Policy Directive 4
Placement of Prisoners in Lockups

Relevant Instruments:  
- **Prisons Act 1981**
- **Prisons Regulations 1982**
- **Adult Custodial Rule 18 – Assessment and Sentence Management of Prisoners**

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1. **Purpose**

Prisoners may be detained in lockups operated by the police, or on behalf of the Department of Corrective Services (DCS) in such circumstances as permitted by s 16 of the **Prisons Act 1981** (the Act), with the necessary approval in accordance with the Act.

2. **Policy**

This policy provides direction regarding the placement and management of prisoners in lockups.
3. **Scope**
This Policy Directive applies to all public prisons and is to be applied with reference to all relevant legislation.

4. **Definitions and acronyms**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td>ACCO</td>
<td>Assistant Commissioner Custodial Operations</td>
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<td>ACM</td>
<td>An electronically managed system to support the assessment, classification and case management of prisoners</td>
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<td>IMP</td>
<td>Individual Management Plan, checklist available on ACM</td>
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<td>Lockup Keeper</td>
<td>The Police Officer or other person in charge of a police lockup</td>
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<td>MAP</td>
<td>Management and Placement Checklist, available on the Assessment and Case Management system.</td>
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<td>Police</td>
<td>Western Australia Police</td>
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<tr>
<td>Designated Superintendent</td>
<td>The person delegated as Superintendent at each particular prison facility in Western Australia.</td>
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5. **Principles**
Prisoners may be detained in lockups operated by the Police on behalf of the Department of Corrective Services, in any one or more of the following circumstances:

- whilst in transit between prisons
- pending removal to a prison
- at the request of the prisoner and with the consent of the Lockup Keeper, or at the request of a Lockup Keeper and with the consent of the prisoner
- when accommodation is insufficient at the local prison
- for discharge; or
- any other special or extenuating circumstances as determined by the Superintendent Administration.

6. **Prisoner placement**
6.1 In all cases, a prisoner’s placement in a lockup is dependent upon the approval of the Lockup Keeper, and the Designated Superintendent who has responsibility for that lockup in accordance with the [Schedule of Police Lockups (Appendix 1)](#).
6.2 The Designated Superintendent shall seek and receive the written consent of the Lockup Keeper prior to the placement of a prisoner in a lockup.

6.3 The management and routine of a prisoner approved for placement in a lockup is the responsibility of the Lockup Keeper; however the Commissioner for Corrective Services or his/her delegate will retain custody of the prisoner.

7. In transit between prisons
A prisoner may be held in a lockup whilst being transferred from one prison to another when the accommodation at the local prison is unsuitable or inappropriate having regard to the security and good order of the prison, or during the changeover in escorts (in transit).

8. Pending removal to a prison
Where a Court has committed a prisoner to prison and that prisoner is held at a lockup pending removal to a prison, the Lockup Keeper shall advise the contracted transport service provider in writing of the presence of the prisoner in the lockup in accordance with the Court Security and Custodial Services Contract.

9. Request of a prisoner or a lockup keeper
9.1 Prisoners may make a written application to the Designated Superintendent for approval to be transferred to a lockup. A prisoner may also apply in writing to the Lockup Keeper to remain in a lockup for a period in excess of 14 days.

9.2 9A Lockup Keeper may make a request to a Designated Superintendent for a prisoner to be placed at a lockup. A prisoner placed at a lockup in this circumstance must consent to the placement.

9.3 Only a prisoner who meets all of the following requirements may be approved by the Designated Superintendent to serve his or her sentence at a lockup:

- The prisoner is rated as minimum security following the completion of a Management and Placement (MAP) Checklist or Individual Management Plan (IMP) as appropriate and in accordance with Adult Custodial Rule 18 – Assessment and Sentence Management of Prisoners;
- The prisoner is not on remand or the subject of an outstanding appeal against their sentence or conviction
- The prisoner’s performance has been good and is assessed as highly likely to respond positively (in management and security) to the supervisory regimen at the lockup
- The prisoner has addressed his/her offending behaviour
- The prisoner is not one of those defined in subsection 6 of s16 of the Prisons Act 1981
• The prisoner does not have any medical conditions and/or requirements for medication that may impact on his/her placement at the lockup.

9.4 The Designated Superintendent shall consider the merits of the application having regard to the continuing custody and welfare of the prisoner. If the Designated Superintendent is satisfied that there is merit in the placement then he/she will seek the written approval of the lockup keeper in accordance with Section 9.5 below.

9.5 An Application for temporary placement at police lockups form (Appendix 3) shall be completed and signed by both the Designated Superintendent and the Lockup Keeper.

9.6 A prisoner, whose application is approved for placement in a lockup for in excess of three (3) months shall have his/her placement reviewed at the completion of each three (3) month period in accordance with s16(9) of the Prisons Act 1981. An ACM-Lockup Placement Review on ACM shall be completed. A copy of the report is to be forwarded to the Superintendent Administration.

In accordance with Adult Custodial Rule 18 – Assessment and Sentence Management of Prisoners the prisoner shall have his/her security rating reviewed as necessary.

10. When there is insufficient accommodation at the local prison

When a prisoner cannot be held in the local prison because there is insufficient secure accommodation having regard to the security and good order of the prison or there is no separate accommodation for male and female prisoners, then the following applies:

• the Designated Superintendent shall seek the approval of the Lockup Keeper for temporary placement of the prisoner at the lockup and if the Lockup Keeper agrees, he or she shall confirm their approval in writing to the Designated Superintendent by completing the Application for temporary placement at police lockups form (Appendix 3), which shall be signed by both the Designated Superintendent and the Lockup Keeper.

• the Designated Superintendent shall arrange for the prisoner’s removal to an appropriate prison as soon as is reasonably practicable.

11. For discharge or any other special or extenuating circumstances

11.1 The Designated Superintendent may seek the approval of the Lockup Keeper for the placement of a prisoner in a lockup during the last three (3) weeks of the prisoner’s sentence to facilitate his/her release to his/her home under s33 of the Prisons Act 1981.

11.2 Applications based on special or extenuating circumstances outside the criteria listed at Section 9.3 may be approved by the Assistant Commissioner Custodial Operations (prisoners defined in subsection 6 of s16 of the Prisons Act 1981 are not eligible for placement at a lockup).
11.3 The Designated Superintendent shall seek the approval of the Lockup Keeper for placement of the prisoner at the lockup for discharge (or extenuating circumstances) and if the Lockup Keeper agrees, he or she shall confirm their approval in writing to the Designated Superintendent by completing the Application for temporary placement at police lockups form (Appendix 3), which shall be signed by both the Designated Superintendent and the Lockup Keeper.

11.4 If the placement is based on extenuating circumstances Application for temporary placement at police lockups form (Appendix 3) is to be approved by the Assistant Commissioner Custodial Operations prior to placement.

11.5 The Designated Superintendent will arrange for the prisoner's transfer due to discharge (or extenuating circumstances) when the prisoner enters the last 3 weeks of their sentence.

11.6 Any application by the prisoner for early discharge under s 31 of the Prisons Act 1981 must be finalised before the prisoner is placed at the lockup, if placement at the lockup is to facilitate the prisoner’s release.

12. Inspection of lockups

12.1 Designated Superintendents, as specified in the Schedule of Police Lockups (Appendix 1), have responsibility over lockups used for prisoner placement and are required to visit each lockup once every financial year.

12.2 Lockup Report (Appendix 2) is to be completed on each visit and shall be forwarded to the Assistant Commissioner Custodial Operations via the Superintendent Administration advising of the lockups’ continued suitability, or otherwise, for prisoner placement under s 16 of Prisons Act 1981 and rr 85 of Prisons Regulations 1982.

12.3 The Designated Superintendent is to send a copy of the completed Lockup Report (Appendix 2) to the Regional Superintendent of Police and to the Lockup Keeper.

13. General provisions

13.1 The Assistant Commissioner Custodial Operations may intervene in any decision or recommendation made by a Designated Superintendent and may substitute his/her recommendation or decision documenting the reasons for such action.

13.2 The Designated Superintendent shall acquaint him/herself with the supervisory regimen at the lockup to which any prisoner placement is proposed or requested.

13.3 A prisoner serving imprisonment in a lockup shall not be credited with gratuities unless with the express approval from the Assistant Commissioner Custodial Operations.
13.4 The Designated Superintendent is to provide the Lockup Keeper with a list of approved visitors for each prisoner placed in a lock up in accordance with Division 7 of the Prisons Regulations 1982.

13.5 A prisoner serving imprisonment in a lockup is eligible to apply to the responsible Designated Superintendent for that lockup for early discharge under the provisions of s31 of the Prisons Act 1981 and Policy Directive 37 – Discharge of a Prisoner.

13.6 The lockup keeper shall advise the superintendent immediately of an escape by a prisoner. Upon receiving such advice the Designated Superintendent shall notify the Superintendent Administration as soon as is practicable of the details of the escape in accordance with Policy Directive 41 – Reporting of Incidents and Additional Notifications.

13.7 The procedure following the death of a prisoner at a lockup shall be subject to the provisions of the Coroners Act 1996 and rr 74 and 75 of the Prisons Regulations 1982.

13.8 No more than three (3) prisoners at one time shall be approved for placement at any one lockup, except with the approval of the Assistant Commissioner Custodial Operations.

14. Appendices

Appendix 1 - Schedule of Police Lockups
Appendix 2 – Lockup Report
Appendix 3 – Application for temporary placement at police lockups

15. Policy review

This policy is to be reviewed on a triennial basis. The Deputy Commissioner Adult Custodial may update the supporting appendices to this policy as required.

16. Approved

Commissioner:

Signature: [Signature]

Date: 28 October 2013

17. Policy sponsor

Assistant Commissioner Custodial Operations
18. **Contact person**  
The following person may be approached on a routine basis in relation to this policy:  
Principal Operational Policy Officer.

19. **Version history**

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<td>First published</td>
<td>14 May 2001</td>
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