



Policy Directive 41

Reporting of Incidents and additional notification

- Relevant Instruments:** [Prisons Act 1981](#)
[Prison Regulations 1982](#)
[Policy Directive 5 – Use of Force](#)
[Policy Directive 27 – Procedures Following an Escape](#)
[Policy Directive 30 – Death of a Prisoner](#)
[Emergency Management Framework](#)
[Reporting and Management of Suspected Misconduct and/or Criminal Activity by Employees Policy](#)
[Staff Misconduct and/or Criminal Activity Reporting Procedures and Assessment Process](#)

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1. Purpose

The purpose of this Policy Directive is to establish clear standards and procedures for the reporting of incidents in a timely manner, ensuring transparency, accuracy and accountability.

2. Scope

This policy applies to the following:

- all staff and contracted service providers working within public prisons
- all staff and contracted service providers working in privately operated prisons
- all staff working in the Department of Corrective Services (DCS) privately operated custodial service contracts, eg Court Security and Custodial Services (CS&CS).

3. Context

- 3.1** In accordance with s 12 of the Prisons Act 1981 (the Act), staff are required to report every matter coming to their notice which may jeopardise the security of the prison or the welfare or safe custody of prisoners. Staff are further required under s 12 to make reports in accordance with the directions of the Chief Executive Officer (CEO).
- 3.2** In accordance with s 7 of the Act and the Agreement for Communications between the Minister and DCS, the CEO shall notify the Minister as soon as practicable of any escape, accident, serious irregularity or any other unusual event which affects the good order or security of a prison.
- 3.3** Contract service providers (ie CS&CS) shall, pursuant to s 15C(i) of the Act, notify the CEO of escapes, death of a prisoner and other emergencies or serious irregularities that may occur whilst performing their contracted duties.

4. Definitions and acronyms

ACCO	Assistant Commissioner Custodial Operations
CEO	Chief Executive Officer (Commissioner DCS)
Critical Incident	Any incident discussed in Section 5.2 and categorised in Appendix 1A - Assaults - Critical and Non-critical .
DCAC	Deputy Commissioner Adult Custodial
Designated Superintendent	The superintendent as defined in s 36 of the Prisons Act 1981 and includes any reference to the position responsible for the management of a private prison under Part IIIA of the Act. Includes the Director of a privately operated custodial service provider. Does not extend to the Officer in Charge of a prison.
EchO	Electronic Health Online – the medical system used by Health Services staff to record prisoner patient information.
Incident	Any event outlined in Section 5.1 .
Incident Description	The incident description entered on TOMS by all staff involved in an incident. Incident Descriptions are to be entered from the main Incident Report for the incident.
Incident Report (IR)	Incident Reports are generated on TOMS following an incident. Only one Incident Report is required per incident. See also Incident

Description.

JIS	Justice Intelligence Services
Medical Practitioner	A person who is (a) registered under the <i>Health Practitioner Regulation National Law (WA)</i> in the medical profession; and (b) who has current entitlement to practise under that Act.
OIC	Officer in Charge
Prison	Any reference to a prison within this Policy Directive and/or supporting appendices also includes reference to a work camp.
Security Report (SR)	Security Reports contain information, no matter how trivial, that is provided by any member of staff and is not reliant on an incident occurring in order to be submitted (SRs may be known by other terms in private facilities).
superintendent	The Designated Superintendent or Officer in Charge (OIC) of a public prison, the Director or OIC of a private prison or the Director of a privately operated custodial service provider.
The Act	The Prisons Act 1981

5. Incidents and Critical Incidents

5.1 An incident is any event that may:

- jeopardise the good order and security of the prison
- jeopardise the safety or health of staff, prisoners, contractors or visitors
- adversely affects the normal or routine operation of the prison
- result in the loss of a privilege
- result in a charge of a prison offence.

5.2 Some incidents may be further defined as Critical Incidents due to their seriousness. Part 1 of [Appendix 1A – Assaults](#) and [Appendix 1B - Other Critical Incidents](#) detail the incidents that are considered critical. These incidents have been categorised as critical because they:

- involve a serious security breach
- may place staff or prisoners under significant risk
- may place the security of the prison under significant risk
- involve the serious injury or death of any person on prison property
- may generate significant public or media scrutiny.

5.3 All incidents will require the submission of an incident report (refer to [Section 6](#) for detailed procedures). However, Critical Incidents will also require additional reporting requirements; these are outlined at [Section 8](#).

- 5.4 Any incident which is not defined in Part 1 of Appendix 1A – Assaults or [Appendix 1B – Other Critical Incidents](#), but meets the requirements of Section 5 is to be categorised as a Non-Critical Incident when reported on TOMS.
- 5.5 Any incident which initially does not meet the requirements of a Critical Incident as defined in Part A - Appendix 1A – Assaults or Appendix 1B – Critical Incidents but subsequently escalates to meeting the requirements of a Critical Incident is to be reported as such immediately in accordance with this Policy Directive.
- 5.6 If, due to the severity or specific circumstances of the incident, doubts exist as to whether the incident should be considered Critical or Non-Critical, the Superintendent Administration (or after hours, the Duty Operations Contact) should be contacted immediately for advice).

6. Minimum Incident Report requirements

- 6.1 Incident Reports are an integral part of DCS operations and the Department places considerable emphasis on the need for accuracy and clarity in their preparation.
- 6.2 An Incident Report must be submitted following every incident.
- 6.3 Incident Reports have a set format on TOMS and staff are to follow the instructions (ie Incident Help) and populate the applicable fields as accurately as possible.
- 6.4 One Incident Report is to be created per incident and an 'Incident Description' is to be completed by each staff member independently prior to the cessation of duty, unless otherwise approved by the superintendent.
- 6.5 When completing the 'Brief Summary of Incident' section on TOMS, the following is to be stated:
- Location of the Incident
 - Type of Incident
 - Main prisoner(s) involved including Offender ID (if known)
 - Brief indication of the incident

Example:

Unit 1 – Assault – Prisoner BLOGGS, James (I1234567) assaulted prisoner BROWN, John (E1234568)

- 6.6 An Incident Description is to be completed by **all staff** who were involved in, or who witnessed the incident. This includes prison officers, public service staff, or any other staff member involved in or witness to the incident.
- 6.7 In the event Health Services staff (medical practitioner, nurse etc) are involved in the medical treatment of a person following an assault (refer Appendix 1A – Assaults) or other Critical Incident (refer Appendix 1B – Other Critical Incidents), the staff member concerned shall submit a report on TOMS in accordance with this Section. This report is to include all pertinent information other than personal medical information.

6.8 In the event of a Non-Critical Incident other than an assault (refer Section 5.4), prison officers or public service staff shall note the attendance of medical staff at the incident (name of medical officer, description of actions, time arrived/departed incident etc).

Note: Further medical information shall be recorded by Health Services staff on EchO. This subsection shall only apply when Health Services staff are involved in the medical treatment of a person only, not where Health Services staff witness or are involved in the incident. In these cases, Health Services staff must report the incident on TOMS in accordance with this Section.

6.9 Notwithstanding sections 6.7 and 6.8 above, the superintendent may direct that health Services staff complete a report in accordance with this Section following any incident.

6.10 All reports should be clear, concise, factual, and should be completed as soon as practicable once the incident has concluded.

6.11 Incident Descriptions capture vital information relating to the incident and should include the following:

- The date and time of the incident
- The officer's name and rostered position
- The names of witnesses to the incident (if any)
- The place of the incident (be precise)
- The facts in sequence including full details of all persons involved
- If known, the trigger for the incident (ie. what started the incident?)
- How the incident was resolved or controlled
- Recommendation from author (eg LOP, charge, further investigation required)

6.12 Officers' reports/descriptions are to be submitted after completion. The Designated Superintendent shall ensure that officers' reports are finalised by Unit Managers and other relevant Prison Administration staff by ensuring that Incident Minutes are submitted.

6.13 Designated Superintendents shall nominate the prison's Principal Officer to undertake quality assurance on all incident statistics to ensure compliance with the definitions of incidents according to Appendix 1 – Categorisation of Incidents. The Department's definition must be applied to ensure consistency across all prisons and conformity with National definitions.

7. Deaths in custody

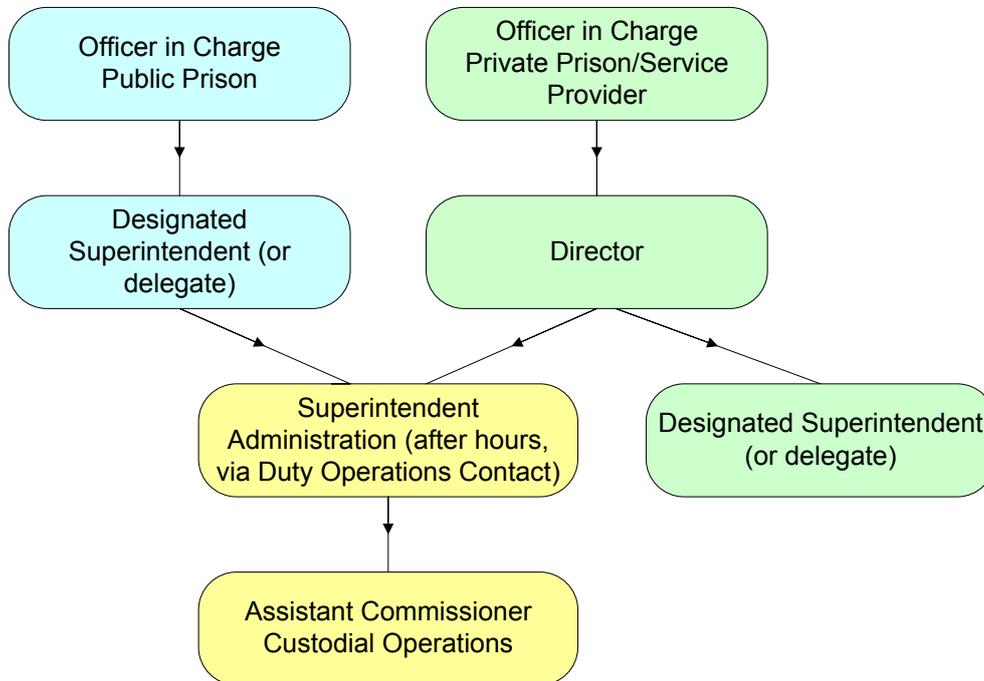
7.1 In accordance with [Appendix 1 - Categorisation of Critical Incidents](#), all deaths in custody are to be reported as a Critical Incident.

7.2 Before writing the description, the Death in Custody Incident Report template must be selected in TOMS.

7.3 There are also specific requirements to be met following a death in custody, full details are contained in [Policy Directive 30 - Death of a Prisoner](#).

8. Notification requirements for Critical Incidents

8.1 The superintendent shall **immediately** carry out the notification process outlined in the flowchart below.



8.2 After hours, the Superintendent Administration is to be notified of the incident via telephone to the Duty Operations Contact. In the event the Duty Operations Contact can not be reached, the Superintendent Administration is to be contacted via telephone directly.

8.3 The Superintendent Administration shall ensure that, where deemed necessary, the TOMS record for the prisoner(s) concerned is locked down preventing unauthorised access. The Superintendent Administration (or delegate) is to contact the CSC Service Desk and ask to speak with the On-Call TOMS Officer.

8.4 Superintendents must ensure that an up to date list of contact details for the relevant notifications is maintained and readily accessible.

8.5 The Assistant Commissioner Custodial Operations (ACCO), in conjunction with the Superintendent Administration, will assess the incident, and determine the onward notification requirements in one of three ways:

- a) **Deputy Commissioner Adult Custodial (DCAC) Notification:** Verbal brief to be provided to the DCAC the following day by the Superintendent Administration or ACCO.
- b) **Departmental Notification:** The Superintendent Administration to immediately arrange for verbal notification to be provided to the media 'on-call officer' and email confirmation to be issued to internal stakeholders via the 'AC-DC-Internal Incidents' distribution group. A decision will be made by the DCAC as to whether the incident requires external notifications as outlined below.

c) **External Notification:** Immediate verbal notification to be provided to the Commissioner, DCAC, Minister's Chief of Staff and media 'on-call officer'. Email notification to be issued to the 'AC-DC-Critical Incidents' distribution group.

- 8.6** For all Critical Incidents, the superintendent shall ensure that a Critical Incident Brief (refer Part 1, Appendix 2) is completed in full and submitted to the Superintendent Administration and JIS (via email) within one (1) hour of acknowledging a Critical Incident has occurred.
- 8.7** Upon receipt of the superintendent's Critical Incident Brief, the Superintendent Administration shall ensure a log of critical incidents is kept in a central location, detailing any follow-up actions and additional comments if required.
- 8.8** Superintendents are to conduct a Critical Incident Review and submit a Report within 72 hours of a Critical Incident to the Superintendent Administration, unless the Superintendent Administration requests that the Report be submitted sooner (ie when further information is required to notify stakeholders) – refer Part 2, Appendix 2.
- 8.9** Ministerial Briefing Note
- 8.9.1 In the event that the ACCO or DCAC determines the need for a Ministerial briefing note, it will be prepared by a member of Adult Custodial Executive Support Team, using information provided by the Superintendent Administration, as well as incident reports on TOMS.
- 8.9.2 Briefing notes for private prisons and privately operated custodial services will be prepared by Contracted Services.
- 8.9.3 Briefing notes shall incorporate input from all relevant Divisions.
- 8.9.4 The draft briefing note will be checked by the Superintendent Administration for the following prior to referral to the ACCO:
- Objectivity
 - Transparency
 - Accuracy of fact
 - Accountability
 - Adequacy/sufficiency of information

9. Post incident actions and considerations

Following an incident, superintendents shall ensure that:

- where required, all relative paperwork is completed and reviewed in accordance with the prescribed timeframes. This includes such reports as required under [Policy Directive 5 - Use of Force](#) or [Policy Directive 27 - Procedures Following an Escape](#).
- the Employee Welfare Branch (or equivalent at private prisons) is notified of the incident where relevant to the nature of the incident; this is mandatory in the event of an assault on a staff member, irrespective of the severity of the injury.
- where necessary, practical and reasonable, staff members involved in a Critical Incident be provided the option to complete the remainder of their shift in a different location or unit as to where the incident occurred.

- post incident debriefs are undertaken in line with this Policy Directive.

10. Post incident debriefs

The [Organisational Debriefing Guidelines](#) provide detailed guidance to superintendents and staff regarding the management of debriefs following an incident.

In any debrief the following points should be considered:

- Review of the incident
- Concerns
- Lessons learned
- Good practice identified
- Employee welfare
- Any other relevant matter identified.

At a minimum, superintendents shall conduct an Immediate Debrief after all Critical Incidents in accordance with the following Section.

10.1 Immediate debrief

- 10.1.1 The purpose of an immediate debrief is not to analyse or re-live the incident, nor is it an opportunity to apportion blame or pre-judge investigation findings.
- 10.1.2 The immediate debrief should focus on reassurance, information sharing, normalisation and how staff can support each other.
- 10.1.3 Immediate debriefs should take place immediately after an incident.
- 10.1.4 An immediate debrief shall be undertaken following all Critical Incidents. The superintendent shall determine the need for an immediate debrief in line with the nature of all other incidents.
- 10.1.5 A senior member of staff must chair the immediate debrief.
- 10.1.6 Prison-based staff support must attend and assess the need for additional services.
- 10.1.7 All staff involved in the incident are to be included in the immediate debrief where practicable. Staff wanting to, but who are unable to attend the debriefing, should be followed up either as a group or individually.
- 10.1.8 Care should be taken so as not to compromise investigations by reviewing detail that could impact on staff member's memories or recollection of events.
- 10.1.9 The Department's [Immediate Debrief Report](#) must be completed for all immediate debriefs conducted. A copy of the completed Formal Debrief Report for Critical Incidents only is to be submitted to the Superintendent Administration within seven (7) days of the immediate debrief being conducted.

10.2 Formal debrief

- 10.2.1 The purpose of a formal debrief is to:
 - examine an incident in its entirety
 - look at how the incident occurred
 - determine how the incident was managed

- improve responses to incident management
 - identify and address any concerns from the incident.
- 10.2.2 The superintendent must assess all Critical Incidents to determine the need for a formal debrief.
- 10.2.3 The Department's Formal Debrief Report must be completed for all formal debriefs conducted.
- 10.2.4 Where the superintendent determines that a formal debrief is required, the debrief is to be held and a copy of the Formal Debrief Report is to be submitted to the Superintendent Administration no later than seven (7) days after the incident.
- 10.2.5 Formal debriefs are to be chaired by the superintendent and should include managers, team leaders, specialist staff and external representatives as determined by the superintendent.
- 10.2.6 In accordance with the [Organisational Debriefing Guidelines](#) and depending on the severity of the incident, more than one Formal Debrief may be required. If so, this should occur within four (4) weeks of the incident. Copies of any subsequent Formal Debrief Reports are to be submitted to the Superintendent Administration within seven (7) days of the Formal Debrief.

11. Reporting of suspected misconduct and/or potential criminal activity by staff

Any incident relating to suspected or actual staff misconduct, whether on duty or off duty, must be referred to the Integrity Directorate as soon as practicable after becoming aware of the suspected misconduct or potential criminal activity by staff. Staff may raise their concerns or suspicions in a number of ways and these are outlined in the [Reporting and Management of Suspected Misconduct and/or Criminal Activity by Employees Policy](#) and [Staff Misconduct and/or Criminal Activity Reporting Procedures and Assessment Process](#).

The types of misconduct include but are not limited to:

- corruption - falsification of records, trafficking and fraud
- misuse of official information - unauthorised access and release of information
- misuse of resources - vehicles, emails, credit cards
- neglect of duty - failure to report an incident, compromise security, fitness for work
- abuse of authority - threatening behaviour towards prisoners, intimidation and discrimination
- assaults - sexual, indecent, misuse of force option
- conflicts of interest - improper associations, secondary employment, gifts
- inappropriate personal behaviour - towards other staff; or
- other matters as defined in s 3 of the [Corruption and Crime Commission Act 2003](#)

For serious or urgent matters which arise after-hours, a superintendent or other senior staff member should call (08) 9264 9777.

12. Security Reports

12.1 A Security Report (SR) is not reliant on an incident having occurred but is a tool for staff to report observations, associations, anything that appears unusual or out of the ordinary.

12.2 SRs assist in:

- the prevention and detection of crime
- identification of misconduct or disciplinary matters
- monitoring good order, control and security
- the development of strategies to counteract threats to national interests and the security of the establishment.

12.3 All staff should submit a SR where:

- they observe or are aware of anything that appears unusual or out of the ordinary
- they are aware of any information they feel may be of value in relation to the security or safety of the prison or any person.

12.4 Security staff can submit SRs via TOMS. All other staff in:

- public facilities, can submit a JIS Security Report on J-Staff (refer to the JIS Security Reports Capture Portlet).
- private facilities, can submit SRs to their respective Security Branch via the approved processes locally. The Security Branch shall then provide all SRs to JIS.

12.5 Information submitted via a SR is to be timely, factual, transparent and as detailed as possible to permit further investigation if required.

Examples:

- Prisoner X was overheard saying that prisoner Y owed him a lot of money.
- When listening to the PTS, Prisoner X asked his girlfriend to bring him something on their next visit.

12.6 A SR provides for a proactive rather than a reactive response, thus an increase in the number of SRs should lead to a decrease in the number of incidents.

13. Supporting appendices

- Appendix 1A – Assaults – Critical and Non-Critical
- Appendix 1B – Critical Incidents (Other than Assaults)
- Appendix 2 – Critical Incident Brief and Critical Incident Review

The Deputy Commissioner Adult Custodial and/or the Assistant Commissioner Custodial Operations may update the supporting appendices to this policy as required.

14. Approval

Commissioner

Signature:



Date: 6 March 2014

15. Policy sponsor

Assistant Commissioner Custodial Operations

16. Contact person

The following person may be approached on a routine basis in relation to this policy:

Superintendent Administration - Adult Custodial

Duty Operations Contact (for reporting of incidents after hours) – Telephone 0419 942 654

17. Amendment history

Version	Approved	Effective from
1 First Issued	June 2003	18 June 2003
2 Amended	30 March 2009	1 April 2009
3 Amended	4 October 2010	11 October 2010
4 Amended	31 December 2010	7 February 2011
5 Amended	14 January 2014	19 January 2014
6 Amended - Appendix 3 and recapture reporting section removed to PD 27	6 March 2014	28 March 2014