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Report No.



Report of an Announced Inspection  
of Metropolitan Court Custody Centres  
November 2001



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES  
WESTERN AUSTRALIA

**Report of an Announced Inspection of  
Metropolitan Court Custody Centres – November 2001**

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# The Inspector's Overview

## THE POTENTIAL BENEFITS OF CONTRACTING OUT THE MANAGEMENT OF COURT CUSTODY CENTRES HAS NOT YET BEEN ACHIEVED

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### COMMERCIAL FACTORS

This Office has previously reported on Adult Prisoner Transport Services<sup>1</sup>. That Inspection revealed that contracting out those services had for the first time enabled the needs and the costs to be identified, rather than remain buried in the uncosted resource allocations of a range of service providers, including the Police, the Sheriff and the prisons side of the Department of Justice. However, it also showed that the new arrangements were, to that point, bedevilled by commercial disputation between the parties. The goal of 'partnership', which had driven the project, was still an elusive dream.

This inspection of court custodial services – the second most onerous component of the so-called CSCS<sup>2</sup> contract commenced by AIMS Corporation on 31 July 2000 – mirrored these earlier observations. Certainly, the extent of service needs can now start to be sensibly quantified and costed, where previously public service practices obfuscated the realities. But, equally, the State authorities, apparently somewhat taken aback by the bottom line costs, and AIMS, struggling to cover its shrinking commercial base in Australia, are locked in commercial dispute and complicated arbitration proceedings. The mutual distrust is palpable and toxic. The responses to our Recommendation 2 about staff training epitomises this point: the Department states that it will ensure that AIMS complies with its contractual obligation whilst AIMS says that it requires additional funding from the Department to provide such training. From a public interest point of view, this kind of deadlock is destructive and foolish; there must be a middle position.

Until these matters have been settled and, even more importantly, until the arbitrated outcome has been accepted by both parties as the base line for the next stages of their relationship and the provision of services, the full benefits of contracting out will not be realised. As the contract nears the end of its second year, it really is time for AIMS and the Department to put their differences aside and act fully in the public interest.

### THE PREMISES

These are of varied quality, some court custody centres being frankly appalling. Sometimes this can affect the ability of the Contractor to deliver services to an agreed standard – for example, with regard to not mixing different categories of prisoner. Previously, this sort of issue was hidden from view. But now that it is visible, what is the duty of the Department, as owner of the premises? The response to our Recommendation – that the suitability of premises for the delivery of the required services to the required standards should be assessed – has simply been to say that it is not currently funded to undertake the suggested capital works. Obviously, as at the moment of that response, this is true. Nevertheless, with the publication of this Report, the game must surely change; the Department must start putting together the business case for these capital works with energy and commitment.

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<sup>1</sup> *Report of an Announced Inspection of Adult Prisoner Transport Services*, Report 3.

<sup>2</sup> Court Security and Custodial Services (CSCS).

## THE POTENTIAL BENEFITS OF CONTRACTING OUT THE MANAGEMENT OF COURT CUSTODY CENTRES HAS NOT YET BEEN ACHIEVED

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Even so, some matters stand out as urgent priorities that simply cannot be deferred much longer. Foremost amongst these are the sally port arrangements for the Supreme Court, described in paragraphs 2.63 – 2.66 and in the Expert Appraisal commissioned by this Office<sup>3</sup>. These would appear, in the light of the fact that some of the State's most dangerous accused persons are tried at that venue, to constitute a tangible security risk. It is no answer to say, as one senior administrator suggested, that the Chief Justice should re-assign appropriate cases to Fremantle, where security conditions are preferable. Apart from the fact that this is a matter of court administration for the Chief Justice himself to decide upon, the fact is that the sally port is below acceptable security standard for any cases.

The custody area within the Supreme Court was also identified as being unsatisfactory. Two arguments are usually put forward in resistance to suggestions for improvement and modification: first, that it is a heritage-listed building; second, that the Supreme Court will have access to new premises from about 2007/08. As to the first, our Expert Appraisal suggests that the heritage issue is not insuperable; second, at least five more years of potentially unsatisfactory usage lie ahead before 2007/08 and, in any case, after that date the premises will continue to be used for criminal appeals attended by offenders.

Generally, it would seem that court custody conditions have been somewhat neglected over the years and that the time has come for the development of some kind of master plan for renovation and refurbishment. Our preliminary visits to some non-metropolitan custody centres have revealed conditions that indicate that any such master plan must encompass all centres throughout the State.

### HIGH SECURITY ESCORT PRISONERS

The Department categorises some prisoners – 48 as of 26 March 2002 – as requiring high security escort. This means that their movements outside prisons are controlled by a specialist squad of armed personnel, supported by an escort vehicle, and that the prisoners are in restraints within the vehicle.

It seems surprising that prisoners who, according to one measure of risk assessment, apparently pose such a high risk to the community can be delivered to the sally port of a court and left there for supervision and control by a group of unarmed personnel untrained in dealing with such persons. It is not to the point to claim, as the Department does, that this is what the contract requires. These prisoners either pose an unusual danger or escape risk, or they do not.

Possibly, the resolution of this conundrum may lie partly in the definition of high security escort prisoners. There is some basis for supposing that there may be a degree of over-classification – the inclusion of quite a few 'false positives'. Certainly, the usual figure of around 50 such prisoners would seem quite a high number for the profile of the WA prison population. The risk assessment that the Department has promised in its response to the Report should include a review of the processes and criteria for classifying prisoners as requiring high security escort status. The intrusion of these security arrangements into the court precinct is in itself sufficient reason for such a review.

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<sup>3</sup> See Appendix 2.

## THE POTENTIAL BENEFITS OF CONTRACTING OUT THE MANAGEMENT OF COURT CUSTODY CENTRES HAS NOT YET BEEN ACHIEVED

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### AIMS STAFF

The Inspection revealed that AIMS staff are, on the whole, reasonably well regarded by those who have to deal with them in a day-to-day context – prison officers, court officers, some police and even many prisoners<sup>4</sup>. There was a feeling that, despite the high turnover in the early days of the contract, people were committed and conscientious. Indeed, in a sense, AIMS has a better staff complement than it is entitled to expect, for what also emerged was the lack of in-service and follow-up training and, related to this, the low regard in which the Head Office managers were generally held.

### INTERACTIVE ASPECTS OF THE INSPECTION

This Office has always been more committed to improving services than collecting scalps. So it is a matter of some satisfaction that both parties, despite some angst at aspects of our earlier draft Report, have commenced changes to their practices. The Department, for example, has started on-site monitoring, not just of the transportation side of the CSCS contract but also of the court custody centres. Compliance simply cannot be effectively checked through paper audits, and the recognition of this is laudable. Similarly, AIMS has posted a co-ordinator on-site at the Central Law Courts – the most difficult of the current locations.

### SUMMARY

Having acknowledged these improved practices, it nevertheless must be said that both parties must take a more holistic approach, along the lines of our Recommendations, to change and improvement. The problems we have identified will mostly be evident also in the non-metropolitan centres, so a constructive step would be for the parties to examine these for themselves and commence improvements before our own forthcoming Inspection of those centres is completed.

The most cogent need, however, is for a resolution of the commercial squabbles, so that in the public interest a reasonably promising start may be consolidated.

Richard Harding  
Inspector of Custodial Services

*26 March 2002*

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<sup>4</sup> An exception, as discussed in the text, relates to some staff at the Central Law Courts.

# Chapter 1

## THE MANAGEMENT OF COURT CUSTODY CENTRES

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### BACKGROUND AND CONTEXT

- 1.1 Court custody centres were created to support court proceedings. They are the custodial facilities contained within a court complex to provide for the detention of persons in custody before and/or after a court appearance. The centres should be distinguished from police lock ups, which are cells within police stations that hold individuals who have been arrested or otherwise lawfully detained by police. Lock ups have no direct connection to the operation of courts, but police often deliver arrested persons from there to court custody centres for a court appearance. The centres also perform a different function than prisons, which generally provide accommodation to sentenced prisoners or those remanded by court order to await further court proceedings.
- 1.2 Historically, the Office of the Sheriff of Western Australia was responsible for the custody of persons appearing before the Court. *The Prisons Act 1903* specifically recognised that the custody of all persons who were not sentenced prisoners shall, ‘together with all powers, rights, obligations and liabilities in respect of such persons...continue to be vested in and incident to the Sheriff’<sup>5</sup>. In the 1980s the Sheriff also assumed responsibility for all matters relating to court security. During this time, the Western Australian Police Service (WAPS) and the Prison Service also had some operational responsibility for courtroom security.
- 1.3 In 2000, the Department of Justice (the Department) contracted out the delivery of court custodial services and court security to the privately operated AIMS Corporation (the Contractor)<sup>6</sup>. This was made possible by the enactment of the Court Security and Custodial Services Act 1999 (the Act). The Court Security and Custodial Services Contract (the Contract) was entered into on 17 January 2000, and the provision of services commenced on 31 July 2000. With the passing of the Act responsibility was placed upon the Sheriff to perform certain functions including:
- Consultation with the chief judicial officer regarding issues of court security or custodial services provided by the Contractor;
  - Acting as the official representative of the chief judicial officer in dealings with the CEO of the Department; and,
  - Acting as the representative for the chief judicial officer during consultation with the Department on all matters relevant to the Contract at court complexes<sup>7</sup>.
- 1.4 To this end, the Sheriff should be an integral cog in the operation of court custody centres and the functioning of the Contract. The WAPS ceased all official involvement in court security and custody matters in those court complexes covered by the Contract; however, it still operates court custody centres in some regional areas not covered by the Contract. There is frequent contact between WAPS and Contract staff as arrested persons are lodged in Contract operated custody centres to appear in court.

<sup>5</sup> *Prisons Act 1903*, Section 13(2).

<sup>6</sup> For a more extensive history of the contracting out of custodial services in Western Australia and the relationship between the Department and the Contractor, see Report Number 3 of the Office of the Inspector of Custodial Services (2001): *An Announced Inspection of Adult Prisoner Transport Services*, Chapter One.

<sup>7</sup> *Court Security and Custodial Services Act 1999*, Section 37.



1.5 Section 3 of the *Court Security and Custodial Services Act 1999* provides the legislative definition of a court custody centre. It states that a centre incorporates a part of court premises, other than the dock in the courtroom, where persons in custody are detained and that is not accessible by members of the public without the permission of the person in charge of the centre. This definition formed the parameters for the Inspection conducted by the Inspector of Custodial Services.

### INSPECTION METHODOLOGY

1.6 On 8 October 2001, the Inspector of Custodial Services announced his intention to conduct an Inspection of nominated metropolitan court custody centres, incorporating the facilities and provision of services at the following court custody centres:

- Armadale
- Fremantle
- Rockingham
- Supreme Court of Western Australia
- Midland
- Central Law Courts
- Joondalup

1.7 The principal focus of the Inspection was to report on the treatment and conditions of persons in custody, the performance of the Contractor in meeting the service requirements as stipulated in the Contract<sup>8</sup> and the interaction of the Department, the Contractor and the Western Australian Police Service in the delivery of services. While the Contract covers court custody centres throughout Western Australia, it was decided to limit this Inspection to custody centres within the metropolitan area. The Inspection was also limited in scope to court custody centre services, rather than the whole scope of the Contract, which includes the provision of prisoner transport services, court orderly work, the guarding of prisoners when not within the prison (for example during hospital stays) and other security services.

1.8 The official Inspection process incorporated preliminary liaison visits to court custody centre sites, as well as verbal presentations and written submissions from both the Department and the Contractor. These processes assisted in the development of an inspection plan, which included the identification of a number of key issues or assumptions developed from the information gathered. In addition to the service requirements stipulated in the Contract, these assumptions formed the basis of the inspection process. A crucial element of the Inspection was to determine the treatment and conditions of prisoners and other persons in custody.

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<sup>8</sup> Contained in the Court Security and Custodial Services Contract, Schedule 2, Part 3.

## THE MANAGEMENT OF COURT CUSTODY CENTRES

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- 1.9 Each court custody centre was subject to a formal Inspection. The Inspection Team is listed at Appendix 1. Members of the Inspection Team spent a number of hours at each centre observing the operations of the custody centre, and interviews were conducted with staff and persons in custody. Meetings were also held with heads of the various court jurisdictions<sup>9</sup>, judicial support officers at each court complex, clerks of court and registrars and, at some locations, WAPS personnel. Each of these is a key stakeholder in the operation of court custody centres and is a client agency of the Contractor that requires service performance. As such, they informed the Inspection Team about their interaction and observations of the performance of the Contractor.
- 1.10 The findings of this Report were derived from a process of triangulation. The opinions and observations of each Inspection Team member were confirmed by other Team members, and each finding was backed up by direct observations, the examination of records, interviews with persons in custody and stakeholders, and the requirements of the Contract and customers.
- 1.11 It is the intention of the Inspector to maintain a system of continuous inspection through periodic visits to all court custody centres operated by the Contractor. While the formal Inspection of the nominated centres is complete, Inspections Officers will have an ongoing role in liaising with court custody centres throughout Western Australia to document the development of service standards, the delivery of services and the maturing of Contractor staff through training and experience.

## AN OVERVIEW OF THE OPERATION OF METROPOLITAN COURT CUSTODY CENTRES

- 1.12 The Contractor took over the management of the existing custodial centres and facilities; however, asset ownership remained with the Department. The seven court custody centres inspected range in age from less than a year old at Fremantle, to the nineteenth century heritage listed Supreme Court facility in Perth. This has resulted in a huge disparity between sites in relation to cell capacity, amenity and safety.
- 1.13 Due to the specific function that court custody centres perform, persons in custody only spend relatively short periods of time confined to the cells<sup>10</sup>. As a consequence of this, the amenities are fairly basic, and typically each cell is expected to hold multiple numbers of persons in custody. Court custody centre cells are not designed specifically to cater for the different needs of males, females, juveniles, adults, individuals requiring protection and those held under the Mental Health Act<sup>11</sup>. Many of the custody centres currently provided by the Department limit the ability of the Contractor to fulfil this obligation to segregate, and impact negatively upon the safe management of persons in custody. In addition, many locations do not have a proper cell for the monitoring of persons in custody who are at risk of self-harm, and lack satisfactory electronic monitoring systems.

<sup>9</sup> The Chief Justice of the Supreme Court, His Honour David Malcolm, Chief Judge of the District Court, His Honour Ken Hammond and the Chief Stipendiary Magistrate, His Worship Steven Heath.

<sup>10</sup> Persons in custody can spend up to nine hours in the cells, depending on the time they are delivered to the centre, the time they are transported away from the centre, and the time spent out of cell in court. Custody centres do not provide overnight accommodation. When necessary, the Contractor will lodge persons in custody with the WAPS or in prisons, depending on the relevant jurisdiction.

<sup>11</sup> *Court Security and Custodial Services Act 1999*, Section 30 requires the segregation of certain kinds of persons in custody, including separation based on gender, age, intoxication and mental health conditions.

- 1.14 Despite the short-term nature of the detention at court custody centres, a duty of care still exists to provide a safe and secure environment, with the provision of a number of essential services. Access to food, drinking water, fresh air and toilet facilities are basic among these. As a court facility, it is also essential that persons in custody have confidential access to legal counsel, can access and safeguard relevant documentation for court appearances, and use telephone facilities to arrange for release on bail or surety. The potential for incidents of aggression and self-harm are also exacerbated when persons in custody receive adverse court decisions or sentencing outcomes; therefore, a safe environment with facilities to cope with such incidents is important.
- 1.15 The Inspection has identified the court custody facilities of the court custody centres themselves as an issue that needs to be addressed at many locations. Chapter Two of this Report will examine the facilities and the limitations they place on service delivery further.

### STAFF – AUTHORISATION AND TRAINING

- 1.16 The first groups of staff employed at court custody centres were selected from a pool of applicants who had responded to public advertisements. Successful applicants were provided with broad-based training to enable them to provide all of the services contracted out to the Contractor<sup>12</sup>, rather than receiving instruction in duties specific to court custody centres. The Contractor intended in this way to give itself flexibility in deploying staff according to service need. Duties performed by staff based at court custody centres include perimeter building security<sup>13</sup>, courtroom security, dock guards, court orderly and custody centre security and services to persons in custody<sup>14</sup>.
- 1.17 Following the successful completion of the training course, the Department then had the function of ‘vetting and control of contract workers in relation to high-level security work’<sup>15</sup>, a category encompassing all court custody centre staff. The *Court Security and Custodial Services Act 1999* establishes the procedure requiring each individual contract worker to apply for a permit to do high-level security work. This involves providing information to the Chief Executive Officer (CEO) of the Department in relation to the potential worker’s criminal record, employment history, and any other relevant matter<sup>16</sup>. The worker must provide a photograph and may also be required to provide fingerprints or palm prints to the police<sup>17</sup>. Based on this information, the CEO will decide whether to issue the non-transferrable permit. It is an offence to perform any high-level security work without a permit, and is punishable by three years imprisonment<sup>18</sup>.

<sup>12</sup> The Contract provides for the Contactor to provide adult and juvenile prisoner transport services, court custody centre services, and other security related functions at court complexes.

<sup>13</sup> Except at the Central Law Courts where the Contactor has separated this function by employing another team of workers dedicated to this task.

<sup>14</sup> This includes receiving the persons in custody, processing paperwork involved with the receipt, processing paperwork from the court in relation to the outcome of the cases heard, and, if necessary, processing the bail and release of the person in custody.

<sup>15</sup> *Court Security and Custodial Services Act 1999*, Division 2.

<sup>16</sup> *ibid.*, Sections 50 and 52.

<sup>17</sup> *ibid.*, Section 53.

<sup>18</sup> *ibid.*, Section 50.

- 1.18 During the initial training period, the Contractor identified staff that it believed would be competent to perform as supervisors at the court custody centre locations<sup>19</sup>. These staff members were provided with an additional two-week training course covering topics such as leadership, management and record keeping.
- 1.19 The Contractor does not classify the majority of staff as full-time employees, rather it has varying levels of part-time and casual positions<sup>20</sup>. The employment structure was designed to allow for flexibility in staffing levels at locations depending on need, as each individual court custody centre has quiet and busy days that impact upon service requirements. This enables the full-time supervisor at each site to control the rostering of staff.
- 1.20 AIMS management allocates a number of employee hours per day to each location within which it must operate, and the supervisor decides how many staff can be rostered on each day within these constraints. These allocations are based upon three elements: the facilities at the site, the court sitting hours, and the services required by persons in custody. Court sitting hours, therefore, drive the operation of court custody centres, and this places considerable stress on local site management for hours worked to correlate closely with these.
- 1.21 The Inspection has revealed a number of serious staffing issues that need to be addressed, including a shortage of staff on busy court days at many locations, the absence of ongoing staff training and a lack of interaction and therefore guidance and control from AIMS head office. These issues will be examined further in Chapter Two of this Report.

### COURT CUSTODY CENTRES AND PERSONS IN CUSTODY

- 1.22 Generally, persons who come into the custody of staff at court custody centres have either been received from a prison<sup>21</sup> or from the WAPS or are bail surrenders. Not all persons who appear before the court are held in custody before and/or after their appearance, which is reliant upon the order of the court.
- 1.23 Court custody centre staff are informed in advance as to how many and which prisoners will be arriving from prison for court appearances. The prisoners are transported by the Contractor's transportation service to the centres. From many prisons<sup>22</sup> this service is usually somewhat like a bus, with the vehicle making stops at a number of prisons on its route, collecting prisoners due to appear at the courts which that particular route services. This means all prisoners at each prison are picked up at the same time, regardless of their scheduled court appearance time. This can result in some prisoners spending many hours waiting in the sparse court custody cells. The same is true of return

<sup>19</sup> Each centre has one supervisor, with the exception of the Central Law Courts that has three supervisors, and the Supreme Court, which has two.

<sup>20</sup> At the commencement of the Contract there were only two categories of employees, full-time permanent or casual. In April 2001, the categories were expanded to include permanent flexi-time employees.

<sup>21</sup> Having been either remanded or sentenced previously and then being ordered to reappear for a judicial purpose. The Contractor therefore has no influence over who is received, nor how many prisoners are received.

<sup>22</sup> Including Western Australia's two largest high security male prisons, Casuarina and Hakea.

journeys. Prisoners must often wait until the end of the court day to enable all prisoners to be taken on the circle route back to each prison at one time<sup>23</sup>.

1.24 The unknown factor for staff is how many people they may receive from the WAPS following an arrest. This has implications for staffing levels and therefore for services that can be provided to the person in custody. Staff must process the new receivals and provide access to telephone calls to arrange legal representation or bail. They might not have the benefit of information about the background of the individual that assists in the proper management of the person in custody.

1.25 The complex arrangement of receiving persons directly from WAPS causes a number of issues for centre staff. Even if it is late into the court sitting day, centre staff must accept the individual and remain on site until the case has been heard by the court and orders actioned. This could mean delaying the transport of prisoners back to prisons, as the court may order the person be placed in custody. If the court has finished sitting for the day, the individual cannot be accepted at the centre and must be taken to the East Perth Lockup<sup>24</sup>.

### SUMMARY – KEY ISSUES

1.26 On the surface, the provision of services to court custody centres appears to be a simple task. But it is in fact a complex set of arrangements and duties requiring competent and appropriately trained staff. The Inspection revealed issues that need to be addressed by the Contractor and/or the Department in five key areas. These issues involve:

- Staffing arrangements;
- Training and professional development;
- Contract management and on-site support for staff from the Contractor;
- Department Contract monitoring and grievance procedures; and,
- The adequacy of physical court custody centre facilities.

Each of these will be examined in detail in Chapter Two.

1.27 Some of the problems observed during the Inspection require urgent attention and the Inspector will monitor progress on these issues, expecting short-term improvement. In the case of staffing and training issues, urgent action is required to prevent a culture of self-preservation developing within some centres, as staff focus on managing conflict at the expense of delivering high quality judicial support services. Important issues of public safety, respect for the presumption of innocence and the

<sup>23</sup> Court custody staff do endeavour to clear prisoners who have completed their hearings in the afternoon and this is often successful at the larger centres. Also, staff are diligent in contacting the transport service as soon as the court day is completed.

<sup>24</sup> In its response to a draft of this Report the Department outlined the requirement of the Contractor to provide for bail assistance. It stated that the Contractor is required to deliver all sentenced and remand prisoners to prison. It has been the practice that those on remand with good prospects of being released on bail on the day of their court disposition should not be returned to prison but should remain at the court until a surety presents. If this does not occur, the defendant is supposed to be delivered to the East Perth Lockup where WAPS manage the bail process.

preservation of the integrity of the trial process are in jeopardy due to the inadequacy of some court custody centre facilities.

- 1.28 The Inspector has progressively briefed both the Department and the Contractor during the course of this Inspection. In particular, the likely findings were indicated to the CEO of the Department of Justice on 17 December 2001 and to the Operations Manager of AIMS Corporation on 21 November 2001<sup>25</sup>. Consequently, some issues identified in this Report have started to be addressed even before a draft had become available. This is a welcome trend. The highlight of this is that the Department has, in response to our criticism, moved to establish on-site monitoring rather than office-situated paper audits.

<sup>25</sup> A further briefing was provided to the General Manager of Contract Services of AIMS Corporation on 7 January 2002.

# Chapter 2

## DELIVERY OF THE SERVICE

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### INTRODUCTION

2.1 The Court Security and Custodial Services Contract sets out the specific service requirements for court custody services. The focal point of this Inspection was the services provided to the prisoners within each court custody centre. These services are defined in Section 10 of the *Court Security and Custodial Services Act 1999* as:

- Safety
- Security
- Control
- Care and welfare

There is also an obligation with regards to the management and safekeeping of the personal property of persons in custody<sup>26</sup>.

2.2 Each of the court custody centres inspected provides the above services at varying levels, ranging from excellent to barely coping. What became evident, however, was that a number of common issues and themes arose at every site that have the effect of hindering the full provision of these services. Each of these themes will be examined, highlighting examples from each of the seven court custody centres inspected. There were also some issues that need to be addressed that were site specific, and these will be examined later in this Chapter.

### STAFFING

2.3 The courts at various locations throughout the metropolitan area have different volumes of cases passing through their courtrooms and, as a consequence, the demands on the court custody centres at each site also differ. As stated in paragraph 1.20, the number of courts at each location and their sitting hours determines the number of staff hours allocated at that site.

2.4 Regardless of the size of the court custody centre and the number of work hours allocated, the Inspection found universally that on arrest days<sup>27</sup> all court custody centres are understaffed. The work hours allocated to each centre are not adequate in terms of both safety for staff and persons in custody, and the ability for staff to be able appropriately to provide the services as contracted. The converse was also sometimes found; however, in that occasionally there were too many staff rostered relative to the court sitting demands.

2.5 Without exception, all custody centres stated that they requested additional casual staff from AIMS head office on busy days, and generally this request would not, or could not, be granted. However,

<sup>26</sup> *Court Security and Custodial Services Act 1999*, Section 11. Schedule 2, Part 3, Paragraph 3.3.1 of the Contract also stipulates that the provision of procedures for the management of personal property is a service requirement.

<sup>27</sup> Court listings are most voluminous on so-called 'arrest days', when the courts reassess the cases of those who have been released on bail or remanded into custody. Technically, those individuals are arrested back into the custody of the court, which then reassesses the cases and makes a decision whether to continue the bail or remand.

## DELIVERY OF THE SERVICE

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custody centre supervisors in these instances may retain staff members from the transport vehicles between deliveries of persons in custody as a stop gap measure<sup>28</sup>.

- 2.6 Tight controls on staffing levels are exemplified by the fact that at most sites the supervisor must also take on a rostered position (such as perimeter security guard, custody centre guard, dock guard) as well as being responsible for the management and co-ordination of the court custody centre. At some sites, such as Armadale, this can be accomplished without significant disruption to services or proper management. At most, however, the result is a gap in service, as the supervisor must necessarily attend to managerial functions and incident management at the sacrifice of performing the rostered function. Most often this seems to be the perimeter security of the court complex, as it is the most easily relinquished without disruption to court sittings. In the process, service delivery gaps emerge which may jeopardise public safety. Unless there is a clear separation of the duties of the supervisor from that of rostered staff, there is a tendency to manage downwards without proper regard to policy and operational principles.
- 2.7 An additional consequence of supervisors taking on a rostered position is that many have to complete the necessary paperwork and record keeping function of management in their own time. As the Contractor has directed supervisors not to work overtime without the consent of head office management, the essential paperwork that must be completed is done after hours on a regular and ongoing basis. Some supervisors stated that they were not satisfied with the standard of record keeping at their site based solely on the fact of time restraints.

### Armadale

- 2.8 The court custody centre at Armadale Court Complex operates with one permanent staff member (the supervisor) and two permanent part time staff. The hours allocated to the centre generally dictate that, while all three are rostered on in the mornings, the two part time staff members are stood down in the afternoon, leaving the supervisor as the only Contract staff person on duty. He is then required to perform the separate functions of dock guard and perimeter security, and in the event of more than one person being in custody, those not appearing in court must be left in the custody centre unsupervised. This situation is unacceptable as it is essential that persons confined to the court custody centre be supervised at all times.
- 2.9 From January to September 2001, the Armadale court custody centre has detained an average of 92 persons per month. Both the Magistrate and the Clerk of Courts praised the court custody staff as competent and efficient, although concerns were raised about the low staffing levels and the possible safety and security consequences for court and Contract staff. There was a belief that the overcrowding in cells<sup>29</sup> put staff under inordinate amounts of pressure, but they generally coped very well. Two prisoners held in the cells on the day of the Inspection said that the staff were confident, professional and respectful.

<sup>28</sup> The Inspector has some concerns about this practice. While vehicle transport staff initially received the same training as custody centre staff, the lack of relevant experience in the court custody centre environment has resulted in some transport staff acting inappropriately while making up numbers at the centres. Allegations have included unlawful use of force.

<sup>29</sup> See 2.56 – 2.59, concerning Armadale custody centre facilities and overcrowding.



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2.10 An examination of the allocation of hours at the Armadale site raised an issue concerning the extent to which the allocation is being utilised. The Contractor has allocated the custody centre 123 working hours per week. The supervisor has in fact kept this down to 110 per week, indicating that there is some capacity to provide afternoon staff on busy days. Work hours have been assessed at sites to determine how best to provide the services needed by those in custody and the courts. For actual hours worked to fall so far beneath that allocated calls into question the Contractor's proper fulfilment of its service obligations, as well as the capacity of the parties to negotiate realistic Contract variations<sup>30</sup>.



*The office for processing prisoners at Armadale is a bench in the main corridor.*

### Fremantle

2.11 Fremantle operates with an average of six staff per day, with a maximum of eleven on busy days. The supervisor stated that three to four staff (including herself) were always rostered to the custody centre itself, with one staff member in charge of the reception desk and two for escort duties should a prisoner be required in court. The average number of persons in custody per day is 11, with approximately 50 per cent being received from prisons, and 50 per cent from WAPS arrests. The majority of WAPS receipts occur in the afternoon, a fact which impacts on staff finishing times, as does the frequent late arrival of transport to take prisoners back to prisons.

2.12 Representatives from client agencies (such as the Court and WAPS) stated that they were satisfied with the calibre of staff and the quality of service provided. Persons held in custody said that the staff treated them well, they felt safe and facilities were good compared to other centres they had attended. The Inspection Team observed that the staff had confidence in each other and worked well together. This was confirmed when observing staff members dealing with a difficult prisoner who did not want to be confined in a cell. After being received from the WAPS, the prisoner became distressed, stating he did not want to be arrested, had never been in prison before and that he had done nothing wrong. Staff spent time calmly explaining to him that he had in fact already been arrested, and that they were simply responsible for holding him until he could appear in court. They talked him through his charges and allowed him to make numerous telephone calls so he could try to find legal counsel and speak to his family. Eventually, he acquiesced to being placed in a cell, and remained calm throughout the rest of his stay.

### Supreme Court of Western Australia

2.13 The court custody centre at the Supreme Court of Western Australia has an average of five rostered staff per day. The number of persons in custody varies widely from day to day. In the week preceding the Inspection, the lowest number was five, the highest 26 and the average for the week was ten per

<sup>30</sup> Supervisors at other sites did not know the allocation of hours for their work location from the Department and were unaware of the flexibility provided to deliver the contracted services. It was not possible, therefore, to determine if the discrepancy of work hour allocations was a common practice.

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day. Persons in custody stated that staff were very approachable and were considerate in carrying out their duties.

### Midland

- 2.14 The court custody supervisor at the Midland Court Complex stated that he has insufficient time to properly supervise his staff because he is too busy attending to routine operational duties. During the Inspection an incident occurred involving a distressed person in custody who attempted to self-harm. The entire staff deployment was consumed by the incident, and although they were trying to assist to the best of their ability the outcome was chaotic. Staff stated that they do not feel safe in the custody centre because of staffing levels and training limitations. Another prisoner held at the centre was complimentary of the staff, stating that officers had been very compassionate and respectful during previous periods of detention and spent a lot of time talking to him when he had been upset.
- 2.15 As with other sites, perimeter security is patchy. The supervisor has negotiated an arrangement with WAPS not to receive any arrested persons after 1:00 p.m., as staffing arrangements would not allow the centre to cope<sup>31</sup>. This agreement, while necessary in the circumstances, means that the Contractor is not providing the service committed under the Contract so that services that naturally belong to this location are transferred to another location. This potentially complicates custodial management and may reduce the options of bail for newly arrested persons in custody.

### Central Law Courts

- 2.16 The Central Law Court (CLC) is the busiest of the court complexes, with approximately 50 persons being held in custody every day<sup>32</sup>. There are eleven full-time, 20 flexi-time and three casual staff on site, with perimeter security and court orderlies being managed from a separate pool of workers. Unlike most other court custody centres, staff at the CLC work overtime to provide the necessary services as the Contractor has experienced problems obtaining casual staff to work there. Alternatively, when extra staff are required, transport drivers are sometimes utilised.
- 2.17 The Inspection Team was concerned with some aspects of staff deployment at the centre. Rostered staff are routinely found standing in the corridor between the detention cells, and seem to spend a lot of their time talking together and staring into the cells<sup>33</sup>. The Inspection Team was informed that the staff were there to prevent damage to the cells' observation cameras, but in observing the practice there did not appear to be any real purpose to this. When interviewed about this arrangement, persons in custody stated they found it intimidating and unnecessarily confrontational. As the adequacy of staff levels have been at issue at the centre, this does not seem to be a productive use of staff resources, and its purpose and usefulness need to be reassessed<sup>34</sup>.

<sup>31</sup> In contrast, the Department stated that such an arrangement could only occur with the consent of the relevant Judicial Officer, and it was routine for late arrests to be transported to the East Perth Lockup for an appearance at the Central Law Courts the next day. The point is that shifting caseloads in this way places pressure on WAPS resources and impacts negatively on services available to persons in custody. See also footnote 24.

<sup>32</sup> Recent reports have stated that up to 84 prisoners have been housed at the centre.

<sup>33</sup> These were not cells designed to hold prisoners at risk of self-harm, who may require more direct supervision.

<sup>34</sup> In its response to a draft of this Report, the Contractor stated that this practice was implemented at the request of the client agency but has now ceased following discussions between the parties.

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### Rockingham

2.18 On arrest days at Rockingham up to 36 persons in custody are held with a roster of one full-time and four flexi-time staff to cover court and security functions. The supervisor stated that he is concerned this limits the delivery of services to persons in custody and may place their safety and well being at risk. The Clerk of the Court stated that the only substantive issue of contention he had experienced with the site supervisor concerned a discrepancy between the number of hours that the court was sitting and the number of hours being worked by custody centre staff. Both the Clerk and the supervisor attributed this to the untimely transportation of persons in custody out of the centre. It is an issue that has remained unresolved. Staff were confident in the abilities of their co-workers and enjoyed a positive working relationship, and as a result the centre presented as functioning well.

### Joondalup

2.19 Joondalup court custody staff reflected the concerns and issues regarding the ability to provide the Contracted services at the other sites. The centre is staffed by three full-time employees and three part-time staff, with an allocation of 41.6 working hours per day. Busy days for the centre are Tuesdays when all courts are sitting, as well as arrest and remand days on Wednesdays and Fridays. Generally, the supervisor stated that staff are confident in their ability to service the needs of persons in custody and the courts, except on Wednesdays and Fridays. At these times the centre is tense and staff feel under pressure. Persons held in custody on the day of the Inspection stated that staff were excellent and displayed a genuine caring for those in their custody. The centre impressed as a well-run facility, with staff carrying out their duties in a professional manner.

### Staff Deployment and Flexibility

2.20 As discussed in paragraph 1.19, the Contractor elected to utilise a pool of casual employees with the aim of maximising flexibility and efficiency and allowing staff to be called to any site if and when required. It is evident, however, that this system has not worked. In the first 18 months of operation, the Contractor has experienced a high staff attrition rate of approximately 30 per cent. Most of these have been casual workers dissatisfied with the number of hours and the infrequency and unpredictability of work on offer. This has put a strain on the number of staff available within the casual pool, making it harder for sites to access extra staff on busy days<sup>35</sup>.

2.21 The use of casual staff has been especially problematic at smaller court custody centres in the outer metropolitan area, as most are unwilling to travel to the distant locations for only two or three hours work, and there is little interest from people within the regions to join the Contractor<sup>36</sup>. However, full-time custody centre staff have built a very good team rapport, which is positive in many respects. They feel confident in relying upon each other, performance of duties is safer, and there is a high level of dependability. The negative outcome of this, however, is that casual workers are often seen as outsiders and some resistance to their use is evident. At some sites this has resulted in casual workers

<sup>35</sup> In its response to a draft of this Report, the Contractor stated that since the replacement of the category of casual staff with that of permanent flexi-time staff, the resignation rate has decreased by one third.

<sup>36</sup> This has been an issue at Armadale, for instance.

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being given the most stressful positions, as it is believed they will not complain and can handle the pressure for the short amount of time they attend the centre. This in turn feeds back into attrition rate factor, referred to in 2.20.

2.22 The Contractor is required to provide a number of services to the Department, including transport services for persons in custody and the guarding of prisoners whilst outside the prison, such as at funerals or in hospital. As a result of all staff being trained to perform all of these Contract duties, an understaffed workforce is being asked to perform duties at other locations after they have completed their day's work at court custody centres<sup>37</sup>. For example, both the CLC and Midland Court Custody centres reported that staff had been requested to attend night duties to guard prisoners who had been admitted to a public hospital. This was done without adequate notification to the supervisors at these centres, and staff arrived at work the next day having had no sleep. This is unsafe and unacceptable. Client agencies also confirmed that there had been many occasions when there was sub-standard performance in the courts as a result of this practice. AIMS head office must better co-ordinate its rosters and staff pool to prevent this occurring.

### Conclusion

2.23 Despite the pressure of endeavouring to fulfil the Contract service requirements within resource constraints, staff at court custody centres are generally coping, if only barely on some occasions and in some locations. Supervisors generally manage by keeping on part-time staff for extra hours rather than holding full-time staff over beyond the eight or nine hour shift. This is positive in terms of occupational health and safety, stress levels and the ability to maintain a high level of service to persons in custody. There are also low levels of workers' compensation claims across the sites, which indicate that staff are so far coping with work pressures. Staff have developed the confidence to cope in most circumstances, but this seems to have been as much by good fortune as by design of the Contractor, as will be explored further below.

## TRAINING AND PROFESSIONAL DEVELOPMENT

2.24 The initial training received by staff was outlined in paragraph 1.16. Since this initial training period of six weeks, the vast majority of court custody centre staff have received no further professional development or refresher training. This was a matter of extreme frustration and dissatisfaction for supervisors and their staff, and especially so for staff who had come to work for the Contractor with no previous custodial employment experience.

2.25 Staff reported that they have had to learn how to cope with the more demanding work incidents (such as cell extractions) whilst on the job, and as time has progressed they have become more confident and effective in their work. This was reflected by comments from Judicial Officers and their support staff.

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<sup>37</sup> The Inspection Team viewed staff records that confirmed these staff deployments.

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- 2.26 The lack of training in handling high security risk prisoners was of particular concern to many court custody centre staff. As detailed further at 2.51 – 2.53, the inclusion of high security escort prisoners within the ambit of the Contract is of some concern to the Inspector. These prisoners, who have been assessed by the Department as being at high risk of violence and/or escape, are escorted by specially trained prison officers or police officers from prisons to court custody centres. However, once at the centres, the practice has developed of leaving these prisoners in the custody of Contract staff who have received no specialised training and are not authorised to carry firearms. The risks associated with handling these prisoners are exacerbated by the lower standard of security of the physical facilities at custody centres compared with the prisons from which they came. This places the public, court custody staff, court officials and judicial officers in potential danger. The practice must be reassessed as a matter of urgency; the Department of Justice should accept a continuing responsibility for such prisoners throughout their time at the court complex. However if this does not occur, the training and resourcing needs of staff must be addressed.
- 2.27 It is of serious concern that the Contractor has neglected some essential ongoing training. All court custody centre recruits were provided with First Aid instruction during the initial training course<sup>38</sup>, which incorporated CPR. Since the course over 18 months ago, many staff (with the exception of those at the CLC) reported that they had not participated in the required annual refresher course for CPR. This is dangerous and leaves the Contractor open to potential legal repercussions. The Contractor is fortunate that at many sites individual staff members have independently updated their CPR certification<sup>39</sup>. In some cases these staff members have also provided an informal and uncertified refresher course for their work colleagues. This is not adequate, and all staff must remain current with their First Aid requirements.
- 2.28 Supervisors at many sites have responded to the needs of their custody centre staff by devising their own training sessions. These are conducted either during quiet hours at the centre or in the staff's own time, in an endeavour to try to fill the gaps that supervisors and staff believe exist in their skills or experiences. While these sessions usually provide good opportunities for staff to achieve these objectives, there are potential dangers in this practice. Sessions have not been subject to any quality control and are unauthorised by the Contractor and the Department. The training may contain information that is contrary to official policy or practices and in addition is unauthorised by the Contract. Supervisors are not authorised trainers and the techniques that they are teaching staff may be unsafe. An example of this at one site involved staff being taught dangerous techniques and drills in extracting non-compliant prisoners from cells.
- 2.29 Supervisors have not received any further specialised training since their initial two-week course. In addition, it was reported that the Contractor has failed to provide any training in the managerial skills and the processes involved in the role of supervisor to staff promoted to this role subsequent to their employment. The supervisor at one centre stated that he was promoted to the position following the transfer of the incumbent and had received no training or support from head office to assume this role.

<sup>38</sup> It was a prerequisite of employment that an individual pass the course and receive First Aid certification.

<sup>39</sup> This is generally due to the staff member being involved in surf lifesaving or some other private club activity.

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- 2.30 It also appears that the Contractor does not allow time in its budget for supervisors to train other staff about the role so that they might substitute in the position, should the supervisor become ill or take leave. The supervisor at one site informed the Inspection Team that he was told that, if he wanted to take leave, he would have to find a staff member willing to take over his role. He had done so, and trained the staff member during out-of-work hours. The Contractor must take responsibility for proper training of supervisors and ensure the continuity of staff to enable normal leave arrangements.
- 2.31 It was evident throughout the Inspection that supervisors and staff were eager to learn and develop new skills that would allow them to perform their work to a better standard and in a safer manner. This would be of benefit to the Contractor, as service delivery would improve, and to staff members, who perceive that their work is not being appreciated or supported and their potential is unrecognised. AIMS head office has not acted upon the desire of staff and supervisors for more training. Many problems that have occurred at court custody centre sites could have been avoided had more comprehensive training and ongoing training been provided.

### AIMS MANAGEMENT INTERACTION AND ON-SITE SUPPORT

- 2.32 It is essential in any business for senior management to properly monitor the performance standards of its staff and to take an interest in operational practices. Supervisors and staff at all court custody centres reported that Contractor senior management rarely attend the custody centre sites. This was a serious source of resentment for all staff. Supervisors stated that they have telephone contact with a direct operational co-ordinator in head office, but beyond this contact is spasmodic and rarely face-to-face.
- 2.33 The lack of hands-on operational management by AIMS has a number of adverse consequences. It has prevented head office appreciation of the work pressures experienced at court custody centres with regards to staffing levels and inadequate facilities. Supervisors raise these concerns with their co-ordinator in head office, which are relayed second hand to other members of the management team. This approach does not reflect a management team that takes the concerns of on-site management seriously and creates staff distrust and isolation<sup>40</sup>.
- 2.34 Many sites are developing good work practices, and the lack of head office interaction means that this is not being recognised and supported. Staff at Armadale have developed a number of excellent work practices with regards to record keeping, but the good systems in place cannot be shared with other sites, as head office is unaware of this. The Contractor is missing out on opportunities to reward good work and the skills of its staff, as well as missing the opportunity to spread innovative practices to its other sites.

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<sup>40</sup> AIMS management subsequently confirmed that they were aware of the alienation felt by staff at court custody centres. A survey of staff had been commissioned in September 2001 and found that staff felt senior management were remote, inaccessible and untrustworthy. A communication plan has been developed in response.

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- 2.35 Similarly, due to the lack of ongoing training from the Contractor, as detailed in 2.24 – 2.31, supervisors at many sites have been endeavouring to co-ordinate their own training to assist in skill development and building of staff confidence. Head office management do not seem to be aware of the initiative being shown by its on-site management. While supervisors and staff should be praised and supported for their desire to better their skills and experience, the lack of head office involvement means that the training is ad hoc in nature, is inconsistent and is not universal across the different court custody centre locations. The supervisors on the ground are trying to fill a gap in professional development that is actually the responsibility of management; one that unfortunately has not been met.
- 2.36 Conversely, managerial absence means that operational difficulties at individual sites are not being identified and resolved in a timely manner. In some cases, there is a danger that these practices will become entrenched if allowed to persist for too long. An example of this has been custody centre staff not following appropriate protocols during court hearings and in dealings with the judiciary outside the court<sup>41</sup>.
- 2.37 The situation is even more volatile at the CLC, where there have been a number of allegations of excessive use of force, to the extent that prisoners have signed statements calling for an independent inquiry. The frequency of the use of force and restraints indicate that staff see their job as one of managing conflict and risk, rather than the delivery of a court custody service. On the day of the Inspection, a prisoner allegedly assaulted a custody officer while being escorted to court; however, the prisoner alleges that he was deliberately provoked by officers and had reacted to being assaulted himself<sup>42</sup>.
- 2.38 The Inspection Team followed the response of both the Contractor and the Department to the incident. The Contractor and the Department's contract management team tended to be passive in this case<sup>43</sup>, as in others brought to the attention of the Team. They tended to receive site-based incident reports, and there did not appear to be any strategic analysis of the situational contributory factors. The only recorded action that appears to have been taken is the referral of this and some other cases to the WAPS for investigation<sup>44</sup>. The Department's handling of the incident is examined further at 2.43.

<sup>41</sup> When this issue was raised with the relevant on-site supervisor, he accepted this had been a problem and stated that the lack of initial and on-going training with regards to protocols had contributed to the difficulties. He also said that staffing and time pressures made it impossible for him to tackle the problem by trying to provide on-site training himself, independently of head office.

<sup>42</sup> The prisoner has made a formal complaint to the police, which is under investigation.

<sup>43</sup> In its response to a draft of this Report the Department stated that as the incident was being investigated by the WAPS it was not appropriate for the Department to run a parallel investigation. The Inspector rejects this position. As the Department has a duty of care towards persons held in court custody centres it is its responsibility to fully inform itself of such incidents, the role of its employees and agents, and to implement systems that will identify deficiencies in its operations that may have contributed to such incidents.

<sup>44</sup> Charges of assault brought against the person in custody were subsequently dismissed with an award of \$3000 in costs.

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2.39 AIMS management have endeavoured to operate its court custody management business from a head office in Brisbane and a state office in the Perth central business district. The absence of a hands-on management approach has impacted negatively upon the operation of the centres, and the performance of the Contract. Current disputes between the Contractor and the Department surrounding commercial aspects of the Contract are consuming the attention of AIMS management and have been used to explain this lack of on-site involvement. It has done so at the peril of the very service it has contracted to provide. Senior management must go out into the field and interact with their staff to fully appreciate what is going right with the Contract and what is going wrong. It must support good practice and eliminate what is inappropriate, and it can only do this by observing service delivery on the ground<sup>45</sup>.

## CONTRACT MANAGEMENT AND GRIEVANCE MECHANISMS

### Introduction

- 2.40 The Department of Justice retains the ultimate responsibility for the safety, security, care and well being of persons held in court custody centres. While the Contractor performs the day-to-day delivery of services and maintains a duty of care to the individuals held in custody centres, the CEO of the Department is 'responsible for the security, control, safety, care and welfare'<sup>46</sup> of all persons in custody at a court custody centre or in the court complex generally<sup>47</sup>.
- 2.41 To this end, it is essential for the Department to maintain thorough and systematic monitoring of the provision of services under the Contract by the Contractor and its staff. This would ensure that the Contractor is delivering all services being resourced under the Contract for the number of hours stipulated, and also to ensure that it fulfils its statutory obligations of ultimate responsibility for persons in custody.
- 2.42 The Inspection, however, has found that the monitoring of court custody centre services is commercially orientated and largely based upon a paper audit process. This involves reporting the hours worked by supervisors at each site to court officers, who also take note of any problems that may be affecting the smooth operation of the courts. This information is passed on to a contract management team. There are few field visits by Departmental staff to monitor the performance of Contract staff or to survey persons in custody to record their experiences at the hands of the Contractor.

<sup>45</sup> In response to a briefing provided by the Office to AIMS management regarding the outcomes of this Inspection, several measures have been taken to improve contract management services. These include the relocation of a coordinator to an office near the Supreme Court and the CLC and an additional coordinator being appointed to better manage casual and flexi-time staff placements.

<sup>46</sup> *Court Security and Custodial Services Act 1999*, Section 10.

<sup>47</sup> With the exception of persons who are in the custody of a law enforcement officer other than the sheriff or a bailiff and who has not been dealt with by a court (*Court Security and Custodial Services Act 1999*, Section 10(b)).



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2.43 An incident that exemplified the lack of a proper monitoring procedure was the alleged assault at the CLC on the day of the Inspection<sup>48</sup>. The Inspection Team endeavoured to follow up the actions taken by the Department in the aftermath of the allegations of assault and to ascertain whether there was in fact a standard procedure stipulated for when such incidents occur. There are a number of first principles that should be tested by the Department on each occasion that force is used to the extent that there are visible signs of injury, persons require medical attention or there are complaints to external agencies. These are:

- The degree of force used shall be the minimum required to control the situation or behaviour;
- Force is only used as a means of control and never as a method of punishment;
- Alternatives to the use of force should be considered and used where practicable; and,
- The use of force should be discontinued as soon as practicable after control has been established.

2.44 Actions taken prior to the use of force should include:

- Issue of orders to the persons in custody and allowance of sufficient time for compliance;
- Use of negotiation and conflict resolution techniques;
- Warning that force/restraint may be used; and,
- Ensuring the appropriate authority relative to the degree of force and restraint to be used is obtained.

2.45 It was of some concern to the Inspector that the development of the investigation into the allegations of excessive use of force at the CLC seemed to take place only because of persistent inquiries by third parties, rather than through a set Departmental process that occurs in such circumstances. It is also unacceptable that the prisoner involved had to take his complaints to outside agencies, namely the Western Australian Police Service and the Ombudsman, rather than have them resolved by the Department.

2.46 The superficial involvement of the Department in overseeing the delivery of custodial services compounds the known inexperience of Contract staff. No one is acting in the interests of persons held in custody to ensure humane conditions and fair treatment<sup>49</sup>. Prison staff are sometimes made aware of poor service delivery when prisoners return from court, but this is disconnected from the Department's contract management team.

<sup>48</sup> The details of this are contained at 2.37.

<sup>49</sup> The Inspector of Custodial Services (2001) in Report 3, *Report of an Announced Inspection of Adult Prisoner Transport Services*, made a similar finding with regards to the Contractor and the Department.

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### Grievance and Complaints Mechanisms

- 2.47 Due to the lack of site-based Contract monitoring by the Department, the absence of a formal complaints mechanism for persons in custody is a real matter for concern. If services are not being adequately provided (for whatever reason), what recourse has the person in custody and to whom does he or she complain? Without a presence at court custody centres, the Department is not in a position to know the real level of satisfaction (or dissatisfaction) with the service delivery of those most affected by the system: persons in custody.
- 2.48 The supervisors at each court custody centre location stated that they were not aware of any formal grievance process. Most supervisors said that they had received some complaints, usually relating to property and usually by verbal inquiry rather than in writing. Supervisors had generally dealt with the issues themselves, but in cases where they were unable to assist the person who had been in custody with their grievance, to their knowledge the matter had not been taken any further by the person concerned.
- 2.49 AIMS Corporation confirmed the absence of a formal grievance process during a briefing prior to the commencement of this Inspection. It was stated that they were aware of this shortcoming in the operation of the court custody centres, and that a plan was currently being developed to implement a grievance policy and process. The importance of its completion and immediate implementation cannot be over-emphasised<sup>50</sup>.
- 2.50 Persons in custody have not been encouraged to raise grievances with the Contractor or the Department. The current Contract management arrangements are biased in favour of authors of incident reports. This imbalance is neither in the interests of the Contractor nor persons in custody, and should not be tolerated by the Department.

### Contract Exclusions – High Security Escorts

- 2.51 Schedule 2, Part 3 of the Contract specifically excludes the provision of certain court custodial services and stipulates that they ‘will not be managed by the Contractor, albeit that they may be held and guarded in facilities managed by the Contractor’<sup>51</sup>. Among the exclusions is the transportation of high security prisoners. These prisoners are assessed by the Department as being at high risk of escape and/or violence. The terms of the Contract state that these prisoners are in the charge of the Department’s Emergency Response Group (ERG) or the WAPS, and ‘in these cases WAPS or ERG may provide all escorts and guards’<sup>52</sup>.
- 2.52 Despite the exclusion provided for transportation in the Contract, the Department delivers these exceptional risk prisoners to court custody centres to the Contractor, which treats them as ordinary persons in custody<sup>53</sup>. On occasion, court custody staff will endeavour to manage these prisoners

<sup>50</sup> In its response to a draft of this Report, AIMS Corporation stated that a Prisoner Grievance Policy has been developed and approved by the Contract Manager.

<sup>51</sup> Court Security and Custodial Services Contract, Schedule 2, Part 3, paragraph 3.3.3.

<sup>52</sup> Court Security and Custodial Services Contract, Schedule 2, Part 3, paragraph 3.3.3(a).

<sup>53</sup> As stated at 2.26, staff have no training for managing this special class of prisoner.

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according to the perceived risk, but as they receive no specific risk assessment information from the Department the measures are ad hoc and incomplete. Steps sometimes taken include the separate confinement of these prisoners from other persons in custody and the seeking of permission from the judicial officer for the prisoner to appear in court in mechanical restraints<sup>54</sup>. In addition, Contract staff do not have the training or equipment to properly manage these prisoners.

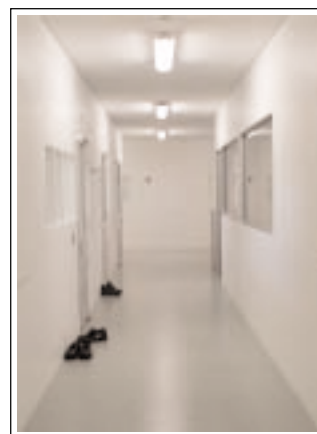
2.53 This situation places Judicial Officers, Contract staff and the public in a high-risk situation. The Inspector questions how such prisoners can be assessed as high risk for the purposes of an escort but not for the purposes of placement at the custody centre or while appearing in court. The security precautions would need to be at least as vigilant at these times as during the transportation. The lack of Departmental monitoring has meant that this serious public danger has not been identified, and the risk of violent events has not been properly managed<sup>55</sup>.

### Conclusion

2.54 Implementation of formal on-site monitoring by the Department must be commenced as a matter of priority. This monitoring should incorporate the gathering of information from persons held in custody to allow improvements in service delivery to reflect their experiences. As the party ultimately responsible for the safety, care, well-being and property of persons in custody, the Department must ensure proper monitoring of the provision of contracted services. In addition, the development of a formal grievance process for persons held in custody will improve the service provided by the Contractor and allow both it and the Department better to fulfil its obligations to those in their care.

### FACILITIES

2.55 The ownership of court custody centres remains with the Department, and the Act stipulates that the CEO of the Department retains responsibility for the 'management, control and security of court custody centres'<sup>56</sup>. The terms of the Contract require the Contractor to provide clean and hygienic court custody centres<sup>57</sup>. Beyond this, there are no other references to the physical court custody buildings and facilities, so the Department (as the owner and party ultimately responsible for persons in custody)



*Cells at the Fremantle Custody Centre can be viewed by staff from the control office (windows right)*

<sup>54</sup> Defendants are not usually permitted to appear handcuffed in court as it is deemed prejudicial. Custody centre staff generally do not have the information to make an assessment that this is a necessary safety precaution, as the basis of the prisoner's classification usually is not made known to them. Whether to allow the defendant to appear in handcuffs or not is totally at the discretion of the Judicial Officer in charge of that court. Some custody centre staff reported that certain magistrates refuse such requests as a matter of course.

<sup>55</sup> This Office has been informed that the Department has received Crown Solicitor advice that the Contract obliges the Contractor to manage these prisoners within the court complex and the custody centre. Regardless of this advice, the Inspector regards it as an unsafe practice: see 2.26.

<sup>56</sup> *Court Security and Custodial Services Act 1999*, Section 9.

<sup>57</sup> *Court Security and Custodial Services Contract*, Schedule 2, Part 3, paragraph 3.3.2(v).

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retains responsibility for the appropriateness of the cells for their purpose, the adequacy of facilities for the volume of prisoners, and maintenance.

### Cell Capacity

- 2.56 With the exception of the court custody centres at Fremantle and Joondalup, the facilities provided at court custody centres are inadequate in relation to both cell capacity and amenity. The age of the centres varies widely and impacts on the ability of the Contractor to properly perform the contracted services and also the safety of the staff, persons in custody, judicial officers and ultimately the public.
- 2.57 Section 30 of the Act requires the Contractor to separate prisoners based on gender, age, psychiatric condition and intoxication. Most custody centres do not have the cell capacity to fulfil this statutory obligation<sup>58</sup>. The cells at Armadale provide perhaps the most serious example of the severe lack of cell space to meet this requirement. This is especially the case on Tuesdays and Fridays, which are allocated as arrest days. The problem predated the Contract, and the Magistrate reported to the Department on these difficulties back in 1995, but nothing has been done to address them. There are only two cells, a number incapable of providing proper segregation for women, juveniles, men, protection status prisoners, persons with psychiatric conditions and those who are intoxicated<sup>59</sup>.
- 2.58 At various sites the lack of cell accommodation has resulted in staff detaining persons in custody in other places within the centre, such as interview rooms. It was also reported that prisoners were sometimes kept in transport vehicles when cell space was unavailable. These practices have developed on an ad hoc basis dictated by need, and management at both AIMS and the Department does not seem to be sufficiently aware of the severe impact of shortage of appropriate cell space, nor of the coping practices developed. The use of such makeshift accommodation is inappropriate. For staff it can lead to the development of bad management practices, and it is demeaning for persons in custody.
- 2.59 At Armadale, even without the need to separate the different categories of persons in custody, two cells are inadequate to house the large number of persons sometimes detained at the centre. Neither the Department nor the Contractor has set capacity limits for any of the court custody centre cells. In eighteen months of privatised operation, Armadale court custody centre has had to detain more than 10 persons on 28 occasions, the highest number being 19. On that particular day, segregation requirements meant that 15 mainstream men had to be placed in one cell – an unsafe but currently unavoidable practice<sup>60</sup>. Two men in custody on the day of the Inspection said that overcrowding was

<sup>58</sup> Supervisors at Armadale, Rockingham, Joondalup, the Supreme Court, Central Law Courts and Midland all reported a problem with accommodating prisoners if more than three categories of persons need to be catered for.

<sup>59</sup> The Department has proposed to alleviate the pressure on cell capacity at Armadale by shifting the court load to Fremantle, thereby reducing the number of persons in custody. This will not solve the problem, as even on quiet days the two cells are inadequate to accommodate the different categories of persons received. In addition, the moving of persons arrested locally to Fremantle will involve the deployment of WAPS Officers and impact on their local resources.

<sup>60</sup> The cell in question measures approximately three metres by four metres and contains one concrete bench that seats about five people. There is no access to a toilet and opening and closing the cell is not safe for the one or two staff members involved. Ventilation is limited and noise from the cell transmits into the adjacent courtroom.

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the biggest issue for them. When the cells become overcrowded, tension and tempers flare and it can become dangerous for persons in custody and for staff. This issue must be addressed as a matter of priority, especially at Armadale<sup>61</sup>, but also at other centres<sup>62</sup>.

### Access to Court – Safety Concerns

- 2.60 The facilities at many centres are not conducive to the safe escort of prisoners within the court complex. Not only is there potential for harm to staff members at many locations, but also to judicial officers and the public. At a number of locations, the custody centre is located on a different level from the courtrooms. This necessitates the escort of prisoners up and down long and narrow sets of stairs. Many persons in custody become distressed at the end of hearings if they receive adverse findings. If they cause an incident whilst coming down these stairwells from court, staff are not always able to maintain proper control of the situation. It would be very easy for persons in custody to force staff members to fall down the stairs or to throw themselves down as a form of self-harm.
- 2.61 The issue of access is more problematic at the CLC, where courtrooms are located in two buildings – 30 St Georges Terrace and next door in the May Holman Centre. There is no direct access to the District Courts in the May Holman building from the custody centre located in the main CLC building. Custody centre staff must escort persons in custody outside the building into areas where they can come into direct contact with members of the public. This practice, while currently unavoidable, is unsafe (with regards to potential escape) and is inappropriate as it could jeopardise court hearings if the person in custody comes into contact with a witness or person involved in the case. While there is a bridge that links the two buildings, this is only accessible through judges’ chambers and cannot be used by custody centre staff. These current arrangements are unsatisfactory and must be resolved urgently<sup>63</sup>.
- 2.62 Staff then escort persons in custody to the May Holman Centre courtrooms through the rear entrance to the building, which includes an open courtyard area that is accessible to the public and cluttered with parked cars. The courtrooms are accessed via a lift, which is not accessible to the public and is fitted with closed circuit cameras monitored by custody centre staff. When staff enter the lift a key is used to activate a lock that prevents it from stopping at floors not nominated by the custodial officer. Staff reported that these lifts are constantly breaking down, however the Department

<sup>61</sup> Since the date of the Inspection, the Department has informed the Inspector that a project proposal for the upgrading of the Armadale Court has been commenced and will soon be costed. It will then be incorporated into the capital and minor works budget proposal. However, the Department did not indicate what priority the project will be given and consequently the timing of the development remains unclear.

<sup>62</sup> There is a complicating issue at the Supreme Court complex that hinders the ability to provide more cell space. As the building is heritage listed, works cannot be completed without a rigorous approval process. In the past this has prevented basic work, such as changing or installing locks. This has meant that those who work there have had to tolerate the primitive facilities and prevailing low standards.

<sup>63</sup> In its response to a draft of this Report the Department stated that this practice is avoidable, as a sally port has been established at the May Holman Centre. This response is inadequate, as unless persons in custody scheduled to appear in the May Holman building arrive immediately before court commences, they will need to be secured in the custody centre, which is located in the building next door. This necessitates moving prisoners across the unsecured areas. The ideal solution would be to list all criminal matters to be heard in courtrooms located in 30 St Georges Terrace.

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stated that the malfunctions are due to user error. Nevertheless, on occasions when the lifts cannot be used, detained persons must be escorted through to the main front entrance and use public lifts, which cannot be locked, increasing the risks as outlined above.

2.63 The facilities at the Supreme Court custody centre caused the Inspector serious concern and resulted in the commissioning of an expert to produce an assessment of the Court's custodial environment<sup>64</sup>. The three main findings of the report relate to the design of the sally port, public accessibility to custodial activities and the need for master planning for the site.

2.64 Due to the serious nature of cases that it hears, the Supreme Court of Western Australia has the most serious offenders in this State appear before it. Despite this, the area at the Supreme Court where prisoners are first received into court custody from the transport vehicles – the sally port<sup>65</sup> – was the most insecure of the seven centres inspected. The immediate surroundings of the area have dense landscaping, allowing items or people to be easily concealed. The sally port itself is constructed of corrugated metal over galvanised wire mesh, providing minimal security. When a vehicle is not delivering a prisoner to court, it is an open public area with unfettered access to anyone who may walk by.



*The sally port at the Supreme Court*

2.65 The safety risks are exacerbated by the order in which the Contractor elects to pick up prisoners from court custody centres in the city. Currently, transport vehicles pick up prisoners first from the CLC and then the Supreme Court. Custody centre staff reported that this occurs even if the vehicles have been stationed at the Supreme Court during the day. Considerations of both safety and efficiency would suggest that prisoners should be picked up in the reverse order. As the vehicles would be empty when they arrived at the Supreme Court, the more serious offenders being collected from that location could be loaded more safely. With regards to efficiency, as court appearances are strictly scheduled at the Court, the court custody centre staff would not have to wait for transport later in the day once sitting is completed.

2.66 In addition to the sally port area being easily accessed by the public, the barriers separating the public area from the custody centre of the Supreme Court are also inadequate. Access from the centre to a number of courts requires persons in custody to be escorted through public areas. One court requires movement through a main emergency exit corridor that must be closed to general use during escorts. Finally, the construction of the door to the main entrance to the custody area is not adequately secure. These problems are exacerbated further by the fact that Supreme Court trials involve high security escort prisoners more often than trials in the lower jurisdictions, bringing into consideration the complex issues raised above with regards to security.

<sup>64</sup> The commissioned report is attached as Appendix 2.

<sup>65</sup> The vehicle sally port is the area at the court custody centre where transport vehicles carrying prisoners who are to appear in court enter and are secured before allowing the prisoner out of the vehicle and lodging them in a court custody cell. Police also use the sally port to deliver persons they have arrested to the court custody centre.

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2.67 These issues must be remedied immediately. The proposed criminal court complex that will incorporate the Supreme Court will be completed no sooner than 2007/08. The current complex cannot continue to operate until this time in the current condition. Any increased security measures will not go to waste as the Court of Criminal Appeal will continue to operate from the existing buildings. Accordingly, the need for a secure area will remain.

### Access to Amenities

2.68 Access by people in custody to toilets, food and drinking water differed across the court custody centres, but was generally related to the age of the facilities. The newest centres – Fremantle, Joondalup and Rockingham – provided adequate access to toilets and drinking water. Other centres inspected were not as well serviced. Individuals had to be taken out of cell to access toilets, and in many cases staff experienced difficulty monitoring the safety and behaviour of the person in custody whilst using the facilities. At Midland a person endeavoured to escape after removing a section of the ceiling when in the toilet. It was more luck than good planning that prevented the escape, as retaining walls happened to protrude into the roof space, preventing access beyond the immediate area. When there is a shortage of staff at some centres (such as Armadale), the custody centre may be left unattended for some time, which limits the access of persons in custody to toilet facilities.

2.69 At those custody centres where drinking water is not available in the cells, staff must bring drinks to the cells, usually on request of the person in custody. A similar problem of access arises when cells are left unattended for any length of time. Lunch is provided to persons in custody at all centres, but there is no common procedure across the sites as to how it is provided<sup>66</sup>. Some centres have an arrangement with the WAPS for frozen pies, pasties and sausage rolls to be kept in freezer facilities at the police station<sup>67</sup>. A custody centre staff member then collects the required number of lunches each day, or if the station has a trustee prisoner living in the cells, the trustee may deliver them. Most persons in custody were not satisfied with the quality or quantity of lunches when provided in this way.

2.70 Rockingham has an account with a local delicatessen and orders basic sandwiches as required. The Supreme Court and CLC are provided with lunches from the kitchen at the CLC, which also produces food for jury members. While the Contractor directly provides the lunches, the Department is charged for the lunches.

2.71 Access to telephone calls is an essential amenity at the court custody centres. Persons brought into custody must be able to contact legal representatives in preparation for court appearances and must also be given the opportunity to organise for their court-sanctioned release through bail and sureties. If the police deliver a person into custody, it will also be important for them to notify their family. Not all custody centres are equipped to enable persons in custody to personally access telephones. Rockingham does not allow persons in custody to speak on the telephone because the only handset and telephone line is in the security control room. Staff members must make calls on the person's behalf. At most other centres, staff dial the required numbers, ascertain the person receiving the call is

<sup>66</sup> A review of catering arrangements subsequent to the Inspection has resulted in an arrangement for all meals to be provided by the Department from March 2002.

<sup>67</sup> The pastries are manufactured (at prisons) and supplied by the Department of Justice.

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willing to speak to the person in custody and then allow the conversation to occur. At Fremantle the configuration of the facility is unsafe for this practice, as the person in custody must lean over a relatively narrow desk to access the phone and thus would be in a position to assault the staff member supervising the call<sup>68</sup>.

- 2.72 Only one telephone line has been connected into many of the court custody centres. Therefore, if a number of telephone calls need to be made by persons in custody, the centre cannot receive incoming calls. This is unsafe practice, and the Department should provide a dedicated phone for the use of persons in custody.
- 2.73 The ability of lawyers to interview their clients before court appearances is limited by the number of staff and facilities available. If there are too few staff to supervise the visit, it cannot go ahead. Similarly, if the interview room is occupied the parties must wait until it becomes vacant. At the Supreme Court the Inspection Team witnessed requests for interviews being refused due to a mixture of court listing times and staff levels. Persons held in custody also stated that they faced major difficulties in accessing legal counsel, due in part to staff availability to monitor visits, but also because of inadequate facilities. When centres are overcrowded and a female or juvenile must be segregated, the interview rooms are often used to accommodate persons in custody and are not available for visits at all.

### Courtroom Safety

- 2.74 The Contractor is required to provide dock guards who guard the defendant in court during hearings, and also court orderlies who assist in the operation of the court. Court security staff stated that the dock area<sup>69</sup> in most courtrooms provided a safe environment in which to ensure that defendants did not pose a threat to judicial officers, court staff and the general public.
- 2.75 Staff were concerned about their ability to guard public safety and to prevent escapes in cases where judicial officers remanded defendants to sit in the public gallery of the court during the remainder of the court hearings. This is an option available to judicial officers, rather than returning defendants to the court custody centre. The dock guard is concentrating on the behaviour of the defendant whose case is currently being heard, and the court orderly must concentrate on court duties, leaving no one to focus on the defendants sitting in the back of the court. The allocation of staff hours does not allow for a dedicated public gallery guard. This is causing particular difficulties at Rockingham Court, and requires a better interaction between the Contractor and Departmental representatives, including the sheriff, to resolve these issues.
- 2.76 Bail surrenders into courts<sup>70</sup> raised some public safety concerns for the Inspection Team. When the complex opened in April 1982, all persons appearing in the criminal jurisdiction of the District

<sup>68</sup> As a consequence of this Report, the Department reported to the Inspector that it had installed a new telephone line for prisoner use. It also made a commitment to investigate options available for addressing the problem at Armadale, Joondalup, Midland and Rockingham.

<sup>69</sup> The dock area is where the defendant is required to sit throughout a trial.

<sup>70</sup> A person who has previously appeared before the Court and been released on bail, on the condition that the person will attend court on a certain date at a certain time and at a certain place.



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Court for any reason were required to be formally processed through the court custody centre. Custodial officers then escorted them to court. In the late 1980s this arrangement was varied to allow those who are not remanded into custody to avoid surrendering themselves into custody prior to their court appearance. While these defendants are technically in the custody of the court, they are not required to be processed through the detention centre. They simply arrive at the court complex and sit in the back of court waiting for their case to be heard. Some of these defendants may be sentenced to a period of imprisonment for relatively serious crimes, but they would not have been subject to the search procedures of the custody centre. The arrangements for these persons need to be clarified under the Contract to ensure the safety of the public and judicial officers<sup>71</sup>.

### Conclusion

- 2.77 An assessment of the suitability for purpose of all court custody centres needs to be completed by the Department. To varying degrees, all of the court custody centres have issues that require immediate attention to enable the Contractor to properly fulfil the terms of the Contract. The Contractor inherited many of these problems, as the antiquated and inappropriate facilities posed problems for public sector staff while they were operating the centres prior to July 2000. The design and amenity of the facilities compounds the problems caused by staffing levels, training, management oversight and inadequate Department monitoring of services, to result in poor practices developing, and the establishment of an inappropriate culture that is detrimental to the decent treatment and conditions for persons in custody.
- 2.78 Serious safety and security concerns raised in this section need to be addressed as a matter of priority. This is particularly the case with the Supreme Court, and a comprehensive master plan should be prepared to address the movement of people and vehicles onto and off the site. As owner of the facilities and the party with the ultimate responsibility for the safety, security, care and well being of persons in custody and persons who enter into court complexes, the Department must initiate change. This is especially the case where the safety of the public is at risk.

### OTHER ISSUES

#### Timely Receival and Dispersal of Prisoners

- 2.79 The late arrival of persons scheduled to appear before the courts from prisons via the Contractor's transportation service are causing ongoing problems for client agencies. The Inspector is aware that the Contractor recently lost access to the dedicated bus lane on the freeway, and this has a potential impact on the timely transportation of some prisoners. In any case, it would be in the interests of public safety for access to be restored<sup>72</sup>.

<sup>71</sup> The Chief Judge of the District Court has stated to the Inspector that this is an unacceptable situation, which he believes occurs in no other comparable jurisdiction. His Honour is concerned generally that the CLC is operating on an extremely low standard of security.

<sup>72</sup> The Department unsuccessfully sought amendments to the Road Traffic Regulations to enable prisoner transport vehicles to utilise the lane. In light of this Report it has indicated that it will again approach the Department of Transport regarding access to the lane.

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- 2.80 Midland Court is especially affected by the late arrival of transport vehicles<sup>73</sup>. The Remand Court requires prisoners be received into the custody centre at 8.00 a.m. to enable prisoners to have access to legal counsel prior to hearings commencing at 9.00 a.m. Records show that the transport vehicle is regularly late, arriving after 9.00 a.m. on many occasions and sometimes after 10.00 a.m. This results in prisoners being remanded again to allow access to legal advice, disrupting prisoners and the sitting schedule. To try and accommodate the apparent difficulties prisons were experiencing in having prisoners ready to leave before 8.00 a.m., the required time for receipts has been changed to 9.00 a.m. The Inspector will monitor the effect of the change on court sittings.
- 2.81 As discussed above, there are also some issues concerning the transport of persons in custody from the custody centres back to prisons at the end of the day. This is also of concern to members of the judiciary, who do not believe that detained persons should remain in the small detention cells with limited amenities hours beyond the time they have been required to attend court.
- 2.82 The Contract requires the Contractor to provide a transport service to the Courts as required by the courts. Any difficulties being experienced in coordinating transport with prisons must be negotiated with the Department. Currently, it is not providing the service it has contracted to deliver.

### Monitoring Equipment

- 2.83 Duty of care requires court custody staff to maintain adequate supervision of persons in custody. The layout of many of the centres and the sometimes low staffing levels make it difficult to maintain proper supervision of persons at risk of causing harm to themselves (or others). Closed circuit televisions (CCTV) within the cells therefore become a very important safety tool. Some centres have no cells equipped with CCTV, which is a matter of concern to custody staff.
- 2.84 Armadale does not have any cells with CCTV, and when only one staff member is on duty it becomes extremely difficult to monitor comprehensively the behaviour of a person in custody. The centre also lacks a camera to monitor vehicles arriving at the centre. When a vehicle arrives the driver radios staff inside, who must then go to a window to look outside to confirm the identity of the driver and then go to the sally port area to open the gates and let the vehicle in.
- 2.85 Midland similarly has no CCTV facilities. Rockingham has CCTV access to the sally port and reception desk area of the custody centre, but not into a cell. The remainder of the court custody centres have at least one cell equipped with CCTV.

## CONCLUSIONS

- 2.86 There is considerable disparity in the service standards that have been achieved at each of the seven metropolitan court custody centres, ranging from excellent to barely coping. Those centres that are succeeding, are doing so primarily due to the calibre of on-site supervisors and the performance of staff, who have slowly built confidence in themselves and each other. Despite some teething

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<sup>73</sup> This was also a problem prior to the contracting out of the transport service; however, the Department has advised that arrangements have been made with Hakea Prison to allow the Contractor to have early access to prisoners to facilitate earlier delivery to court.

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problems, client agencies reported a good working relationship with court custody centre staff across all sites.

- 2.87 The Inspection revealed, however, that the survival and successes of court custody centre services have not occurred due to the planning, processes and systems of the Contractor. Lack of ongoing staff training and development, the detachment of AIMS head office and discontent with management practices amongst staff has the potential to undermine a functioning court custody service if the problems identified in this Chapter are not addressed. This is especially so for those centres that are having more difficulty coping. Staff need support, guidance and interaction with head office management to build a better working environment, improved work practices and a safer court custody centre service.
- 2.88 There is a distinct lack of oversight of the provision of services from both the Contractor and the Department, which must be remedied as a matter of urgency. As the body primarily responsible for the wellbeing and security of persons in custody, the Department must become more proactive in its monitoring of the provision of services. This must incorporate regular interaction with persons held in custody at court custody centres.
- 2.89 With the exception of the three newer court custody centres at Fremantle, Joondalup and Rockingham, the Department needs to take urgent action with regard to the inadequate facilities in which court custody staff must operate, and persons in custody must be detained. In many cases the facilities promote unsafe practices and place the safety and security of prisoners, staff, client agency staff and the public at risk.

# Chapter 3

## IMPROVING THE SERVICE

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- 3.1 The Contract for the delivery of services to court custody centres is surviving, but not thriving. The disparity of service delivery between the various court custody centre locations indicates that neither the Contractor nor the Department is adequately involved in the operation of the centres. While persons held in custody generally reported that the standard of service was mostly adequate (with the exception of those detained at the CLC), this Report has revealed many areas with room for vast improvement. Each party now needs to re-assess how it has thus far handled its responsibilities and what changes are required.
- 3.2 At many custody centre locations, the Inspection Team witnessed staff operating under pressure, struggling to provide the services to persons in custody while fulfilling obligations to the operation of the courts. At others, we saw staff performing functions that seemed to be a waste of staffing resources. Persons in custody who experienced lapses in service delivery when business at the centres reached a peak confirmed these observations. Resourcing issues have created a great deal of resentment by staff towards AIMS head office, as they do not believe there is an appreciation of the difficulties being experienced at the coalface.
- 3.3 Staff have not been given the tools to manage the difficulties they do face because of the lack of training that has been provided by the Contractor. Identifying the training needs of supervisors and staff and providing ongoing professional development opportunities will go a long way to improving service delivery and the morale of court custody centre staff.
- 3.4 Staff resentment has been fuelled further by the absence of Contractor management at court custody centre locations. Management have not been aware of the development of work practices that deserve praise and support. Inappropriate practices have been allowed to develop, and without an urgent change in management operations and oversight these may become entrenched. More active management involvement, in addition to more appropriate staff training, will encourage the development of positive custodial practices. Many of the problems that have been identified by the Inspection Team involve a lack of communication from AIMS head office to staff, and the absence of opportunities for staff to feed information back to head office. Opening the channels of communication will assist in the improvement of service delivery.
- 3.5 Hand in hand with the necessary commitment from the Contractor, there needs to be commitment from the Department to support the service for which it is ultimately responsible, through the provision of improved facilities and better monitoring of Contract performance. The Inspection also revealed a lack of established communication channels between the Contractor and the Department. The result has been that problems have festered and in some instances become serious issues of contention. This includes disagreements relating to the calculation of service hours, operational procedures such as use of restraints and methods of payment. In others it has meant that both parties have failed to take the opportunity to resolve small issues and allowed resentment of staff at custody centre locations to grow to the detriment of service delivery.
- 3.6 The key interface between the Contractor and the Department at each court custody centre site is that involving the supervisor and the judicial officer representative. In the main, these relationships are good, with both parties reporting that an open dialogue is possible when issues arise. However, as long as persons appear in court on time, court staff do not seem to be aware of what is occurring in

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the actual custody centres. Judicial Support Officers act as field agents for the Contract Management team. They report on hours worked by Contract staff and any problems experienced in the efficient running of the court. Beyond this, the Judicial Support Officers have not been trained for a more thorough monitoring role, have not been fully educated about the terms of the Contract and in any case have their own work responsibilities to prioritise. The Sheriff, however, plays a key statutory role. The office is responsible for representing the interests of the client agencies and providing information back to them about ongoing Contract performance. It is essential that the incumbent of the office be given appropriate supports and time to dedicate the required commitment to this important role. Many persons involved in client agencies did not seem to be utilising the Sheriff in the manner envisaged by the pivotal role that the legislation has delegated to that office.

- 3.7 Information that is gathered by the Sheriff is a valuable resource, and as such this should be fed back to the Department's Contract management team. The team should be liaising with client agencies, Contract staff and persons in custody at each site to ensure service delivery is up to standard. An appropriately trained and experienced field-based monitoring team is required. This would improve service delivery and better fulfil the obligation that the Department has to those held in custody.
- 3.8 An improvement of the facilities at a number of court custody centre locations is a matter of urgency. Unsafe custodial environments impede service delivery and are a threat to persons in custody, custody centre and court complex staff, as well as the public. Armadale, the Supreme Court and the Central Law Court facilities are especially in need of assessment and renovation.

# Recommendations

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## RECOMMENDATION 1

The Contractor (AIMS) and the Department should review staffing and rostering policies and procedures so as better to provide the required services at court custody centres. In particular, the Contractor should:

- a) Reassess the allocation of staff hours at each site consistent with operational experience acquired over the last year to ensure the safe and proper delivery of court custody services;
- b) Ensure supervisors are rostered to perform only their substantive roles on arrest days; and,
- c) Reassess the use of casual staff, so as to balance its own need for an effective and efficient means of attaining flexibility in the workforce with the service delivery requirements of the Contract.

## RECOMMENDATION 2

AIMS should provide training that will fully prepare staff to fulfil contract service requirements in a safe manner. Training should be of an ongoing nature to ensure the maintenance of necessary primary response qualifications and to promote professional development.

## RECOMMENDATION 3

AIMS senior management should develop and implement active management strategies with regards to on-site court custody centre support, service delivery, compliance assessments and contract performance.

## RECOMMENDATION 4

As a matter of urgency, the Department should cease the practice of placing high security escort prisoners into the custody of Contract staff. Prisoners who have been assessed as posing a high risk should remain in the custody of specialised officers at all times.

## RECOMMENDATION 5

The Department should encourage the development and establishment of an appropriate service culture through the implementation of field-based monitoring of service delivery under the Contract. This should include:

- a) Compliance checks;
- b) Interviews with and/or surveys of persons in custody and court custody centre staff;
- c) A formal process to investigate critical incidents and incidents of use of force; and,
- d) A formal grievance process for persons in custody.

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#### RECOMMENDATION 6

The Department should assess the suitability of the physical facilities of all metropolitan court custody centres for the safe delivery of service to persons in custody, and make provision for capital and minor works appropriations. As a matter of priority, the Department must take steps to remedy the facilities with regard to:

- a) The cell capacity at Armadale Court Custody Centre;
- b) The arrangements for the safe escort of prisoners from the detention cells at the Central Law Courts to the courtrooms in the May Holman Centre; and,
- c) The development of a master plan for the management of people in custody and vehicles at the Supreme Court complex, including secure arrangements for the vehicle sally port.

# Appendix 1

## THE INSPECTION TEAM

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Professor Richard Harding	Inspector of Custodial Services
Robert Stacey	Director of Operations
Peter Upton-Davis	Senior Inspections Officer
Natalie Gibson	Inspections Officer
Gareth Morris	Inspections Officer



# Appendix 2

## EXPERT APPRAISAL OF SUPREME COURT OF WESTERN AUSTRALIA CUSTODIAL FACILITIES

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### 1. INTRODUCTION

This report was requested by the OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES (Western Australia). It documents the appraisal of custodial facilities at the PERTH SUPREME COURT.

The appraisal was undertaken by inspecting the custodial facilities at the Supreme Court on November 27, 2001 by Lin Kilpatrick Architect, and again on 29 November 2001 by Lin Kilpatrick Architect and Peter Cotter Security Engineer CCD Australia. Both inspections were accompanied by Keith Scardifield (Supervisor Custody Services AIMS Corporation).

The inspection of facilities was arranged by Gavan Jones – Executive Officer for the Supreme Court.

#### 1.1 Scope

The scope of this work covers all facilities (including vehicle entry), which support the process of managing persons in custody onto and off the Supreme Court site as well as into and out of courtrooms.

A priority of this report is to identify risk from the built environment in terms of safety and security. This is considered to be both direct risk from constructed elements, and indirect risk due to the quality of the built environment, the layout of the facilities, and from the type and quantum of facilities provided.

Whilst the majority of persons managed through the custodial facilities come from remand and sentenced prisons, this appraisal also covers elements impacting on other user groups i.e., accused persons on bail, protected witnesses serving prison sentences, staff, official visitors and service agencies (maintenance, cleaning, etc.).

This appraisal acknowledges that the level of risk is, in the first instance, driven by the quality of security management. To be effective, security management relies on support from the building. The two are interrelated.

Safety and security impacting on the custodial service from people entering and using general public and courtroom spaces is not dealt with in this document, other than issues impacting on the immediate surroundings to the accused dock in the courtrooms – specifically Courtrooms 2, 3, 6 and 7.

This report attempts to document **what** should be done to bring the custodial facilities up to an acceptable standard, not **how** it should be done.

#### 1.2 Future Planning

This appraisal does not take into account any work which will address the construction of new criminal courts in Western Australia, or redevelopment of the Supreme Court building or its immediate environs.

## EXPERT APPRAISAL OF SUPREME COURT OF WESTERN AUSTRALIA CUSTODIAL FACILITIES

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### 2. OVERVIEW

This appraisal does not attempt to provide or evaluate design options for upgrading the facilities to meet acceptable security, building or heritage conservation standards.

This work should be undertaken separately by others with experience in custodial management, security and heritage planning as a combined professional team.

A project team approach should make it possible to implement meaningful adjustments to the building and address many of the negative issues raised in this report.

Consultation with the Heritage Council under Section 78 of the Heritage of Western Australia Act 1990 will be required.

On inspecting the facilities it is evident that this is not likely to have occurred in the past in respect of these particular facilities.

#### 2.1 Impact of past work

Past work undertaken on the custodial facilities appears to have been largely ill considered and both expediently and cheaply executed, without due thought to combined and effective security and heritage delivery. This has directly contributed to the current level of risk to the safety and security of people within the building.

Provision of amenity, upgrading of facilities and services, and the general maintenance of wall, floor and ceiling treatments has not been holistically considered.

The heritage nature of the building adds an additional level of complexity (and additional cost) when overlaid by security requirements. This should not preclude the ability to upgrade and make adjustment to meet contemporary standards.

The prevailing 'tone' of the 'physical' custodial centre has ended up being aggressive. This is particularly so within the holding spaces and central movement area and reflects the severe treatment of inmates at the time when the building was constructed.

This 'harsh tone' is consistent throughout the centre, reflecting indiscriminate treatment of people irrespective of security rating, state of physical and/or mental health, or cultural background.

This quality of the physical environment has a negative impact on the emotional and behavioural responses of persons in custody, staff, visitors and others having contact with the building, ultimately increasing the risk of safety and security to all, including those within courtrooms.

The holding spaces, in particular, lack basic amenity – natural light, outlook and ventilation. The sense of enclosure is extreme and claustrophobic. The lack of appropriate acoustic treatment in these rooms reinforces the aggressive nature of the space.

There is no provision for meeting the needs of disabled persons.

## EXPERT APPRAISAL OF SUPREME COURT OF WESTERN AUSTRALIA CUSTODIAL FACILITIES

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### 2.2 Layout

The layout of the custodial zone is fragmented. This generates a need to move persons in custody through corridors utilised by other court users, and past doorways leading directly into general court spaces, as well as to the outside of the building.

The boundary to the core secure area is not consistent in respect of physical security – walls, fence enclosures, windows, doors and locks vary significantly in robustness and strength. This provides opportunity for escape. A significant example of this is the condition of the main entry door from the public zone into the custodial area – it has low security strength and is damaged.

The enclosure to the central open circulation space within the core is not acceptable in terms of security configuration and construction. A breach is possible through to the visiting Judge's Chamber and/or adjoining spaces.

### 2.3 Movement

Public access across and within the Supreme Court precinct occurs directly through the vehicle sally port enclosure, whilst not in use. Current CCTV coverage of this area is monitored by staff on a casual basis while not in use. Clandestine activity may well go unnoticed during these times – i.e., placement of unsafe items.

Movement of accused into the custodial centre from the vehicle sally port takes place across a corridor used by court staff which is closed off temporarily. This arrangement disrupts general court activity and has the potential to provide risk to court staff, and provide opportunity for escape.

Access to Courtroom 6 and Courtroom 7 is by way of a corridor used by general court staff, by Judicial Officers, and provides access to an emergency exit from the building. This presents an opportunity for conflict with, and risk to, court staff as well as providing an easy escape route.

Protected witnesses in custody are occasionally held in the victim support room on the ground floor. This occurs when all holding cells are occupied. To access this room, the protected witness must be escorted through public space.

**Note:** This is not ideal, and is considered to be covered by special security and management arrangements to meet the perceived risk at the time. This room and associated circulation space is not covered by this report.

Occasionally, persons in custody are requested to appear in Courtrooms 10 and 11. These courtrooms are remote from the custody centre and access requires movement through public and general court space from the secure custodial area.

**Note:** This is not ideal, and is considered to be covered by special security and management arrangements to meet the perceived risk at the time. These courts and associated circulation space are not covered by this report.

Staff toilets and the security staff rest room is accessed by having to move out of the secure custodial zone. This can be disruptive to the custodial service and introduce risk.

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### 2.4 Facilities

The custodial centre lacks the range, quantity and size of facilities to adequately support the custodial service.

Self contained holding space, i.e., with toilet and drinking facility, is limited to the female holding cell making it necessary to manage all other accused into and out of cells to gain access to a single toilet facility. This is of concern when managing high risk persons.

There is limited holding space in terms of capacity and flexibility to deal with different groups. There is a clear need to keep males separate from females and accused separate from protected witnesses, and also to provide management options for separately accommodating persons of low security and management risk.

There is no provision within the secure area for any form of recreational activity such as TV or video, or storage for recreational items (books, magazines) to relieve the boredom of detainees while waiting to appear in a courtroom.

There is limited non-contact visiting accommodation – only one enclosed cubicle is provided. Contact between counsel and accused takes place through security grilles outside of the holding cells, i.e., at times when the non-contact cubicle is in use. This is undignified, and raises risk levels in terms of potential conflict and the passing of contraband.

## 3 COMPONENTS

### 3.1 Site

Entry to and exit from the site for escort vehicles is from Barrack Street at all times, and is shared by Judges and senior staff. Multiple escort vehicles are required to wait within the driveway serving the open Courts car park area and access to the secure Judges' car park. This poses some risk in terms of compromise to the escort and other vehicles, particularly from persons or groups who might conceal themselves in the dense surrounding landscape.

Escort vehicles are required to reverse into the sally port as there is no opportunity currently for driving through the enclosure as is possible in contemporary courts buildings. This movement in itself presents risk in terms of injury to security staff.

The immediate surroundings to the vehicle sally port (particularly within the dense landscaping along the western side) provide opportunities for people or groups to conceal themselves. From these areas, they have direct access to the fabric of the sally port enclosure.

Other surrounding space, apart from the roadways, is densely landscaped and out of the demarcated security management control zone. This is not an ideal arrangement in view of potential attack or invasion onto escort activity. It cannot be sensibly monitored (unlike that of media gathering which currently takes place against the sally port gates) is a regular and predictable external activity, and is allowed.

### 3.2 Vehicle Sally Port

The sally port walls, roof and gates are constructed of corrugated sheet metal over galvanised wire mesh and fixed on galvanised circular metal framing. The protection offered by this arrangement should be reviewed against possible external attack on moving at-risk detainees into or out of escort vehicles and into the building.

The construction of the enclosure does not provide a level of security complementary to that of contemporary court buildings.

The internal wire mesh lining could easily be scaled by a disorderly person, creating self-harm opportunity and risk to staff.

The restrictive overall width of the enclosed space makes it difficult to manage potential disruptive movement of persons in custody down the sides of the vehicle. An incident of this nature could pose a risk to staff.

There is no provision for the extraction of vehicle fumes from the enclosed space.

A review of the gate locking system should be undertaken together with a review of the overall construction, to ensure both meet an equal standard of physical containment.

### 3.3 Holding Spaces

New courts holding spaces in WA are required to conform to West Australian Police Service, Police Building Code Brief 2.0. The holding spaces need to be reviewed in terms of this code, particularly in respect of structure, amenity, provision of facilities and services, e.g., toilets, drinking fountains, smoke detection, and monitoring by CCTV.

Concrete bench plinths protrude into the holding spaces with corners exposed to potential self-harm and injury to staff under emergency procedures.

Wall and floor surfaces are deteriorating within holding spaces, presenting potential risk for staff should forced recovery of detainees be needed.

Steps leading into holding cell 4 presents a safety risk to persons entering or leaving the cell. This could be extreme under an emergency procedure.

Observation into holding spaces for staff is restrictive.

Holding Cell 4 has glass observation panels in each door, which provides visual access into the adjoining male toilet, and into the corridor used by the Judiciary and courts staff. This is not ideal and could lead to disruptive behaviour which could escalate and increase risk levels.

### 3.4 Support Facilities

#### *Interview*

The arrangements for interview of detainees is less than adequate. A demountable module is provided for this. The module is not designed for proper integration against the building fabric.

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There is narrow 'left over' space alongside this module where it abuts the building. This space is difficult to service and to maintain. It is available for concealment of unsafe items.

The module is accessed by accused and their counsel moving through the common central circulation space.

This movement places restriction on the movement of others and could generate conflict during peak periods.

Potential conflict with, or passing of contraband between, official visitors, counsel, a protected witness or maintenance personnel could occur at these busy times.

The common central circulation space has access into service courtyards containing exposed plant and equipment. These courtyards also provide contact with openable windows leading into surrounding court activity.

The fitting out of the non-contact interview space is makeshift and lacks comfort for both interviewer and detainee.

The security to this module is less than satisfactory by way of overall construction and, in particular, the door hardware.

### *Bail Entry*

Registration of accused on bail takes place within the entry corridor, and immediately outside the female holding cell. This arrangement could conflict with other daily custodial activity.

### *Circulation Spaces*

The general condition of walls, floors and the selection of materials and fittings within these spaces is poor.

There is a general sense of visual clutter, with no coordinated thought to the location of services and fittings.

Electrical conduits have been surface mounted with exposed brackets and are well within reach on walls.

Stairs leading to the courtrooms are of concern in terms of both safety and security risk:

- The open balustrading and stair risers leading to Courtroom 3 are a safety risk to persons under emergency procedure,
- The bottom tread to this stair is structurally unsound,
- Headroom within the stair leading to Courtroom 2 appears to be under that required by the building code.

### *Courtroom Docks*

The general location, arrangement and fitting out of the dock enclosures within courtrooms 2, 3, 6 and 7 were reviewed.

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Movement of those in custody to and from the dock enclosure conflicts with movement and seating of other court participants, i.e., other than that in Courtroom 2.

The proximity of the dock enclosure within Courtrooms 6 and 7 to public seating should be reviewed. The configuration and construction of the separating screen to the enclosure is not ideal and in Court 7 is structurally unsound.

The condition of floor coverings needs upgrading (tripping over loose fitting carpet tiles can occur).

The condition and type of seating material for the accused needs upgrading.

Microphones need to be fixed in place and of a design which reduces opportunity for self-harm.

#### 4. RECOMMENDATIONS

The following broad recommendations should be undertaken by a combined professional team with expertise in custodial management, security planning, and heritage conservation.

- A comprehensive master plan should be prepared to address movement of people and vehicles onto and off the site. This should examine alternative arrangements for locating a new vehicle sally port.
- The overall tone and ambience of the centre should be changed from that of aggression to that of support, fairness, dignity and respect.
- Adjustments to building elements should be made, by maintaining an appropriate level of robustness, safety and security, while providing a degree of comfort.
- The overall custodial activity space should be planned within a clearly defined and dedicated zone enclosed by a boundary of consistent security construction.
- This zone should be arranged to enable direct movement of persons in custody, from the vehicle sally port (or in the case of those on bail, into the custody centre from public entry space), through the secure support facilities, and into and out of the docks within the courtrooms. This activity should occur without having to move through any space accessed by other court users.
- The custodial zone should be arranged to be self contained so that movement to all facilities occurs within a single defined secure area. This should include access to staff facilities.
- Holding spaces should be provided with an outlook into secure areas which have natural lighting and a degree of visual stimulation.
- Access to fresh air should be provided to holding spaces, together with provision of adequate heating and cooling when required.
- A review of the engineering services should be undertaken in respect of what needs to be provided to address safety and security, to improve amenity and to provide facility. How this is achieved within the heritage framework needs careful consideration with the combined consultant team.

## Appendix 3

### RESPONSE OF THE DEPARTMENT OF JUSTICE AND AIMS CORPORATION TO THE RECOMMENDATIONS OF THE REPORT

Inspector of Custodial Services' Recommendation	DOJ Response	Aims Response
<p>1. The Contractor (AIMS) should review staffing and rostering policies and procedures so as to better provide the required services at court custody centres. In particular, the Contractor should:</p> <p>a) Reassess the allocation of staff hours at each site consistent with operational experience acquired over the last year to ensure the safe and proper delivery of court custody services;</p> <p>b) Ensure supervisors are rostered to perform only their substantive role on arrest days; and,</p> <p>c) Reassess the use of casual staff, so as to balance its own need for an effective and efficient means of attaining flexibility in the workforce with the service delivery requirements of the Contract.</p>	<p>Regular reviews of staffing and rostering policies and procedures by the Contractor are supported. However, the Department needs to be consulted during such reviews, particularly where services and/or costs may be impacted.</p>	<p>Agreed. An examination of the rationales for allocating hours and the way budgets are formulated has been conducted in response to the draft Inspection Report.</p> <p>a) This recommendation is already implemented on a daily basis by the Contractor's management staff. However, the Contractor shall conduct detailed modelling of staff tables against known requirements to ensure that future practices are controlled centrally rather than on site by Supervisors.</p> <p>b) A review of the budget allocation for Supervisors' own time on arrest days will be conducted. The Contractor would be pleased to see the reduction in risk that implementation of this recommendation would achieve, if funded under the Contract. AIMS Corporation maximises staff utilisation including supervisors in accordance with the budget allocation funded by the State.</p> <p>c) Agreed. The Contractor has appointed a suitably skilled Coordinator of Operational Resources at head office to better match service delivery requirements and the efficient delivery of flexibility.</p>



RESPONSE OF THE DEPARTMENT OF JUSTICE AND AIMS CORPORATION  
TO THE RECOMMENDATIONS OF THE REPORT

Inspector of Custodial Services' Recommendation	DOJ Response	Aims Response
<p>2. AIMS should provide training that will fully prepare staff to fulfil contract service requirements in a safe manner. Training should be of an ongoing nature to ensure the maintenance of necessary primary response qualifications and to promote professional development.</p>	<p>Agreed. The Department will ensure that the Contractor complies with its contractual obligations.</p>	<p>Agreed. A new training plan will be developed for implementation that will result in more training being delivered. This will include a thorough review of training documentation and a copy will be made available at all sites to ensure on the job training is authorised. However, the ability of the Contractor to provide more than the minimum training to maintain safe operations is limited by the State's refusal to pay costs. Additional training is desirable and a reasonable position by the State on funding would see that training was delivered.</p>
<p>3. AIMS senior management should develop and implement active management strategies with regards to on-site court custody centre support, service delivery, compliance assessments and contract performance.</p>	<p>The Department will take these matters up with the Contractor.</p>	<p>Agreed. Already AIMS Corporation has replaced one Coordinator, and the replacement relocated to an office in the CBD closer to the CLC and Supreme Court. In addition, a Coordinator has been appointed to manage better the issues pertaining to casual and permanent flexi-time staff, a new Regional Coordinator has been appointed with a charter to improve communication with sites, and a register of visits by Perth Head Office staff has been established the better to coordinate the effectiveness of site visits.</p>
<p>4. As a matter of urgency, the Department should cease the practice of placing high security escort prisoners into the custody of Contract staff. Prisoners who have been assessed as posing a high risk should remain in the custody of specialised officers at all times.</p>	<p>The Department is not aware of any reasons for excluding high security prisoners from the scope of the services. Nevertheless, the Department will undertake a risk assessment of placing high security prisoners in the custody of the Contractor at court custody centres.</p>	<p>Agreed. AIMS Corporation has represented its case to exclude high security escorts from the Contract formally to the Department on a number of occasions to no avail.</p>

RESPONSE OF THE DEPARTMENT OF JUSTICE AND AIMS CORPORATION  
TO THE RECOMMENDATIONS OF THE REPORT

Inspector of Custodial Services' Recommendation	DOJ Response	Aims Response
<p>5. The Department should encourage the development and establishment of an appropriate service culture through the implementation of field-based monitoring of service delivery under the Contract. This should include:</p> <ul style="list-style-type: none"> <li>a) Compliance checks;</li> <li>b) Interviews with and/or surveys of persons in custody and court custody centre staff;</li> <li>c) A formal process to investigate critical incidents and incidents of use of force; and,</li> <li>d) A formal grievance process for persons in custody.</li> </ul>	<p>The Department is reviewing the way the CSCS Contract is being managed. This will include the introduction of a dedicated monitoring capacity.</p> <p>The Department will work with the Contractor to ensure that the agreed grievance process is complied with.</p>	<p>Agreed. Specifically with regards to recommendation (d), the AIMS Corporation Prisoner Grievance Policy has been developed, approved by the Contract Manager, promulgated and has been followed up to ensure its successful implementation.</p>
<p>6. The Department should assess the suitability of the physical facilities of all metropolitan court custody centres for the safe delivery of service to persons in custody, and make provision for capital and minor works appropriations. As a matter of priority, the Department must take steps to remedy the facilities with regard to:</p> <ul style="list-style-type: none"> <li>a) The cell capacity at Armadale Court Custody Centre;</li> <li>b) The arrangements for the safe escort of prisoners from the detentions cells at the Central Law Courts to the courtrooms in the May Holman Centre; and,</li> <li>c) The development of a master plan for the management of people in custody and vehicles at the Supreme Court complex, including secure arrangements for the vehicle sally port.</li> </ul>	<p>Currently the Department is not funded to undertake the capital work implications of this recommendation.</p> <p>The escorting of persons in custody between Central Law Courts and the May Holman Building is avoidable and the Department will resolve this matter with the Contractor.</p>	<p>Agreed.</p>





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