



## Policy Directive 3

# Hierarchy of Prisoner Management Regimes

### Purpose

To provide superintendents and prison officers a means by which to encourage prisoners to adopt law-abiding lifestyles through the provision of a hierarchical system of privileges and supervision levels that rewards prisoners that demonstrate continued acceptable behaviour.

### Definitions

<b>Privilege</b>	a concession or item extended to a prisoner that is an addition to any entitlements provided by statute or common law
<b>Designated Superintendent</b>	the Superintendent as defined in s 36 of the <a href="#">Prisons Act 1981</a> and includes any reference to the position responsible for the management of a private prison under Part IIIA of the <i>Prisons Act 1981</i>
<b>Superintendent</b>	as defined in the <i>Prisons Act 1981</i> and refers to either the Designated Superintendent or the officer in charge of a prison at a particular time

### 1. Hierarchical management system

- 1.1 The management of prisoners and relative supervision levels consider the principle of rewarding good behaviour with increased privilege levels and providing reduced privileges for poor behaviour.
- 1.2 Four levels of supervision shall where appropriate apply in Western Australian prisons. The supervision levels are:
  - a) Close supervision level
  - b) Basic supervision level
  - c) Standard supervision level
  - d) Earned supervision level.
- 1.3 Close and earned supervision levels only apply in those prisons that have suitable facilities.
- 1.4 Generally, newly received prisoners shall commence on the standard supervision level on the presumption of good behaviour. Each supervisory level adds or removes privileges.

## **2. Entitlements and privileges**

- 2.1 This directive does not affect the rights of prisoners afforded under the *Prisons Act 1981* and Prison Regulations 1982, nor any minimum entitlements established under other written law or written instructions.
- 2.2 There shall be a direct correlation between the privileges the superintendent shall make available, the behaviour displayed by a prisoner and the level of supervision required in conjunction with [Adult Custodial Rule 3](#).

## **3. Progression and regression**

- 3.1 The system shall reward good behaviour by progression to or eligibility to progress to a higher level of privileges and lower level of supervision.
- 3.2 In contrast, poor behaviour shall result in regression to a lower level of privileges and a higher level of supervision.
- 3.3 Progression and regression through supervision levels involves the management of prisoner privileges and should not impinge on the rights (minimum entitlements) a prisoner has under the *Prisons Act 1981*, Prisons Regulations 1982 or any other law.
- 3.4 Regression may involve the suspension or losing of selected privileges applicable to a prisoner's current level or an overall reduction to a higher supervision level in the hierarchical management system.

## **4. Hierarchical prisoner management and punishment**

- 4.1 The purpose of basic and close supervision is not intended as a punishment or as part of a punishment, but provides for the management of prisoners that do not demonstrate personal responsibility (acceptable behaviour) or do not actively participate in employment and/or program activities.
- 4.2 Prisoners that complete a period of separate confinement imposed following conviction for a prison offence are to be returned to basic or standard supervision level, unless their behaviour requires the placement at close supervision in accordance with the criteria for that level of supervision.

## **5. Establishing a hierarchy system**

- 5.1 The Designated Superintendent shall establish the supervisory levels that apply in that prison and the process for progression or regression through the relevant levels.
- 5.2 The Designated Superintendent shall establish the application and approval processes that apply in that prison for prisoners wishing to progress to the earned supervision level.

- 5.3 The Designated Superintendent shall specify the privileges that apply to differing supervision levels in their prison.
- 5.4 The information referred to in 5.1.to 5.3 is to be made available to prisoners at reception into a prison, or on request.

## **6. Standard of behaviour**

- 6.1 The Designated Superintendent shall establish the general standard of behaviour expected of prisoners at that prison.

## **7. Close Supervision Level**

### **Approval**

- 7.1 The placement and removal of prisoners into or out of this supervisory level is subject to the approval of the Designated Superintendent or their delegate.

### **Reason for placement**

- 7.2 Close supervision is a management option to maintain the good order and security of a prison. The purpose of close supervision is not intended as a punishment or as part of a punishment.
- 7.3 Once placed at close supervision, the prisoner shall remain at that level until the reason for placement at close supervision is no longer relevant or the prisoner displays behaviour suitable for placement at basic or standard supervision levels.
- 7.4 The purpose is to temporarily remove those prisoners from the mainstream prison population because they pose a threat to other prisoners, staff or the good order and security of the prison, and require a greater degree of supervision and management than other prisoners require.
- 7.5 Conduct that may require a Prisoner's placement under close supervision shall reflect continued acts of violence, serious non-conformist behaviour or behaviour that poses a threat to the good order and security of the prison. These are the only factors considered for placing a prisoner under close supervision.
- 7.6 Prisoners who come within this category would jeopardise the security and good order of the prison if they continue association with the general prison population, but prisons are able to manage them with other prisoners who also require a greater degree of supervision than normal.

## **Notification of placement**

7.7 When placed at close supervision, the Designated Superintendent or their delegate shall inform the prisoner of the reason(s) for the placement and the behaviour the prisoner needs to achieve to return to the basic or standard supervision level.

## **Review of placement**

7.8 The Designated Superintendent or their delegate shall review the behaviour of prisoners placed under close supervision at least every 7 days. They shall advise the prisoner of any behavioural issues that require addressing in order for the prisoner to progress out of the close supervision regime.

7.9 Prisoners shall only remain at close supervision whilst they pose a threat to other prisoners, staff or the security of the prison. The Designated Superintendent shall ensure prisoners do not remain at this level longer than is necessary to achieve the purpose.

7.10 Any prisoners placed in close supervision for periods of up to 14 days and who are considered to require an extension beyond 14 days will require the express approval of the Designated Superintendent or the Director Acacia Prison. The reasons for extending the placement shall be documented and provided to the relevant Director who has the authority to over-ride the decision.

7.11 Prisoners under close supervision may seek a review of the decision by the Designated Superintendent. In cases extending beyond 14 days, the prisoner may seek a review of the decision from the relevant Director.

## **8. Basic Supervision Level**

### **Approval and Reason for Placement**

8.1 The Unit Manager may regress a prisoner to basic supervision level where that prisoner demonstrates poor or inappropriate standards of behaviour. This includes:

- a) refusing to accept employment or dismissal from employment (sentenced prisoners only)
- b) breach of cell standards (eg poor hygiene, possession of items not lawfully issued)
- c) continuous breaches of the required standard of behaviour.

8.2 Basic level supervision is a reduction in privileges and where possible the prisoner shall remain a resident in his or her own cell.

8.3 Once placed at basic supervision, the prisoner shall remain at that level until the reason for placement at basic supervision is no longer relevant or the prisoner displays behaviour suitable for placement at standard supervision level.

### **Notification of Placement**

- 8.4 When placed on basic supervision, the Unit Manager shall inform the prisoner of the reason(s) for the placement and the behaviour the prisoner needs to achieve to return to the standard level of supervision.

### **Review of Placement**

- 8.5 The Unit Manager shall review a prisoner placed on basic supervision for refusing employment as soon as they gain employment or at least every 7 days.
- 8.6 The Unit Manager shall review all other prisoners placed on basic supervision at least every 7 days.
- 8.7 When reviewing a prisoner's placement at basic supervision, the Unit Manager shall advise the prisoner of any behavioural issues that require addressing in order for the prisoner to progress out of the basic supervision regime.
- 8.8 Prisoners shall only remain at basic supervision whilst they demonstrate inappropriate behaviour. The Designated Superintendent shall ensure prisoners do not remain at this level longer than is necessary to achieve the purpose.
- 8.9 The Unit Manager shall notify the Designated Superintendent of any prisoner's placement at basic supervision level that will extend beyond 14 days.

## **9. Standard Supervision Level**

### **Approval**

- 9.1 The Unit manager shall place newly received prisoners at this level of supervision, on the presumption of good behaviour.

### **Reason for Placement**

- 9.2 Both remand and sentenced prisoners shall commence at this level, except where special regimes may apply (such as separate confinement or observation).

### **Notification of Placement**

- 9.3 The Unit Manager shall advise any prisoner as necessary of the standard of behaviour required to remain at standard supervision or progression to earned supervision.

## **10. Earned Supervision Level**

### **Self-Care and Other Regimes**

- 10.1 Where a prisoner displays appropriate behaviour to meet the criteria for earned supervision level they may make an application for progression to the earned supervision level, in accordance with the procedures of the relevant prison.

## **Work Camps and External Facilities**

10.2 Prisons when developing a hierarchical management system shall consider Work Camps and other external facilities as earned supervision level regimes and develop relevant application and assessment procedures.

## **11. Regression**

11.1 When a prisoner is regressed (ie an overall reduction to a higher supervision level in the hierarchical management system), the officer authorising the action shall advise the prisoner of the reason for the regression, the behaviour expected and the procedures for progression back to the previous supervision level.

11.2 For the withdrawal of individual privileges, whilst maintaining a level of supervision under the hierarchical management system, please refer to [Adult Custodial Rule 3](#).

11.3 Information provided to prisoners when regressing a prisoner or withdrawing a privilege shall contain specific concerns about the reason (i.e. describe the specific behaviour leading to the regression).

11.4 When recording details, Officers shall avoid general comments (example – “for the good order of the prison” or “inappropriate behaviour”). The information shall document the particular circumstances (“used abusive language to an officer”, “disobeyed order given by an officer” or “caused damage to telephone”).

## **12. Notifications and appeals**

12.1 Prisoners may appeal or request a review of their placement in accordance with [Adult Custodial Rule 5](#).

12.2 Notwithstanding 12.1, in the case of a basic supervision placement extending beyond 14 days, the prisoner may seek a review of the decision by the Designated Superintendent.

## **13. Prisoner transfers**

13.1 The hierarchical management system is not, nor intended as, a punishment tool but intended as a means of appropriately managing prisoners. Therefore, the receiving prison shall determine the appropriate supervision level for a prisoner transferred from one prison to another.

13.2 The receiving prison may request information from the previous prison to assist with the determination.

## **Applicability**

This Policy Directive applies to all prisons.

## References

- [Prisons Act 1981](#)
- [Prison Regulations 1982](#)
- Adult Custodial Rules [3](#) and [5](#)
- [Standard Guidelines for Corrections in Australia 2004](#) 1.42, 1.46, 1.47, 1.77, 1.78, 179, 180, 2.19, 2.51

## Policy Review

A review of this policy is to be carried out annually.

## Approved

Rule made pursuant to s 35 of the *Prisons Act 1981* by the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister.

Commissioner:

Date: **31 March 2009**

## Policy Sponsor

Assistant Commissioner Custodial Operations

## Contact Person

Principal Operational Policy Officer.