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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION OF
REGIONAL COURT SECURITY
AND CUSTODIAL SERVICES (CSCS)



Report of an Announced Inspection of
Regional Court Security and Custodial Services (CSCS)

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The Inspector's Overview

THE PRIVATISATION OF COURT CUSTODIAL SERVICES HAS ACHIEVED THE STATED OBJECTIVES TO AN ACCEPTABLE DEGREE

When the question of privatising court custodial services was first being mooted, the main driver was a wish to get Police and Justice personnel back to the core duties for which they had been expensively trained. It was considered that court custodial services and related tasks, including transportation of persons in custody, could be carried out effectively and less expensively by persons employed by the private sector.

The first contractor was AIMS (known as CCA at the time). The early years were not uneventful, marked most notably by a prolonged commercial dispute with the Department of Justice and in 2004 by the escape of nine prisoners from the Supreme Court. Despite these problems, however, its original five-year contract has subsequently been renewed and will run until August 2008.

It is now justifiable to say that the court custodial services aspect of the contract is working reasonably well. The judiciary by and large accept the privatised service model; persons in custody though not universally laudatory are on the whole appreciative of the considerate way in which they are treated; AIMS personnel have good working relationships with both Corrective Services and Police; and the costs to the State for the provision of these services is almost certainly markedly lower than if they were being provided in the previous ways.

This is true both in the Metropolitan area and also, as this Report shows, in those regional areas covered by the contract. However, the organisational stresses are greater in the regions and the service provision accordingly somewhat more fragile. This is partly a consequence of labour market pressures, but it is also related to working conditions. As discussed in the Report, some of the conditions in which AIMS personnel are expected to work fall well below acceptable occupational health standards; the Kalgoorlie courthouse facilities in the sally port and AIMS administration area are a prime example of this. The paradox that arises out of the contracting out arrangements is that AIMS, as the employer, is not authorised to address this issue as the property from which they provide their services is owned by someone else – the Department of the Attorney General.

This observation leads one to make the point (see Recommendation 1) that responsibility for contract administration is currently divided between two Departments. This anomaly needs to be clarified. This is crucial as the time for contract re-negotiation or re-tendering approaches – a process that must commence by August 2007, a year before the expiry of the present contract.

An aspect of contract renewal that is discussed in the report (1.6 – 1.10) is whether the court custodial services aspects should be split from the transportation aspect. The integrated model is not a universal one; in the UK, for example, there are examples of the two functions being carried out by separate contractors, i.e., one contractor arriving at a court complex and handing over persons in custody to another contractor. The transportation contract certainly, in the huge geographic area of Western Australia, raises some unique and challenging problems. On the other hand, for that very reason substantial logistical difficulties could be created if the services were split. This Office has recently completed a Draft Thematic Report on Custodial Transportation Services where some of these issues are addressed and upon which we will be making recommendations in due course.

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What does seem likely to happen is that the scope of the transportation aspect of the overall contract will broaden. Some of these services currently provided by Police would more sensibly become part of the overall contracted out service, consolidating the “core services” rationale that led to these contractual arrangements being entered into in the first place. Possibly, the question of management of police lock-up facilities might also be re-visited, as contemplated when the original contract was conceptualised. Indeed, Phase Two of the contract specifically contemplated that this would be done. However, this was not proceeded with mainly because the infrastructure assets were known to be sub-standard so that capital expenditure would be required before the operational risk could legitimately be transferred to a private contractor. Six years later, although there have been a few improvements at particular sites, insufficient investment has been made. In particular, many regional court custody centres still do not have basic interview rooms for lawyers to interview their clients prior to representing them in court. Overcrowding while sporadic is widespread and essential sanitary provisions for female prisoners are often non-existent. Thus infrastructure deficiencies and the need for capital investment still constitute something of a hurdle if the scope of the service were henceforth to include the management of police lock-ups.

The summary point is that the custodial services contract arrangements now seem well enough established to justify State instrumentalities in thinking about ways in which its benefits can be extended. The question posed at the outset of the contracting arrangements – “Can this arrangement work?” – has now been effectively displaced by the question, “Where do we go next?” To the Inspector the related question is: “When will the State put additional resources into these activities?” The services are still somewhat thin and there is very little margin; and each of these points is more cogent for the regions than for the metropolitan area. For all that, we do seem to be broadly on the right track.

Richard Harding
Inspector of Custodial Services

20 December 2006.

Chapter 1

DIVISION AND RENEWAL - THE INSPECTION IN CONTEXT

- 1.1 This is the report of the second inspection by this Office of those regional (non-metropolitan) court custody centres operated under contract to the state by the Australian Integration Management Services Corporation (AIMS or 'the contractor'). The inspection focused on the conditions and treatment of persons in custody held at certain regional court custody centres immediately prior to and following their court appearances.
- 1.2 AIMS have delivered court security and custodial services (including prisoner transport services) to specified sites under the Contract for the Provision of Court Security and Custodial Services ('the Contract') since its inception in 2000, initially for a five-year term then renewed for a further three years to July 2008.¹ The first inspection of the regional court custody centres operated under the Contract was conducted in July 2003 with the corresponding report published in January 2004.²
- 1.3 The second inspection was conducted to review progress against the recommendations of the first inspection and identify any new or emerging issues in the regional centres. Despite the inspection focusing on the work of AIMS, it must be stated that the responsibility for service provision still lies with the state, albeit contracted out. Consequently, we were inspecting the work of the state departments which have responsibility for the courts system, through the filter of an extra layer of complexity in the form of the contractor providing services in the sites inspected.
- 1.4 The Contract specifies seven regional sites receiving full service by the contractor, namely Albany, Broome, Bunbury, Carnarvon, Geraldton, Kalgoorlie and South Hedland. Additional sites are serviced for prisoner transportation, with another AIMS base in Roebourne for this purpose. In recent times other sites have begun to receive some court services on a regular basis from these regional AIMS bases, namely Busselton court serviced by Bunbury, with planned services to commence at Karratha when staffing levels at Roebourne permit. Police and departmental court staff provide court custodial and security services for all other regional courts, some of which are visited on circuit by judicial officers from major regional courts.
- 1.5 For the first eleven months of the service year July 2005 to June 2006, a total of 4913 persons were held in the regional court custody centres specified above. This figure is similar to the number held at the time of last inspection; for the first ten months of the 2002 – 2003 service year, 4929 persons were held in total across the regional centres. Kalgoorlie by far managed the most persons in custody, with an average of 117 per month for the 2005 – 2006 year, 26.2 per cent of all persons held in the regional court custody centres managed by AIMS. Geraldton was the next busiest with a monthly average of 80 persons in custody, 18 per cent of the regional total, followed consecutively by Bunbury, Broome, South Hedland, Albany and Carnarvon.

1 For background on the Contract's history and services provided see OICS, *Report of an Announced Inspection of Adult Prisoner Transport Services*, Report No 3 (November 2001); *Report of an Announced Inspection of Metropolitan Court Custody Centres*, Report No. 7 (November 2001) and *Report of an Announced Inspection of Non-metropolitan Court Custody Centres*, Report No. 20 (July 2003).

2 Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Non-Metropolitan Court Custody Centres*, Report No. 20 (July 2003).

- 1.6 In recent times, several major events and changes occurred with the potential to impact on the delivery of court services in the regions. There was a major incident where nine prisoners escaped from the Perth Supreme Court custody cells in June 2004, the investigation of which delayed the contract renewal process and ultimately led to security upgrades in all court custody centres across the state.³ Also, on 1 February 2006, the former Department of Justice was split into two new departments.⁴ New legislation for corrective services and court security and custodial services (CSCS) was being developed at the time of inspection, although this process could take some time. The new legislation was not expected to be completed before at least early 2007.

CONTRACT RENEWAL

- 1.7 The bulk of the initial five-year term of the Contract was characterised by a somewhat antagonistic relationship between the Department and contractor AIMS, with arbitration undertaken on budgetary issues over 2001 and 2002, with eventual agreement to move from a 'fixed price' to a 'cost plus' arrangement enabling AIMS to recoup the actual cost of delivering services in addition to specified fees, rather than having to deliver required services out of a finite predetermined budget. Additional uncertainty and tension existed during the period of repositioning of the Contract in the lead up to the end of the initial term in July 2005. The Supreme Court escapes in 2004 brought many issues to a head, but ultimately improved the working relationship between the Department and AIMS as issues were brought to light and resolved, with a better collaborative attitude resulting in operational improvements and the subsequent renewal of the Contract.
- 1.8 The Contract was renewed for a further three years to 31 July 2008, in largely the same form as the original Contract signed in 2000, albeit with some duties returned to the Department (related mostly to transport duties and the management of juveniles in custody) and several new courts added to the Contract. These changes had little direct impact on regional court functioning, but are relevant in the context of a changing environment for the delivery of court services. The re-signing of the Contract allowed for a level of stability to be reached in the delivery of court services across the state.

3 For more information on the initial impact of this incident, see OICS, *Inspection of the interim arrangements at the Supreme Court following the escape of nine prisoners from the custody area on 10 June 2004*, Report No. 25 (December 2004). See also OICS, *Report of an Announced Inspection of Metropolitan Court Security and Custodial Services*, Report No. 31 (February 2006), p. 6-7 and 38-45. Although focussed on metropolitan courts, the subsequent changes outlined in Report 31 impacted also on regional court services. Detailed information on the actual incident and the Contract's history can be found in Richard Hooker's *Inquiry into the escape of prisoners held in custody at the Supreme Court of Western Australia on 10 June 2004*, (30 July 2004) – 'The Hooker Report'.

4 In this report, the term 'the Department' may refer to either the former Department of Justice, the Department of the Attorney General (DotAG) as the Department responsible for CSCS, or the Department of Corrective Services (DCS) as its staff may carry out specific functions on behalf of DotAG. At the time of writing, there was little practical distinction between the two – where necessary to highlight the difference, departments will be referred to specifically.

- 1.9 However, this stability may be disrupted towards the end of the current three-year extension. The process for re-tendering after the current term will need to commence no later than August 2007 (twelve months prior to contract end). The Contract is likely to undergo major changes effected by the development of the new Perth central business district (CBD) courts complex to house the District court and criminal Supreme Court trials, due for completion in 2008. This project will have its own separate contractual arrangements, covering some services from the current Contract;⁵ the CBD courts portion of the Contract will transition out from the end of 2007.
- 1.10 At the time of the inspection, no decision had yet been made on what services will be provided under the Contract after the current term. Options to keep court and transport services together or alternatively to form two new contracts for these areas were to be examined by the Department. Splitting the contract into separate courts and transport contracts could have impacts on regional sites, as most have a fairly small staff group, engaged in both court and transport duties. Combined duties and multi-skilling officers allows for flexibility to respond to varying demand, while still maintaining sufficient hours of work to attract and retain officers in regional sites.
- 1.11 As a side issue, AIMS previously held the contract for the management of Acacia Prison, but did not win the contract again following re-tender at the beginning of 2006⁶ At the time of writing, the CSCS Contract and involvement in the future CBD contract was AIMS' focus in Western Australia. AIMS management were aware they would likely experience competition in tendering for future delivery of court and transport services, and expressed the intention of actively pursuing the tender for new services in whatever form they take.

THE SPLIT OF THE DEPARTMENT OF JUSTICE

- 1.12 On 1 February 2006, the previous Department of Justice was split into the new Department of the Attorney General (DotAG) and the Department of Corrective Services (DCS). Broadly speaking, DotAG has jurisdiction over the courts system amongst other functions, while DCS has adult prisons and community and juvenile justice. The new departments were consequently undergoing change and development at the time of inspection, with some resulting lack of clarity over responsibility for existing roles related to court services.
- 1.13 Prior to the split, the Contract was managed and monitored by the contract management branch of the prisons division of the Department;⁷ following the split there was a period of some negotiation over where these functions sat in the new departments. According to DCS,

..It was determined that the Court Security and Custodial Services Act 1999 ("the Act") would continue to be administered by the Minister for Justice, however the Department of the

5 More information on the CBD courts project is available on the website for the project <www.wlg.com.au> or on the Department's website <www.justice.wa.gov.au> under file path Home > Courts, Tribunals & Boards > Court Building Developments > CBD Project.

6 The Acacia contract was won by UK company SERCO who took over the prison in March 2006.

7 The contract management branch took on the contract monitoring role in July 2004; prior to this there was a separate branch undertaking monitoring activities.

Attorney General was to become the agency principally assisting the Minister for Justice in the administration of the Act.... Thus, despite the fact that the Court Security and Custodial Services branch managing the Contract has become a part of the Department of Corrective Services, this branch continues to advise the Director General of the Department of the Attorney General with respect to matters contractual in nature but also continues to advise the Commissioner on matters administrative.⁸

- 1.14 At the time of inspection, DotAG's court security directorate held the monitoring role, contact with courts managers and arrangements for maintenance and development of infrastructure as required. However, the contract management functions were delegated to DCS' contracted services directorate, with a requirement to advise both the Director General of DotAG and the Commissioner of DCS where appropriate. This split of responsibility was acknowledged by the departments as somewhat awkward, but the decision to retain functions in each department was a deliberate move as it is likely that the proposed new CSCS legislation under development could allow for DotAG to delegate some work to DCS while still maintaining responsibility for the overall Contract and court functioning. The intention was to legitimise this through an appropriate document, similar to the current memorandum of understanding with the Western Australian Police Service ('the police') to conduct some court services as required.⁹ It remains to be seen where contract management will sit in the future, as the scope of the Contract and relevant sections of the new CSCS act are not yet known.
- 1.15 At the time of inspection, regional court and AIMS staff and judicial officers were not concerned about the less than stable departmental arrangements, with most feeling that daily functioning was unlikely to change. Some court staff did identify a level of confusion as to whom they should deal with at a departmental level as some management and administrative structures were redefined, but other than this little had changed. AIMS management also were not perturbed by the split, although some did comment that the new arrangements impacted operationally in regards to the number of departmental staff now involved. Prior to the split, AIMS dealt with a few specified persons in the contract management branch, but since the split, they dealt with a variety of staff from the court security directorate (DotAG) as well as contract management (DCS), often resulting in the duplication of information provided and extra reporting required.
- 1.16 Management of the Contract did not sit easily in either department, adding to speculation of a possible split of the Contract in the future into two separate responsibilities.¹⁰ Potential points of tension may arise regarding competing resources to provide court services over transport services. DotAG manage courts, while transport work often relates to prisons (inter-prison transfers, funeral escorts and hospital sits) in addition to court transfers and hence largely

⁸ Department of Corrective Services, *Submission for Thematic Review of Custodial Transport Services (April 2006)*, 3–4.

⁹ This proposed document did not exist at the time of writing this report.

¹⁰ This was considered by the Department during planning for re-tendering of the Contract in 2005, with cost analyses conducted on various contract options. The option to extend the Contract in its current form for three years was the preferred option financially, cheaper than tendering two separate contracts, or returning part or all of the services to the government.

falls under DCS jurisdiction. When AIMS' sites (regional or metropolitan) are short staffed, medical escorts and hospital sits are the first to be cancelled to ensure adequate officers are available for court roles, hence DotAG's requirements are prioritised over DCS in the current servicing arrangements.

- 1.17 Possible issues regarding information sharing between the two departments may also arise, with the current a lack of information sharing legislation. The current CSCS Act broadly has provision for exchange of information 'relevant to the person's security, control, safety, care and welfare'¹¹ by a written request from the CEO (now Director General of DotAG). There is an expectation the proposed new CSCS Act will better address the relationship between the two departments; care must be taken to ensure appropriate interim arrangements are in place in the meantime.
- 1.18 Other impacts of the split of the former Department of Justice may yet be felt. There could be implications regarding administrative issues and funding for capital works, given that DCS has responsibility for managing the Contract, but does not control the capital works plan or funds available for facility maintenance and upgrades. Again, consideration of these issues should be addressed when planning the new contract and CSCS Act.

Recommendation 1: That the responsibilities and powers of the Department of the Attorney General and the Department of Corrective Services regarding court security and custodial services be clarified and formally documented. This should happen as a matter of urgency to formalise any interim arrangements in place whilst waiting for proposed new CSCS legislation to be developed.

THE NEED FOR STANDARDS AND STANDARDISATION

- 1.19 There are no published standards specifically for court custody operations, as there are for prisons and community corrections¹² or juvenile facilities.¹³ Instead, the Department has guiding principles and outcomes for the Contract, and AIMS have their own code of conduct, generic operations manuals and specific procedure manuals for each site, derived from the Contract which ultimately derives from legislation.¹⁴ It would benefit the Department and AIMS to jointly develop defined standards, which underpin policies and procedures implemented, to better enable monitoring against those standards.
- 1.20 Currently the Department's monitoring function involves operational reviews conducted by court security officers, covering three main areas: compliance to the Contract, security, and care and wellbeing of staff, persons in custody and other court users. However, some factors within these areas are not formally measured, relying on information gained through conversations and observation at a local level. The areas monitored, while not contradictory to stated guiding principles, do not align directly. Defined standards would provide clarity for the contractor and assist the Department in monitoring adherence to standards regardless of any

11 *Court Security and Custodial Services Act 1999* (WA), Section 96 (1).

12 *Standard Guidelines for Corrections in Australia* (Revised, 2004).

13 Australasian Juvenile Justice Administrators, *Standards for Juvenile Custodial Facilities* (1999).

14 *Court Security and Custodial Services Act 1999* (WA) and *Court Security and Custodial Services Regulations 1999* (WA).

future operational, contractual or provider changes. At the time of inspection, the Office was undergoing a project to define its own standards for inspecting custodial facilities and services, which will ultimately include standards regarding court and transport services.¹⁵

- 1.21 A lack of defined standards for operations may be contributing to local variations. Departmental operational reviews (monitoring) may identify the variations and seek to correct these, but without some cohesive force encouraging standardisation from AIMS, each regional centre tended to run in isolation. AIMS supervisors from around the state met every six to twelve months for a conference and AIMS management endeavoured to visit each site regularly, but outside of these contacts, daily operations were run very much from the local level.

INSPECTION SCOPE AND METHODOLOGY

- 1.22 This inspection examined court custody centre operations at regional centres covered by the Contract, namely Albany, Broome, Bunbury, Carnarvon, Geraldton, Kalgoorlie and South Hedland. Regional AIMS officers performed custody, security and transport roles, as opposed to staff working in metropolitan courts who generally held specific positions for periods of time.
- 1.23 This inspection focussed on court custodial services and did not set out to scrutinise the delivery of court security services, although these were observed in the course of inspection visits.¹⁶ Transport services specified in the Contract will be examined in detail in the Office's forthcoming *Thematic Review of Custodial Transport Services*, which was running concurrently with this inspection of regional court services.
- 1.24 Court custody centres are defined in the CSCS Act as 'a part of court premises, other than the dock in a courtroom – (a) that is set aside as a place where persons in custody are detained; and (b) that is not accessible to the members of the public without permission of the person in charge of the place'.¹⁷ Court custodial services involve 'the admission and custody of prisoners who are scheduled to appear in a court and the transfer or release of those prisoners once the court hearing has concluded', while court security services involve 'maintaining order in courts as well as the security and safety of all people at court hearings and in court buildings'.¹⁸
- 1.25 The seven regional centres specified above were visited once each for the purposes of this inspection. Inspection visits commenced at Broome in January 2006 and concluded at Kalgoorlie in April 2006, with inspection activities including:
- Direct observation of facilities and court security and custodial activities;
 - Interviews with AIMS supervisors and officers, regional managers of the courts (also known as clerks of court) and magistrates as well as other stakeholders, such as local police;

15 The standards project under development is initially focussed on standards for inspecting adult prisons, with a future remit to cover all facilities inspected under the Office's jurisdiction.

16 For more discussions on court services provided by AIMS see OICS, *Report of an Announced Inspection of Metropolitan Court Security and Custodial Services*, Report No. 31 (February 2006).

17 *Court Security and Custodial Services Act 1999* (WA), Section 3

18 CSCS Contract, Schedule 2 1.1.1

- Staff surveys distributed via mail to all AIMS officers employed in either regional court custody centres or transport (in conjunction with the *Thematic Review of Custodial Transport Services*) with a 38 per cent response rate from regionally-based court staff;
- Interviews with persons in custody, in conjunction with *Transport Thematic* work; and
- Responses received from the community to a call for comment in local newspapers.

1.26 The current inspection was also informed by regular contacts between our Office, the Department and AIMS, and regular liaison visits to the custody centres over the three years between inspections. Triangulation of information is important to support the findings laid out in this report; in conjunction with the various inspection activities undertaken prior to and during inspection, a number of meetings and desktop activities were also conducted during the inspection period. AIMS lodged a written submission and both AIMS and the Department provided a briefing to the Office regarding CSCS activities in the regions and progress since the last inspection.¹⁹

1.27 Site visits for the current inspection were structured around five broad inspection checklist areas addressing services provided in AIMS' managed facilities. These areas were: staffing (staff levels, training, access to information and systems), persons in custody (care and wellbeing, access to services), security and safety, continuity of custody and handovers, and management and monitoring. These inspection areas were utilised to mirror broadly the recommendations from the initial report and ensure all areas of custody functioning were addressed.

¹⁹ This departmental briefing was jointly produced by DotAG and DCS staff involved in courts management.

Chapter 2

PROGRESS AGAINST THE 2003 RECOMMENDATIONS

- 2.1 The initial inspection of regional court custody centres identified seven recommendations for improvement. In the intervening three years, improvements have been noted in all areas identified, although some issues persist in the current situation. The Department did not agree with several of the recommendations of the 2003 report, and yet substantial improvement was noted during the inspection. Outlined below are details of identified progress against these seven recommendations, with the previous recommendations highlighted in italics.

STRUCTURAL IMPROVEMENTS TO FACILITIES

The Department assess all regional court custody facilities for capital works requirements and a plan be produced so all centres will be able to provide the required environment to ensure that the duty of care owed to persons in custody, staff and the public can be met. The assessment should include:

- *Security of sally ports;*
- *Staff amenities and work space;*
- *Cell quantity, size and amenity; and*
- *Facilities for legal and other visits.*

- 2.2 On the face of it, the Department has adequately addressed this recommendation and should be commended for rectifying issues identified at many sites. Assessments were carried out on all regional centres to determine required upgrades, and capital works were undertaken at several sites with future plans for further improvements at other sites. In general, conditions have improved across the state, with improved cell amenities and security measures noted at many sites during the current inspection.
- 2.3 However, some deficiencies were still present; site-specific information and the impact of the physical environment on duty of care are examined in Chapter Four of this report.

USE OF VEHICLES AS MAKESHIFT CELLS

The cessation of the use of prisoner transport vehicles as makeshift cells at court custody centres.

- 2.4 The previous inspection identified the use of prisoner transport vehicles to hold persons in custody at some sites (namely Albany and Kalgoorlie) with insufficient cells to segregate as required or to cope with excessive numbers in custody. This practice has since ceased. Albany has a new court complex with sufficient custody cells available. Modification of the larger of Kalgoorlie's two cells has created an extra cell to allow segregation when required. Additionally at Kalgoorlie, video links between the prison and court were used to reduce unnecessary transports, as a management option where intelligence indicated certain persons should not be held together due to feuding, or if identified difficult-to-manage prisoners were due to appear for preliminary hearings.

- 2.5 The practice of using of transport vehicles as cells was not identified in the current inspection, with this recommendation addressed through upgrades to facilities. However, the Office will continue to monitor this issue as both the Department and AIMS indicated they may utilise this option again should the need arise in the future. The Department did not agree with this recommendation at the time of the last inspection and again, during the Department's briefing to the Office for the current inspection, defended the option to use vans as temporary cells.
- 2.6 This Office sees the use of vehicles as cells as inappropriate under any circumstance, for a variety of reasons. Current vehicle design requires engines to be left running to operate air conditioning, which creates a hazard from excessive fumes filling closed sally port areas; many do not have toilet facilities; conditions in the holding pods are frequently cramped; and an officer would need to remain in the vehicle to monitor persons in custody hence taking away resources from the actual custody centre. In addition, the use of vehicles as cells would complicate the transfer of persons to and from court or legal interviews, requiring more use of restraints and movement of vehicles into and out of sally ports unnecessarily. It is not enough for the Department to say this is not an issue as it is not currently occurring – plans should be made to identify and address options for situations where overcrowding or segregation needs may outstrip current cell availability in the regions.

RECRUITMENT, RETENTION AND EMPLOYEE DIVERSITY

The contractor to develop specific strategies for regional recruitment, staff retention and employee diversity (especially with regards to Aboriginal and women employees).

- 2.7 As of January 2006, there were a total of 55 AIMS officers based in regional areas (out of a total of 346 state-wide)²⁰ compared to 59 regional (out of 265) on 30 July 2005, 51 regional (out of 262) on 30 July 2004 and 62 regional out of a total of 264 on 30 July 2003.²¹ Most regional sites experienced high staff turnover and consequent staff shortages, with the exception of Bunbury, which generally had stable staff and little difficulty recruiting locally. This inspection again noted that supervisors often covered shifts when short staffed, taking attention away from management and supervision duties. Some positions went unfilled or were doubled up with other roles (in particular, perimeter security), or hospital sits and transports were cancelled to keep staff available for court duties which have priority. Relief officers were flown in from Perth for busy times, unexpected events or to cover shortages; this was an adequate short-term solution for regional sites but put corresponding pressure on those metropolitan sites whose officers were diverted to the regions.
- 2.8 Western Australia's booming labour market and comparatively low unemployment rate (4.0 per cent as compared to 5.1 per cent for the whole of Australia in April 2006)²² increased the difficulty to recruit and retain suitable staff, particularly in regional areas. Potential recruits and existing staff were able to gain employment in regional areas in the resource

20 Figures are from AIMS' written submission to the inspection team.

21 Figures from the Department of Justice, *Annual Report – Contract for the Provision of Court Security and Custodial Service*, 2003, 2004 and 2005.

22 Department of Employment and Workplace Relations, *Labour Market Summary Western Australia* (April 2006).

sector paying much higher than custodial work. Recruitment drives for prisons, police and other government services impact on the attrition rate, with AIMS officers frequently leaving for permanent or higher paid positions elsewhere.²³ Also, the fluctuating hours of work and lack of job security for flexi and casual workers impacts on recruitment and retention, both in metropolitan and regional areas. A recruitment drive at the end of 2005 was successful in boosting total officer numbers, but mostly for metropolitan positions. Regional positions remain hard to fill.

- 2.9 Positively, the Department indicated willingness to assist AIMS in dealing with staffing issues in regional areas, with AIMS able to offer some permanent positions and relocation grants as incentives to gain and keep regional staff. At the time of inspection, discussions between the Department's contract management branch and AIMS were underway to designate extra permanent positions with set wages paid regardless of actual work hours completed, as an incentive for staff retention at Roebourne (a regional site without local court duties and hence not visited during this inspection). Roebourne had long been affected by staff shortages. This collaborative approach to addressing regional staff pressures was a positive move. The Department must acknowledge some responsibility for monitoring and assist the effectiveness of AIMS recruitment, retention and staffing policies, particularly in light of regional pressures.
- 2.10 AIMS also paid a regional allowance; however comments from some staff indicated this did not adequately compensate the extra cost of living in some regional areas. As a part of their parent company Sodhexo, AIMS could offer recognition and reward incentives. However, with fairly flat structures in the regions there was little opportunity for staff progression up the ranks aside from the supervisor positions.
- 2.11 As at January 2006, there were three Aboriginal AIMS officers working in the regions (same number as at inspection in 2003), not enough considering the high representation of Aboriginal persons in custody and relative lack of cultural awareness training delivered to regional staff. Low numbers of Aboriginal AIMS officers (just 2.6 per cent state-wide as of January 2006) reflects similar low numbers of Aboriginal prison staff (just 2.8 per cent at June 2005). This has previously been attributed to cultural and family constraints impacting on Aboriginal people's willingness to work in custodial roles and settings, as well as an increased likelihood of criminal record impacting on eligibility for the role.²⁴
- 2.12 AIMS have modified their recruitment and retention strategies since the last inspection, focussing on Aboriginal recruitment and recruiting locally where possible. AIMS contracted a recruitment agency to promote the work, identify and recommend Aboriginal candidates, a move away from internally-run recruitment. Despite changes to recruitment practices, the actual number of Indigenous staff employed had not changed since the last inspection, although the percentage had improved from 4.8 per cent in July 2003 to 5.5 per cent in January 2006.

23 For example, six staff (not all regional) left AIMS after winning prison officer positions in April 2006, necessitating a new AIMS recruitment drive in May 2006.

24 OICS, *Directed Review of the Management of Offenders in Custody in Western Australia*, Report No. 30 (November 2005).

- 2.13 AIMS staffing as of January 2006 included eighteen female officers based at regional sites (33 per cent of the 55 regional officers), a slight increase in numbers compared to 2003. At the time of inspection, all sites had at least one female officer in their staff; however some had only one, often casual or permanent flexitime workers. For some sites, such as Kalgoorlie and Bunbury, adequate numbers of female staff ensured there was always a female officer on shift to assist with the management of women in custody, in particular in regards to searching. AIMS policy specifies a requirement that ‘rosters should always reflect a balance of gender and at a minimum, an employee of each gender should be rostered at the worksite to match the requirements of the tasks performed’.²⁶ This requirement is challenging to meet at sites with just one (or potentially none if allowing for leave or attrition) female officer.
- 2.14 The inspection’s staff survey asked AIMS officers to rate various aspects of their work on a scale of one to five, where one was very bad and five very good. Averaging these responses, staff conditions were rated below average (2.4), consistent with comments heard during inspection from AIMS staff, court staff and judicial officers in the regions. In particular, staff comments during inspection and survey responses indicated dissatisfaction with pay levels and cost of living in regional areas, lack of consistency in hours of work, and inadequate staff facilities. Staff safety, custody centre environment, procedures and relations all rated just above average (3.3 and 3.4). Training (both initial and recurrent) was rated as average (3); this area is explored further below.

Recommendation 2: That the Department and contractor in conjunction review regional recruitment strategies, conditions and incentives for staff, to ensure further improvement in regional recruitment, retention and staff diversity.

STAFF TRAINING

The contractor to develop a comprehensive training plan, encompassing recruit training and ongoing professional development that will ensure all staff achieve recognised accreditation.

The Department should take a more active monitoring role in training received by the contractor’s regional employees to ensure that the standards promised in the Contract are adhered to.

Initial recruit training

- 2.15 AIMS undertook a full review of their training material for recruit induction training in 2005, with improvements noted in the quality of workbooks issued to new recruits for their initial training. Successful completion of the series of workbooks and workplace assessment of each module leads to the accredited qualification in Certificate Three in Correctional Practice (Custodial). The workbooks cover all competencies for the certificate, written to reflect the AIMS context, covering a comprehensive range of operational requirements as well as information about the Contract and legislation, with corresponding assessment activities.

25 Male officers can conduct pat searches (in the presence of an appropriate female observer), but strip searches can only be conducted by officers of the same gender as the person in custody.

26 AIMS, *Operational Procedures Manual*, Policy 6.128

- 2.16 In regional areas trainees complete the workbooks themselves with support and assessment from the supervisor, as compared to metropolitan staff who cover the workbooks in a classroom setting. Regional trainees travel to Perth for two days training at head office for use of force and restraints modules. However, regional trainees miss out on some sessions available to metropolitan trainees, in particular a workshop on cross-cultural awareness. The workbooks cover very minimal information on this topic. Practical cross-cultural training is essential given the nature of the work – officers deal with persons in custody from a variety of cultural backgrounds, particularly in regional areas with high numbers of local and remote community Aboriginal persons in custody, plus the recent increase of foreign nationals held on fishing charges in some areas.
- 2.17 At the time of inspection, training competencies were signed off by an accredited workplace assessor (based at AIMS head office in Perth) from completed workbook activities, which were first checked and marked by supervisors against answers given in the supervisors' assessment guide. Not all supervisors were accredited assessors, hence assessments and evidence were sent to the Perth-based assessor. Throughout the process supervisors should be reviewing material, assessing work activities and debriefing with the trainee.²⁷ If competencies are met on assessment, officers gain the accredited certificate. Interestingly, at the time of inspection it was not a formal requirement that officers gain the full certificate, only that they were assessed as having completed initial training satisfactorily.
- 2.18 While it is the role of the supervisor to provide support and assistance during training, this was often delegated to other officers when supervisors were engaged in management duties or covering shift shortages. Care must be taken that these officers are suitably experienced to support and train new recruits; in sites with high turnover, relatively inexperienced officers may end up training new recruits. As supervisors and other local officers conduct most training, there will inevitably be variation between sites as to style and quality of training provided. This may also be contributing to variations in local practices noted during the Department's operational reviews.
- 2.19 Several staff comments indicated that the most recent version of the workbooks was much improved from workbooks several years ago, following the training review and improvements by AIMS' training base. Trainees interviewed indicated finding the workbooks useful for theory, but that they learnt the most once on the job. Learning the day-to-day operations at each site and the practical application of the information covered in workbooks was essential.
- 2.20 All new recruits must have completed First Aid training. This may be conducted onsite if available, otherwise trainees will be sent to Perth to complete the certificate if they do not already hold a current First Aid certificate.
- 2.21 A positive change noted also since the inspection in 2003 is that all new recruits must undergo the security check process and receive a security clearance to work as AIMS officers prior to commencing recruit training. In the past, recruits commenced training while the security check was underway; this resulted in those who failed the security check being told they were not eligible for the position after commencing training.

27 AIMS Corporation, *Book 10 – Supervisor's Guide to Assessment, CSC30201 Certificate III in Correctional Practice (Custodial)*, (January 2006).

Recurrent training

- 2.22 AIMS implemented ‘training grabs’ to supplement mandatory training refreshers, to improve access to recurrent or non-essential training for officers. However, regional officers still could not easily access recurrent training, as staffing pressures in the regions could prevent officers being taken offline to complete training, or courses may be run in the metropolitan area rather than in the regions. If an officer misses out on an available training grab, another may not be available in the local area for some time. Training grabs are opportunistic, conducted as time and resources allow; a regular training schedule would better allow officers and supervisors to plan ahead to incorporate training needs into roster planning. The lack of ongoing training was highlighted in free text comments from the staff survey, with staff identifying a need for a permanent mobile trainer to deliver training to all regional sites. At the time of inspection AIMS were developing a plan for a mobile training team to travel through the regions, staying at each site for several days to assess training needs and provide refresher training and training grabs to each site. Provided departmental approval was gained and budgetary issues finalised, this team would be formed by the end of 2006, with a view to travel to each site yearly to conduct all required ongoing training.
- 2.23 A lack of computer training for regional officers was identified again as at the time of last inspection. This is not part of the initial workbook program, yet operational duties could include inputting data into AIMS’ recordkeeping system or accessing vital information about persons in custody from the Department’s Total Offender Management System (TOMS) database. Supervisors had training in TOMS, but at some sites they are the only officers with this knowledge and must find time to train others as opportunities arise. The lack of accessible computers in some sites makes this difficult, as trainees need to be taken out of the custody centre to the supervisor’s office where the computers are located, consequently taking both the officer and supervisor away from the hub of activity during court time, rather than being able to undertake training on the job in the course of operational duties.

Monitoring

- 2.24 Department monitoring of the effectiveness of regional training happens as part of scheduled operational reviews by DotAG court security staff, in so far as asking officers what access they have had to training and how relevant that training is to the workplace, and observing practices for compliance to procedures and contractual service requirements. The contract management branch of DCS also has an interest in training, as they receive information on any training plans or modifications for approval prior to delivery by AIMS.
- 2.25 Training needs may also be assessed in the course of internal audits and AIMS management site visits in the regions.

Recommendation 3: That AIMS assess training needs for all regional staff and provide appropriate recurrent training to address those needs, to include (but not be limited to) computer and information systems training for all regional officers and cross cultural awareness sessions.

EMERGENCY MEDICAL TREATMENT

The Department and the contractor should agree on protocols for the provision of emergency medical treatment at court custody centres that provide supervisors with more autonomous authority to act with immediacy.

- 2.26 The Department and AIMS were both clear that the standard process for dealing with medical emergencies is to call for ambulance assistance and provide First Aid in the first instance. All site manuals included telephone numbers for local and metropolitan health services and hospitals for assistance and advice on non-emergency situations.
- 2.27 All new recruits to AIMS must now have a current Senior First Aid certificate before the Department will run security checks for permits to work as custodial officers. This did not happen at the time of initial inspection, with permits issued with an expectation that trainees would gain First Aid within the induction training period, which did not always happen. First Aid currency is now tracked during the departmental operational reviews, with plans to introduce an expiry date of two years for security permits in the future, requiring renewal of First Aid qualifications with each reissued permit for ongoing AIMS staff.
- 2.28 In at least one site visited during the inspection, not all departmental court staff members were trained in First Aid. There was an expectation instead that AIMS officers would assist if needed in the court complex as all had current First Aid qualifications.
- 2.29 For persons in custody transferred from prison to court, transfer paperwork includes any current medical information and medication regimes. Medication is administered in line with this information and if none was transferred with the prisoner, AIMS liaise with the prison to arrange. AIMS supervisors do not have the discretion to administer new medication unless it has come in with the person in custody or they have a current prescription in their property. If there was any doubt, the person in custody would be transferred to hospital for medical attention.

ON-SITE MONITORING

The Department continue to increase regularity of on-site monitoring of regional court custody centres and to ensure that appropriate training and resource are provided to clerks of court to perform the ongoing role expected of them in overseeing contracted service delivery.

Departmental monitoring

- 2.30 The Department revised their monitoring plan at the end of 2004, improving the audit process to become outcome focussed. Monitoring services were integrated into the contract management directorate for this purpose. Following the split of the Department in February 2006, monitoring responsibilities were moved out of contract management (DCS) to the court security directorate of DotAG, to become 'operational reviews' based largely on assessment of risk.²⁸ Court security officers conduct regular reviews and have more power to make comment or direct changes during site visits as compared to the previous process where monitors passively observed on-site and raised issues some time after the visit. Any risks and issues identified by security officers at one site will be checked at all other sites as well.

28 Court security will send notices to the contract manager regarding any issues of concern.

- 2.31 The monitoring presence in the field was much improved on the irregular monitoring visits noted at the time of the last inspection. For regional sites, in the twelve months to May 2006 there were thirty-seven formal monitoring visits,²⁹ initially by the monitoring branch and then by court security officers as part of the operational review process. In comparison, for the service year ending in July 2003, there were just eighteen site visits in total by monitors for all sites operated under the Contract (including metropolitan and regional sites).³⁰
- 2.32 A mandated security risk visit must be undertaken annually at every court centre, in addition to other operational review visits to examine the areas of security, compliance to the Contract and care and wellbeing of all court users (including but not limited to persons in custody). In addition to site visits, Departmental representatives also attend monthly meetings with AIMS management regarding court security activities and undertake desktop monitoring activities.
- 2.33 Clerks of court have the best daily knowledge of operations of the court custody centre, hence have a monitoring function in regards to managing recording of the hours worked and reported by AIMS, and managing local operations and relationships. However, some do not have a strong security or auditing background, so cannot supplement the Department's monitoring in these areas. The court security directorate were looking at options to provide security training for appropriate court staff in the future but this is not intended to replace centralised monitoring activities.

AIMS auditing

- 2.34 AIMS also conduct internal audits, with scheduled management visits including a security audit to each regional site every few months. Quality assurance audits also occur on average once a year for each regional site. These are conducted by an AIMS quality compliance co-ordinator and follow a comprehensive audit checklist against AIMS policy and contractual requirements, with any concerns noted for change required. Additionally external audits are conducted annually to ensure AIMS maintains compliance to the ISO 9000 management standards, for accreditation by the Council of Standards Australia.

RECORD KEEPING AND INCIDENT REPORTING

The contractor establish and enforce the use of standardised record keeping instruments across all regional court custody centres and to monitor the reporting procedures at all sites to ensure all necessary incidents are reported appropriately.

- 2.35 Internal monitoring audits through the 2002-2003 service year found that while there was a high level of service from regional staff in general, AIMS' regional sites showed shortcomings in administrative areas around record keeping, site-specific orders, senior management support and lack of currency of operational procedures and directives. AIMS have since acted upon these issues, with improvements noted in amounts of on-site visits and support to regional sites from management, and a focus on streamlining services.

29 At least three visits per site, more to higher risk sites or sites undergoing major works.

30 Department of Justice, *Annual Report – Court Security and Custodial Services*, September 2003.

- 2.36 AIMS' updated operational procedures manuals specify standard forms to be used across all sites for a variety of procedures. Incident reporting occurs via hard copy from AIMS (although critical incidents must be initially reported by phone within an hour of occurrence then followed up by interim and final reports), then logged into an incident database by the Department.³¹ Incidents will then be reported by the Department in published annual reports, as a contractual reporting requirement. Incidents can impact on performance-linked fees payable under the Contract at the end of each service year.
- 2.37 Despite the changes, the Department advised that monitor visits are still finding local modifications to documents and informal recording systems used at regional sites. Consequently they are working to put in systems and 'failsafe' procedures to standardise the total system. One such system on the horizon is a computerised key issue method to tighten key controls in all sites. The Department will provide software and equipment for this to all sites, although some regional sites may experience difficulties with telecommunication links not supporting continuous connection to a centralised system.
- 2.38 The presence of local variations is not surprising given the unique nature of each regional site, and the isolation still apparent by sheer weight of distance. Some changes designed for larger sites may not be easily applicable at regional sites, for example the key zones policy which was difficult to implement at Kalgoorlie, a physically small site with limited scope to divide into zones.

CHAPTER SUMMARY

- 2.39 There were seven recommendations from the last inspection of regional court custody centres in 2003. The Department and AIMS have built a better working relationship since the last inspection, and have partially met all the previous recommendations. The Department is of the view that all recommendations have been met; the Office acknowledges that indeed good progress has been made and some recommendations have been met sufficiently, but there is still room for further improvement in several areas.
- 2.40 In particular, the issues around staffing levels and conditions in the regions have not changed significantly since the last inspection. Both the Department and AIMS have a responsibility to work towards improving recruitment and retention strategies for regional areas. Additionally, the area of recurrent training continues to be lacking, potentially disadvantaging regional officers as compared to their metropolitan counterparts.

31 Department of Justice, *Annual Report – Contract for the Provision of Court Security and Custodial Services*, (September 2003).

Chapter 3

FINDING THE BALANCE - NEW AND EMERGING ISSUES

SECURITY AND SAFETY

- 3.1 There was a heavy focus on security and risk management following the Supreme Court escapes and subsequent inquiry, the Hooker report. The Hooker report identified various deficiencies in procedures and processes involving both AIMS and the Department, particularly regarding key control, cell unlock procedures, departmental monitoring and sharing of intelligence amongst other issues. Following the escapes, the Department issued a default notice to AIMS requiring immediate remedial action, which resulted in a number of improvements in security at all custody centres. Due to the seriousness of the escapes, the subsequent changes ultimately served to improve the working relationship between the Department and AIMS.
- 3.2 AIMS' general manager of CSCS changed, plus new security management positions were funded as part of AIMS' security review following the escapes. A series of security improvements were implemented at all sites over the period between the escapes and the current inspection, including methods of double cuffing and vehicle transfer wires for secure transfers in the open, and the development of new internal security audit, intelligence and risk management frameworks. Concurrently, the Department moved towards an active risk assessment model within its monitoring framework. Key access zones to better control staff access throughout custody centres have been implemented at all sites, to varying degrees of success. The Department is also planning the implementation of a computerised key management system to further improve key control in the regions.
- 3.3 AIMS developed their own Security Support Group (SSG) for high-profile cases, escorts and to assist with training. Previously there was no high-security group as managing high-security prisoners was not covered by the contract and should be managed by the Department's Emergency Security Group (ESG) or police if required. However, the escapes and resulting security review prompted AIMS to develop their own group. AIMS management intend to utilise SSG members further to conduct training and attend high risk sites at short notice when required.
- 3.4 Improved intelligence processes and communication between the Department and AIMS have assisted in the management of persons in custody and reduced the likelihood of incidents. New and replacement equipment was sourced for all sites where required. Also, improved technology has been installed at all sites, although some regional areas are affected by limited bandwidth and connection line speed, issues largely beyond the Department's control.
- 3.5 Upgrades of facilities by the Department also improved safety and security within custody centres and court spaces. Safety features such as cell door hatches and improved CCTV coverage have been installed where required and sally port security and facilities have been addressed at sites of concern, either through upgrades and extensions to existing facilities or construction of new facilities such as at Albany.
- 3.6 Prior to the inspection, the Office was concerned that the focus on security would overshadow the duty of care towards persons in custody, as attention had primarily been focussed on security and safety upgrades since the Supreme Court escapes. AIMS'

management acknowledge and defend this as the required course of action to satisfy the Department and secure renewal of the Contract.³² During the inspection, they indicated more attention will be paid to maintain the duty of care for persons in custody now that security issues are resolved.

- 3.7 From stakeholder interviews and observations during inspection visits, it appeared regional AIMS officers at a local level were aware of the care and wellbeing needs of persons in custody in addition to security concerns, and balanced the two areas relatively well. AIMS staff showed respect for persons in their custody and generally interacted well with judicial officers, court staff and other court users. At those sites with ageing or inadequate infrastructure, officers were aware of the impact this could have on persons in custody, and worked as well as they could within the inadequacies. Small gestures such as the provision of tea or coffee on request and a willingness to clean out cells when required were indicative of this. Shortcomings identified in the regions arose from limitations in the built environment and lack of awareness and training rather than any malicious intent.
- 3.8 Additional points raised during the inspection highlighted a possible need for more security for civil and administrative matters. The Contract does not include services specific for civil hearings, short of providing perimeter security and assistance if required or specially requested by a judicial officer.³³ Magistrates at several sites wanted a stronger security presence in civil courtrooms, particularly given that potentially volatile violence restraining order applications are dealt with as civil matters. Perimeter guards often assist at front of court administration desks where some persons attending for matters other than court hearings, such as to discuss outstanding fines may pose a security risk to court staff. Perimeter security is an important function at regional centres, yet this position is usually the first to be cut when AIMS are short staffed.

CONTRACT VARIATION AND LOCAL AGREEMENTS

Contract variation

- 3.9 The issue of contract variation was identified in the second inspection of metropolitan court services.³⁴ Under current legislation, any changes to the Contract must be tabled in Parliament within 30 days.³⁵ The Department consistently has not done this in the past, although it has undertaken to include variations to service delivery in the CSCS annual reports as of 2005. This is an improvement but still does not meet the timely requirements for notification of contract variance, nor is the information in the annual report particularly detailed regarding each change. The Department indicated that a 'deed of variation' was being formulated and would be tabled in Parliament to incorporate all changes and

32 In response to a draft of this report (dated 20 November 2006), the Department stated: 'There is an implication that security improvements were at the expense of care and well being, and were required to satisfy the Department. This is not the case.' Court security directorate operation reviews regularly inspect AIMS' care and well being performance together with security and contractual compliance.

33 *Contract for the Provision of Court Security and Custodial Services* (January 2000), Schedule 2, 2.3.3 Exclusions.

34 OICS, *Report of an Announced Inspection of Metropolitan Court Security and Custodial Services*, Report No. 31 (February 2006).

35 *Court Security and Custodial Services Act 1999* (WA) section 45(4).

variations to the Contract as is required under the Contract. This had yet to eventuate during the inspection period, although purportedly had been in development for some time.³⁶

- 3.10 Site-specific procedures and activities outside the scope of the Contract were noted in several regional sites during the current inspection. Varying practices have arisen according to environmental constraints and local arrangements with police in shared facilities. Some sites have control of police lockups at designated times (such as Carnarvon and Albany) while other custody centres were completely separate from police lockups. Local agreements to transport persons in custody from police lockups to court in the morning were in place at some sites. Additionally, Albany AIMS provide perimeter security for CJS offices co-located in the new court complex, and the position of 'JP runner' exists in some but not all sites.
- 3.11 Neither the Department nor AIMS were particularly concerned about activities undertaken outside the Contract, provided there was no impact on core duties. However, the lack of adherence to contractual requirements carries the risk of creating grey areas regarding responsibility and liability in the case of incidents, or unduly stretching already busy staff to cover non-core duties.

JP runner position

- 3.12 The JP runner position essentially involves escorting persons receiving a non-custodial sentence or bail from court to sign all appropriate paperwork in the presence of a Justice of the Peace (JP) or authorised judicial officer before departing from the courts. Should a person leave the court before signing the required paperwork, they are considered to be an unlawful release from custody or escape. The position is not listed in most site manuals, operational manuals or the Contract schedule, yet several regional sites (in particular Broome and Albany) do have staff designated in this position. Other sites (such as Bunbury) specifically do not have this position.
- 3.13 The Contract includes as a court security service requirement that AIMS 'retain charge of persons until all judicial requirements for release are completed including escorting persons to Justices of the Peace and clerk of courts',³⁷ but indicates only that the contractor must provide staffing levels sufficient to cover the services specified. Actual role definitions are determined by AIMS as the contractor.
- 3.14 The Albany site manual is the only one of the regional manuals to specify the role of JP runner, although the position is not listed under any duty statements and appears to be doubled up into the dock guard role. During the inspection visit to Albany, the Office was advised that the JP runner was a required position on designated court days, in addition to the dock guard. Albany's manual also notes that the AIMS officer required to escort defendants to the administration area to sign paperwork 'would usually be the JP runner,

36 The deed of variation was mentioned in the Department's response to recommendation 3 of OICS, *Report of an Announced Inspection of Metropolitan Court Security and Custodial Services*, Report No. 31 (February 2006) and also in Department of Corrective Services, *Office of the Inspector of Custodial Services Submission for Thematic Review of Custodial Transport Services*, (April 2006).

37 *Contract for the Provision of Court Security and Custodial Services* (January 2000), Schedule 2, 2.3.1; reflected in *AIMS CSCS Operational Procedures Manual*, Policy 5.106 and all regional site manuals.

dock guard or perimeter security'.³⁸ This example indicates the level of ambiguity regarding which officer's role it actually is to complete these duties. Ambiguity should be avoided by the contractor, especially in areas that potentially pertain to 'escapes' as these events may have an impact on performance-linked fees payable under the Contract. This issue also formed part of recommendation four of the second metropolitan court services inspection as ambiguity around the role was also identified in metropolitan courts.³⁹

Recommendation 4: That AIMS review all sites for ambiguous or site-specific activities and clarify correct procedures. In particular the position of JP runner should be examined, and the requirement or otherwise for this position be clarified and all site and operations manuals updated accordingly.

Local relationships

- 3.15 Generally good relations were observed between AIMS and local police in all regions, both in shared and separate complexes. Relationships in shared sites have improved since the time of last inspection, although some sites still had problems with the cleanliness and condition of cells in police lockups handed over for AIMS use. Additionally, the new police computer system to process admissions and discharges introduced at the end of 2005 had delayed handovers of persons in custody moving between AIMS and police custody.
- 3.16 In all areas, local service agreements were being developed between police, AIMS and the Department. These are documents outlining existing procedures and responsibilities of AIMS and the police in each region, and are not legally binding documents. During stakeholder interviews, some police seemed to be expecting more of the new agreements than the intended aim to clarify roles. Some pressure was noted to offload work onto AIMS with little reciprocation. In many sites police expressed wanting to hand over the control of lockups and persons in custody in them to AIMS, and in particular would like to hand over transport responsibilities for juveniles in custody. Neither of these tasks is covered by the Contract in its current form.
- 3.17 Generally court staff and magistrates were satisfied with AIMS conduct of court services, aside from occasional issues regarding lack of staff or miscommunication. Timeliness to court is usually good, with positive comments heard during the inspection from court staff and judicial officers regarding this. Local relationships between clerks of court and AIMS' supervisors generally seem good in the regions, with open lines of communication and a collaborative approach to solving problems.

THE PRESSURE OF DISTANCE

- 3.18 In addition to staffing problems and reduced access to training as already explored in Chapter 2, distance and isolation of regional sites can impact in other ways. Persons released from regional court custody and prisons may be a significant distance away from home, with minimal transport options available. Difficulty in returning home after release has been linked to a likelihood of reoffending, and hence further contact with the courts and

³⁸ AIMS Corp., *Albany Site Procedures Manual* (January 2006), 10.

³⁹ OICS, *Report of an Announced Inspection of Metropolitan Court Security and Custodial Services*, Report No. 31 (February 2006).

prison system.⁴⁰ Issues regarding the transportation of persons to and from court, prison and home in the regions will be explored in more depth in the forthcoming *Thematic Review of Custodial Transport by this Office*.

- 3.19 AIMS do have a policy entitled ‘release of persons from AIMS custody’,⁴¹ which covers requirements to have authorisation for release with all appropriate documentation completed and any property in storage reissued. However, this contains no information concerning what should happen after the person leaves the custody centre. This is a gap in services that currently no agency has responsibility for – nowhere in the Contract or CSCS Act is outlined any return to home provisions. The Contract does specify as a service requirement for court custodial services (both regional and metropolitan) to ‘return prisoners to court custody centre, facilitate bail if granted and arrange for release or further movement.’⁴² However no guidance is provided to define what ‘arrange for release or further movement’ means in practical terms. Assistance for people returning home is provided on an ad hoc basis by a variety of agencies but remains a problem in regional areas.
- 3.20 The Department acknowledged that assistance for people released from court to return home was not a service currently provided for under the Contract or the CSCS Act. The Office was advised by the Department that a committee had been formed involving internal and external stakeholders to review policies regarding this issue and services currently provided to persons released from the courts.
- 3.21 For persons remanded in custody, the issue of where court is heard is likely to create difficulties upon release. For example in the Kimberley region, anyone remanded in custody for future court hearings will be brought in the first instance to Broome Prison, and then possibly transferred further south depending on time of remand, population pressures in the prison and security classification. However, rather than having their case heard at the courthouse nearest the prison, they will generally be transported back to where they were arrested to be heard at the local court by the magistrate on circuit (from Broome).
- 3.22 While this may be positive for persons subsequently released from court in their home town or community, those remanded further or sentenced must then be returned to Broome Prison or beyond. Additionally, there is no guarantee that any property held at the prison would be transported back to the local town or community, so persons may lose this property if they do not return to the prison to collect it. Other options such as conducting court hearings by video link or hearings at courts near the holding prison would reduce unnecessary transports. Unfortunately, the issues of return home after release would still exist.

40 See for example OICS, *Report of an Announced Inspection of Eastern Goldfields Regional Prison*, Report No. 34 (June 2006) and *Report of an Announced Inspection of Broome Regional Prison*, Report No. 27 (March 2005).

41 AIMS Corp., *Security and high risk operations manual*, Policy 2.113.

42 *Contract for the Provision of Court Security and Custodial Services* (January 2000), Schedule 2, 3.3.1.

CHAPTER SUMMARY

- 3.23 All sites managed under the Contract underwent a number of security modifications and improvements since the Supreme Court escapes in June 2004. Consequently, an overall improvement in safety and security was noted in the regional sites visited for this inspection. Some sites still had further potential for improvements or were experiencing limitations imposed by the physical design of older court buildings (see Chapter 4), but on the whole security and safety were identified as the major focus for both the Department and AIMS.
- 3.24 There was variation noted between regional sites in terms of physical infrastructure, scope of services provided, local practices and staffing levels. Each site had its own unique combination of these factors, with much of local practice influenced by the local supervisor's work style. Care must be taken to ensure site-specific activities and local arrangements do not contravene contractual requirements as this leaves AIMS open to unnecessary liability, plus extra activities may divert staff away from duties required under the Contract.
- 3.25 An additional issue for regional areas is the distance faced by many persons released from custody trying to return home. In some instances they may remain in the town of release with no means of getting home, generally with little money or accommodation, which can lead to re-offending and subsequent rearrest and return to the court system. Addressing return to home provisions would have a positive impact in regional areas in this regard.

PICTURES



1. Custody centre at Albany

The custody centre is the Albany police lock-up, taken over by AIMS on designated court days. The police station is co-located in the same complex as the courts.



2. Sally port addition at Broome

Visible in the picture also is the demountable for staff amenities to the left of the sally port.



3. Holding cell for Carnarvon court

There is only one holding cell adjacent to the courts. Persons in custody are transported from the nearby police lockup cells shortly before they are required in court.

PICTURES



4. Stairs down to the transit corridor between Carnarvon police lockup and the court holding



5. New toilet and drinking fountain unit installed in the South Hedland cells.



6. View out of Kalgoorlie custody cell.

Extensive damage and graffiti to the cell wall can be seen in this picture. This cell is relatively new, as the previous larger cell was split into two new cells following the last inspection.



7. New sally port addition outside the Kalgoorlie custody area.

This creates increased security.

Chapter 4

PHYSICAL ENVIRONMENT AND THE IMPACT ON DUTY OF CARE

- 4.1 The Department defined guiding principles for the operation of court custody centres, which were mirrored largely in AIMS' code of conduct and values outlined during induction training. These departmental principles are:
- a. All defendants are entitled to presumption of innocence;
 - b. An obligation exists to ensure a duty of care to all persons in custody;
 - c. Provision is to be made to accommodate the needs of people from diverse cultural backgrounds;
 - d. Provision is to be made for persons with special needs;
 - e. The human dignity, privacy, care and well being of every person is to be safeguarded; and
 - f. People in custody are entitled to be detained in a safe and secure environment.⁴³
- 4.2 The guiding principles are largely focussed on the care and wellbeing of persons in custody. However, since the last inspection, the focus has shifted strongly towards security and safety. Custodial environments have tended to focus on security, with tensions between care and wellbeing needs versus safety and security concerns. There is a balance to be found, as the two areas are not necessarily mutually exclusive. Care must be taken that increased security measures (supporting principle 'f' listed above) do not overshadow the intent of the previous five principles, in particular the duty of care owed to all persons in custody.
- 4.3 The physical limitations at many sites were unavoidable, as capital works upgrades could only go so far within existing buildings and the development of new court complexes required planning, funding negotiations and a lengthy wait before new facilities would be completed. This chapter outlines some impacts of the physical environment on the care of persons in custody, as well as identifying any site-specific changes since the last inspection.

COMMON ISSUES

Ageing and heritage listed buildings

- 4.4 Many regional court buildings and infrastructure were ageing and no longer adequately met the needs of modern court users. Older facilities were more likely to have holding cells that do not meet compliance standards for safe custody, or require extensive upgrades to make them compliant. Also, the actual physical arrangements varied widely across sites, with differences in number of holding cells, size, orientation and amenities in cells and access to courtrooms from custody areas. Some sites shared lockup facilities with the police, while others had separate custody centres.
- 4.5 Heritage listing impacted on the potential for upgrade at several sites, in particular Broome where the local heritage council has long resisted any attempts to extend or modify the existing courthouse situated in the town's historic cable station and surrounding gardens. Consequently, plans to extend or supplement the existing inadequate custody centre there have stalled.⁴⁴ Restrictions recently affected building design in the new Albany justice

⁴³ Department of Justice, *Annual Report – Court Security and Custodial Services* (September 2005), 36.

⁴⁴ In response to a draft of this report, the Department stated that: 'The original proposal to upgrade Broome represented a series of compromises that led to inadequate solutions. A decision has been taken to bring forward the replacement of Broome so that the project commences during [the financial year] 2011/2012. In the meantime, a project to complete major refurbishments has commenced. The works will include a non-contact interview room, an air lock in custody, a sally port upgrade, and other improvements to the custody area to improve PIC [persons-in-custody] management, safety and security.'

complex, with requirements to maintain existing heritage features from the old courthouse building in the new design. Kalgoorlie will be faced with similar issues as their proposed new court complex is based around the town's original warden's court building, a site of historic significance for the local area.

Standard design

- 4.6 At the time of inspection, the Department was developing a 'standard design brief' for courts, to ensure all new works comply with appropriate standards to meet space, security and duty of care needs. Although the standard design existed in draft form only, the Department had already begun implementing some aspects in current upgrades and planning, as it specified parameters for appropriate cell amenities, placement of CCTV cameras and so forth. Existing custody centres not slated for new development had cell modifications to meet the standard design in so far as possible, although the Department did acknowledge during the inspection that there were still inadequacies to address at some centres.
- 4.7 Development of these Departmental standards for design is positive. However, issues could arise in co-located complexes where the custody centre is a shared facility with a police lockup, as currently police cell standards differ from court standards. The Department stated that discussions were underway to align the police cell design code and the Department's standard design brief. In shared sites, funding has typically been granted to the police for a lockup with provision for shared use by courts rather than the other way around, with a recent example being Albany's new complex. This situation is likely to be repeated in the new Kalgoorlie justice complex planned to be built in the 2007 – 2008 financial year, as its custody area may also be a shared facility with police. The Department's assets branch has not opposed this trend, as the required funding from the Department is consequently reduced.

Recommendation 5: That the Department seek to resolve differences between police standard and court standard design of shared facilities where court custody is managed in a police owned lockup. If differences are not able to be resolved, the Department should seek to implement court-owned custodial facilities to meet their specified standards to maintain an appropriate level of care for those persons held in custody for court purposes.

Staff facilities

- 4.8 Staff facilities for AIMS ranged from good through to grossly inadequate. Typically, office space and staff amenities appeared to be an afterthought added later in the form of demountable buildings or located some distance from the court and custody areas where the majority of AIMS' work takes place. Regardless of whether CSCS functions are undertaken by a private contractor or government officers, certain facilities are required to ensure appropriate service is provided, including physical facilities such as office space and staff amenities, as well as accessible computers and record databases.
- 4.9 In several sites technical issues were identified, such as a lack of cabling preventing computer access in Broome's custody centre and ongoing problems with new video monitoring system in South Hedland. The location of computers for TOMS access and inputting onto AIMS' Watchdog system could pose a problem; where computers are not located in the custody

centre officers have to stay after the court and custody centre had cleared to complete daily data entry, or alternatively supervisors completed all computer work in their office later. Aside from potential rework, time wasting and errors created by officers rushing to complete inputting at the end of the day, this also creates the potential for delays in updating computer records and complications accessing information and intelligence vital for managing persons in custody.

- 4.10 As part of the Department's standard design considerations, facilities for the contractor should be incorporated into new court custody centres, including a control pod with appropriate technological infrastructure as well as staff office space and amenities on-site. Refurbishments and modifications to some sites have occurred to address staff facility issues, including the refurbishment of Bunbury's custody centre to include an amenities space in the control pod and the construction of a new AIMS office in South Hedland. Amenities at other sites continued to be minimal at time of inspection, in particular at Kalgoorlie where AIMS staff work under barely tolerable conditions.

Recommendation 6: That the Department incorporate the requirements of the contractor in future plans for building works and upgrades, to ensure basic staff amenities, office space and other standard facilities are available and accessible in their workplace. This includes reliable and convenient access to technology.

Interview rooms

- 4.11 Some sites (including South Hedland, Kalgoorlie and Broome) had inadequate or non-existent interview rooms for lawyers and other official visitors, as identified at last inspection. Consequently, defendants' privacy and quality of pre-court meetings with legal counsel may be compromised. Lawyers continued to interview their clients in non-soundproof rooms and corridors or through door hatches into cells. Typically, there was no booking system for appointments and lawyers turned up to see their clients without prior notice to AIMS, compounding problems where there was limited space available for interviews.
- 4.12 Court hearings were sometimes delayed until lawyers had met with their clients, providing a challenge for court orderlies managing court hearing lists plus causing frustration for some judicial officers preparing to hear cases. A flow on effect of this may be increased anxiety for persons waiting in custody, as well as potential overcrowding and unnecessary time spent waiting in cells.
- 4.13 The issue of inadequacies in the provision of interview rooms has been ongoing for many years, raised in both previous inspections of the metropolitan court custody centres and the previous inspection of regional court custody centres.⁴⁵ Many sites either do not have interview rooms at all, have interview rooms that are located within earshot of officers, other persons in custody or general passers-by, or have an inadequate number of rooms available to cope with demand. The Prisons Act states that legal practitioners may interview prisoners who

45 See OICS, *Report of an Announced Inspection of Metropolitan Court Custody Centres, Report No. 7* (November 2001), *Report of an Announced Inspection of Metropolitan Court Security and Custodial Services, Report No. 31* (February 2006) and *Report of an Announced Inspection of Non-Metropolitan Court Custody Centres, Report No. 20* (July 2003).

are their clients ‘within the view but not the hearing of an officer’.⁴⁶ This same basic standard should apply to court custodial facilities, to afford appropriate privacy during legal interviews.

Recommendation 7: That every court custody centre, regional and metropolitan, have adequate interview facilities to enable legal and other official interviews to be conducted in a confidential, professional and private manner.

Provision of in-cell activities

- 4.14 Boredom in cell continued to be an issue for many persons in custody, through lack of in-cell activities in facilities inadequate for longer stays. Televisions have been installed at some sites, providing distraction for those waiting before and after court hearings. Some sites still have nothing to do in cells, no reading material, televisions, piped music or other activities, contributing to boredom and increasing anxiety prior to court hearings as well as encouraging cell damage and graffiti merely for the sake of something to do. An example of this can be seen in the two newer cells created at Kalgoorlie since the last inspection – the paint on several walls was covered in extensive graffiti and chipped away in parts. Kalgoorlie is the busiest regional court custody centre with high usage of the cells, yet had no in-cell activities available at the time of the inspection.
- 4.15 Many custody cells did not have windows or had windows too small or placed too high for adequate views outside, with little access to natural light or natural ventilation. Lack of outside views can create an oppressive environment for persons in custody, particularly those with little prior experience of custodial institutions, and further removes connection to country for regional Aboriginal persons in custody. Most persons in custody do not have the chance to access outdoor areas while waiting for court or transfer to prison. Those sites that are shared police lockups may have an exercise yard nearby, but access to this yard is not guaranteed. Albany AIMS officers have let persons in custody into the secure exercise yard at their (shared use) facility, but only on quiet and well-staffed shifts when officers are available to supervise the yard. The Department’s draft standard design brief did not include provision of outdoor access.
- 4.16 The issue of cigarette smoking is a current one in the prison system, with an increasing move towards reducing and banning smoking in facilities. Smoking arrangements were nil or minimal in custody centres; smoking is not permitted in court cells or court buildings, and all tobacco, matches and lighters are removed from persons in custody and stored with property until release.⁴⁷ This is as it should be for the health and wellbeing of court users as well as security and safety while in custody. However, depriving someone addicted to smoking during the potentially very stressful experience of attending court may create management issues for custodial staff. Consideration could be made towards the provision of cigarette substitutes (such as nicotine lozenges) if appropriate, or options for persons to access designated smoking areas while in custody if this will assist in reducing anxiety and potential management problems.

⁴⁶ *Prisons Act 1981* (WA), Section 62 (1).

⁴⁷ As per AIMS, *Operational Procedures Manual*, Policy 3.105.

- 4.17 AIMS officers facilitated the provision of food and drink to persons in custody at appropriate meal times, with tea and coffee generally available on request. Fresh water was available to all persons in custody, either through drinking fountains in cells or as bottled water supplied upon admission to the cells. The quality of meals provided varied between sites, ranging from microwaved frozen meals to fresh lunches provided by local prisons. There appeared little scope for special diet considerations, although AIMS did have the capacity to purchase food for persons in custody and the claim costs back from the Department should the need arise.

Recommendation 8: Measures should be introduced to all regional sites to reduce stress and boredom of persons waiting in custody, which may include but is not restricted to access to outside areas or natural air and light, in-cell televisions, music or reading material, nicotine substitutes for smokers unable to smoke.

WOMEN IN CUSTODY

- 4.18 Women in custody have long been the silent minority in custodial places. They may have differing needs while in cell than mainstream males in custody, needs that are seldom met well, particularly in ageing custody centres as some are in the regions. Care should be taken to reduce the trauma some women may experience in cell by provision of adequate facilities and environments.
- 4.19 The Department's draft standard design brief for court custody acknowledged that holding facilities for women and juveniles require different parameters to standard male cells, but did not specify detail of what should be provided for these persons in custody. In addition as mentioned before, these standards only apply to court-owned facilities, not shared police lockups.
- 4.20 The issue of toilet and sanitary facilities available to women in court custody cells has been raised by the Department's women's custodial services directorate in the context of the Central Law Courts in Perth and Albany's court custody centre as examples indicative of a state-wide problem.⁴⁸ In particular, at Albany, some cell cameras have direct views of the toilet and do not allow even a modicum of privacy. Albany's custody centre is a police lockup taken over for court purposes on designated court days, and hence is built to police specifications. Other sites inspected had varying degrees of toilet privacy, some with partial privacy screens or non-direct camera views, and others in plain view of cameras and observation windows.
- 4.21 The Contract states that 'persons in custody must be given access to ablution facilities and those held in lockups are to be provided with basic toiletries necessary for health and cleanliness.'⁴⁹ While most custody cells have toilet facilities, most did not have hand-washing facilities. Women must request sanitary products as they are not allowed to take personal property into cells. Many would not be aware they can request such products, or may be reluctant to do so, particularly from male custodial staff. Also, none of the cells observed during the inspection had facilities available to dispose of used sanitary products. Similar concerns

48 Bell, V. *Briefing note to Executive Director Court Services re: Toilet facilities for women in Court Custody Centres* (23 March 2006).

49 *Contract for the Provision of Court Security and Custodial Services* (January 2000), Schedule 2, 5.3.4.

have been raised regarding transportation of women prisoners, as toilet and sanitary facilities available during long journeys are also grossly inadequate. This will be explored from a transport context in the forthcoming *Thematic Review of Custodial Transport*.

- 4.22 In addition to practical concerns, women in custody are more likely to be isolated and alone in cells, as statistically fewer women are held than men. For example, in the calendar year of 2004 women accounted for 18.2 per cent of all finalised offences in higher courts and 22.2 per cent of finalised offences in lower courts across the state.⁵⁰ Not all of these people would have been held in custody cells prior to their hearings, but such figures give an idea of the proportions according to gender.
- 4.23 On one hand the reduced numbers and isolation in cells by default provides some level of privacy but conversely means women have less opportunity for interpersonal contact in otherwise empty and often stark cells. For example, during the inspection visit to the Broome custody centre, there were seven men and one woman held awaiting court in the morning, the men in one cell and the woman in the other. The men were all conversing socially in the cell while waiting for court or return to prison, while the woman was alone in her cell for about four hours with no television or other distraction, aside from visual checks (no conversation) from AIMS custody officers and a five-minute meeting with her lawyer.
- 4.24 As mentioned previously in Chapter 2, provision of female staff to assist with searching and management of female persons in custody is vital. With existing staffing pressures in the regions there is no guarantee a female custodial officer will be available should a need arise.

Recommendation 9: That the Department and contractor review court holding facilities and procedures to ensure appropriate conditions for women are available and accessible at all custody centres, including the provision of appropriate toilet and hand-washing facilities and sanitary products and disposal. Additionally, the standard design brief for court custody centres should include specific minimum standards for women.

SITE-SPECIFIC INFORMATION

Albany

- 4.25 A new justice complex was completed in Albany early in 2006. The old courthouse building was retained, extensively remodelled and extended into a complex housing the courts, court services, Community Justice Services (CJS) and the police station. The police station has a separate entrance to the main court and CJS entry. There are three courtrooms; one downstairs designated for Family court and civil matters, and two upstairs for Magistrate and District/Supreme courts respectively. The previous custody centre is unrecognisable, with the old cells and corridors converted into storerooms and staff kitchen facilities. The new custody centre is a shared facility with the police lockup; AIMS officers take control of the lockup on the morning of designated court days, and hand back to the police half an hour after court

⁵⁰ Ferrante, A, Loh, N S N, Maller, M G, Valuri, G M & Fernandez, J A, *Crime and Justice Statistics for Western Australia: 2004*, (December 2005) Crime Research Centre, UWA.

finishes. It is rare for persons to be left in cells when AIMS hand back to police, as most of those heard at court will either be released or transferred to prison following their hearing. There is designated office space for the AIMS supervisor in the administrative side of the complex, available for use by all AIMS staff on duty. Staff amenities are shared with court staff.

- 4.26 As with some other regional complexes the custody centre is downstairs while both Magistrates and higher courtrooms are upstairs, meaning persons in custody must be moved via a stairwell and lengthy transport corridor. A lift was available, used mostly by the resident magistrate. At the time of inspection, the use of the lift to transport able-bodied persons in custody was discouraged due to security concerns. The Department intended to improve security in the lift and movement corridor, with video monitors to be installed in the lift; when concerns have been satisfactorily addressed, it will likely be used more often for transfers to and from court and the custody centre.
- 4.27 The custody centre has six cells in total (plus a padded safe cell), with four mostly used for court purposes. This allows for appropriate segregation when required and limits overcrowding in cell. Televisions have been installed in two cells, with those persons likely to be held in cell for longer periods while waiting for court or transfer housed in a television cell where possible. All cells have toilets and drinking fountains, although camera views impact on privacy while toileting. There is an outdoor exercise yard accessible on occasions depending on officer availability.
- 4.28 Simple management strategies involving red squares implanted in flooring were implemented on AIMS' suggestion as a way to direct persons where to stand to be searched and so forth, which reportedly works well. Attention to security is apparent in the centre, with AIMS officers successfully requesting modifications such as installation of extra duress alarms in the transport corridor and peepholes in doors. Clearly defined zones for appropriate staff access add to the security of the complex.
- 4.29 The control room is located in the middle of the custody centre, allowing visual as well as camera views of persons held in cells. The console operator can communicate with all AIMS staff on shift via radio (with earpieces), and with court and other complex staff by telephone should the need arise. The console operator monitors comprehensive CCTV views throughout the court complex, custody centre, sally port and external areas. The sally port is on the police side of lockup, where AIMS vehicles are also kept; access to a search room is directly from the sally port.
- 4.30 Because the custody centre is actually a designated police lockup, the cells and centre have been built to police specifications rather than the court standard design. Notably, cell doors do not have hatches installed, requiring doors to be unlocked and opened fully to pass in meals or to talk to persons in custody. Other concerns flagged for attention following the first months of operation were some problems with dock construction and custody access to dock areas.
- 4.31 The complex has three non-contact interview rooms for legal and other official interviews, all affording privacy and a relatively professional environment to talk with clients. There is

also a separate bail holding room for persons identified as requiring less supervision when surrendering to bail or waiting for bail matters to be processed.⁵¹ This room has magazines and tea and coffee provided for persons waiting. Interview rooms and the bail holding room are located in a separate area from the custody centre.

Broome

- 4.32 A sally port cage with CCTV coverage was added to Broome's existing custody centre and a demountable for staff amenities and meetings installed alongside the sally port in 2005. Aside from these changes, the centre and courthouse remain the same as at the previous inspection. The custody centre is housed in a separate building some distance from the courthouse, necessitating the transfer of persons in custody in restraints (double-cuffed) across open ground to and from the courthouse. Heritage issues have prevented attempts to modify the building to include holding cells in the courthouse itself. There was a second courtroom attached to the custody centre which was used on Saturdays for JP court and on those occasions when both Magistrates and higher courts are sitting in Broome. This second courtroom was not favoured by the local magistrate and court staff, being very small, not soundproofed from the custody centre and cannot accommodate larger numbers of members of the public. AIMS staff preferred the use of this courtroom from a security and ease of transfer point of view, as it could be directly accessed from the custody centre. Short of building a completely new court complex on a different site, this situation is unlikely to be resolved.
- 4.33 The police station across the road from the court complex was to be rebuilt, with work commencing at the time of the inspection. Consequently, AIMS lost their office space as this was housed in the existing police station, with no new arrangements for office space confirmed at the time of the inspection. Additional tension was noted during the inspection as the custody centre was subject to a workplace improvement notice regarding cell doors opening directly into the reception area rather than via interlock doors. The Department had appealed the notice, claiming officers were no more at risk in this situation than at many other custodial facilities across the state. However, given the likelihood of cells becoming overcrowded, the potential of officers being overwhelmed if the door was rushed by a number of persons inside the cell is a more likely prospect in the Broome centre. Subsequent to the appeal being rejected, the Department scheduled the custody centre to be improved via minor upgrades.
- 4.34 Nothing had changed structurally within the custody centre, so there remained an inadequate number of cells (two), without CCTV coverage of cells. At those times when women were held in custody, all men were held in one cell, which became overcrowded on busy days. Local AIMS staff reported that on occasions the small storage room in the centre had been used as a temporary cell to relieve overcrowding in the main cells. This is not appropriate as the room holds storage boxes on metal shelves with numerous ligature points, has no toilet or drinking water available and has blind spots if officers are not standing directly next to the room's inner

51 Those waiting for bail to be raised are held in the custody cells.

window. It is not a cell and should not be used as such.⁵² Considering persons may be held in such spaces for a period of many hours, this is not acceptable.

- 4.35 Care must be taken that all persons in custody are held in cells fit for purpose. The Prisons Act states that even prisoners in separate confinement must be housed in cells ‘of such as size and so ventilated and lighted that a prisoner may be confined in that cell without injury to health’.⁵³ A similar standard for cell accommodation should apply to persons in court custody, something which should be acknowledged in the Department’s standard design brief. Such a standard can not adequately be met in storerooms, interview rooms, vehicle pods⁵⁴ and other spaces that have been used in the past as temporary cells to hold persons in custody for court.

Recommendation 10: That only areas specified as custody cells and provisioned appropriately are to be used as cells for holding persons in custody. Each site should be provided with an adequate number of cells to allow appropriate segregation and to limit overcrowding in cell.

Bunbury

- 4.36 Bunbury’s custody centre underwent major refurbishment, completed just prior to the inspection visit. The centre still has four custody cells as before, now with new doors and locks, air-conditioning, toilets, water fountains and flat screen televisions installed. The size and configuration of cells allows for segregation needs to be met without unnecessary overcrowding. Remodelling of the cells improved privacy by removing views from the public access corridor, enlarged the control pod to include a niche for staff amenities, and remodelled the obsolete prisoner toilet rooms to include a separate search room and decontamination room with shower. Property storage space was available in a locked cupboard in the corridor adjacent to the control pod door. CCTV cameras installed in all cells and sally port enable monitoring of persons in custody from the control pod, where access through doors to sally port and access corridor is also controlled. Not yet installed but planned in the near future is a new biometrics and security key management system.
- 4.37 There was space in the control pod for a computer, although without the required cabling installed. AIMS management were looking at cabling issues with an intention to install a computer as soon as possible to allow for required data inputting to be completed in the custody centre. At the time of inspection Bunbury’s supervisor completed all inputting for his site, as most of his staff were not trained to do so. He intended to train all staff in computer use once the computer was installed. Without a computer onsite, computer training required the supervisor to take staff to his office in a separate part of the complex away from the custody centre, which due to operational requirements was not often possible.
- 4.38 Court access was the same as at last inspection, up a flight of stairs to a landing with access to two holding cells and the two upstairs courtrooms. Wheelchair access is from the front entrance of the court complex via lifts, with no disabled access from custody. According to AIMS staff any wheelchair-bound persons in custody would need to be taken out of the

52 The storeroom is also utilised for legal interviews, despite not providing adequate facilities for this purpose.

53 *Prisons Act 1981*(WA), Section 43 (3)

54 See also paragraphs 2.5 – 2.6 of this report, regarding the use of vehicles as temporary cells.

custody centre via the sally port and escorted around the building to access the lifts. There are two courtrooms downstairs, one used for civil matters and the other rarely used.

Carnarvon

- 4.39 There had been minor changes improving Carnarvon's dock configuration and security in the main courtroom, but no major changes to the custody area. Previously identified issues regarding the lack of interview rooms and inadequacy of the second courtroom for regular use remained at this inspection. There was one holding cell adjacent to courtrooms, with a tunnel linking this to the police lockup for ease of transferring persons to and from police custody and court. Under arrangements at the time of the inspection, custody was a police responsibility with AIMS providing escorts to and from court and court security services. AIMS took over the police lockup one night a week when the inter-prison transport van came through; local police would prefer AIMS to have control of the lockup all the time.
- 4.40 Proposed plans to rebuild the police station into a new justice complex including the courts have stalled. At the time of inspection it was unknown when and where the new facility would be built. Demountable cells may be added to the back of the lockup in the future as a stopgap measure.⁵⁵

Geraldton

- 4.41 No structural changes have been made at Geraldton since the last inspection. Police manage persons in custody in police lockup cells, with two AIMS officers stationed to escort persons to and from court. The roles of both AIMS and the police regarding court duties were better defined than at the time of the previous inspection, with better coordination and communication between the two agencies. AIMS staff reported that staffing and retention had improved during the eighteen months prior to the inspection.
- 4.42 Cells were very clean at time of inspection, as the current trusty prisoner in the lockup was working well. New security measures had been introduced for the sally port, and the new key management system was reportedly working well.

Kalgoorlie

- 4.43 As mentioned earlier, the previous larger cell at Kalgoorlie had been split into two smaller cells, with airlock access and door hatches in new doors. The older cell still had its old door without hatch, which the Department advised was slated for upgrade. The custody centre now has three cells, which is sufficient to segregate male and female persons in custody without the previous gross overcrowding in the male cell, although cells could still become crowded on busy days.
- 4.44 Since the last inspection, a locked cupboard has been installed outside the control room for property storage, plus a sally port extension to the outside of the centre improving security as transport vehicles are brought in through interlock doors into the sally port space in the

55 In their response to a draft of this report, the Department stated that: 'Carnarvon Court is the subject of a Cabinet Submission seeking funds to rebuild the facility. Decisions relating to interim measures will be made once the outcome of the cabinet submission is known.'

main custody area. CCTV cameras have been installed in all cells for better monitoring of persons in custody, although some blind spots were present as well as a privacy issue in one cell where the camera had a direct view of the toilet. Despite these additions, the centre still lacked adequate facilities with no search room (strip searches are conducted in the sally port) and no adequate interview rooms. Both adult courtrooms were upstairs with no disabled access at all. Transfers from custody to the courtrooms were via a narrow staircase to a small holding area at the top of the stairs, neither covered by camera views. A designated children's court was available on the ground floor, although any cases involving juveniles in custody are heard in the upstairs courtrooms, as police brought juveniles in via the sally port and escorted them directly up to the courtroom.

- 4.45 At the time of inspection, the Department rated Kalgoorlie as a high risk site due to infrastructure issues. Plans were announced in May 2006 for the redevelopment of the town's original warden's court building into a new justice complex with construction planned to start mid-2007.⁵⁶ Both court and AIMS staff at Kalgoorlie welcome this development, as current facilities are ageing and inadequate.⁵⁷ AIMS operated out of a very small control room in the existing custody centre, with no staff amenities on-site and a supervisor's office located off-site in the police station across the road. It will be a lengthy time before the new complex is operational, as at the time of inspection the project was still in the planning stage; in the meantime custodial services will continue to be delivered in extremely poor conditions.

South Hedland

- 4.46 South Hedland AIMS gained a new office and control room, completed several months prior to inspection, although there were technical issues with the new monitoring system for views of cells and custody area. There were still only two holding cells in the custody centre, regularly inadequate to segregate as required. Consequently, on busy days persons in custody may be held in the adjacent police lockup until shortly before required in court. Custody is largely a police responsibility, with persons in custody only managed by AIMS directly before and during court, and returned to police cells for release or to await transfer to prison. Positively, court holding cells now have toilets, albeit with little privacy from inadequate screens and direct camera views.
- 4.47 There were still no adequate interview facilities or rooms available for confidential discussions. Instead, lawyers conducted interviews with their clients in custody in the corridor outside the cells.

CHAPTER SUMMARY

- 4.48 Regional court sites operating under the Contract varied greatly. In some sites, AIMS provided all court security and custodial functions, while at others police provided custodial services. As during the previous inspection, cell overcrowding due to insufficient numbers

56 The Hon Jim McGinty, Attorney General of Western Australia, *\$21 million plan for new Kalgoorlie Court House*, media statement (15 May 2006).

57 It remains to be seen what amenities for the contractor will be included in plans for this new development.

of cells was noted, particularly at Broome. This has led to the occasional practice of holding persons in custody in a storeroom in the Broome custody centre, to reduce crowding in the main cells. Whilst this may alleviate poor conditions in the main cells and reduce the security risk to staff opening doors of crowded cells, the issue of holding persons in spaces other than designated cells remains a matter of concern.

- 4.49 Age and amenity of built infrastructure, access to computers and other equipment, staff levels and mix and other factors all differed greatly between sites. Common issues identified at multiple sites include the persisting lack of suitable official interview space, lack of in-cell activities to alleviate boredom for persons in custody, difficult access to courtrooms and substandard facilities for AIMS staff.
- 4.50 Technological difficulties with cabling, reliability and speed of access to the system and lack of computer training for officers impacted on the administrative side of custodial duties. In many sites paper forms were used which then had to be entered into the computer system later, causing double handling of work and in some cases delays in updating the system if officers leave such work to their next shift or have to wait for computers to be free or functional.
- 4.51 Variation between sites has the potential to negatively impact on the wellbeing of persons in custody. AIMS officers were observed in general to be aware of the duty of care for persons in custody, but often physical limitations impacted on the delivery of that care. In particular, the inadequacy of facilities for women held in custody was apparent. It is both AIMS' and the Department's responsibility to ensure duty of care is met for all persons in custody and other court users.

Chapter 5

CONCLUSIONS AND RECOMMENDATIONS

- 5.1 The period since the last inspection in 2003 and this inspection in 2006 has been characterised by instability and change for both the Department and contractor AIMS. Ultimately, resolving this has resulted in improved practices and a more cohesive working relationship between the two agencies. Improvements across the state have been noted, particularly regarding measures introduced to improve security since the Supreme Court escapes of 2004 plus several major capital works upgrades. Unfortunately, however, many of the issues identified at last inspection have not been resolved, or addressed only in part. In particular, staff recruitment, retention and training in the regions continues to prove more difficult than in the metropolitan area and ageing and inadequate infrastructure continues to impact on service delivery at several sites.
- 5.2 Positive points noted during the inspection include the improved relationship between the Department and AIMS at head office level, the overall positive attitudes of regional AIMS staff in spite of issues with staff conditions, and the development underway by the Department of a standard design brief addressing cell and custody design with an acknowledgement of care and wellbeing issues. Progress against the recommendations of the previous inspection has been generally positive, although some areas will continue to be monitored as identified again as issues in this inspection.
- 5.3 Points of concern include the trend towards co-located police and court custodial facilities, in terms of the differences in cell design and custodial management. Some older sites still had inadequate facilities regarding cell amenity and official interview space, which impacts on the care and wellbeing of persons in custody. Also, the often inordinate time taken for planning, funding allocation and implementation of improvements in the regions, with a resulting reliance on stopgap measures or partial upgrades in place of new infrastructure, impacts on service delivery. The two new departments created following the split of the former Department of Justice were still settling in at the time of inspection, particularly regarding navigating the shared and overlapping responsibility in regards to court security and custodial functions outlined in the current CSCS Contract.
- 5.4 The changing face of CSCS delivery in the future following the devolution of the CBD courts duties and consequent changes to the Contract will be addressed within future inspections. Given the added pressures faced in the regions, the place of the regional court custody centres in future contractual arrangements and developments will be monitored closely by this Office.

RECOMMENDATIONS

1. That the responsibilities and powers of the Department of the Attorney General and the Department of Corrective Services regarding court security and custodial services be clarified and formally documented. This should happen as a matter of urgency to formalise any interim arrangements in place whilst waiting for proposed new CSCS legislation to be developed. *(refer to para 1.12 – 1.18)*
2. That the Department and contractor in conjunction review regional conditions and incentives for staff, and implement practices to ensure further improvement in regional recruitment, retention and staff diversity. *(refer to para 2.7 – 2.14)*

CONCLUSIONS AND RECOMMENDATIONS

3. That AIMS assess training needs for all regional staff and provide appropriate recurrent training to address those needs, to include (but not be limited to) computer and information systems training and cross cultural awareness sessions. *(refer to para 2.22 – 2.23)*
4. That AIMS reviews all sites for ambiguous or site-specific activities and clarify correct procedures. In particular the position of ‘JP runner’ should be examined and the requirement or otherwise of this position should be made clear and all site and procedural manuals updated accordingly. *(refer to para 3.12 – 3.14)*
5. That the Department resolve differences between police standard and court standard design of shared facilities where court custody is managed in a police owned lockup. If differences are not able to be resolved, the Department should seek to implement court-owned custodial facilities to meet their specified standards to maintain an appropriate level of care for those persons held in custody for court purposes. *(refer to para 4.6 – 4.7)*
6. That the Department incorporate the requirements of the contractor in future plans for building works and upgrades, to ensure basic staff amenities, office space and other standard facilities are available and accessible in their workplace. This includes reliable and convenient access to technology. *(refer to para 4.8 – 4.10)*
7. That every court custody centre, regional and metropolitan, have adequate interview facilities to enable legal and other official interviews to be conducted in a confidential, professional and private manner. *(refer to para 4.11 – 4.13)*
8. Measures should be introduced to all regional sites to reduce stress and boredom of persons waiting in custody, which may include but is not restricted to access to outside areas or natural air and light, in-cell televisions, music or reading material, nicotine substitutes for smokers unable to smoke. *(refer to para 4.13 – 4.16)*
9. That the Department and contractor review court holding facilities and procedures to ensure appropriate conditions are available in all custody centres for women held awaiting court hearings, including provision of appropriate toilet and hand-washing facilities and sanitary products and disposal. Additionally, the standard design brief for court custody centres should include specific minimum standards for women. *(refer to para 4.17 – 4.23)*
10. That only areas specified as custody cells and provisioned appropriately are to be used as cells for holding persons in custody. Each site should be provided with an adequate number of cells to allow appropriate segregation and to limit overcrowding in cell. *(refer to para 2.5 – 2.6 and 4.32 – 4.33)*

Appendix 1

2006 RECOMMENDATIONS AND THE DEPARTMENT AND AIMS' RESPONSES

Type of Recommendation/Recommendation	Acceptance Level/Risk Rating/Response*
<p>Administration and Accountability</p> <p>1. That the responsibilities and powers of the Department of the Attorney General and the Department of Corrective Services regarding court security and custodial services be clarified and formally documented. This should happen as a matter of urgency to formalise any interim arrangements in place whilst waiting for proposed new CSCS legislation to be developed.</p>	<p>Department: (Agreed in Part/Low)</p> <p>The arrangements for the governance and management of court security and custodial services are described in the 2005/06 Court Security and Custodial Services Contract annual report and are well known to the Contractor.</p> <p>These arrangements are interim and work is progressing to amend or replace the existing Court Security and Custodial Services Act to reflect the implications of the Mahoney Inquiry recommendations.</p> <p>Aims: No Comment</p>
<p>Staffing issues</p> <p>2. That the Department and contractor in conjunction review regional conditions and incentives for staff, and implement practices to ensure further improvement in regional recruitment, retention and staff diversity.</p>	<p>Department: (Agreed in Part/Moderate)</p> <p>The Department does not agree that a review should occur. The Contract Manager and operational areas work closely with the Contractor in regards to this issue. The AIMS Career Progression Model is under consideration by the Department. The model will address wage disparities and should serve to encourage staff retention. Further, as an incentive to support recruitment and retention in the north of the State, the Contract Manager is investigating subsidised accommodation options in isolated regions in the north of the State.</p> <p>Aims: AIMS Corporation and the Department have jointly promoted a number of initiatives to attract staff to regional locations that have traditionally always proved difficult to staff. A relocation assistance grant has been allowed for in the budget some incentive for AIMS staff to relocate. Permanent positions have been created to attract staff to locations where part time or casual employment is unsustainable given the cost of living.</p>

Type of Recommendation/Recommendation	Acceptance Level/Risk Rating/Response*
	<p>Recently AIMS Corporation has put forward to the Department a Career Progression Pathway that has been negotiated with the TWU and delegates. The pathway provides a clear progression model for staff coming into the AIMS CSCS contract and provides a degree of recognition and additional training for long servicing experienced staff.</p> <p>AIMS has received funding from DEWAR to assist with specifically targeting Indigenous employees and has to date obtained the names of eight potential recruits through various agencies that we have established strategic partnerships with. Some of the potential applicants are based in regional centres.</p>
<p>Staffing issues</p> <p>3. That AIMS assess training needs for all regional staff and provide appropriate recurrent training to address those needs, to include (but not be limited to) computer and information systems training and cross cultural awareness sessions.</p>	<p>Department: (Agreed/Low)</p> <p>The adequacy and content of staff training will continue to be assessed during operational reviews undertaken by Court Security Directorate staff.</p> <p>Aims: AIMS Corporation engages KOOYA Consulting to deliver cross cultural awareness training. The consultant is being mobilised to deliver training in the regional area.</p> <p>AIMS Corporation has recently completed a training needs analysis compiled from a survey sent to all staff. The findings of the TNA survey will underpin the strategic direction of training development and delivery to be determined by the recently formed Training Steering Committee chaired by the General Manager and attended by the Principal of the AIMS Registered Training Organisation, Manager Operations, Manager Human Resources and Training, Training Coordinator and a nominated Supervisor representing the staff interests.</p>

Recommendation/Category	Acceptance Level/Risk Rating/Response*
	<p>Our training framework and material has been enhanced to better meet the needs of all staff including those operating regionally.</p> <p>Earlier this year AIMS conducted, for the first time an Acting Supervisors Conference targeting those officers who regularly take on the Supervisors role in the absence of the substantive Supervisor. This conference was extremely well received by all attendees and provides a knowledge and experience base of all sites.</p>

Administration and Accountability

- 4. That AIMS reviews all sites for ambiguous or site-specific activities and clarify correct procedures. In particular the position of 'JP runner' should be examined and the requirement or otherwise of this position should be made clear and all site and procedural manuals updated accordingly.

Department: (Agreed in part/Low)

The tasks undertaken by an officer now being referred to as the JP Runner evolved from the courts experiencing extremely busy arrest and remand days. A need was identified for an officer to facilitate the signing of bail papers and other court process activities on these days in order to permit the court orderly to maintain the court throughput. Not all courts require someone for the task. Of the courts which do, not all use an officer in the role each day or for the duration of the whole day. It is not appropriate or required that a position of JP Runner be formalised in all courts. In many cases the task is best dealt with by including the responsibilities as part of the Duty Statement of another function. In some courts, an officer is specifically funded for the role. This occurs due to workload at the court, and in those circumstances the position should be supported by a duty statement.

Aims: The requirements for service levels including staffing levels are primarily determined by the client, in this case the Department of the Attorney General.

Recommendation/Category	Acceptance Level/Risk Rating/Response*
	<p>A JP runner is provided at sites as required and agreed between the Contractor and the Department. There are no regional sites where the position of JP runner has been approved. Site manuals prescribe the specific requirements of the operation of each site. AIMS Corporation will engage the client in discussion about the staffing structure at each site including the designation of a JP runner.</p>
<p>Care and Wellbeing</p> <p>5. That the Department resolve differences between police standard and court standard design of shared facilities where court custody is managed in a Police owned lockup. If differences are not able to be resolved, the Department should seek to implement court-owned custodial facilities to meet their specified standards to maintain an appropriate level of care for those persons held in custody for court purposes.</p>	<p>Department: (Agreed in Part/Low)</p> <p>This response has three parts:</p> <p>a. The Courts Standard Design Brief is being developed and includes a courts cell/custody section tailored specifically to meet court needs.</p> <p>b. The Department is not aware of areas where the delineation of AIMS and Police responsibilities is a concern.</p> <p>c. Where the Department considers that a business case for shared custody arrangements can be made, and operational considerations permit, joint facilities will continue to be used.</p> <p>Aims: No comment.</p>
<p>Staffing Issues</p> <p>6. That the Department incorporate the requirements of the contractor in future plans for building works and upgrades, to ensure basic staff amenities, office space and other standard facilities are available and accessible in their workplace. This includes reliable and convenient access to technology.</p>	<p>Department: (Agreed/Low)</p> <p>The Courts Standard Design Brief includes facilities and amenities for custodial staff irrespective of employer. The Department will continue to consult with the contractor in the course of the capital works and/or upgrades schedule.</p> <p>Aims: Supported by AIMS.</p>
<p>Human Rights</p> <p>7. That every court custody centre, regional and metropolitan, have adequate interview facilities to enable legal and other official interviews to be conducted in a confidential, professional and private manner.</p>	<p>Department: (Agreed/Moderate)</p> <p>The Courts Standard Design Brief includes contact and non-contact interview facilities.</p> <p>Aims: Supported by AIMS.</p>

Recommendation/Category	Acceptance Level/Risk Rating/Response*
<p>Care and Wellbeing</p> <p>8. Measures should be introduced to all regional sites to reduce stress and boredom of persons waiting in custody, which may include but is not restricted to access to outside areas or natural air and light, in-cell televisions, music or reading material, nicotine substitutes for smokers unable to smoke.</p>	<p>Department: (Agreed in Part/Low)</p> <p>The Courts Standard Design Brief includes amenities for people in custody and are intended to reduce the stresses of custody. Certain items pose a safety and security risk to persons in custody and staff alike and will be restricted. For the reason smoking is not permitted in custody centres.</p> <p>The issue of smoking and the use of nicotine substitutes will be considered and discussed with DCS and Police in the context of the DCS 'Smoking in Cells' guidelines.</p> <p>Aims: Supported by AIMS.</p>
<p>Care and Wellbeing</p> <p>9 That the Department and contractor review court holding facilities and procedures to ensure appropriate conditions are available in all custody centres for women held awaiting court hearings, including provision of appropriate toilet and hand-washing facilities and sanitary products and disposal. Additionally, the standard design brief for court custody centres should include specific minimum standards for women.</p>	<p>Department: (Agreed/Low)</p> <p>The Courts Standard Design Brief includes the requirement to provide facilities for female persons in custody, and will ensure that the needs of women in custody are specifically addressed.</p> <p>Aims: Supported by AIMS.</p>
<p>Custody and Security</p> <p>10 That only areas specified as custody cells and provisioned appropriately are to be used as cells for holding persons in custody. Each site should be provided with an adequate number of cells to allow appropriate segregation and to limit overcrowding in cell.</p>	<p>Department: (Disagreed/Low)</p> <p>It is not practicable that this occur in all circumstances. On occasions when courts experience excessive numbers in custody, other rooms within the custody centre are used to hold persons in custody temporarily until cells become available. On very rare occasions these facilities may be exceeded and the use of the secure pods in custody transport vehicles is authorised for very limited periods of time to best balance community, staff and persons in custody safety.</p> <p>Aims: This issue primarily related to the Albany Custody Centre which has since been upgraded. Since this upgrade there has been no reported requirement to use vehicles as temporary custody centres at any regional (or metropolitan) location.</p>
<p>* The departmental response to the recommendations is a joint response from the Department of the Attorney General and the Department of Corrective Services.</p>	

Appendix 2

SCORE CARD ASSESSMENT OF THE PROGRESS AGAINST THE 2003 RECOMMENDATION

Recommendation Number	Report No. 20, Report of an Announced Inspection of Non-Metropolitan Court Custody Centres (July 2003). Type of Recommendation /Recommendation	Assessment of the Department and/or AIMS Implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
1 .	<p>Care and Wellbeing</p> <p>The Department assess all regional court custody facilities for capital works requirements and a plan be produced so all centres will be able to provide the required environment to ensure that the duty of care owed to persons in custody, staff and the public can be met. The assessment should include:</p> <ul style="list-style-type: none"> • Security of sally ports; • Staff amenities and work space; • Cell quantity, size and amenity; and • Facilities for legal and other visits. 			•		
2.	<p>Care and Wellbeing</p> <p>The cessation of the use of prisoner transport vehicles as makeshift cells at court custody centres.</p>			•		
3.	<p>Staffing Issues</p> <p>The contractor to develop specific strategies for regional recruitment, staff retention and employee diversity (especially with regards to Aboriginal and women employees).</p>		•			
4.	<p>Staffing Issues</p> <p>The contractor to develop a comprehensive training plan, encompassing recruit training and ongoing professional development that will ensure all staff achieve recognised accreditation. The Department should take a more active monitoring role in training received by the contractor's regional employees to ensure that the standards promised in the Contract are adhered to.</p>			•		
5.	<p>Health</p> <p>The Department and the contractor should agree on protocols for the provision of emergency medical treatment at court custody centres that provide supervisors with more autonomous authority to act with immediacy.</p>			•		

SCORE CARD ASSESSMENT OF THE PROGRESS AGAINST THE 2003
RECOMMENDATION

Recommendation Number	Type of Recommendation /Recommendation	Assessment of the Department and/or AIMS Implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
6.	<p>Administration and Accountability</p> <p>The Department continue to increase regularity of on-site monitoring of regional court custody centres and to ensure that appropriate training and resource are provided to clerks of court to perform the ongoing role expected of them in overseeing contracted service delivery.</p>			•		
7.	<p>Administration and Accountability</p> <p>The contractor establish and enforce the use of standardised record keeping instruments across all regional court custody centres and to monitor the reporting procedures at all sites to ensure all necessary incidents are reported appropriately.</p>			•		

APPENDIX 3

INSPECTION TEAM

Professor Richard Harding	The Inspector of Custodial Services
Ms Kati Kraszlan	Manager Inspections and Research
Ms Fiona Paskulich	Inspections and Research Officer
Mr Cliff Holdom	Inspections and Research Officer
Mr John Acres	Inspections and Research Officer
Ms Lauren Netto	Inspections and Research Officer
Ms Vivien Hubbard	Inspections and Research Officer (Secoded from the Department of Corrective Services)

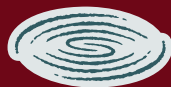
Appendix 4

KEY DATES

Formal notification of inspection	24 October 2005
Commencement of on-site phase	16 January 2006
Inspection site visits conducted:	
Broome	16 January 2006
Albany	10 February 2006
Carnarvon	15 February 2006
South Hedland	27 February 2006
Geraldton	28 February 2006
Bunbury	23 March 2006
Kalgoorlie	26 April 2006
Completion of on-site phase	26 April 2006
Draft Report sent to the Department of the Attorney General, the Department of Corrective Services and AIMS Corporation	27 September 2006
Draft report returned by the Department	23 November 2006
Declaration of Prepared Report	20 December 2006



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