requiring secure forensic mental health care can access it.
- On release, all prisoners receive a summary of their health status and referral to a community health care provider of their choice, including to Aboriginal Community Controlled Health Organisations.

Standard

76. Effective multidisciplinary processes detect and support prisoners in crisis.

Measures

- Prisoners showing self-harm or suicidal behaviour are identified early and managed effectively under the least restrictive regime for their risk.
- All staff are trained in identifying self-harm and suicidal behaviour, and suicide prevention.
- Multidisciplinary mental health crisis teams are available.
- Prisoners in crisis are consulted and informed about their care, including how to return to a standard regime.
- Aboriginal prisoners have access to traditional healers.
- Trauma and grief counselling is offered, where appropriate.
- Medical response equipment is easily accessible and readily available.
- Trained counsellors are available to all affected prisoners and staff after a crisis event.

Standard

77. Staff have suitable and culturally appropriate mental health training for the safe management of prisoners.

Measures

- All staff receive basic initial and ongoing mental health awareness training.

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

- All nurses have mental health training, and at least one nurse is a registered mental health nurse.
- All General Practitioners are up to date with the latest mental health practices.
- Staff have a clear understanding of cultural factors and beliefs to inform diagnoses of culturally and linguistically diverse prisoners.
- Cultural factors and beliefs inform the diagnosis of Aboriginal prisoners.

Standard

78. The prison promotes and supports resilience in all prisoners.

Measures

- The prison regime promotes good mental health.
- Prisoners can access programs, interventions, and health promotion that support positive mental health and building resilience.
- Prisoners are encouraged to manage stress in a timely and effective manner.
- The prison minimises the deleterious effects of imprisonment on prisoners' mental health by creating environments and cultures which are supportive of positive mental health.
- Staff assist prisoners to cope with changes in their circumstances.

Substance use treatment²⁸

Standard

79. Effective strategic mechanisms safely reduce the demand for drugs and alcohol.

Measures

- The prison has an effective drug and alcohol strategy that includes smoking cessation.
- The prison has an evidence based detoxification policy.
- The prison has working partnerships with local drug rehabilitation, counselling, and education services.
- Regular and comprehensive needs assessments inform the strategy and action plans.
- Staff are adequately trained to effectively support and manage prisoners with substance misuse problems and to recognise when a prisoner requires referral to substance use services.
- There is a clear referral pathway.
- Therapeutic services meet the prisoners' needs, and prisoners' feedback and outcomes inform service delivery.
- Therapeutic services are integrated with each other, the prison, and health services.
- Sufficient competent staff provide effective evidence based services.
- Prisoners with mental health and substance-related problems have prompt access to joined-up, comprehensive support.

Standard

80. Prisoners with histories of substance misuse receive specialised and individualised treatment, and culturally appropriate support.

Measures

- Prisoners have personalised recovery plans which are regularly quality assured.
- Prisoners can access a range of gender-specific and culturally appropriate education programs, including

²⁸ NMR 24.2

GPCA 1.1.4, 4.1.11, 5.1.6, 5.1.7

- information about the effects of substance misuse and available in-prison and community supports.
- Prisoners can access clinical, psychosocial, and harm reduction substance misuse interventions, including intensive counselling.
 - Interventions are accredited, regularly evaluated, and meet the specific needs of the prisoner cohorts.
 - Initial health assessments identify dependencies, detoxification requirements and immediate risks of harm.
 - Interventions for withdrawal and detoxification commence immediately.
 - Prisoners are clinically supervised during withdrawal and detoxification.
 - Pharmacotherapy programs are available under strict eligibility criteria. Prisoners under such programs are regularly and clinically monitored.
 - Culturally appropriate support groups and individual supports are available.
 - Assessment for offending behaviour programs identifies if substance misuse is a significant factor so interventions can be delivered.
 - Prisoners with substance related needs can access a range of appropriate activities and regimes that support, change, and challenge offending behaviour.
 - People receiving treatment in the community can continue this and get ongoing support in prison.
 - Prisoners receiving treatment in prison are supported to continue their treatment when they are released.

Support²⁹

Standard

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

Measures

- All prisoners can access the Prisoner Support Officer who effectively communicates with the various prisoner cohorts, including the diverse groups of Aboriginal prisoners and others from culturally diverse backgrounds.
- The Prisoner Support Officer has strong links with community and community organisations.
- An active and structured program of peer support is available to all prisoners.
- The makeup of the peer support group reflects the cultural and gender diversity of the prison population, where possible. This includes acknowledging the diversity within Aboriginal populations.
- The Prisoner Support Officer and the peer support group have access to prison management to raise contemporary concerns and issues.
- Peer supporters are provided with incentives and gratuities for their work.
- Peer supporters are used effectively in reception, orientation, and during first night arrangements.
- Peers supporters are appropriately trained, including in self-harm and suicide prevention.

Standard

82. An effective Aboriginal Visitors' Scheme meets the diverse risks and needs of Aboriginal prisoners.

Measures

- As recommended by the Royal Commission into Aboriginal Deaths in Custody, the prison has Aboriginal Prison Visitors who effectively link Aboriginal prisoners with their respective Aboriginal communities.
- Aboriginal Prison Visitors are easily and regularly accessible in person.
- Aboriginal Prison Visitors are integrated with the Prisoner Support Officer and peer support program.
- Aboriginal Prison Visitors are trained and adequately supported by prison management.

²⁹ GPCA 5.4.4

Standard

83. An Aboriginal Elders program enhances the cultural life of the prison.

Measures

- The prison regularly convenes an Aboriginal Elders' forum to discuss matters affecting Aboriginal prisoners.
- Aboriginal Elders are invited to participate in cultural meetings, celebrations, and events.
- Aboriginal Elders' reflect the cultural and gender diversity of the prison population, where possible.
- Aboriginal Elders are nominated by their own community, accredited by the prison, and compensated for out-of-pocket expenses in discharging their duties.

2.7 Security

Procedural security³⁰

Standard

84. Prisoners' wellbeing is safeguarded by effective security systems.

Measures

- Effective security systems and procedures detect and prevent escape. They are regularly tested and serviced.
- The frequency and style of prisoner counts are not oppressive and accounts for all prisoners, including those working or engaged outside the prison.
- Effective and ethical systems exist for the appropriate gathering, recording, and management of intelligence.
- Decisions based on intelligence are proportionate to risk and account for the reliability of the evidence.
- The volume and quality of intelligence reports is regularly reviewed and appropriate quality and ethical controls are in place.
- Security systems are sufficient to identify current and emerging threats.

Standard

85. Effective systems control access to the prison.

Measures

- Effective processes and procedures control entry, and manage movements in and around the prison.
- Access control processes and procedures do not interfere arbitrarily with family contact.

Standard

86. There is an effective contraband and drug supply reduction strategy.

Measures

- There is a strategic approach to reducing drug and alcohol supply which reflects emerging trends and links effectively with the substance misuse demand reduction strategy.
- The strategy has random and targeted drug testing to detect and deter illicit drug use.
- The testing of prisoners is subject to proper oversight to ensure fair targeting.

³⁰ GPCA 1.1.8, 2.1.10, 3.1.5, 3.2.1, 3.2.4, 3.2.7
EPR 49, 51.2

- All testing is carried out respectfully and sensitively.
- The systems to test for drug and other illicit substances are only used in strict compliance with the appropriate relevant standards to ensure the integrity of the test and results.
- There are clearly defined penalties for drug use or refusing to undertake a test.
- Prisoners who test positive, refuse drug testing, or are involved in suspected drug-related incidents, are referred to substance misuse services.
- Prisoners take medication in front of staff unless instructed otherwise.

Standard

87. Incident prevention and response capabilities align with assessed risk.

Measures

- All staff are trained in incident response procedures.
- The prison has an emergency management plan.
- The prison has approved fire alarms and prevention systems.
- Emergency equipment is regularly tested and maintained.
- The prison takes all necessary measures to reduce and prevent accidents, self-harm, and unnatural deaths.

Searches³¹

Standard

88. Searches are only conducted when necessary and with respect for the person's dignity and privacy.

Measures

- Staff conducting searches are appropriately trained and provided with Personal Protective Equipment.
- People are clearly informed about the search procedures. They are never humiliated or degraded.
- Accurate records of all searches are maintained and include the reason for the search, the results, and the parties involved.
- Cells and property are left in the same condition they were found in.
- Search strategies include both targeted and random searches.
- Search strategies, policies, and procedures are transparent and regularly reviewed.
- Effective signs and notices are prominently displayed to advise people entering the prison about prohibitions and permissions.
- Effective search procedures are used to check the entry and exit of vehicles and tools.
- Prisoners can keep documents relating to their legal proceedings. These cannot be searched.

Standard

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.

Measures

- The prison has suitable screening capabilities to minimise the use of strip searching.
- People are not strip searched unless there is specific intelligence and proper authority to do so.

³¹ NMR 1, 50, 51, 52, 53

GPCA 2.3.12

EPR 54.1-5, 54.9

- Strip searches are only conducted by trained staff of the same gender.
- Strip searches are conducted with regard to the person's modesty, and their status, such as Aboriginal Elders.
- Alternative screening is used to replace strip searches, where possible.
- Resident children and child visitors are never strip searched.

Emergency Management³²

Standard

90. The prison is prepared for emergency management incidents and monitors performance for predictors of disturbance.

Measures

- Risk assessments and emergency management plans and procedures are in place.
- Prevention and mitigation strategies are implemented and aimed at decreasing or eliminating the effect of foreseeable emergencies.
- The prison continuously monitors operational performance for recognised predictors of disturbance.
- The frequency and type of incidents are continuously analysed and identified risks are acted upon.
- Staff are trained in relevant emergency procedures.
- Emergency management training exercises includes the involvement of local emergency services agencies.

Standard

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.

Measures

- The prison can access specialised services involving the use of controlled equipment and associated tactical knowledge, skills, and abilities when necessary.
- Responses are tailored to each incident.
- Technological advances are assessed, standardised, and implemented consistently.
- Specialised services are available for recovery to return the prison to a state of preparedness post incident.
- Timely recovery to a standard regime is a priority for emergency management incidents.
- Specialised services are subject to independent audit, review, and investigation.
- When a use of force is the appropriate response, the least restrictive alternative guides decision making.
- Staff only use the minimum force required to legally carry out their duties.
- Staff are held accountable for use of force.

³² GPCA 1.4.3, 1.4.6, 3.1.1, 3.2.1
EPR 52.2

Deaths in custody and serious incidents³³

Standard

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

Measures

- The prison notifies all relevant parties, including the next of kin, about any death in custody, escape, serious incident, injury, illness, admission to hospital, or transfer to a mental health facility,
- The prison facilitates a comprehensive investigation of any serious incident. Investigations do not include the participation of any potentially implicated staff. Evidence is preserved, and victims and witnesses are protected.
- If a death occurs in a prison, the immediate vicinity is secured as a crime scene, and an appropriate authority is notified.
- The body of a deceased person is treated with dignity and respect.
- All actions regarding a death in custody comply with the requirements of the *Prisons Act 1981*, *Prison Regulations 1982*, and *Coroners Act 1996*.
- Supports are put in place for any staff or prisoner affected by a death in custody or serious incident.
- Immediate notification is made to the family or other nominated person, and the Aboriginal Legal Service in the event of an Aboriginal person's death.
- The prison facilitates any necessary and appropriate cultural practices when prisoners die in custody.

Special high-security management regimes³⁴

Standard

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

Measures

- Special high-security management regimes are reserved for those prisoners unable to be safely managed under mainstream maximum-security regimes. They require authorisation for placement and any extension.
- Strict guidelines ensure the prisoner is treated with decency and humanity.
- The regime provides an engaging, constructive, dynamic, and non-alienating environment that is physiologically, emotionally, and physically safe. Prisoners can access as many aspects of a normal regime as practicable, subject to the safety of themselves and others.
- The regime prioritises safety and the prevention of self-harm and suicide.
- Placement under a special high-security management regime, and the regime for each prisoner are effectively monitored and regularly reviewed with enhanced levels of internal and external scrutiny.
- Prisoners' individual needs are addressed through individualised multidisciplinary case management plans which are regularly reviewed.

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

Transport³⁵

Standard

94. Transport arrangements ensure the safety and security of prisoners.

Measures

- Prisoner transport only occurs where necessary and after a comprehensive risk assessment, particularly where transporting Aboriginal prisoners out of their country.
- The cost of transport is not borne by the prisoner.
- Prisoners are assessed pre-travel to identify and mitigate any potential negative effects of the travel.
- Medical advice for prisoners with special needs is used to make transport arrangements.
- Prisoners are adequately prepared for long distance transport which only occurs via aircraft or appropriate long-haul vehicles with amenities.
- Prisoners travelling for long distances are briefed at each destination point and receive a basic orientation at any facility they stop at for any length of time.
- Auditable systems record the duration prisoners spend on the vehicle, including wait times.
- Regional or remote locations used for overnight stays provide adequate and hygienic accommodation that permits separation for differing prisoner cohorts, and for protection.
- Prisoners receive fresh nutritious food, clean potable water, bedding adequate to the climate, and clean linen and towels when placed in locations for overnight stays.
- Prisoners confined to a vehicle for extended periods can access at least one hour's exercise in the fresh air.
- High-security escorts are audio visually recorded for the security, safety, welfare, and dignity of prisoners.
- Drivers are trained in vehicle emergency procedures.
- Robust contingency plans exist in case of break downs.

Standard

95. Prisoners being transported are treated with respect and decency, and attention is paid to their individual needs.

Measures

- Prisoners understand why and where they are being transferred to, how long it will take, and can inform their family where security permits.
- Vehicles meet the diverse needs of prisoners, including those who are infirmed, injured, pregnant, or have a disability. Non-standard prisoner transport vehicles are available for use where necessary.
- Prisoners' special needs are identified, and catered for during their transport, including accounting for stress which can occur when transporting prisoners out of country, and away from their family and community.
- Staff know of the individual needs of the prisoners in their care and can effectively brief receiving staff.
- Prisoners are given adequate comfort breaks, meals, and refreshments during transit.
- Prisoners can access their prescribed medications, where necessary.
- Prisoners can access stress reduction treatments for long-haul journeys, including nicotine replacement.
- Transport does not subject prisoners to unreasonable hardship or unnecessary exposure to public view.
- Prisoners are not kept waiting on vehicles.
- Private property and identity papers accompany prisoners unless it is known that these will not be needed.
- Vehicles are clean and hygienic; smoking is not permitted in the vehicle.

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

- Vehicles allow sight and sound separation of categories of prisoner, where necessary.
- Prisoners are always monitored and can communicate with staff during transit.
- Vehicles meet all necessary safety, dignity, and security standards (including but not limited to) having:
 - Seat belts for each seat.
 - Moulded or cushioned forward or rear facing seats, not sideways, with sufficient width and leg room.
 - Cells with one way windows for natural light, external views, and privacy.
 - Cells that are safe-cell compliant and have rescue exits.
 - Cells have hatches so items can be passed, and handcuffs can be securely applied.
 - Effective audio visual monitoring and communication systems.
 - Robust climate control, adjustable in each zone of the vehicle, with good natural ventilation readily available if climate control fails.
 - A capacity to broadcast music, radio, or essential information to passengers.
 - Adequate storage for valuables, paperwork, and other property.
 - Real time satellite tracking and an activity trace that is securely recorded.
 - Access to clean drinking water during travel, and healthy meals and drinks that have been adequately and safely stored.
 - Access to clean, private ablutions with hand-washing facilities and discreet access to sanitary packs. Comfort breaks are planned at least every three hours for vehicles without ablutions.

2.8 Rehabilitation and reparation

Classification, sentence administration, and case management³⁶

Standard

96. People are held in custody and released in accordance with the law.

Measures

- People are only admitted to and released from custody with valid documentation.
- Effective processes ensure the legality of a person's time in prison.
- Prisoners release dates, including possible parole dates, are accurately calculated.
- Prisoners are released at the earliest possible time. They are never held beyond their date of release except when they request in writing to remain in prison overnight for travel or other compassionate reasons.
- Opportunities and conditions for early release or remissions are explained to prisoners at the start of their sentence, in a language and format they understand.
- If a remission is withdrawn, the prisoner knows the reason why and any appeal mechanisms available.
- Prisoners facing deportation or immigration removal have a Commonwealth Holding Order or similar valid authorisation for further imprisonment.
- Prison staff are trained in sentence and release processes.

Standard

97. Prisoners know the details of their custody.

Measures

- Prisoners are told of the reason for their custody in a language and format they understand.

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

- People on remand are informed of their next court appearance.
- Prisoners know their key sentence dates, including possible release dates, and they are told of any updates.
- All dates are re-confirmed with the prisoner at least every six months.
- Prisoners know how, and can initiate having the accuracy of their sentence calculation checked.

Standard

98. The assessment and classification system is based on prisoners' individual risks and needs.

Measures

- The system is accurate, timely, and transparent.
- The system has graduated levels of security, privileges, opportunities, and freedoms.
- Assessment and classification are based on the individual risks and needs of the prisoner.
- Prisoners are safely held under the least restrictive regime and lowest security rating based on their assessment.
- Security classifications are reviewed at least every six months.
- Prisoners know the outcome of their assessment and classification, and any reviews.
- Assessments are objective, validated and evidence based. The tools are normed on gender specific and culturally diverse populations, and they are regularly reviewed.
- Professional override is used appropriately and accountably.

Standard

99. Prisoners are held as close as possible to their family and community of interest.

Measures

- Prisoners are held close to home, unless they need specialist services or there are compelling reasons for being placed further away. Where prisoners are placed far from home, it is for the minimum time necessary.
- Aboriginal prisoners are held on country. Where out-of-country placements of Aboriginal prisoners with strong attachments to country are unavoidable, they are compensated appropriately.
- Aboriginal prisoners held out-of-country are not individually isolated. They are placed with family and community members within the prison for social support.
- Foreign national prisoners are placed in prisons that best provide for non-standard services like access to translators and consular services.

Standard

100. All prisoners have an individual case management plan which meets their assessed needs and risks.

Measures

- The needs assessment tool is comprehensive, validated, and competently administered by trained assessors.
- Case management plans are developed promptly upon coming into custody.
- Prisoners actively participate in developing their case management plan and any subsequent reviews.
- Plans contain measurable and achievable short and long-term goals.
- Prisoners' criminogenic needs are identified and addressed in their individual plans.
- Plans provide a pathway for the prisoner's safe release into the community.
- Accurate records are kept and updated regularly with progress and changes are clearly recorded.
- An Aboriginal Liaison Officer is involved in developing case management plans for Aboriginal prisoners.

Standard

101. Prisoners are supported to achieve the goals of their individual case management plan.

Measures

- There are appropriate and sufficient purposeful activities and criminogenic programs designed to reduce prisoners' risks of reoffending and to help them prepare for release.
- Staff proactively support and motivate prisoners to engage positively in purposeful activities.
- Where progress to the agreed goals is delayed, appropriate support is delivered.

Standard

102. Appropriate information is shared with relevant authorities and stakeholders.

Measures

- Up-to-date, impartial, and appropriate information is shared with courts, releasing authorities and other relevant stakeholders, including any significant changes to prisoners' circumstances.
- The sharing of information is timely.
- Case management is seamless across prisons and community corrections.

Programs³⁷

Standard

103. All prisoners are assessed to identify their risks and programmatic needs.

Measures

- Needs assessment tools are validated, comprehensive, gender responsive, and culturally appropriate.
- Prisoners actively participate in the assessment process.
- Prisoners know the outcome of the assessment and the programs available to them.

Standard

104. Prisoners risks and programmatic needs are addressed.

Measures

- Prisoners can access appropriate criminogenic interventions.
- Prisoners can access psycho-educational and cognitive development short courses and programs.
- Prisoners have access to and are encouraged to engage in self-help programs.
- Access to counselling and programs delivered by external providers, including on a fee for service basis, is not unduly restricted.
- Access is equitable.
- Programs and counselling services are reliably available, and gender and culturally appropriate.
- Sufficient programs and counselling services are available to prisoners at the highest levels of risk and need.
- Program facilitators are trained. They are from diverse backgrounds which reflect the population.
- The programs delivered provide relevant information and promote successful reintegration.
- Prisoners are encouraged to accept full responsibility for their offending behaviour and its consequences.

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)

- Prisoners are encouraged and helped to take responsibility for their own rehabilitation.
- The prison has appropriate links with community corrections, and care and support services for prisoners who commence programs in prison but are unable to complete them prior to release.
- Staff know about the programs and counselling services available to prisoners, and promote them.

Standard

105. All programs and counselling services are best practice and evidence based.

Measures

- Programs are best practice and have solid evidence as to their efficacy.
- Programs are applied according relevant 'what works' principles in relation to responsivity and intensity.
- Interventions are developed and adapted for delivery to prisoners with diverse gender, cultural, and responsivity needs.
- Effective governance is in place for program and counselling delivery.
- Programs are periodically evaluated including by obtaining the views and experiences of the participants.
- Programs delivered by external service providers are monitored and regularly assessed.
- Non-accredited interventions are carefully managed and their effectiveness is monitored.

Standard

106. Life skills programs meet the needs of the prisoner population.

Measures

- The prison offers life skills courses that are of value to prisoners on release, including budgeting and debt management, household maintenance, leadership and civic responsibilities, and healthy lifestyles.
- The prison conducts regular reviews of the life skills needs of the population, and responds accordingly.
- Life skills courses run continuously to meet demand, and access is equitable.
- Delivery is culturally appropriate and gender responsive.

Education³⁸

Standard

107. All prisoners are assessed to identify their educational needs, wants, and abilities.

Measures

- Prisoners receive a timely and accurate assessment of their learning needs, wants, and abilities when they arrive in prison.
- Prisoners actively participate in the assessment process.
- Prisoners know the outcome of the assessment and the opportunities available to them.

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

Standard

108. Educational opportunities are relevant to needs and interests of the prisoners.

Measures

- All prisoners are encouraged to participate in education and training, including those on remand. They know about the opportunities available to them.
- There is a wide range of courses including social, technical, professional programs, and higher education.
- Education and vocational training reflects personal interest and community demand, typically leading to formal qualifications and employment upon release.
- Prisoners assessed with low levels of literacy and/or numeracy can access appropriate education as soon as they arrive in prison.
- Education and training opportunities are culturally appropriate, and reflect the diversity of the prisoners' cultures, traditions, and histories.
- Education, training, and resources are customised to suit the learning needs and styles of prisoners, particularly Aboriginal prisoners.
- Appropriate and sufficient staff, locations, resources, and technologies are available.
- The prison has qualified Aboriginal instructors, educators, and Aboriginal Education Workers.
- Educational pathways ensure continuity as prisoners move between prisons, and progress through a sentence. Where possible, education is linked to community providers supporting continuity post release.

Employment³⁹

Standard

109. All prisoners can engage in work that is purposeful and increases their employability on release.

Measures

- There are sufficient meaningful employment opportunities to employ all prisoners.
- The work day is constructive and of a reasonable length.
- All sentenced prisoners work or undertake education or training, subject to their individual capacities.
- All prisoners have equal opportunity to apply for all work and acquire the skills necessary for promotion.
- Prisoners engage in work that benefits them, enhances their self-esteem, and improves their wellbeing and chances of successful reintegration.
- Prisoners can be released from work to attend approved programs and education.
- Employment increases a prisoner's employability on release and offers the opportunity to achieve national competency accreditation, where possible.
- There are beneficial links with suitable external employers, particularly with regional industries for prisoners returning to regional locations.
- Access to section 95 or other desirable work is equal for all prisoners.
- Work supervisors have appropriate qualifications, experience, and expertise.
- Aboriginal prisoners intending to return to remote communities can gain skills likely to be of value there.

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

Standard

110. Prisoner work is not exploitative, harmful, or for the private benefit of staff.

Measures

- Prisoner employment complies with Occupational Health and Safety Standards.
- All prisoners and staff have occupational health and safety training prior to, or early in their employment.
- Provision is made to indemnify prisoners against industrial injury, including industrial disease.
- Prisoners have a workplace 'Code of Conduct'.
- Prison industries align to the National Code of Practice on Prison Industries and National Competition Policy.
- Prison work is not for the private benefit of staff or the company operating the prison.

Standard

111. Prisoners' work provides specific benefit to the community.

Measures

- Prison employment resembles similar work in the community.
- Suitable prisoners participate in community work outside the prison.
- The management and supervision of community work reflects the complexity of the tasks being done and the number of prisoners requiring supervision. Community and victim safety is prioritised.
- Prison industry and work in the community does not unduly affect local business and employment.
- The prison ensures that local communities and not-for-profit organisations benefit from the external work and reparative activities performed by prisoners, particularly in Aboriginal communities.

Preparation for release⁴⁰

Standard

112. The prison adequately prepares all prisoners for their release.

Measures

- All prisoners receive programs and services to assist their successful transition back to community.
- Prisoners are gradually reintroduced to community life through pre-release programs.
- Prisoners with continuing health and social care needs are prepared and assisted to access appropriate post release services, including those who are at risk.
- Prisoners with a history of drug and/or alcohol problems are prepared and assisted to access appropriate post release services, including continued treatment.
- All prisoners have an up-to-date plan for addressing outstanding rehabilitation needs. Plans are managed in partnership with community corrections, where necessary.
- Prisoners understand the requirements of their parole conditions and can discuss their rights and responsibilities prior to release.
- Prisoners receive advice, support, and skills to manage their finances adequately in prison and on release.
- Aboriginal prisoners receive culturally relevant reintegration and post release services, particularly post-release employment and suitable accommodation.
- All prisoners receive sexual health advice and contraception on release.

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

- Prisoners with special needs receive appropriate information and linkages to support services.

Standard

113. Prisoners near release are placed at minimum-security, preferably in work camps or other pre-release centres.

Measures

- Minimum security, pre-release and work camp facilities are widely available.
- Placement at minimum security, pre-release and work camp facilities is substantively equal.
- Prisoners obtain necessary qualifications prior to placement at a work camp.
- Prisoners at minimum security, work camps, and pre-release centres gain skills and knowledge suitable for their release. They can engage with external providers in training and employment, and access home leave.

Standard

114. Prisoners receive all necessary practical support and information for the day of their release.

Measures

- Identification, valuable property, and money are sent to court for all prisoners required to appear without a return to prison order.
- The prison ensures prisoners have the means to safely reach their home, particularly Aboriginal prisoners from remote communities which are not serviced by public transport.
- The prison ensures prisoners, including those on remand, have accommodation on release.
- Prisoners have appropriate identity documents.
- Prisoners receive all their property, including money, on release.
- Prisoners' clothing is cleaned or aired when it has been in storage for long periods.
- Suitable clothes and bags are available to discharged prisoners who do not have them.
- Prisoners can make a phone call and charge their mobile phone prior to release.
- Prisoners are given information about sources of help and support in the community.
- Prisoners who need additional support are met at the gate and taken to their initial appointments.
- On release, all prisoners receive a summary of their health status and referral to a community health care provider of their choice, including to Aboriginal Community Controlled Health Organisations.

2.9 Special categories of prisoners

Younger prisoners⁴¹

Standard

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

Measures

- Young prisoners experiencing their first time in custody or who have transferred into adult custody from youth detention, are promptly identified on reception. They are actively supported by staff and effective peer support processes.

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

- Young prisoners are accommodated separately from older prisoners.
- Young prisoners have multidisciplinary care plans developed, implemented, and regularly reviewed. They are involved in all stages.
- The prison understands the vulnerability of younger prisoners and ensures they are safe from harassment, victimisation, and bullying.
- Younger prisoners have equal access to available activities, programs, and services.
- Younger prisoners' age is accounted for in behaviour management and disciplinary processes.
- Staff are trained in the distinct needs of young prisoners, particularly regarding maturity.

Foreign national prisoners

Standard

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

Measures

- Foreign national prisoners know how to maintain connection with their family and community of interest. Information is provided to them in a language and format they understand.
- Foreign national prisoners receive extra calls and/or allowances where they are unlikely to receive regular visits. Where necessary, phone calls are facilitated at a mutually appropriate time of day.
- Staff encourage foreign national prisoners maintain connection to reduce isolation.

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. The following standards apply in addition to the general standards.

3.1 Early days in custody

Reception and admission⁴²

Standard

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

Measures

- Support and counselling services are available to reduce the trauma of separation from children and other dependents.
- Pregnant prisoners and mothers of young children receive information on reception about options to have their children remain with them in prison. Staff assist prisoners to apply for these opportunities.

Gender responsive health assessment on reception⁴³

Standard

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

Measures

- Health examinations account for the gender-specific needs of female prisoners and include assessment for physical, mental, and psychiatric care needs, self-harm and suicide risks, substance misuse and dependencies, blood-borne diseases, sexually transmitted infections, reproductive health history, and abuse and violence.

42 BR 2

43 BR 6

EPA 34.1, 34.2

Orientation

Standard

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

Measures

- Female prisoners are provided information about their equal rights, responsibilities, and entitlements while in custody, including the gender-specific rehabilitative and reparative opportunities available to them. All information is provided in a language and format they understand.
- Orientation is culturally appropriate, and acknowledges the roles women play in various cultures.

3.2 Duty of care

At risk female prisoners⁴⁴

Standard

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

Measures

- Responses to risks of self-harm and suicide are gender-specific, culturally appropriate, and individualised to the prisoner's specific needs.

Placement and accommodation⁴⁵

Standard

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

Measures

- The prison has a gender-responsive placement assessment tool.
- Female prisoners are held close to their family and community of interest, under the least restrictive regime and lowest security rating based on their assessment, and separately to male prisoners.
- Female prisoners are held in appropriate accommodation that supports their health and wellbeing.
- Female prisoners have equal access to minimum security, work camps, and pre-release centres.
- Female prisoners' placement on separate confinement is only a last resort and consideration is given to the effect on children and family.

44 BR 16

45 NMR 11(a)

GPCA 2.1.4

BR 4

EPR 18.8(b), 34.1

3.3 Daily life

Regime⁴⁶

Standard

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

Measures

- The prison has a gender-responsive and constructive regime that meets the varied needs of female prisoners, including being flexible for pregnant women, nursing mothers, and women with resident children.
- The regime for female prisoners at a prison holding both men and women provides substantively equal access to all services and activities.
- Female prisoners are encouraged to actively participate in the regime, including as advisors on issues affecting them particularly ensuring their voices are heard in prisons holding both men and women.

Living conditions and hygiene⁴⁷

Standard

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

Measures

- The prison is clean and hygienic, including the ablutions which afford privacy to female prisoners, where the risk is limited.
- Female prisoners are active participants in maintaining their own personal care and hygiene.
- Staff sensitively and professionally encourage female prisoners to maintain their personal care and hygiene, particularly for women from circumstances of disadvantage and marginalisation.
- Feminine hygiene products are readily available and never require a request to a male officer.

Clothing⁴⁸

Standard

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

Measures

- Prison issued clothing and underwear is designed for the prisoners' gender-specific needs.
- Clothing is clean, fits properly, and is in good condition as it can affect feelings of wellbeing and self-esteem.
- Underwear provides adequate support for daily life and physical activity.
- Suitable clothing is provided for the specific needs of pregnant prisoners and nursing mothers.

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

Family and community contact⁴⁹

Standard

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

Measures

- Female prisoners who are mothers can access their children, unless it is not in the child's best interests.
- The prison respects the important role of Aboriginal women in their communities, including their responsibilities and obligations to family and extended kinship ties.
- The prison adequately addresses the disadvantages for out-of-country Aboriginal women with special assistance to maintain strong family and community contact.

Incentives, earned privileges, and gratuities

Standard

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

Measures

- Female prisoners can access the highest level of incentives, earned privileges, and gratuities, including at a prison holding both men and women.
- Pregnant prisoners unable to work can maintain their incentives, earned privileges, and gratuities.

3.4 Health and support

Physical health care⁵⁰

Standard

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

Measures

- Female prisoners' complex health and wellbeing needs are adequately identified, treated, and managed holistically, and where necessary account for experiences of childhood sexual assault, intimate partner violence, grief and anxiety associated with separation from children and other dependents, low self-esteem, and histories of self-harm and/or attempted suicide.
- Female prisoners can access female doctors, where this is preferred. They can have a representative present if they receive treatment from health staff of a different gender.
- If non-medical staff must be present during medical examinations, those staff are female.

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

Standard

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

Measures

- Pregnant prisoners have individual health care plans developed when pregnancy is confirmed.
- Appropriate health checks and screening are conducted.
- Information and counselling about pregnancy and termination options is delivered by qualified staff.
- Antenatal and postnatal treatment and support are available, including advice on health, diet, and exercise.
- Antenatal services and postnatal care are equal to that available in the community, and include 24-hour access to hospital and community-based obstetric and midwifery services.
- All necessary steps are taken to reduce the chances of stillbirth and infant mortality, and for the child's healthy development.
- Pregnant prisoners are held in prisons close to their family and community of interest, unless there is a medical reason to transfer them to another prison.
- Prisoners give birth in a hospital. If a child is born in prison, this is not recorded on the birth certificate.
- Female prisoners are not discouraged from breastfeeding unless there are specific health reasons to do so.
- The medical and nutritional needs of female prisoners who have recently given birth, but whose babies do not reside with them, are included in their health care plans.
- Health staff are trained to manage emergencies arising for pregnant prisoners.
- Suitable, culturally appropriate antenatal and postnatal accommodation is available and meets demand, including ground levels cells without bunks.

Standard

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

Measures

- Female prisoners can access gender-specific preventative health care services equal to those available in the community, including regular pap smears and mammograms.
- Female prisoners are encouraged to access and learn about preventative health care. Predisposed female prisoners, older women, and those with family histories of disease are particularly encouraged.
- Health checks and screening are performed by qualified health staff the prisoner is comfortable with and counselling is provided, where necessary.

Mental health care⁵¹

Standard

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

Measures

- Gender-specific mental health services, including counselling and support, are provided to meet the risks, and needs of female prisoners.

51 NMR 24.1

GPCA 4.1.6, 4.2.5

BR 12, 13, 16, 35

EPR 34.1

- Health staff are qualified to identify, treat, and support gender-specific mental health needs.
- Mental health programs are gender-specific and trauma informed.
- Staff are advised when female prisoners are feeling particularly distressed ensuring sensitivity and support.

Substance use treatment⁵²

Standard

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

Measures

- Female prisoners' complex substance use issues, including poly-substance use, are identified, and appropriately managed with gender-specific treatment, programs, support, and counselling.
- Access is substantively equal to that available to male prisoners and does not require female prisoners to be transferred to another prison away from their family and community of interest.

3.5 Security

Searches⁵³

Standard

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

Measures

- Searches of female prisoners are only conducted by female staff. Searches are respectful and have regard for the woman's possible experiences of trauma, violence, and abuse.
- Female prisoners are not strip searched, unless absolutely necessary. Where no other alternative can be used, a woman is never to be fully naked and only two appropriately trained female staff are present.
- Staff are trained in trauma informed practice.
- Resident children and child visitors are only searched if absolutely necessary, they are never strip searched.
- If necessary, staff show sensitivity and professionalism when searching resident children and child visitors.
- A parent or guardian must be present for all searches of resident children and child visitors.

Punishment and disciplinary procedures⁵⁴

Standard

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

Measures

- Female prisoners do not face disciplinary procedures conducted by all male personnel.

52 BR 15

53 NMR 50, 51, 52.1

BR 19, 20, 21

EPR 34.1, 54.5

54 NMR 43.2

BR 22, 23

- Sanctions for female prisoners do not restrict contact with their children.
- Pregnant, breastfeeding, and prisoners with resident children are not placed in separate confinement.

Use of force and restraints⁵⁵

Standard

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

Measures

- Female prisoners are never restrained during labour, while giving birth, or immediately after delivery.
- Force is not used against pregnant prisoners or women with resident children unless absolutely necessary and all de-escalation options have failed and other means have been exhausted. The safety of the unborn baby or resident child is paramount.
- Pregnant prisoners are not routinely restrained. Where there is a documented specific risk which cannot be managed by other reasonable means, pregnant prisoners only ever mechanically restrained with handcuffs, and at the front of their body.
- Staff know which female prisoners are pregnant.
- The use of force and restraints on female prisoners is only administered by female staff, where possible.
- Staff are trained in trauma informed practice and know that force and restraint practices can further distress female prisoners who have experienced trauma, violence, and abuse.

3.6 Rehabilitation and reparation

Classification, sentence administration, and case management⁵⁶

Standard

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

Measures

- Female prisoners' risks and needs are identified through gender-responsive assessment tools which acknowledge the generally lower risks women pose.

⁵⁵ NMR 48.2, 49

GPCA 3.1.16

BR 24

EPR 34.1

⁵⁶ BR 40, 41(a)

EPR 34.1

Access to gender-responsive programs⁵⁷

Standard

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

Measures

- Gender-specific criminogenic programs meet the needs of female prisoners, including Aboriginal women.
- Access is substantively equal to that available to male prisoners and does not require female prisoners to be transferred to another prison away from their family and community of interest.
- Program facilitators are trained and know that female prisoners can respond differently to interventions compared to men.
- The prison has a safe therapeutic environment to support female prisoners dealing with victimisation, trauma, and abuse. Individual counselling is available in addition to programs addressing these issues.
- There are programs for pregnant prisoners, nursing mothers, and women with resident children.

Education and employment⁵⁸

Standard

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

Measures

- Education and employment opportunities reflect the diversity of female prisoners, and are not limited to stereotypical gender skills and roles.
- Education and employment opportunities for female prisoners develop the necessary skills for employment post release, including for those women entering the workforce for the first time.
- Female prisoners' access to education and employment is substantively equal at a prison holding both men and women.

Preparation for release⁵⁹

Standard

138. Female prisoners are prepared for their release.

Measures

- Plans are developed in consultation with the prisoner, and include links with government services, gender-responsive and culturally appropriate community networks, and support services.
- Female prisoners can access personal development programs about parenting, communications, and money management.

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

- Female prisoners have substantive equity in accessing work release and reintegration programs, including unsupervised opportunities in the community.
- Female prisoners can access supports to help reduce the discrimination associated with gendered stereotypes they may receive after release.

3.7 Prisoners and children

Pregnancy and postnatal support⁶⁰

Standard

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

Measures

- Pregnant and postnatal prisoners can appropriately access advice, counselling, and support services to meet their needs, including in the event of miscarriage and removal of their babies into government care.
- Information on pregnancy, parenting, and other related topics is accessible in a language and format the prisoner understands.
- The prison's regime is flexible allowing access to the full range of opportunities. It does not exclude or cause harm to pregnant or postnatal prisoners, or mothers with babies or resident children.
- Pregnant prisoners have individualised support plans developed, implemented, and regularly reviewed. Plans include all information relevant to their daily management and support needs.
- Plans are developed promptly and in consultation with the prisoner.
- Staff are well trained. They know about pregnancy and postnatal care requirements.
- Pregnant and postnatal prisoners' needs are a prioritised consideration in their placement.
- Suitable, culturally appropriate antenatal and postnatal accommodation is available and meets demand, including ground level cells without bunks.

Child wellbeing

Standard

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.

Measures

- Female prisoners can access various opportunities to develop and maintain their relationship with their children, including child residence, extended day stay, and overnight stay programs.
- The primary consideration for access to these programs is what is in the best interest for the child.
- The prison respects the cultural diversity of female prisoners and supports their different childcare traditions.

60 NMR 28, 90
BR 42.2, 48.1
EPR 34.1

Resident children⁶¹

Standard

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

Measures

- The prison has comprehensive policies governing the resident children program.
- Female prisoners can easily apply to have their children reside with them in prison. Women are assisted in the application process, where necessary.
- Female prisoners are active participants in the processes for the resident children program, including initial decisions and regular reviews.
- Female prisoners know how to appeal decisions and can get assistance to do so.
- Female prisoners know that the primary consideration for access to the resident child program is what is in the best interest for the child. They also know consideration is given to environmental conditions, risks, expected quality of care inside and outside prison, and the time the woman has remaining in custody.
- Access is equal for all female prisoners with children, including for women placed at regional facilities.
- The prison has a dedicated coordinator responsible for overseeing the resident children program.

Standard

142. Resident children are always safe.

Measures

- Resident children are not treated as prisoners.
- Female prisoners are responsible for the care of their children residing in the prison and they can exercise their parental responsibilities through informed choices.
- Female prisoners with resident children can spend the maximum possible time with their children.
- Female prisoners can access parenting support programs equal to those in the community.
- Accommodation for resident children and their mothers is domestic rather than custodial, the environment is suitable, child safe, and includes well maintained outdoor play spaces.
- There is sufficient capacity to meet the demand for the resident children program.
- Female prisoners are provided the knowledge and skills necessary for child emergencies, including first aid.
- Staff are appropriately qualified to work with children. They have current Working with Children Checks.
- Staff have adequate training, knowledge, and skills necessary for child emergencies.

61 NMR 29
GPCA 3.1.9
BR 33.3, 49, 50, 51.2
EPR 36.1, 36.3

Health care for resident children⁶²

Standard

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

Measures

- The prison facilitates regular child health nurse visits, and in reach general health care for children.
- Access is equal to that available in the community.
- Female prisoners can attend their children's health appointments, where their assessed risk permits. If this is not possible, the prison facilitates contact between the mother and the child's nominated carer.
- Health centre staff can advise on and assess the health care needs of resident children in emergencies.
- The prison has access to afterhours health care services for the child.
- Female prisoners can access over-the-counter medications for their resident children. Supply is documented, complies with general legal requirements, and does not place any responsibility for clinical decisions on non-medical staff.

The removal of a child from prison⁶³

Standard

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

Measures

- Decisions regarding the removal of a child from prison are based on individualised and comprehensive assessments focussed on the best interests of the child.
- A separation management plan is developed in consultation with the mother and nominated carer.
- Female prisoners can access counselling and support services as part of the separation process, including culturally appropriate support networks.
- Female prisoners receive all necessary practical supports to arrange for the separation.
- Separation is performed sensitively and professionally with the child's safety as the primary consideration.
- After the child is removed, the prison makes every effort to facilitate contact between the mother and child.

3.8 Special categories of female prisoners

Aboriginal women⁶⁴

Standard

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

Measures

- Aboriginal female prisoners' gender and culture are supported, their opinions are sought and actively considered.
- The prison respects the important role of Aboriginal women in their communities, including their

62 BR 9, 33.3, 51.1

63 BR 52

64 BR 54

responsibilities and obligations to family and extended kinship ties.

- The prison respects the extent to which Aboriginal women may want, and benefit from, opportunities to mix with male prisoners, as well as wanting to keep apart and out of sight from male prisoners.

3.9 Prison staff⁶⁵

Standard

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

Measures

- All staff working in prisons which have female prisoners have completed a working with women course.
- Staff can adequately and appropriately manage the gender-specific risks and needs of female prisoners.
- All staff working in prisons with female prisoners are selected based on their suitability to work with women.

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). Intersex people 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). People who are intersex can also be transgender or gender diverse. We also acknowledge the intersectionality of transgender, gender diverse and intersex prisoners who may also identify as Aboriginal, older, and/or living with disability.

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

Standard

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

Measures

- Transgender, gender diverse, and intersex prisoners are sensitively asked their preferred name and gender.
- Prisoners are addressed as per their preference, including the use of pronouns.
- Records accurately reflect prisoners' details.

4.2 Duty of care

Standard

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

Measures

- Transgender, gender diverse, and intersex prisoners are treated with dignity, sensitivity, and respect.
- Staff ensure prisoners' right to privacy.
- Staff know the principles of equality and non-discrimination relating to gender identity.
- Prisoners can identify as transgender, gender diverse, or intersex at any stage during their time in prison.

Bullying and violence reduction⁶⁶

Standard

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

Measures

- All prisoners are provided with a suitable education regarding sexual orientation and gender identity to reduce violence and ill-treatment towards transgender, gender diverse, and intersex prisoners.
- The prison has effective measures to prevent violence or abuse of prisoners identifying as transgender, gender diverse, and intersex.
- Transgender, gender diverse, and intersex prisoners are not unduly restricted due to their gender identity.
- Staff are trained with an awareness of human rights standards and principles of equality and non-discrimination, including in regards to sexual orientation and gender identity.

Placement and accommodation⁶⁷

Standard

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

Measures

- Prisoners identifying as transgender, gender diverse, and intersex participate in discussions regarding the facility they are placed in.
- Prisoners are held in a prison, and/or unit consistent with their gender identity.
- Prisoners know how to appeal decisions about their placement and can easily do so.

Standard

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

Measures

- A multidisciplinary team conducts placement assessments for transgender, gender diverse and intersex prisoners.
- Assessments determine the prisoner's individual needs, particularly any medical and support requirements, and the relevant risks they face, including the safety implications from potential placement options.
- The assessment process is robust and decisions account for all risks.

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)

Standard

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.

Measures

- Prisoners identifying as transgender, gender diverse, and intersex are not unduly restricted regarding the opportunities available to them. They are not routinely segregated due to their gender identity.
- Prisoners can apply for protection or be placed in protection by the prison if it is assessed as appropriate.
- Prisoners have equal access to minimum security, work camps, and pre-release centres.

4.3 Daily life

Property, clothing, and appearance⁶⁸

Standard

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

Measures

- Transgender, gender diverse, and intersex prisoners can access personal property and purchase items via the canteen to maintain their gender identity and appearance, subject to safety and security assessments.
- Prisoners know how to access items to maintain their gender identity and appearance.
- Staff help prisoners to apply for items, where required.
- Prisoners are asked about their preferred gendered clothing and underwear which are provided, if the assessed risk permits.
- Prisoners can maintain hairstyles they feel are consistent with their gender identity.

4.4 Health and support

Health care⁶⁹

Standard

154. Access to physical health care and mental health care, including both treatment and assessment, 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.

Measures

- Prisoners identifying as transgender, gender diverse, and intersex can access and receive health care services, including mental health care for their assessed needs and risks. This also includes individualised health promotion.
- Access is equal to that available in the community.
- Health staff are competent responding to the needs of transgender, gender diverse and intersex prisoners.

68 NMR 18.2

69 NMR 24.1, 24.2,

GPCA 4.1.16, 4.2.5

YP 9(b)

- Prisoners undergoing gender transitioning on reception, can continue treatment if endorsed by health staff.
- Prisoners can commence gender transitioning treatment in prison.
- Health services promote continuity of care on release, particularly for hormone therapy and specialist care.

Support

Standard

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

Measures

- Prisoners identifying as transgender, gender diverse, and intersex have individualised support plans developed, implemented, and regularly reviewed. Plans include all information relevant to the prisoner's daily management, and their support and counselling needs.
- Plans are developed promptly and in consultation with the prisoner.
- Prisoners can access the support and counselling they require. Access is not unduly restricted.
- Prisoners know how to and can contact appropriate external support networks.

4.5 Security

Searches⁷⁰

Standard

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

Measures

- Transgender, gender diverse, and intersex prisoners are not searched more often than other prisoners.
- Prisoners are asked to confirm their preferred gender identity prior to any search of their person.
- Prisoners are asked which gender the officer should be to carry out person searches. Searches are conducted in line with the answer. If no answer is given, they are conducted as per the prisoner's outward appearance.
- Where a search cannot be immediately conducted by staff of the gender preferred by the prisoner, they are safely managed until a search, or appropriate alternative, takes place.
- Staff are adequately trained to perform searches, including in the sensitivities of transgender, gender diverse, and intersex prisoners, and particularly ensuring their rights to privacy are protected.

Transport

Standard

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

Measures

- A risk assessment is used to determine if transgender, gender diverse, and intersex prisoners are placed in separate vehicle cells. They are not routinely allocated to a single vehicle cell due to their gender identity.

⁷⁰ NMR 50, 52.1

4.6 Rehabilitation and reparation⁷¹

Standard

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

Measures

- Transgender, gender diverse, and intersex prisoners have equal access to the full suite of services, programs, and treatment available to other prisoners to meet their rehabilitative and reparative needs.
- Prisoners are not denied access to services, programs, and treatment due to their gender identity.

⁷¹ NMR 108.1, 108.2
GPCA 5.1.9

5 Standards for older prisoners

Western Australia's prison population is aging. 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 aging 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 aging 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

Standard

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

Measures

- Older prisoners are identified on reception.
- Older prisoners' needs and risks are identified promptly through a comprehensive assessment.
- If an older prisoner's needs and risks will affect their management, appropriate information is given to the relevant staff and accounted for in their individual management plan, subject to privacy considerations.

5.2 Duty of care

Placement and accommodation⁷²

Standard

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

Measures

- Older prisoners age-related needs are assessed prior to their placement.
- Accommodation and aides accessible to older prisoners equal those generally found in residential aged care. However, where possible, they do not pose additional risks such as ligature points.
- Prisoners with age-related mobility limitations are allocated ground level cells, and lower bunk beds.

⁷² NMR 76.2
EPR 81.3

- Staff are vigilant to identify and respond to bullying and victimisation of older, vulnerable prisoners.

Standard

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

Measures

- Older prisoners with age-related health concerns are not routinely segregated or separately confined.
- Staff are trained and know about age-related physical and mental health decline such that older prisoners' behaviours associated with health concerns and diseases, are not confused for non-compliance.
- Reasonable adjustments are made to the built environment and regime to manage prisoners with age-related health issues.

5.3 Daily life

Regime

Standard

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

Measures

- The prison has a regime for older people that meets their varied needs, and is purposeful.
- Reasonable adjustments are made to standard regimes to ensure older prisoners are not routinely excluded.
- The regime is respectful of the contribution older prisoners offer, particularly the role and importance of older Aboriginal people and Elders.
- Older prisoners are engaged as advisors on aging issues within the prison.

5.4 Health and support

Health care⁷³

Standard

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

Measures

- Older prisoners' health needs are regularly reviewed as illness may develop after initial screening assessments and they may not disclose their symptoms.
- High quality physical and mental health care is provided to address age-related decline.
- The prison has specialist health staff qualified in aged care and nursing, and gerontology.
- Older prisoners can access age-related health checks, disease prevention, and screening programs equal to that available in the community.
- Terminally or chronically ill prisoners' health and social care needs are adequately and compassionately managed, including permitting family visits during end of life circumstances.
- Prisoners have equal legal rights to end of life decisions, as they would in the community.

⁷³ NMR 24.1

GPCA 4.1.17

Support

Standard

164. Adequate support is provided to older prisoners.

Measures

- Staff are well trained. They know about age-related physical and mental health decline, and that imprisonment, and lifestyles leading to imprisonment, can accelerate aging.
- Older prisoners have individualised support plans developed, implemented, and regularly reviewed. Plans include all information relevant to their daily management and support needs.
- Plans are developed promptly and in consultation with the prisoner.
- If necessary, appropriately trained prisoner carers are employed and assigned to older prisoners for support.

5.5 Rehabilitation and reparation

Employment, education, and programs⁷⁴

Standard

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

Measures

- Older prisoners are active and productive participants in their rehabilitation and reparation. They are consulted and their opinions are considered.
- Older prisoners are not disadvantaged due to their age, including being awarded a reasonable gratuity level despite any limitations to regime participation and work placement options due to their age.
- The prison has sufficient educational, employment, and program opportunities fit for older prisoners, including those who are medically unfit for physical work, and those past retirement age.

Preparation for release⁷⁵

Standard

166. Older prisoners are adequately prepared for their release.

Measures

- The prison has strategies which actively reduce institutionalisation.
- Older prisoners can access advice, support, and skills to increase their economic stability on release, including if they are medically unfit for work, and/or past retirement age.
- There is adequate transition support, including appropriate and coordinated links to aged support agencies.

74 GPCA 5.1.9

75 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 screening⁷⁶

Standard

167. Prisoners are systematically screened for various types of disability on entry to prison and processes are initiated to address their needs.

Measures

- The prison offers a safe and supportive environment so prisoners feel at ease to disclose any impairments they have, not only those that are diagnosed disabilities.
- The prison has an appropriate, community equivalent range of valid and reliable assessment tools to identify types of disabilities so identification does not rely solely on prisoner self-reporting.
- Screening is prompt, occurring within the first 72 hours of reception to prison. It is conducted by appropriately qualified staff and results are accurately recorded.
- If a disability is diagnosed in prison, due care is taken to communicate details to the prisoner in a language and format they understand.
- If a prisoner's disability will affect their management, including due to communication difficulties and hearing impairment, appropriate information is given to relevant staff and accounted for in the prisoner's individual management plan, subject to privacy considerations.

76 GPCA 4.1.15

6.2 Duty of care

Guardianship⁷⁷

Standard

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

Measures

- Prisoners under legal guardianship orders can easily access their guardian.
- Staff are skilled to identify when a prisoner under guardianship requires access to their legal guardian.
- The prison promptly informs legal guardians of significant changes to a prisoner's circumstances.
- The prison has procedures identifying when a prisoner may need a guardian to be appointed. Safeguards are in place until guardianship is activated.

Bullying and violence reduction

Standard

169. Prisoners with disability feel safe from bullying and victimisation, and they are offered assistance and support to integrate within the prison.

Measures

- All prisoners are provided with a suitable education regarding disability and impairment to reduce violence and ill-treatment of prisoners with disability.
- Staff are good role models and treat prisoners with disability in a respectful and dignified manner.
- Prisoners with disability can easily report occasions of bullying, victimisation, and violence.
- Prisoners with disability are not discouraged from reporting where they feel unsafe.
- Reporting mechanisms account for the prisoner's specific impairment.
- Staff are vigilant to identify and respond to occasions of bullying, victimisation, and violence towards prisoners with disability, particularly those who are vulnerable to such abuse.

Requests and complaints

Standard

170. Prisoners with disability can access disability advocacy support.

Measures

- Access is equal to that available in the community and includes support to make request and submit complaints.

⁷⁷ GPCA 2.3.5, 2.3.8

Placement and accommodation⁷⁸

Standard

171. Prisoners with disability are integrated within the prison and accommodated safely to support their needs and to positively affect risks.

Measures

- People who are remanded to prison and require psychiatric or intellectual disability assessment are promptly referred to an appropriate mental health facility to meet their needs.
- Prisoners' disability needs are assessed prior to their placement, including when deciding whether to allocate them to a shared cell.
- Prisoners with mobility limitations are allocated ground level cells, and lower bunk beds.
- Conditions in units and cells do not impose undue burden on a prisoner's disability.
- The prison design reflects Australian standards for people with disability. Where required, necessary and appropriate modifications and adjustments are made to the built environment and regime.
- Prisoners with disability are not routinely segregated or placed in separate confinement.

6.3 Managing behaviour

Disciplinary procedures and punishment⁷⁹

Standard

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

Measures

- Prisoners who lack the capacity to obey a prison rule due to mental illness or disability are not unfairly sanctioned or disciplined. They cannot be disciplined for behaviour resulting from their disability.
- The nature and level of a prisoner's disability is confirmed prior to commencing disciplinary procedures or punishment.
- Disciplinary procedures account for the specific impairment of the prisoner.
- Behaviour management procedures are consistent with positive behaviour support for prisoners with disability.
- Where necessary, health staff provide individualised advice about a prisoner's participation in the disciplinary process.
- Punishment does not exacerbate or cause harm to a prisoner's disability.
- There are a variety of alternatives to prison charges, particularly for prisoners with mental impairments.
- Staff are encouraged to use alternative management options.
- Punishment and discipline are accurately recorded, including when alternatives are used.
- Prisoners held in custody under the *Criminal Law (Mentally Impaired Accused) Act 1996*, who are deemed unfit to stand trial, do not face prison charges.

⁷⁸ NMR 109.1

⁷⁹ NMR 39.3, 45.2

Standard

173. Restrictive practices for prisoners with disability are only used as a last resort.

Measures

- As defined by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, restrictive practice is any action, approach or intervention that has the effect of limiting the rights or freedom of movement.
- Where absolutely necessary, restrictive practice is only implemented in line with a behaviour support plan, for a limited time, and under the guidance of an appropriately qualified clinician.

6.4 Daily life

Regime

Standard

174. Prisoners with disability are meaningfully and purposefully involved in a regime that accounts for their individual needs and positively affects risks.

Measures

- Prisoners with disability can reasonably access the necessary adjustments, aids, technology, and support to engage in daily regime.
- Appropriate alternatives exist to ensure prisoners with disability are actively engaged in the daily regime. They are not routinely excluded due to their disability.
- Care and sensitivity are taken to ensure prisoners with disability understand prison rules and instructions, particularly for those prisoners with psychosocial, intellectual, and cognitive impairments.
- Privileges adequately and respectfully account for a prisoner's specific impairment.
- Prisoners with disability are engaged as advisors on issues affecting them within the prison.

6.5 Health and support

Health care⁸⁰

Standard

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

Measures

- Prisoners with disability can reasonably access the necessary treatment, therapies, aids, and medications they need to adequately manage their health.
- Prisoners receive ongoing assessments for impairments that are exacerbated by time in prison.
- Health staff are appropriately qualified.
- Prisoners with disability have a right to privacy equal to other prisoners.
- Prisoners with disability maintain their right to consent and refuse medical treatment. Where necessary, a prisoner's guardian is involved.

80 NMR 109.3
GPCA 2.3.8, 4.1.15

Support⁸¹

Standard

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

Measures

- The prison has effective policies ensuring prisoners with disability are treated with dignity and respect, and that they are adequately supported while in custody.
- Staff sensitively manage prisoners with disability, particularly at times of crisis.
- Prisoners with disability have individualised support plans developed, implemented, and regularly reviewed. Plans include all information relevant to the prisoner's daily management, and their support needs.
- Adequate cultural support is available, particularly for the disproportionately high number of Aboriginal prisoners with disability.
- Staff are trained so they can effectively manage prisoners with disability. This includes the skill to recognise behaviours associated with a lack of support for a prisoner's disability, and the ability to differentiate these behaviours from non-compliance.

6.6 Security

Use of force and restraints⁸²

Standard

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

Measures

- Prisoners with disability are not subject to use of force or restraint practices which exacerbate their disability or cause harm.
- All de-escalation techniques and instructions issued about potential use of force actions are delivered to prisoners with disability in a language and format they understand.
- Prisoners with disability have care plans which highlight risk factors and set out alternative management protocols which reduce the likelihood of restraint techniques becoming necessary.
- Only approved mechanisms of restraint are used to restrain people with disability.
- Staff do not adjust restraints or restraining techniques where they have not been appropriately trained and/or techniques have not been approved.

81 NMR 76.2

EPR 81.3

82 GPCA 3.1.16

Searches⁸³

Standard

178. The needs of prisoners with disability are understood and they are treated with dignity and respect during all searches.

Measures

- Prisoners with disability are not disproportionately searched more often than other prisoners.
- Prisoners with disability are given information about search procedures prior to any search being conducted, in a language and format they understand.
- Staff conduct a risk assessment prior to the search considering the level and nature of the prisoner's disability and whether additional supports and aids can assist.
- Alternative search methods are used where searches of the person may cause undue pain or discomfort.
- Prisoners with disability can sit down as much as required during the search process.
- Health staff are involved in the removal of any artificial limb or aids, including temporary bandages or casts, where these impede a search and there is suspicion or intelligence of an unauthorised concealment.
- Searches occur with due regard to the prisoner's privacy and modesty.
- All aids are respectfully inspected during a search and promptly reassembled to purpose afterwards.

Transport⁸⁴

Standard

179. 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.

Measures

- Leave of absence permits are equally accessible to all prisoners. Those with disability are not unduly prevented from such escorts due to their disability.
- Staff conduct a risk assessment prior to any escort ensuring adequate and appropriate resources, aids, and vehicles are used in the transport.
- If necessary, suitable, and safe non-standard vehicles are available for use.
- Staff are well trained and equipped to respond to in-transit emergencies involving prisoners with disability.

83 NMR 50

84 GPCA 1.2.2

6.7 Rehabilitation and reparation

Employment, education, and programs⁸⁵

Standard

180. The needs of prisoners with disability are considered and they have equal access to tailored rehabilitative and reparative opportunities that meet their needs.

Measures

- Prisoners with disability are actively involved in their rehabilitation and reparation. They are consulted and their opinions are considered.
- Prisoners are not excluded from rehabilitative and reparative opportunities due to their disability.
- Tailored educational, employment, and program opportunities exist for prisoners with disability. Delivery occurs in a language and format the prisoner understands.
- Appropriately qualified staff are skilled to deliver courses and programs to prisoners with disability.
- Access is equal to that of other prisoners.

Preparation for release⁸⁶

Standard

181. Prisoners with disability are adequately prepared with any reasonable and necessary supports in place prior to their release.

Measures

- Prisoners with disability can access advice, support, and skills to prepare them for their release.
- Prisoners with disability have equal access to minimum security, work camps, and pre-release centres increasing their opportunities for rehabilitation and reparation. They are adequately and appropriately supported at these facilities.
- The prison has adequate transition support, including appropriate and coordinated linkages to support organisations, government services, and community health networks, if necessary.
- Every effort is made to ensure prisoners with disability have suitable accommodation which meets their needs on release.
- Prisoners with disability are provided any necessary release day supports, including access to their guardian where necessary.

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 planning⁸⁷

Standard

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

Measures

- The plan includes an analysis of the prisoner population and the needs of significant cohort groups.
- The plan is flexible for the diverse population. It is regularly evaluated and updated as necessary.
- The plan sets performance targets.
- The plan is supported by a suitable budget process to access necessary financial resources and equipment.
- Staff are involved in the development and implementation of the plan, and it is readily available to them.
- Staff know the prison's operating philosophy.

Environmental sustainability

Standard

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

Measures

- Waste is minimised and handled in a safe, legal, and environmentally responsible manner.
- Water and energy usage is efficient and consumption is minimised.
- Procurement aligns with environmental management agendas such as energy efficiency and recycling programs.
- New buildings are designed with environmental factors in mind.
- Land management is responsible and sensitive.
- Prison transport arrangements are environmentally friendly and the fleet has regular environmental and efficiency assessments.
- Staff and prisoner knowledge of sustainable practices is developed through education and training.

The prison and community relations⁸⁸

Standard

⁸⁷ GPCA 1.4.4, 2.3.4

EPR 72.2

⁸⁸ NMR 74.2, 88

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

Measures

- There is appropriate, ongoing contact with relevant community-based service providers which can deliver spiritual guidance, post-release connections, and domestic, financial, and life skills development.
- The prison continuously assesses the needs of the population so all prisoners can receive access and assistance from service providers.
- The prison regularly evaluates materials presented, the results of programs, and the assistance offered by community-based service providers, using the views of participants in their decisions.
- All service providers are suitably checked and cleared, and they receive an adequate induction to the prison.
- Staff and prisoners understand the purpose of visits by ministerially-appointed Independent Visitors.

Standard

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

Measures

- Prison management meets regularly with a broadly representative Community Reference Group and those meetings contribute to the operational agenda of the prison.
- The prison has a positive relationship with Aboriginal communities relevant to the population.
- The prison engages with representatives of Aboriginal communities to address Aboriginal cultural issues.
- The prison has established good governance for the Community Reference Group, including providing updates on initiatives undertaken by the prison.

7.2 Records management⁸⁹

Standard

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

Measures

- Official records are kept for each prisoner.
- All records are comprehensive, accurate, and securely managed and archived.
- The location of prisoner records is not accessible to prisoners or others not authorised to access them.
- Procedures are in place to prevent unauthorised access or modification of prisoner files.
- All documentation is completed accurately and passed to the correct authority within agreed timescales.
- Prisoners can access the information contained in their personal file, subject to authorised redactions, including upon release, if requested.

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

7.3 Human Resources

Prison staff⁹⁰

Standard

187. 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.

Measures

- All positions have an accurate and current Job Description.
- All staff demonstrate the knowledge and skills to perform their work professionally.
- All staff are trained and can access regular and ongoing training relevant to their role and skills development.
- All staff understand the legislation and policies to which they must adhere.
- All staff understand the purpose of independent oversight bodies and cooperate with these agencies.
- All staff are culturally competent. They have specific awareness for the various cohorts within the prison population, particularly for the diversity of Aboriginal groups.
- All staff working with prisoners are trained with an appropriate awareness of prisoners' human rights.
- All staff have access to the appropriate resources and supports necessary to do their jobs, including those needed to manage compassion fatigue, burn out, and vicarious trauma.
- Staff are appropriately authorised and receive security clearances for the work they perform.
- Management processes applying to staff, including all staff appointments and transfers, are subject to a transparent, merit based system which is open to appeal.
- There is an effective Performance Management System.
- Accurate records of staff misconduct (and associated evidence) are maintained to support decisions.

Standard

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

Measures

- Staff numbers meet the prison's needs, including for adequate coverage of planned and unplanned leave.
- The gender and ethnicity mix of staff at all levels reflects the prison population, where possible, particularly ensuring that the number of Aboriginal staff is proportionate to the number of Aboriginal prisoners.
- Recruitment is gender responsive and culturally appropriate.

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

Staff grievances⁹¹

Standard

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

Measures

- Staff know their rights and responsibilities in resolving grievances.
- Grievances are resolved promptly, fairly, sensitively, and confidentially so that every attempt is made to resolve the grievance at the lowest level.

91 GPCA 2.4.6

8 Bibliography

- ABS. (2010). *Prisoners in Australia, 2010*. Canberra: Australian Bureau of Statistics.
- ABS. (2018). *Prisoners in Australia, 2018*. Canberra: Australian Bureau of Statistics.
- AGA. (n.d.). *Where to start: Gender Diversity*. Canberra: A Gender Agenda.
- Australian Institute of Criminology. (2011, August). *Older prisoners - A challenge for Australian corrections*. No. 426. Canberra, ACT: Australian Institute of Criminology.
- BOCSAR. (2017). *Changing age profile of NSW offenders*. Sydney: NSW Bureau of Crime Statistics and Research.
- DCS. (2009). *Annual Report 2009*. Perth: Department of Corrective Services.
- DOJ. (2019). *Annual Report 2018/19*. Perth: Department of Justice.
- Government of Australia, Corrective Services Administrators' Council. (2018). *Guiding Principles for Corrections in Australia*. Canberra: Government of Australia.
- Government of Western Australia, et al. (2004). *Revised Standard Guidelines for Corrections in Australia*. Australia.
- HM Inspectorate of Prisons. (2014). *Expectations - Criteria for assessing the treatment of and conditions for women in prison, Version 1*. London: HM Inspectorate of Prisons.
- HM Inspectorate of Prisons. (2017). *Expectations - Criteria for assessing the treatment of and conditions for men in prisons, Version 5*. London: HM Inspectorate of Prisons.
- Human Rights and Equal Opportunity Commission. (1989). *The rights of people with disabilities: areas of need for increased protection*. Sydney: Human Rights Australia.
- Office of the Inspector Te Tari Tirohia. (2019). *Inspection Standards*. Wellington: Department of Corrections - Ara Poutama Aotearoa.
- OICS. (2007). *Code of Inspection Standards for Adult Custodial Services*. Perth: Office of the Inspector of Custodial Services .
- OICS. (2008). *Inspection Standards for Aboriginal Prisoners*. Perth: Office of the Inspector of Custodial Services.
- People with Disability Australia. (2013). *Productivity Commission Issues Paper: Access to Justice Arrangements*. PWDA.
- People with Disability Australia. (2017, July). *National Preventative Mechanisms viewed through the lens of disability. Submission*. Sydney: People with Disability Australia Incorporated.
- The Australia OPCAT Network. (2020, January). *The Implementation of OPCAT in Australia. Submission by The Australia OPCAT Network*. The Australia OPCAT Network.
- The Yogyakarta Principles. (2007, March). *Principles on the application of international human rights law in relation to sexual orientation and gender identity*.
- UN Human Rights Office. (2016). *Background Note on Human Rights Violations against Intersex People*. United Nations Human Rights Office of the High Commissioner.

Vanderpol, T., & Howard, D. (2011). *Investigation into hearing impairment among Indigenous prisoners within the Northern Territory Correctional Services*. Darwin: Northern Territory Correctional Services.

Yogyakarta. (2016). *About the Yogyakarta Principles*. Retrieved from The Yogyakarta Principles:
<http://yogyakartaprinciples.org/principles-en/about-the-yogyakarta-principles/>



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

**Level 5, Albert Facey House, 469 Wellington Street
Perth, Western Australia 6000
Telephone: +61 8 6551 4200
Facsimile: +61 8 6551 4216**

www.oics.wa.gov.au