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May 2007

OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

THEMATIC REVIEW OF CUSTODIAL  
TRANSPORT SERVICES IN WESTERN AUSTRALIA



**Thematic Review of Custodial Transport  
Services in Western Australia**

Office of the Inspector of Custodial Services  
Level 27, 197 St George's Terrace, Perth WA 6000

[www.custodialinspector.wa.gov.au](http://www.custodialinspector.wa.gov.au)

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# Contents

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## THE INSPECTOR'S OVERVIEW

THE SHEER COMPLEXITY OF CUSTODIAL TRANSPORT IN SUCH A HUGE STATE AS WESTERN AUSTRALIA.....	1
---	---

## CHAPTER 1

LIST OF RECOMMENDATIONS .....	5
-------------------------------	---

## CHAPTER 2

ANALYSIS OF THE RESPONSES TO RECOMMENDATIONS .....	11
Introduction .....	11
Responses to Recommendations .....	11
Conclusions.....	19

## CHAPTER 3

INTRODUCTION .....	20
Custodial Transport Services in Western Australia .....	20
Scope of the Review .....	21
Methodology .....	22
Structure of the Report .....	23
Terminology .....	24

## CHAPTER 4

SERVICE STANDARDS IN CUSTODIAL TRANSPORT .....	25
An Historical Perspective.....	25
Modern Standards in Custodial Transport.....	26
Inspecting Custodial Transport in the United Kingdom .....	28

## CHAPTER 5

DELIVERING CUSTODIAL TRANSPORT SERVICES .....	30
AIMS Services in the Perth Metropolitan Area .....	30
AIMS Services in Regional Areas.....	31
Adult Custodial Facilities.....	32
Special Services Branch .....	32
Juvenile Custodial Services .....	33
Community Justice Services .....	33

## CHAPTER 6

LOCKUP CLEARANCES AND COURT ESCORTS .....	34
Clearances from East Perth Lockup .....	34
Movements to and from Metropolitan Courts .....	35
Regional Lockup Clearances and Court Escorts .....	40

---

---

Relations with Police .....	42
High Security Escorts.....	43
Juvenile Lockup Clearances and Court Escorts .....	43
Impact of Bail on Custodial Transport .....	44
Juvenile Bail and the Supervised Bail Program .....	45
Hospital Orders .....	46
Video Link and Transport .....	46
Remandee Property.....	49

#### THE KIMBERLEY EXPERIENCE: ANOTHER LOOK

Field Report: Kimberley Prisoner Journey, 14-15 January 2006 .....	50
--	----

#### CHAPTER 7

<b>INTER-FACILITY TRANSFERS AND VISITS .....</b>	<b>53</b>
Reasons for Transfers .....	53
Metropolitan Transfers.....	54
Inter-Facility Visits .....	55
Regional Transfers.....	55
Toileting and Hygiene on Long Journeys .....	59
Management of Emergencies and Contingencies.....	60
Accommodation in Police Lockups.....	60
Juvenile Transfers.....	62
Property on Transfer .....	63
Video Visits .....	64

#### CARNARVON POLICE LOCKUP: THE FLOOR'S MOVING

Site visit Report: 15-16 February 2006 .....	65
--	----

#### CHAPTER 8

<b>MEDICAL ESCORTS AND BED SITS .....</b>	<b>69</b>
Crisis in Demand Management .....	69
Medical Escorts and Security .....	71
Hospital Bed Sits .....	74
Minimum-Security Escorts .....	75
Women on Medical Escorts and Bed Sits.....	76
High Security Medicals .....	76
Juvenile Escorts .....	77

#### CHAPTER 9

<b>AUTHORISED ABSENCES .....</b>	<b>78</b>
Funerals and Other Absences .....	78

---

---

---

## CHAPTER 10

OTHER ESCORT TYPES AND TRANSPORT ISSUES.....	82
Section 94 Activities and Work Camps.....	82
Juvenile Day Leave and Day Release .....	82
Home Leave and Special Leave .....	83
Returning Home on Release from Custody.....	83
Visitor Transport .....	84

## CHAPTER 11

VEHICLE FLEET.....	86
State of the Former AIMS Fleet .....	86
Fleet Ownership and Procurement .....	87
Other Vehicles Used for Custodial Transport.....	92

## CHAPTER 12

THE COURT SECURITY AND CUSTODIAL SERVICES CONTRACT.....	94
Contract Management .....	94
Monitoring Arrangements.....	96
Service Demand .....	97
Financial Framework.....	100
Human Services.....	102
Staffing Regional Operations .....	105

## CHAPTER 13

ACROSS THE FENCE .....	107
Victoria .....	107
New South Wales .....	108
Queensland .....	109

## CHAPTER 14

OUTLOOK FOR CUSTODIAL TRANSPORT .....	111
Increased Policing in Aboriginal Communities .....	111
CBD Courts .....	111
Medical Services and Secure Medical Clinic.....	112
Juvenile Custodial Transport Services .....	112
Regional Transport Arrangements.....	114
Secure Yards for Journey Breaks.....	115
The Use of Express Coaches .....	115
Air Transport.....	116

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---

The Future of Contracted Transport Services.....	117
Developing a New CS&CS Contract.....	119
Returning Custodial Transport Services to the Public Sector.....	119

**APPENDIX 1**

RESPONSES TO RECOMMENDATIONS .....	122
------------------------------------	-----

**APPENDIX 2**

SERVICE REQUIREMENTS OF THE CS&CS CONTRACT.....	156
---	-----

**APPENDIX 3**

BRITISH STANDARDS FOR CUSTODIAL TRANSPORT .....	162
---	-----

**APPENDIX 4**

AIMS STAFF SURVEY RESULTS .....	163
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**APPENDIX 5**

COLOUR PHOTOGRAPHS OF CUSTODIAL TRANSPORT SERVICES.....	164
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# The Inspector's Overview

## THE SHEER COMPLEXITY OF CUSTODIAL TRANSPORT IN SUCH A HUGE STATE AS WESTERN AUSTRALIA

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Western Australia is one of the world's largest jurisdictions, sparsely populated in most regions, and encompassing disparate climatic zones from the temperate forest and agricultural areas in the South-West, through hot arid regions in the East and Centre, to the steamy tropics in the far North. While custodial transport operations in Perth and the South-West are not materially different from those in many other jurisdictions around the world, the distances, extreme climatic conditions and the particular cultural background of the passengers (mostly Aboriginal<sup>a</sup>) in the other regions of Western Australia present a very different set of challenges.

This was highlighted on 17 October 2006, when an inter-prison van operated by AIMS Corporation broke down with 14 prisoners on board, while approaching the Sandfire Roadhouse on a day when the temperature reached 40.5 degrees. The van was about three hours into a nine hour journey to Roebourne Prison. In the heat of the day, the prisoners were kept in the van without air conditioning or forced ventilation, causing extreme discomfort. The journey eventually took over 20 hours, after recovery vehicles were sent not from Broome, but Roebourne.

This event, which received attention both in Parliament and the press, while serious, was by no means unique. The same vehicle fleet that was commissioned when AIMS commenced services under the *Court Security and Custodial Services Act 1999* (CS&CS) Contract in August 2000, is still in operation. These vehicles are increasingly prone to breakdown, notwithstanding engine rebuilds, various upgrades and other major maintenance. There were few weeks during the summer of 2006/07 in which some kind of vehicle breakdown in a remote location did not occur with prisoners on-board, if only of the air-conditioning system.

Fleet replacement is therefore long overdue and prisoners and escort staff alike remain at an elevated level of risk until this process is completed. There has, however, been a positive side to this delay. While my initial inspection report on prisoner transport was strongly critical of the failure to fit seat belts in custodial vehicles, it took until early 2006 before the Department of Corrective Services (the Department) acceded to this, and only after the company which won the vehicle replacement tender indicated that seat belts were integral to their design.<sup>b</sup> I am pleased to report that the Department, in responding to the recommended standards contained in this report for the design of both short-haul and long-haul vehicles, has agreed to all of these.

While not entirely compliant with these standards, a new locally-built 11-passenger Mercedes Sprinter entered service in March 2007 which includes seat-belts and reasonable room for prisoners of different sizes. A prototype long-haul vehicle is presently being built in Queensland, which will also afford a much more appropriate level of comfort and safety to staff and passengers.

Despite this, the Review strongly questions whether transport arrangements based on pod-style vehicles is the appropriate solution for all long-haul custodial transport. Coaches afford a more appropriate level of comfort and amenity for passengers than is possible in a pod-style

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a In that regard the Inspector acknowledges the valuable submissions made on behalf of the Aboriginal Legal Service of Western Australia.

b Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Adult Prisoner Transport Services*, Report No. 3 (November 2001). The company, based in NSW, went into liquidation before their prototype vehicle was built.

THE SHEER COMPLEXITY OF CUSTODIAL TRANSPORT  
IN SUCH A HUGE STATE AS WESTERN AUSTRALIA

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vehicle, as long as security and separation requirements can be satisfied. In the Sandfire incident 6 of the 14 prisoners were rated as minimum-security, thus raising the question what they were doing in a vehicle with so little passenger amenity for such a long journey. Coach-style transport is used in some other jurisdictions, and it would certainly seem worthwhile for a proper exploration to be made of the potential for using this style of custodial transport for some prisoners.

Queensland, only half the size of Western Australia, uses police air transport for long-haul custodial transport and intra-regional transfers. Half the passengers on these flights are serving Police Officers who would otherwise use commercial flights, but serve as escorts on these flights, obtaining real efficiencies.

The responses to this Report that such alternatives will be fully considered are not entirely convincing. The CS&CS Board, in association with Treasury, has already costed air transport using various models and found it significantly more expensive than the existing transport mode. However, to my knowledge, there has been no real consideration of a whole-of-government approach, combining criminal justice transport needs generally, such as that taken in Queensland. Nor has there been a proper accounting of the risk to life and limb, and the discomfort and distress caused by current arrangements.

In that regard, it is interesting to note that in Victoria the argument has recently (March 2007) been raised that the trial of some accused prisoners should be permanently stayed because of the oppressive prison and custodial transport conditions that they had to endure, making it well nigh impossible for them to prepare their defences. The argument was sympathetically received by the trial judge but, in the event, was able to be finessed once the prison authorities gave an undertaking that these matters would be rectified. This is certainly an unexpected angle from which to approach the question of oppressive custodial transport conditions.

A major indignity experienced by people undergoing long-haul custodial transport in regional Western Australia is the police lockups in which they are held overnight on journeys, or sometimes for longer periods whilst awaiting court, or clearance to a prison or detention centre after appearing in court. Make no mistake. As detailed in this Review, the conditions and treatment of people being held in places like Hall's Creek and Carnarvon lockups are an affront to human dignity which should not be tolerated by government or the community at large. While the Department has no control over the state of police lockups, it can choose whether they should be used on custodial transfer journeys. The use of through coaches or air transport obviates the need to use these lockups in the course of such journeys.

This Report, of course, explores many more issues relating to custodial transport. These include the custodial transport arrangements for juveniles. In this regard, it is pleasing to note that separation from adults is strictly maintained, with Juvenile Custodial Services doing the transports in the Perth area and the Western Australian Police Service (WAPOL) in the regions. A New Zealand case that occurred in the course of our review demonstrates the wisdom of this. In August 2006 a 17 year old youth, being transported in a van with 12 adult prisoners, was murdered in the course of quite a short journey. This has caused the New Zealand Chief Ombudsman to launch his own inquiry into custodial transport generally.

This Report also explores: transport activities undertaken by government as well as the contractor; metropolitan and local transport activities as well as regional transport; transport

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THE SHEER COMPLEXITY OF CUSTODIAL TRANSPORT  
IN SUCH A HUGE STATE AS WESTERN AUSTRALIA

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in ordinary as well as secure vehicles; transport for medical escorts and funerals as well as court escorts and inter-facility transfers; and transport of visitors to secure institutions and of people newly released from custody, as well as transport of those in custody.

We found that the contractor, AIMS, is doing a tolerably good job in adult prisoner transport. For the most part staff treat prisoners decently, and they work effectively with stakeholders such as the police and courts. However, we identified significant issues with maintaining staff levels in regional areas, with consistency of staff training, with the failure to provide journey breaks to prisoners and with the number of urgent and critical medical cancellations.

However, our attention, for the most part was properly focussed on the Department as manager of the contract. Government departments on the whole are not adept at contract management, and our various reviews of aspects of the CS&CS contract have shown that the Department of Corrective Services is no exception. However, there have been some noticeable improvements in record-keeping and joint problem-solving. In particular, since late 2004 in the wake of the Supreme Court escapes, the relationship between the Department's contract managers and the contractor has been much more robust and productive than hitherto.

In this context, it is disturbing to note that there have been persistent industry rumours that AIMS wishes to discontinue its involvement in the CS&CS contract. Whilst this Report was being finalised, it has been confirmed that AIMS is seeking to novate its contractual obligations and entitlements to another provider. Only one year remains in the present contract period and it is in the state's best interests that a comprehensive market-testing be carried out before the new long-term contract is awarded. Novation to a particular provider could have the effect of stifling competition for the main contract. Moreover, the debate around the desirable scope of the new contract (WAPOL would certainly wish to see its scope extended) may get lost in the distraction of negotiations around the question of novation. This development raises risks for the service and for the state, therefore.

Getting back to the substance of the services, while the Department's own transport services, high security escorts, juvenile custodial escorts and those emanating from custodial centres and work camps run well, we found weaknesses in secure vehicle standards, information recording, performance measurement and certain operational standards. The commitment to bring juvenile vehicles up to standard in response to our recommendation in this regard is most welcome. There were also issues relating to assessments and decision-making that impact on custodial escorts generally, including funerals and the overuse of restraints.

I will leave it to the Chief Justice, The Hon Wayne Martin to articulate a crucial point:-

However, I would at this stage wish to proffer my own general observation, ... to the effect that it would be much better if there weren't nearly as many custodial transports in this state. ... As your draft report points out, in this state the vast distances sometimes involved in the transfer of prisoners would seem to me to increase the desirability of the objective of reducing physical transport of prisoners wherever possible.<sup>c</sup>

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c The Hon Wayne Martin, Chief Justice of Western Australia, 'Thematic Review of Custodial Transport Services in Western Australia', letter (18 December 2004).

THE SHEER COMPLEXITY OF CUSTODIAL TRANSPORT  
IN SUCH A HUGE STATE AS WESTERN AUSTRALIA

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The Chief Justice was especially supportive of the use of video link technology, and noted that substantial progress in its use had been made in other jurisdictions.

Another long term solution to high demand for custodial transport has to be the establishment of full-service custodial facilities in each region. As highlighted in the Directed Review conducted in by this Inspectorate and reflected in the Mahoney Inquiry, both in 2005, very many Aboriginal prisoners and detainees are increasingly being accommodated at, and transported to and from, facilities far from the regions in which they normally live.<sup>d</sup>

The range of recommendations is wide and detailed, and the responses of the various agencies are overlapping and occasionally contradictory. This Report, therefore, takes a slightly different form from the Inspector's usual reports in two ways: first, by setting out the Recommendations in the first substantive chapter rather than at the end of the Report; and second by then analysing the responses rather than leaving the reader to pick their own way through them. It is hoped that this clarifies the thrust of what is certainly a complex Report.

Richard Harding  
Inspector of Custodial Services

6th April 2007.

d OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005) xx; Mahoney, Hon. DL, *Inquiry into the Management of Offenders in Custody and in the Community* (2005)

# Chapter 1

## LIST OF RECOMMENDATIONS

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### Recommendation 1.

That a standard be established for all custodial transport services: no escort journey should be planned in short-haul secure transport vehicles without a comfort break for all passengers at least every 2-2.5 hours. Journeys likely to take longer must be undertaken in long-haul vehicles.

### Recommendation 2.

That the Department of Corrective Services ensure that information systems are capable of recording and reporting on actual time spent by prisoners or detainees in vehicles.

### Recommendation 3.

That the Department of Corrective Services review contractor involvement in High Security Escorts, develop a strategy to facilitate a closer working relationship between the ESG and SSG and review, in consultation with the Department of the Attorney General and the contractor, protocols to ensure seamless hand-over of High Security Escorts at court custody centres.

### Recommendation 4.

That bail coordinators be made available at courts and prisons, to assist people effect bail, and that persons granted bail be retained at a court or police facility for a reasonable period to arrange their bail, before being transferred to a prison.

### Recommendation 5.

That the Department of Corrective Services obtain a State Solicitor's opinion about transport and accommodation arrangements for persons subject to a Hospital Order.

### Recommendation 6.

That the Department of Corrective Services, together with the Department of the Attorney General, establish a project to investigate continuing barriers to the use of video links and ensure that systems are in place to quantify actual usage of the system and the extent of its contribution in reducing the requirement for custodial transport.

### Recommendation 7.

That at a minimum, valuables including wallets, purses, ID's and ATM cards and civilian clothing always accompany unsentenced prisoners or detainees to court. In addition, private cash and gratuities must either accompany the prisoner or detainee to court, or a system established for this to be paid, if released, at or near the court. Where practical, all property for such remandees should also be sent to court, especially when the court is a great distance from the prison or detention facility.

### Recommendation 8.

That consideration be given to the issue of nicotine lozenges on prisoner transfer journeys.

### Recommendation 9.

That the Department of Corrective Services make food available at reception for prisoners or detainees failing to obtain breakfast in units before leaving on transports.

### Recommendation 10.

That the Department of Corrective Services establish fail-safe procedures to ensure that adequate fresh food and water is provided in cells for all long transport journeys.

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## LIST OF RECOMMENDATIONS

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### Recommendation 11.

That adequate reserve supplies of potable water and food be carried for staff and persons in custody by any transport provider involved in non-local journeys outside the metropolitan area.

### Recommendation 12.

That the Department of Corrective Services establish fail-safe procedures to ensure that prisoners and detainees have sufficient notice of transfers to appeal the transfer and receive family visits, except as dictated by acute management or security issues.

### Recommendation 13.

That handwashing facilities or towelettes be made available to all prisoners or detainees using on-board toilets and hygiene packs be made discreetly available to women on prisoner transfer journeys or other escorts.

### Recommendation 14.

That the Department of Corrective Services cease to utilise sub-standard police lockups for the accommodation of prisoners and juvenile detainees on transport journeys, and for extended stays for court escorts or trusty prisoners, recognising that conditions in many of these are incompatible with expected standards for prisoners and detainees.

### Recommendation 15.

That a system be established to ensure an unbroken line of control and accountability for all property transferred with prisoners or detainees. The system must also provide for and track the timely movement and re-issue of unaccompanied property.

### Recommendation 16.

That tobacco, toiletries or other items needed by prisoners or detainees during transport journeys be held in a separate bag from that used for valuables.

### Recommendation 17.

That the Department of Corrective Services cease to charge for video-visits to close family members in remote locations and establish a project to ensure the system is promoted as part of orientation to all eligible prisoners or detainees and their families, to resolve other barriers to its use and to implement outlets on key Aboriginal communities.

### Recommendation 18.

That the contractor ensure that critical and urgent medical appointments are always undertaken and that difficulties with these are instantly reported to the nominated person at the relevant prison.

### Recommendation 19.

That superintendents ensure that alternative arrangements are made to ensure that critical medical appointments, and if so advised by the nurse manager, urgent medical appointments, are facilitated by the centre in the event that the transport provider is unable to undertake the escort.

## LIST OF RECOMMENDATIONS

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### Recommendation 20.

That performance linked fees under the CS&CS contract be adjusted to include penalties for failure to satisfactorily complete escorts for medical purposes (especially for those rated critical and urgent), authorised absences or to take over hospital bed sits within the prescribed period.

### Recommendation 21.

That the Department of Corrective Services and the contractor ensure that persons under escort for a medical appointment or an authorised absence never be held en route (in either direction) at a court custody centre. Wherever practical, such persons should be segregated from others.

### Recommendation 22.

That the Department of Corrective Services Health Services take further steps to ensure that, for all kinds of escorts, appropriate direction is given to transport providers in relation to injured, infirm or disabled prisoners and detainees, and to ensure that essential medicine accompanies those indicated as requiring such treatment.

### Recommendation 23.

That the Department of Corrective Services review both the classification system and restraints policy as they apply to women, to eliminate the overuse of restraints in medical escorts consistent with a more realistic risk profile.

### Recommendation 24.

That the Department of Corrective Services implement changes in its authorised absence policy and practice for adults and juveniles, to ensure that significance of the relationship is the dominant factor in decision-making, that an Aboriginal person is formally involved in decisions about applications from Aboriginal persons, that families or communities are appropriately consulted in these decisions and that the use of restraints is minimised, consistent with security and public safety.

### Recommendation 25.

That the Department of Corrective Services continue to develop strategies to assist people released from custody, particularly from regional and remote areas, to return home safely.

### Recommendation 26.

That the Department of Corrective Services review the transport arrangements for prison visitors, including for families of juveniles from remote areas.

### Recommendation 27.

That the following minimum standards be incorporated in vehicle design for all secure transport vehicles:

- Seat belts to be fitted for all passengers.
- Passenger seats to be preferably forward, or rear facing, never sideways.
- All seats to be moulded, and/or cushioned.

## LIST OF RECOMMENDATIONS

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- Cells to have one way windows fitted to afford natural light and external views with privacy from outside.
- Seats and cells to have sufficient width and leg room to accommodate larger prisoners.
- All cells to be safe-cell compliant.
- All cells have hatches to enable food or other materials to be passed between staff and persons in each cell and to enable handcuffs to be securely applied.
- All cells to have a rescue exit in case of emergency.
- Effective video and audio monitoring and communication systems between the cabin and cells.
- Robust climate control for staff and passengers, adjustable in each zone.
- Good natural ventilation readily available when the climate control system is not functioning.
- A capacity to broadcast music, radio or essential information to passengers.
- A cool store for staff and passenger meals and drinks.
- Adequate storage for staff and passenger valuables, paperwork and other property.
- Effective communication systems from the vehicle to its operating base.
- Vehicle is able to be tracked via satellite in real time and an activity trace securely recorded.
- Vehicle is fully configured and, at all loadings, certified as resistant to rollover.

### Recommendation 28.

That long haul transport vehicles have the following additional standards:

- Cells of sufficient height to allow passengers to stand when the vehicle is stopped or to access the toilet.
- At least one cell to allow extended leg room for injured and partly disabled passengers (consider installation of a chair lift also).
- Enclosed toilets accessible on request by all passengers.
- Views of the horizon from a seated position.
- A potable water supply.
- Redundant power system for air-conditioning when vehicle is stationary.
- Vehicle is sufficiently robust to operate at night without risk from livestock.
- Dual cabs (for larger inter-prison transfer vehicles) to accommodate a third officer.

### Recommendation 29.

That the Department of Corrective Services develop a strategy for the dignified conveyance of prisoners and detainees of all security ratings who are infirm, disabled, pregnant or injured including:

- Systems to ensure such needs are identified in advance of escorts and notified to those making transport arrangements.
- Circumstances and procedures in which non-secure vehicles may be utilised, including sedans, maxi-taxis, ambulance and aircraft and the availability of such resources in each area identified.

## LIST OF RECOMMENDATIONS

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- Determination as to the requirement within the fleet for chair-lift equipped vehicles and for extra leg room in certain cells in secure vehicles.

### Recommendation 30.

That as a matter of urgency, the secure vehicles used by Juvenile Custodial Services be upgraded to safe cell standards, and fitted with at least the same standard of monitoring, communications equipment, GPS tracking and emergency equipment as the adult fleet.

### Recommendation 31.

That, to ensure consistent application of vehicle design standards and fleet replacement strategies, the Department of Corrective Services consider placement of responsibility for management of the entire secure fleet under a single desk system.

### Recommendation 32.

That the Department of Corrective Services ensure that a program of refresher training for all transport staff be considered a core budgetary component of any contract for custodial transport.

### Recommendation 33.

That the government ensure suitable staff facilities are provided in police, courts and Corrective Services buildings at which officers engaged under the CS&CS contract are expected to work.

### Recommendation 34.

That AIMS, in conjunction with the Department of Corrective Services, develop a strategy to ensure a stronger complement of locally recruited Aboriginal staff in light of the over-representation of Aboriginal people carried by custodial transport services.

### Recommendation 35.

That AIMS, in conjunction with the Department of Corrective Services, revise its staffing arrangements in regional areas to attract and retain experienced staff through strengthening job security, increasing regular hours of work and the provision of better zone allowances, taking account of current job market conditions.

### Recommendation 36.

That secure medical outpatient and inpatient facilities be included in the scope of the proposed Fiona Stanley Hospital at Murdoch to maximise public security and minimise unnecessary public exposure and use of restraints for those being treated.

### Recommendation 37.

That Juvenile Custodial Services review its assessment systems and custodial transport policies to eliminate unnecessary use of restraints, especially for medical escorts and authorised absences.

### Recommendation 38.

That the Department of Corrective Services review arrangements for intra-regional transport of juveniles and transport of juveniles from remote regions to Perth with a view to service provision by the CS&CS contractor and/or, where possible by the Juvenile Custodial Services transport unit. Should juvenile custodial facilities be established in any region, Juvenile Custodial Services should accept responsibility for custodial transport of juveniles within those regions and for transfers between those regions and their facilities in Perth.

## LIST OF RECOMMENDATIONS

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### Recommendation 39.

That an inter-departmental taskforce comprising the Department of Corrective Services, the Department of the Attorney General and the WA Police Service be established to urgently re-examine requirements and options for safe and humane transport services for persons in custody, especially in remote and regional areas including:

- Establishment of particular standards for custodial transport in regional and remote areas
- A system of secure yards to facilitate road journey breaks
- Use of a modified coach for long haul custodial transport to obviate unnecessary overnight stays in police lockups
- Development of a capacity to utilise police air or air charter services for prisoner transport within each region on a routine basis
- Development of an air service for custodial transfers along the coast between Perth and Broome
- Arrangements for the transport of juveniles in custody
- Transport of visitors to custodial facilities and of persons released from custody
- The appropriate mix of service provision by police, Corrective Services and contractors
- Continuation of court and transport custodial services in a single contract

### Recommendation 40.

That the inter-departmental taskforce also urgently examine requirements for safe and humane custodial services in regional and remote police stations and courts including:

- Establishment of essential accommodation and service standards for such facilities
- Development of a capital plan to upgrade or rebuild existing facilities to meet these standards
- Strategies to ensure that such facilities are adequately cleaned, and that persons in custody receive fresh, nutritious food and appropriate levels of care
- Reform of the prisoner trusty program including reasonable work expectations, standards of accommodation and the provision of gratuities and other rewards
- Consideration of the extent to which the CS&CS contractor should become involved in the provision of such services

### Recommendation 41.

That any proposal to return custodial transport services to the public sector be on the basis of a specialised custodial transport service by dedicated transport officers, both in the metropolitan and regional areas, with a central unit responsible for coordination, incident management, specialist training, data collection and compliance with service standards throughout the state.

### Recommendation 42.

That public sector service provision in custodial transport be transparent and accountable, with comprehensive service standards established for all such services along with excellent systems of data collection, performance measurement, grievance resolution and monitoring. Custodial transport tasking, tracking and reporting systems should operate seamlessly across public, private, adult and juvenile sectors.

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# Chapter 2

## ANALYSIS OF THE RESPONSES TO RECOMMENDATIONS

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### 2.1. INTRODUCTION

The detailed responses to the recommendations in this Report are set out in Appendix 1. These responses are complex. This is because the draft report was distributed to four separate agencies involved with the service: the Department of Corrective Services (the Department) as the primary customer of AIMS under the transport aspect of the CS&CS contract; the Department of the Attorney General (DoTAG) as the legal signatory of that contract, albeit it having delegated the day-to-day administration of that contract to the Department of Corrective Services; AIMS as the provider of services; and the Western Australian Police Service (WAPOL) as a provider of some overlapping and intersecting services and an agency whose standards must inevitably start to respond to the standards agreed upon for a cognate transport service. In addition, the draft report was distributed, as statutorily required, to the heads of the three levels of court in the state, and the Chief Justice, the Honourable Wayne Martin, made some extremely valuable responses in relation to particular areas.

In the event, DoTAG chose simply to endorse each of the detailed responses made by the Department; accordingly, the responses are identified in Appendix 1 as being a DCS/DotAG response even though they emanated entirely from the Department. The likelihood is that the new contractual arrangements expected to be put in place from August 2008 will reflect as a matter of law the practical reality that the Department is the purchaser of custodial transportation services and DotAG will drop out of the equation.

It will also be noted that AIMS as provider seldom offers a view that differs markedly from that of the Department as purchaser. There are questions as to whether AIMS will continue to be the provider, however. At the time of writing (April 2007) AIMS is actively seeking to disengage from the contractual arrangements.

With regard to WAPOL's response, it is pleasing to record that the strategic importance of thinking actively about prisoner and offender transportation has been recognised. WAPOL do not regard this as one of their core functions and would be pleased if the remnants of this service which they still provide could be devolved to either a contractor or another agency.

It is not entirely straightforward for the reader to see where we now stand in the light of these various responses. For that reason this chapter attempts to give some analysis of the overall significance of the responses in an interpretative sort of way. However, the responses stand on their own feet as representing the formal position of each of the agencies involved; this attempt at synthesis does not take the place of the detailed responses. The commentary that follows addresses most of the recommendations, though omits those that are straightforward.

### 2.2. RESPONSES TO RECOMMENDATIONS

#### Recommendation 1

This recommendation sought agreement from the agencies that there should be unified standards for all custodial transport services whoever provides them. These standards should include, for regional transports, reasonably frequent comfort breaks for prisoners.

The Department accepted the desirability of this, though the proposed timeframe for implementation was pushed out to 2014. AIMS sensibly drew attention to the practical difficulties with regard to comfort breaks during regional journeys, because of the absence of secure stopping points. Obviously, if the Department is to meet its own agreed objectives, this absence of secure stopping points is a matter that will have to be addressed. WAPOL also supported the recommendation, and took the opportunity very early in the Report to put on the record its fundamental view that “consideration should be given to one service provider having the responsibility to conduct all prisoner transport services”. It was contemplated that if this were done then appropriate vehicles and training for that integrated service would be easier to provide.

#### Recommendation 2

This recommendation was based upon the assumption that prisoner time in a vehicle may exceed the length of the journey. All respondents disagreed that more sophisticated information systems were necessary, pointing out that a record is made of vehicle time on the road and that for practical purposes this is a sufficient measure of prisoner time in a vehicle.

#### Recommendation 3

This recommendation reiterates the Office’s continuing concern that high security escort (HSE) prisoners seem to drop one or two security notches once they are handed over to AIMS. However, at least there has been some recognition of this with the creation of the AIMS’ Security Support Group (SSG), and the recommendation is not a pressing one.

#### Recommendation 4

This recommendation attempts to address the never ending problem of unnecessary admission into the prison system of people who have been granted bail. It is logistically convenient (and probably commercially desirable from the point of view of controlling costs) for AIMS to depart from the Central Law Courts or any other courts as soon as possible after the court hearings have finished. Yet some prisoners who have been granted bail have not instantly been able to facilitate this as they await the arrival of their sureties or until some other technical process has been completed. Consequently, they often find themselves taken back to the prison – usually Hakea – where they must be formally admitted before they can then be bailed. That means that their sureties have to go out to the prison but, more importantly, that they also have a prison admission record which they carry with them for the rest of their lives – even if they are acquitted of the charge or if convicted are not sentenced to imprisonment.

This process also puts considerable strain on the receiving prison.

The importance of this issue seems difficult to get through to the Department, and they have disagreed with our recommendation. WAPOL for their part expressed concern about the strain on their own resources if people are held at the lockups pending completion of bail processes. For them the desirable objective is to shift custodial responsibility to the Department as promptly as they can.

This is an area where there needs to be much better liaison between these two departments. Recently (March 2007) Rangeview Juvenile Remand Centre has been flooded by

unnecessary remands in custody, and the police have indicated their firm refusal to hold children in lockups for any purpose whatsoever, even children for whom bail is reasonably accessible and likely soon to be available.

#### Recommendation 6

This is concerned with using video-court proceedings to reduce the multiple movements to and from courts for status hearings and further remands. The stress that this puts upon the capacity of the custodial transport services is considerable. The Office has repeatedly called for a much wider use of video-court hearings, and the evidence from our previous inspections and reviews clearly indicates that prisoners also would welcome this.

Whilst it is true that there has been some improvement in this regard, there is still a long way to go. It is somewhat puzzling that the Department agrees only 'in part' to this recommendation; WAPOL supports it, however. Even more cogent is the endorsement of this recommendation by the Chief Justice, the Honourable Wayne Martin. He stated:

As your Draft Report illustrates, the transport of persons in custody is often time consuming, expensive and onerous to both persons in custody and security staff. For my part, I would like to see much greater use of audio visual facilities, so as to reduce the need to have a person in custody physically present in court. Ideally, I would like to aim for a situation in which the only times at which a person in custody was physically present in court was when they are entering a plea, being tried or sentenced.

That statement represents the implementation target of the Office against which the future performance of the Department will be measured.

#### Recommendation 7

This recommendation states an aspirational standard with regard to the perennial problem of prisoners being brought from prison without their property and then being released from court, leaving them often without means of immediate survival either financially or in a practical sense. The Chief Justice in his response endorsed the fact that this is a serious issue.

However, whilst there is agreement in principle that this situation is undesirable, a solution is not easy to find given the practical exigencies of moving property back and forth between prison and court and prison again, according to the outcome of a case. This issue requires further discussion and some lateral thinking.

#### Recommendation 8

This recommendation suggests that nicotine lozenges should be distributed to prisoners who are smokers on long transfer journeys. The issue is probably best addressed within the context of the overall policy on smoking in prisons and custodial institutions. The momentum towards very restricted smoking opportunities in prisons, or even complete prohibition, is certainly increasing.

#### Recommendations 9, 10 and 11

All of these recommendations address issues of the availability of adequate food and water before and during custodial transport journeys. The Department expressed satisfaction with its current

in-prison arrangements for unlocking and feeding prisoners before transport, though our own observation and experience suggests that the picture is not quite as straightforward as is suggested. It is heartening, however, to note that there is agreement to improving the systems for ensuring that there is adequate food and water available to prisoners in the course of journeys.

#### Recommendation 12

This is another area in which the experience of the Department differs somewhat from the evidence obtained by the Office. Particularly in regional prisons, notice of transfer is often quite brief and we know that this is particularly distressing for Aboriginal prisoners. Strictly speaking, however, this is a prisoner management issue rather than one that arises out of the manner of transportation.

#### Recommendation 13

This recommendation picks up a decency issue, and is widely agreed.

#### Recommendation 14

This recommendation needs to be understood in a broader policy context. When the first CS&CS contract was being formulated and put out to tender in 1997, the expectation was that the government of the day would in due course bring the administration of the police lockups within the contracted services. This was to be phase two of the privatisation process. However, it was soon realised that to make the police lockups RCIADIC<sup>1</sup> compliant as well as to bring them up to late 20th/early 21st century standards, there would need to be a considerable capital outlay. This has not occurred; accordingly, the lockups not only remain the responsibility of WAPOL but also are still sub-standard. The response from WAPOL very much reflects their concern about the funding implications of bringing lock-ups to an acceptable standard.

This problem is not unique to Western Australia. A joint report of the Ombudsman Victoria and the Office of Police Integrity on 'Conditions for Persons in Custody' (July 2006) noted as follows:

The physical state of many police cells was unsatisfactory. In some cells and yards in older watch houses, detainees can remove mortar or pieces of cement from cell walls which are then reportedly used to inflict harm on themselves. In several facilities there was water seeping into cells, with moss and mould growing. Even in new watch houses physical conditions for custody remain very basic.

It is time that the Western Australian government developed a strategy for progressively improving the quality of police lockups so that it can reconsider, in a context where the duty of care can be effectively met, the question of whether to outsource the management of these facilities. That in turn will bear upon the outcome of this recommendation.

#### Recommendations 18, 19, 20, 21, 22, 23, 29 and 36

All of these recommendations address aspects of the fraught question of hospital escorts for out-of-prison medical appointments. This is the weakest part (with the possible exception of funeral escorts) of the service provision under the CS&CS contract.

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1 Royal Commission into Aboriginal Deaths in Custody

It has been a problem virtually since the commencement of the service, and consequently in 2006 the Department moved to a triage policy distinguishing between category A (critical), category B (urgent) and category C (non-urgent) medical appointments. This was intended to provide the prisons themselves and AIMS with a reliable method of prioritisation if cancellations needed to be made. For a while this seemed to work quite well, but during 2007 the number of scheduled medical appointments that have been cancelled each month has risen progressively. We have regressed to a situation where even critical and urgent appointments are now being cancelled, as well as non-urgent ones. This is indicative of the stress in the system and the problems of operating a multi-function service where those functions may well conflict as to the timing that is required if they are to be effectively discharged. The problems are unlikely to be resolved satisfactorily until such time as greater resources are available.

The related issues of the manner in which prisoners are conveyed – shackled or un-shackled – and the desirability of having a secure outpatient facility in one of the metropolitan area hospitals are also addressed. Each of them, once implemented, should reinforce the notion of prisoners equally being patients in the context of medical needs.

This whole matter refers back to the Thematic Review of Offender Health Services (Report No.35) carried out by the Office. The basic recommendation – that the Department of Health should take on primary responsibility for putting together a suitable package of health services for prisoners – sets the context for understanding this group of recommendations. Prisoners when seeking or receiving medical attention are patients, not simply prisoners. Once that major recommendation has been implemented, it would be appropriate for the Department to revisit its responses to the transportation aspects of health services.

#### Recommendation 24

Strictly speaking this recommendation, relating to authorised absences for funerals, could be said to be peripheral to this thematic review. However, as these absences mostly involve custodial transport and as the costs of providing transport creeps into and can distort somewhat the application of the criteria, the matter was raised again here. The whole question of funeral leave has been a concern of the Office for the last seven years.

Although the Department has recently moved some distance towards addressing the issues, it is still not entirely satisfactory. The matter will be kept under review, though not simply as an aspect of custodial transportation.

#### Recommendations 27 and 28

These recommendations – setting standards for the vehicles – are in some respects the centrepiece of the whole report. It is pleasing to record agreement by the Department with both of these detailed recommendations.

Most pleasing of all, perhaps, is the recognition at last that, as passengers, prisoners are entitled to the community standard of safety, i.e. seat-belts. The Office has had a long debate with the Department and indeed with the Department of Infrastructure and Planning about this matter.<sup>2</sup> Whilst acknowledging that seat-belt design must absolutely minimise any possibility of

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2 For a full discussion of the issues see OICS, *Announced inspection of Adult Prisoner Transport*, Report No.3 (November 2001).

self-harm (a point taken up by WAPOL in their response), it is evident that the two objectives of passenger safety and avoidance of self-harm are not irreconcilable. In late March the Department commenced service with its Mercedes Sprinter 11-seat prototype vehicle, and it is currently being assessed for its performance. It includes seat-belts, and it is also a great improvement in terms of space, air circulation, climate control and general security in its design including camera surveillance in every cell or pod.

Generally, however, the fleet is below acceptable operating standards. There are frequent breakdowns, particularly in regional areas, and at any given time one can expect two or three vehicles to be off the road. Breakdowns cause real safety and duty of care issues when they occur in regional areas during the heat of summer. An example of this occurred in October 2006 when a vehicle carrying 14 prisoners broke down, just past the Sandfire Roadhouse, between Broome and Roebourne. It managed to get back to the vicinity of the roadhouse itself, but remained there for many hours with the prisoners confined to the vehicle throughout this period. The total time in the vehicle was about 20 hours – tantamount to ‘inhuman and degrading treatment’ in terms of the relevant UN Convention to which Australia is a signatory.<sup>3</sup> This matter is also referred to in the Inspector’s Overview, above.

When the contract first commenced, the fleet was owned by AIMS, but subsequently was bought back by EasiFleet, the government provider. This occurred at a time when AIMS was teeing up to tender for a replacement fleet, a process that it naturally stopped at that point. Consequently, the fleet has outlived its lifespan. Moreover, this has resulted in a situation where the service provider (AIMS) has no responsibility for the tools that are available for providing those services, whilst the owner of those tools or vehicles (EasiFleet) has absolutely no knowledge about the nature of the service involved and no experience in running a fleet of this kind.

The Department and the government have managed to achieve the worst of all worlds by these arrangements. A new fleet is urgently required. The arrangements that are currently in place are not the appropriate ones by which to achieve, manage and sustain a good quality fleet.

Nevertheless, the Inspector welcomes the acceptance of the broad standards that the fleet should meet.

### Recommendation 30

This recommendation arises out of the fact that, a few years after the inception of the contract, juvenile custodial transport services in the metropolitan area were devolved back to the Juvenile Custodial Services arm of the Department. There are legitimate arguments as to whether this fragmentation of the service was a good or a bad thing; certainly, it is interesting to observe that to comply with duty of care standards the service as a whole (including the court custody centre operations) now takes up approximately twice as much resource as AIMS was able to provide for the same service.

Be that as it may, one effect of the fragmentation has been that the vehicle standards used for juveniles differ from those applied to custodial transport services as a whole. The recommendation

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3 UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

is that, whoever is the provider of an aspect of a custodial transport service, the minimum standards should be the same. The Department has accepted that, and will presumably be working on bringing the juvenile transport vehicles up to the standard of the new prototype.

**Recommendation 31**

This recommendation logically follows from the previous one. A ‘single desk’ system for standards setting and implementation is desirable. The Department and WAPOL agree with this

**Recommendation 32**

This recommendation is for a specific contract requirement to ensure ongoing training is made available for all transport staff. The Department merely accepts the notion that some staff should have some training on an annual basis, but has not committed to contractual reform to ensure such training is provided.

**Recommendation 33**

This recommendation addresses the work situation of AIMS staff involved in custodial transport services. This parallels the matter highlighted in our *Report of an Announced Inspection of Regional Court Security and Custodial Services* that the working conditions for AIMS employees are often substandard, particularly in the regions.<sup>4</sup> As their base is always an area owned by either the Department of Corrective Services or the Department of the Attorney General, this is not a matter about which AIMS itself has a capacity to do anything positive.

The Inspector is disappointed that the Department merely ‘agrees in principle’ rather than committing itself to trying to make a business case to the government to allocate funds to bring working conditions up to an acceptable standard. This is an area where one could reasonably have expected the Department of the Attorney General to have expressed an independent view rather than simply piggy-backing the view of the Department of Corrective Services.

**Recommendation 34**

This addresses the perennial problem of how to persuade an appropriate number and cross-section of Aboriginal people to work in various aspects of the criminal justice system, including custodial transport. In response AIMS indicates an initiative that it has taken to obtain federal government funding. That is welcome, but overall the Department has a disappointing record in either achieving or facilitating improvement in these crucial employment practices.

**Recommendation 35**

This recommendation addresses the problems that arise from relying upon a casualised workforce. The nature of the services is such, however, that a workforce of fulltime employees in many regions is simply not feasible. Indeed, the very essence of contracting out in the first place was that jobs that were inherently part-time were being done by full-time employees within the Department or WAPOL. With present labour market conditions in Western Australia, the problem is not an easy one to address.

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4 OICS, *Report of an Announced Inspection of Regional Court Security and Custodial Services*, Report No. 40 (February 2007).

#### Recommendation 37

This recommendation arises from the fact that there is no classification system to distinguish between minimum-, medium- and maximum-security juvenile detainees in Western Australia. Thus, when it comes to the transportation arrangements, one size fits all – they are all treated as maximum-security and thus potentially posing an escape risk. Accordingly, restraints tend to be over-utilised. In agreeing with this recommendation, the Department can be presumed to have committed itself to better calibrating its assessment of risk in dealing with juvenile transport issues.

#### Recommendation 38

This recommendation addresses the fact that juvenile transport in the regions is still carried out by WAPOL. The recommendation is that this task should be brought within the regular transportation arrangements applicable to juveniles (i.e., Juvenile Custodial Services) or within the contracted system. If so, this would take place from 1st August 2008.

WAPOL fully supported this recommendation, referring to the ‘refusal’ of Juvenile Custodial Services to accept the responsibility for juvenile escorts in regional areas. They refer also to the absence of suitable vehicles for conveying young people in ways that meet proper standards for long distance transport.

Whilst the police response might be a little disingenuous inasmuch as it is clear that at this point the Department simply is not funded to carry out regional juvenile custodial transport either directly or through a contracted service provider, it is equally clear that the optimum position is for this task to be carried out by an agency that has specialist responsibility – be it Juvenile Custodial Services or AIMS. The response of AIMS, interestingly, indicates that they have already put a proposition to the Department to take on this responsibility.

#### Recommendations 39 and 40

Both of these recommendations address the need for improved coordination between the responsible agencies, in particular the Department of Corrective Services, the Department of Attorney General and WAPOL. The responses indicate that there is already a forum in existence for coordination, but the observation of the Inspector is that this is more at the operational than at the strategic level.

There now needs to be an inter-departmental committee or task force to look at broader policy issues. It is evident enough from this overall commentary that there are numerous areas where co-ordination between departments is necessary for the implementation of the agreed recommendations in this Report, as well as for ongoing strategic development of the service.

#### Recommendation 41

This recommendation addresses the implications of any attempt to return the bulk of custodial transport services to the public sector. It is considered that such a possibility is fairly remote, despite the move back into this service by Juvenile Custodial Services and partial supplementation of the service by local prisons. The cost could probably be prohibitive. To this point in the life of the contract, some service improvement has been achieved despite the problems and drawbacks.



#### Recommendation 42

This recommendation in effect reiterates the view, running throughout the Report, that the whole custodial transport system needs to be transparent and accountable and operating according to accessible standards that reflect decency, equity and duty of care factors. Most of the responses received from the Department to other recommendations would seem to indicate their agreement with this, so it is slightly puzzling that the Department and AIMS only ‘agree in part’. By contrast WAPOL support this recommendation.

### 2.3. CONCLUSIONS

This Report properly focuses on manifold detailed aspects of how custodial transport services actually operate on the ground in Western Australia and how prisoners and detainees experience them. Consequently, the recommendations also address many detailed operational matters. The affected parties have responded to these matters with varying degrees of acceptance, as recorded in Appendix 1.

This chapter has attempted to contextualise the recommendations and the responses in broader policy and historical factors. The objective is to begin the process of improving custodial transport services in Western Australia so that they are less onerous to prisoners, better calibrated to criminal justice system and welfare needs, safer, more cognisant of duty of care responsibilities and more equitable. Implementation of the detailed recommendations should be evaluated against that objective and these standards.

The Report that follows is the most comprehensive account of the challenges and problems of custodial transport to appear in the literature to date. It should set a plateau for discussion of these issues and the development of operational standards in all jurisdictions, particularly those where long-haul land transport is a prominent aspect of the required services.

# Chapter 3

## INTRODUCTION

### 3.1. CUSTODIAL TRANSPORT SERVICES IN WESTERN AUSTRALIA

In embarking upon this Review, the Office identified a broad range of transport-related service needs for persons in custody in Western Australia. These are listed in the table below, together with the agencies involved in providing for these needs for adults and juveniles. One is immediately struck by the diversity both in the range of custodial transport service needs and in the way such services are delivered, and in the sheer complexity of the overlapping and intersecting organizational arrangements.

**Table 1: Custodial Transport Service Needs and Providers in Western Australia**

Custodial Transport Service Needs	WA Police	AIMS Corp.	Facility	ESG	JCS	CJS	Other
Clearances from Police Lockups to Courts (arrests).	AJ	a					
Clearances from Police Lockups to Correctional Facilities.	aJ	A					
Police Lockup custodial management. <sup>5</sup>	AJ	a j					
Transfers between Courts and Correctional Facilities.	J	A		a	J		
Hospital Orders from Court to Mental Health facility.	aJ	A					
Transfer between Corrections Facilities.		A	j	a	J		
Inter-facility Visits.		A	j	a	J		
Emergency Medical Escorts (with or without ambulance).		a	AJ	a	J		
Medical Escorts (to clinics or hospitals).		A	a	a	J		
Hospital Bed Sits (extended stays at a medical facility).		A		a	J		
Authorised Absences (eg Funerals)		A	a	a	J		
Transfers to and from Work Camps.			A				
Section 94/Other Day Leave.			AJ			j	j
Family and Friends Visitor Transport.			a j			a j	AJ
Journey Home on Release.			AJ			AJ	AJ

KEY: A / a Main/Secondary service provider for adult arrestees, remandees and prisoners  
 J / j Main/Secondary service provider for juvenile arrestees, remandees and detainees  
 AIMS Contractor for Court Security and Custodial Services  
 Facility Relevant Prison, Work Camp or Detention Centre (Department of Corrections)  
 ESG Emergency Services Group (Department of Corrections) responsible for High Security Escorts  
 JCS Juvenile Custodial Services transport unit (Department of Corrections)  
 CJS Community Justice Services (Department of Corrections), with Offices throughout WA

5 AIMS manage the Carnarvon Lockup two nights per week to facilitate prisoner transfers between Roebourne and Greenough Prisons

Most of these journeys involve the movement of people legally in custody. Such journeys are typically undertaken in secure vans between secure sally-ports; when outside a secure environment, prisoners or detainees are accompanied by two or more officers and subject to mechanical restraints, such as handcuffs. However, certain low-security prisoners or detainees can be moved in standard vehicles and without the use of restraints.

We have also listed for attention, two important kinds of transport services not involving persons in custody: social visitors to people in adult prisons and juvenile detention centres, and people newly released from courts, prisons and detention centres.

### 3.2. SCOPE OF THE REVIEW

The present Review is in part a re-inspection of adult prisoner transport services originally undertaken in 2001.<sup>6</sup> That report documented the Western Australian government's procurement of AIMS Corporation to provide adult transport services as part of a broader contract known as the Court Security and Custodial Services (CS&CS) contract, and the operation of those services, which commenced on 31 July 2000.

In the intervening period, the purview of the Office has changed, with the added responsibility of inspecting custodial places and services relating to juveniles, as a result of the *Inspector of Custodial Services Act (2003)*. There have also been major changes in the scope and operation of the CS&CS contract, including:

- Arbitration between AIMS and the Department over financial arrangements for the contract in 2001/02 and the extension, in 2005 of the contract for a further three years.
- The transfer of fleet ownership from AIMS to the government and of fleet management to EasiFleet.
- The creation of a Security Support Group within AIMS to support other staff in areas of potential or identified risk, and to undertake Category 1, high security escorts if required.
- The return of responsibility for juvenile related transport back to the Juvenile Custodial Services directorate of the Department.
- The return of responsibility for discretionary escorts for prisoners in metropolitan minimum-security prisons to the administration of the relevant prisons (Boronia, Karnet and Wooroloo).

We will further explore the reasons for these changes and how they have been effected in the body of this Report.

Services which have returned to the Department operate under the *Court Security and Custodial Services Act (1999)*, not only under the *Prisons Act (1981)* or the *Young Offenders Act (1994)*. Such services are subject to inspection whether provided in a public or private context. Police services are not, however, within the inspection remit of the Office. Nevertheless, from a public interest and a duty-of-care perspective, there is no sensible basis

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6 OICS, *Report of an Announced Inspection of Adult Prisoner Transport*, Report No. 3 (November 2001)

## INTRODUCTION

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upon which WAPOL can properly continue with vehicles or practices that fall short of the standard set out within this Report.

In the course of our field-work and in consultation with stakeholders, we have noted a range of other transport services and transport issues relating to people in custody which have hitherto received little attention but are worthy of consideration as part of a thematic review:

- The accommodation afforded prisoners or detainees whilst on prisoner transport journeys.
- Transfer of prisoners to and from work camps.
- Transport of prisoners or detainees to and from Section 94 activities and other forms of day leave.
- Transport of persons released from custody back to their home communities.
- Transport of visitors to and from custodial facilities.

Thus, the scope of the present Review is significantly broader than the Office's initial inspection of adult prisoner transport. Nevertheless, the role of the contractor in the provision of services under the CS&CS contract remains a major focus as does the role of the Department in managing the contract.

### 3.3. METHODOLOGY

The Review was announced on 24 October 2005 by letter simultaneously to the Director General Department of Justice, the General Manager AIMS, the Minister for Justice and subsequently to the chief judicial officers. A briefing about the Review was provided to the Department and to AIMS on 15 November 2005.

The following activities and sources of information were utilised as part of this Review:

- A literature search and web-search for relevant standards, practice experience, related issues and custodial inspection of transport services.
- A visit to three other states for comparative purposes.
- A briefing by AIMS Corporation at their new head office in Belmont.
- Consultation with the Office's Community Reference Group in Perth and the Kimberley Aboriginal Reference Group in Broome.
- Two site visits, one regional and one metropolitan, in conjunction with a departmental monitor
- Site visits in each regional area. Carnarvon Police lockup was also visited.
- Observation in the field of a custodial transport journey from Wyndham back to Broome Prison, which involved transfers to and from the work camp in Wyndham, a funeral escort, and pick-ups from three police lockups.



**Figure 1: Consulting Kimberley Aboriginal Reference Group**

## INTRODUCTION

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- Site visits at certain metropolitan locations including five prisons, Rangeview Remand Centre, the Central Law Courts, the Perth Children's Court, Midland Court, the Special Services Branch and the AIMS Operational Base at Canning Vale.
- Letters from Prisoners received by the Office on custodial transport.
- Incident records relating to custodial transport.
- The *CS&CS Annual Reports* published by the Department, and *AIMS Corporation Annual Reports*.
- Submission received from the Department, incorporating material from AIMS.
- The weekly Commissioner's Reports, sundry documentation and correspondence from the Department.
- Analysis of data from TOMS (the online data system used by the prisons and detention centres).
- A briefing by the Department on new software and technology under development for CS&CS use.
- A survey of AIMS staff involved in transport activity.
- Information from the Parliamentary Commission for Administrative Investigations (the Western Australian Ombudsman) about complaints related to custodial transport.

Site visits included as appropriate:

- Consultation with the facility superintendent or manager and other officers involved in various aspects of custodial movements (reception staff, bail officer, gate staff, security managers, sentence managers, prison support officers, nurse manager, medical records officer, video visits coordinator, staff on escorts).
- Consultation with AIMS supervisor and other AIMS officers.
- Observation of transport-related activities.
- Observation of lockup facilities and consultation with officers in charge and an area commander of police.
- Consultation with magistrates and clerks of court.
- Consultation with representatives of other relevant agencies such as the Independent Prison Visitors, the Aboriginal Visitors Scheme, legal aid agencies and Community Justice Services.
- Interviews with prisoners who had recently experienced custodial transport.
- Contact with persons experiencing a custodial transport service.

### 3.4. STRUCTURE OF THE REPORT

This Report contains a brief historical reflection and consideration of relevant standards for custodial transport operations and inspection work. These standards are not applied forensically, but are used throughout the Report to illuminate deficits in the humanity or efficient practice in custodial transport. We then identify service providers in custodial transport and, in the following chapters, detail our findings in relation to current practice and performance by these service providers. Vehicles used in custodial transport were examined along with efforts to upgrade and replace these.

## INTRODUCTION

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The Report proceeds with an examination of the management of the CS&CS contract in Western Australia followed by a survey of custodial transport practice in three other Australian states. An overview follows which examines emergent issues and trends in custodial transport with particular attention to options for regional operations.

Finally, the Report discusses how a future CS&CS contract may develop and whether and on what terms such services might return to the public sector. Specific recommendations are made throughout the body of the Report.

### 3.5. TERMINOLOGY

Under the *Court Security and Custodial Services Act 1999*, the term ‘person in custody’ means ‘any adult or young person in the charge of the contractor and for the time being detained in lawful custody’. The acronym PIC is often substituted for this term in contract documentation. The term person in custody or its plural is sometimes used in the present Review, but more natural terms such as *detainee*, *remandee*, and *prisoner* have been used in preference where appropriate.

The Act itself is often abbreviated to the *CS&CS Act* and the abbreviation *CS&CS* is used more generally to refer to activities undertaken under the Act. There are references to TOMS in the text which is the on-line data system used in the prisons and juvenile custodial centres. Data from TOMS is refreshed into the AIMS own IT system, Watchdog, including demographic information, movement bookings and risk information.

This review was announced to the then Department of Justice in October 2005, which had responsibility for all aspects of custodial management including prisons, juvenile custodial services, the courts, management of the CS&CS contract and many other areas. However, following the Mahoney Inquiry, this department was split on 1 February 2006 into the Department of Corrective Services (the Department) and the Department of the Attorney General (DOTAG). The former has responsibility for prisons (now called adult custodial) and juvenile custodial and the latter has responsibility for courts. The CEO of the DOTAG legally has responsibility for the CS&CS contract but contract management has been delegated to the CS&CS Contract Manager in the Department. This arrangement will ultimately be addressed and clarified with new legislation.

References to *the Department* in this Report are to the Department of the day responsible for custodial transport services, the Department of Justice to 31 January 2006 and the Department of Corrective Services thereafter. *The Office of the Inspector of Custodial Services* is referred to as *the Office*.

# Chapter 4

## SERVICE STANDARDS IN CUSTODIAL TRANSPORT

### 4.1. AN HISTORICAL PERSPECTIVE

Privatised custodial transport services seems a modern innovation, but it was the dominant mode for convict transport from the second fleet that arrived at Sydney in 1790 until the last convicts ships which arrived at Fremantle in 1868.

The contrast in performance between the first fleet, which was chartered, provisioned and operated by the Admiralty under the leadership of Captain (later Admiral and Governor) Arthur Phillip, and the second fleet, operated by contractors Camden, Calvert and King (England's leading slave traders), could not have been more stark. While 24 (about 4%) of 759 first fleet convicts died on the journey, some 267 (24%) of 1,059 of the second fleet did not make their destination. Another 450 in the latter fleet needed medical care on disembarkation of whom a further 150 passed away. 'Great numbers were not able to walk nor to move a hand or foot', they were filthy, and 'covered, almost, with their own nastiness', according to Chaplain Johnson who saw the disembarkation.<sup>7</sup>

Proximal factors in the high death rate were the conditions in which the convicts were transported, including over-crowding, over-confinement (being kept below deck without exercise), over-use of restraints, short-rationing, poor hygiene practices (failure to clean and fumigate below deck) and the lack of health care, for the most part in direct contravention of contractual requirements. Lives were also lost on later voyages during storms at sea from the use of unseaworthy vessels and poor seamanship.

Systemic factors included inadequate government supervision on the journey (the sole monitor, Lt Shapcote, died during the journey), the low status afforded the ships' surgeons, poor contracting practices (the contract was awarded to the lowest bidder on a fixed-price and lacked incentives for good performance), poor record keeping and a lack of effective remedies or consequences for poor performance. It took many more failures and decades before the outcomes of private fleets consistently matched those of the original government fleet.

It is not suggested that outcomes of publicly and privately provided services have similar dichotomies today. Indeed, rejuvenation of the public system was one of the stated aims of the Western Australian government when it chose to place provision of the medium-security Acacia Prison and the CS&CS in the private sector. However, it is remarkable how many of the same considerations remain relevant in reviewing the provision of transport today.<sup>8</sup>

7 Quoted in Shaw, AGL, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia & other parts of the British Empire* (Melbourne: Melbourne University Press, 1977) 108

8 A valuable perspective on contracting and the differences in outcomes of the First and Second Fleets was recently proffered by Gary Sturgess from the Serco Institute (Sturgess, GL, *Bound for Botany Bay: Contracting for Quality in Public Services*, Discussion Paper No. 1 (London: The Serco Institute, 2005) who correctly points that the first fleet did have private sector involvement from a far more sympathetic figure, the evangelical William Richards, and that the First Fleet was operated on a "cost-plus" basis at enormous expense. While Richards did provide substantial services to the expedition, there is no evidence he had an over-arching contract or was in any sense in charge of the Fleet. Sturgess argues that the difference in outcomes 'lies not in who delivers the contract but in the design of the contract – the evaluation criteria, the performance regime, and the manner in which the contract is managed' (p.1). While we may dispute Sturgess's argument that the First Fleet was also operated by way of a private contract, we can agree that inadequate contract management practices on the part of the British Government were primarily responsible for the debacle of the Second Fleet.

There is another aspect of convict transportation that has echoes for prisoner transportation today. Transportation in the British legal system was a disposition available to the court for a broad range of offences. Its nature was not primarily committal to incarceration (although this was implied), but to exile from one's home country for life or for a term as specified.

While the State of Western Australia is a single political entity, it is a vast land containing many countries for Aboriginal people. As early as 1838 when the first ten Aboriginal prisoners were sent to Rottnest Island, colonial authorities used a form of internal exile to try to 'tame' and 'civilise' troublesome Aboriginal people.<sup>9</sup> An Aboriginal prison was established there in 1841, and apart from a brief closure between 1849 and 1855, it functioned until 1931, having held some 3,700 prisoners during this time. Throughout the state, such convicts were traditionally transported on foot in chains attached to the horse of the trooper, and brought by boat along the coast to Rottnest Island.

As highlighted in the Office's Directed Review and reflected in the Mahoney Inquiry, very many Aboriginal prisoners and detainees are increasingly being accommodated at (and transported to and from) facilities far from the regions in which they normally live; such people are said to be 'out of country', and effectively enduring a kind of exile. The sense of distress on the part of many of these prisoners and detainees is very evident to their custodians and many who visit these centres.<sup>10</sup>

#### 4.2. MODERN STANDARDS IN CUSTODIAL TRANSPORT

Australia is a signatory to various international human rights instruments which touch on custodial transport. One of the oldest of these is the *Standard Minimum Rules for the Treatment of Prisoners (1957)*; more recent ones include the *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)*, and the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)*.

Australia lacks state or national human rights legislation which gives legal force of law to such instruments, although Australian departments subscribe to voluntary standards such as the *Standard Guidelines for Corrections in Australia 2004* developed by the Conference of Correctional Administrators, and the *Australasian Juvenile Justice Administrators Standards for Juvenile Custodial Facilities Revised Edition 1999*. The *AJJA Standards* are silent on custodial transport, but the *Standard Guidelines* include the following provisions:-

##### Transport of Prisoners

1.81 Transportation of prisoners should take place in a safe and efficient manner, under conditions appropriate to the level of security for those prisoners.

1.82 Prisoner transport should not be afflictive or subject prisoners to unreasonable hardship or unnecessary exposure to public view.

9 Limb P, "'Of deeds most Foul and Vile": a Short Comparative History of Robben and Rottnest Penal Islands', (1998) 20(1) *African Studies Association of Australasia & the Pacific Review and Newsletter*; see also the Rottnest Island Authority website at: <http://www.rottnestisland.com>.

10 OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005) xx; Mahoney, Hon. DL, *Inquiry into the Management of Offenders in Custody and in the Community* (2005).



1.83 Prisoner transport should be carried out at the expense of the Administering Department, unless an approved arrangement exists between the Administering Department and another agency. The Administering Department is not required to meet the costs in circumstances such as where a prisoner is granted special leave to attend a funeral.

These standards reflect the *Standard Minimum Rules* from the 1950's, except the first, which is a modern Australian innovation, and the emphasis on cost-avoidance in the last. However, they have not encompassed the detail of subsequent international standards, including for example, the strong emphasis in the *Body of Principles* (1988) that persons transferred be allowed without delay to inform their relatives.<sup>11</sup> It should be remembered that international instruments for the most part comprise minimum standards, which should presumably be exceeded in a modern first world context. Thus the *British Expectations* (2004) recently published by Her Majesty's Inspectorate of Prisons, which are referenced to the various international instruments but elaborated into a modern context, represents something of a breakthrough in custodial standards.

In relation to custodial transport, *Expectations* sets out the broad principle that 'Prisoners travel in safe, decent conditions to and from court and between prisons. During movement the individual needs of prisoners are recognised and given proper attention'. This is expounded into 19 expectations, including for example: that prisoners be placed in cellular vehicles for the minimum possible time, that video link facilities be promoted to minimise unnecessary transport, that property and cash accompany unsentenced prisoners to court, that the disabled are transported in a dignified manner, that restraints only be used to the extent required by security, that prisoners are given comfort breaks at least every two hours and that hygiene packs are provided for female prisoners on escort.<sup>12</sup>

The *Court Custody and Security Act (1999)* is devoid of any statements of principle or standards for its operation; however, its regulations do establish procedural requirements for certain aspects of service provision, including limitations on the nature of and circumstances in which restraint devices can be used and in the use of chemical agents. For example, under Regulation 21, it is unlawful in this state to bind or shackle a person behind their back or shackle or tie a person to a moving vehicle.

In addition, the CS&CS contract sets out a comprehensive set of service requirements which outlines provisions for safety, security and duty of care for persons in custody transported by contracted service providers.<sup>13</sup> However, as demonstrated in the historical example of privatised convict transport to the colonies, it is the systems surrounding the contract to monitor,

11 United Nations, *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, Principle 16 (1988); United Nations, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, Rule 22 (1990).

12 Her Majesty's Inspectorate of Prisons (HMIP), *Expectations – Criteria for Assessing the Conditions in Prisons and the Treatment of Prisoners* (2004); The full list of expectations relating to custodial transport is reproduced at Appendix 3. A similar set of standards was subsequently produced for juveniles – HMIP, *Expectations – Criteria for assessing the conditions for and treatment of children and young people in custody* (2005).

13 CS&CS Service Requirements can be found at Appendix 2.

supervise and enforce compliance which are critical in ensuring that the rights and needs of persons in custody are respected.

Unfortunately, there is no equivalent to these service requirements for the considerable body of custodial transport undertaken by the public sector in this state, even if subject to the *Court Security and Custodial Services Act 1999*.

The Office has recently developed a Western Australian set of standards which include detailed standards relating to custodial transport and help fill this gap. The findings of the present Review have informed this development.

#### 4.3. INSPECTING CUSTODIAL TRANSPORT IN THE UNITED KINGDOM

Starting with a 1993 pilot, eight regional prisoner transport contracts were developed to cover England and Wales. However, the Prison Service (now part of the National Offender Management Service) initiated a Better Quality Service Review in 2002, which led to a consolidation into four regional contracts across England and Wales for prisoner and detainee escorts and court custody and security services which commenced in August 2004.

In anticipation of this transformation, and armed with their new set of standards (the aforementioned *Expectations*), Her Majesty's Inspectorate of Prisons (HMIP) undertook a preliminary review of prisoner escorts under existing contracts to establish baselines, such as the length of a prisoner's day if he or she was to attend court. After five months of operation, a joint review of escort and court related services under the contracts was undertaken by the HMIP and the former HM Magistrates' Courts Service Inspectorate (MCSI).<sup>14</sup>

The preliminary review found that as many as 10 per cent of prisoners returned after 7pm, and that young prisoners and women experienced longer days away from their facilities. On journeys taking over 2.5 hours comfort breaks were provided in only 20 per cent of cases. Relations with staff were good, but the quality of vehicles was poor. Prisoners felt unsafe in the cellular vehicles, especially given the lack of seatbelts.<sup>15</sup>

The subsequent joint review documented initial poor but improving performance by the new contracts in terms of service reliability and decency for prisoners. Unfortunately, recording systems had not yet been implemented within the first five months to make accurate measurements of the new services in comparison with the baselines established in the preliminary review.<sup>16</sup>

The review did, however, underline the importance of video-links as an alternative to transport journeys and noted this was still under used in England and Wales. A national booking system was recommended to ensure coordinated access for all prisoners, including women and young prisoners, to video-links with the courts.

14 HMIP, *Prisoners Under Escort: Thematic Report by HM Inspectorate of Prisons* (2004); HM MCSI and HMIP, *Thematic Review: the Joint Inspection of Prisoner Escort and Court Custody in England and Wales undertaken by MCSI Inspection of Court Services and HM Inspectorate of Prisons* (2005).

15 HMIP, *Annual Report 2004-2005* (2005) 71-2.

16 Ibid.

Scotland moved prisoner transport to the private sector only with the commencement of a contract from its prison service to Reliance Pty Ltd in April 2004. Services were due to be rolled out across Scotland from that date until October 2004. The overall aim was to free up time for police and prison officers and to secure better value for money. However, the contract received significant media coverage, and following an escape, Audit Scotland was asked to undertake a review, published in September 2004.<sup>17</sup>

The review provides an interesting account of the ramping up of a new prisoner escort service and of the contract framework for the service. As the Scottish Prison Service lacked reliable baseline historical standards of its own, it set performance measures based on the England and Wales contracts. These performance measures are far more detailed and demanding than is the case for the CS&CS contract in Western Australia.<sup>18</sup>

The review endorsed the Scottish Prison Service's processes relating to the procurement and management of the contract, including the high performance standards that had been set. It found that while there were initial issues with timeliness, the escape and other unlawful releases, the contractors' performance was improving. However, it was too early at the time to indicate whether better value for money had been secured through the contract.

17 Audit Scotland, *Scottish Prison Service: Contract for the Provision of Prisoner Escort and Court Custody Services* (September 2004).

18 Ibid; Appendix 2.

# Chapter 5

## DELIVERING CUSTODIAL TRANSPORT SERVICES

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The main service provider for custodial transport services is still the AIMS Corporation under the CS&CS contract with the Government of Western Australia. However, as we have already noted, it is not the sole provider of such services. This chapter introduces the various providers and the way in which they deliver these services. The evolution and management of the CS&CS contract by government and of AIMS operations generally is further explored in Chapter 9.

### 5.1. AIMS SERVICES IN THE PERTH METROPOLITAN AREA

Each weekday morning at 7am, up to 40 AIMS transport officers assemble at their operational base at Hakea Prison to accept their assignments in the form of a Schedule Tasking Sheet. Each team is given a series of tasks, usually a pickup run from prisons or the East Perth lockup to metropolitan courts, followed by transfers to other courts, medical escorts, funeral escorts, bed-sits, inter-prison transfers, and early and late returns from courts back to prisons.

Schedule Tasking Sheets are printed out from the AIMS' Watchdog information system which electronically interrogates the prisons' TOMS system for information on prisoners to be moved. Operational officers also enter into Watchdog information faxed overnight from police about persons in custody requiring clearance from a lockup facility.

The AIMS Supervisor and the duty operational officer plan task schedules and staff and vehicle requirements late on the previous afternoon as transfer and discharge information is entered into TOMS in each prison. These plans require adjustment, as new information is received overnight. Assignments of prisoners to particular vehicle pods depends on any segregation requirements or other risk information received from the prison (through TOMS) or the police. Watchdog has a capacity to maintain additional risk information from the experience of AIMS staff with a particular prisoner or detainee.

In the meantime, both AIMS and the Department scan planned movements for security considerations. Transport for those on the Department's High Security Escort list is normally managed by the Emergency Security Group, although AIMS has a so-far unutilised capacity to undertake a high security escort for those ranked at the lowest level of risk. Nevertheless, AIMS and departmental security staff will consult with each other or make special arrangements in relation to other escorts where there is an elevated risk.

In planning the following day's tasks, the operational supervisor has finite staff and vehicle resources and often has to exercise judgement as to which movements proceed as planned, and which are rescheduled or cancelled. Court escorts are considered sacrosanct, as are lockup removals from East Perth. Hospital bed-sits are necessarily a given as, for the most part, are inter-prisoner transfers. This leaves discretionary escorts vulnerable to cancellation, including medical escorts, funerals and visits to sick relatives.

Before heading out on assignment, transport officers sign out the keys for their vehicle and a vehicle bag from the store which includes the procedural manual, a torch, a magnet, a mirror, handcuffs, other restraints, batons and chemical agents. The vehicle has to be fully inspected

each day for roadworthiness, for working security, surveillance and communication equipment, and for working air-conditioning and ventilation systems.

The processes observed at the AIMS operational base at Canning Vale, are strikingly similar to those observed at the GSL base in Port Melbourne in Victoria, and only marginally different to public sector services observed at Silverwater in NSW and Wacol in Queensland. Indeed, while specific differences in legal frameworks, cultural imperatives, vehicle design, population densities and prisoner demographics must always be considered, custodial transport services in metropolitan Perth, and arguably in South Western Australia, are broadly comparable in terms of the issues, challenges, applicable standards and options with those in most Western jurisdictions.

## 5.2. AIMS SERVICES IN REGIONAL AREAS

AIMS has a base at each of the major regional centres where there is a regional prison or a court where a magistrate is based. In regional areas staff share duties across transport, court custody and security and, in two locations, in staffing police lockups. Below is a list of the regional AIMS bases and the activities undertaken in each area.

**Table 2: Site of AIMS Regional Bases and Activities Undertaken**

Site	Transport	Court/Custody	Police Lockup
Broome	Yes	Yes	No
South Hedland	Yes (support)	Yes	No
Roebourne	Yes	No	No
Carnarvon	No	Yes	Yes (2 nights)
Greenough	Yes	Yes	No
Kalgoorlie	Yes	Yes	No
Bunbury	Yes	Yes	No
Albany	Yes	Yes	Yes (5 days)

Each base has a supervisor who is responsible for coordinating local activities, including transport tasking and managing staff in their area. Transport requests come from TOMS and into Watchdog in the same way as in Perth, with task sheets generated on a daily basis. However, early planning is essential, so the supervisor has to maintain awareness of forthcoming court escort requirements, possible funeral escorts, medicals or other transports and balance these with court custody and security requirements.

In most areas, the supervisor meets or calls key people in the prison, the court or local police, to coordinate future tasks and discuss other issues. Thus, for example, medical records staff are often able to secure appointments that will stick after consulting with their local AIMS supervisor. We found these stakeholders by and large very positive about their relationship with the local AIMS supervisor.

The Security Manager in Perth scans for intelligence issues throughout the state and the operational base in Perth maintains an awareness of all country escorts, and tracks progress of long clearance, court and inter-prison transfer runs.

### 5.3. ADULT CUSTODIAL FACILITIES

Metropolitan maximum- and medium-security prisons have little involvement in prisoner transport except insofar as movement requests are sourced from the prison. With a secure van on hand, and a fleet of civilian vehicles, they retain a capacity for limited movements if required. However, like all prisons, there may be a requirement in a medical emergency to escort prisoners to a hospital, often in an ambulance. Secure vans are also retained by prisons at Bunbury, Albany and Greenough, but not Roebourne, which is therefore wholly reliant on AIMS for any secure movements.

The three minimum-security metropolitan prisons were given responsibility for their discretionary movements (medical, funerals and the like) from May 2005, and were provided extra staff and a vehicle for the purpose. These prisons and all regional prisons and work camps, also have a capacity to undertake transport relating to Section 94 activities in the community. These custodial facilities should thus be regarded as major service providers in prisoner transport.

### 5.4. SPECIAL SERVICES BRANCH

The Emergency Services Group (ESG) is part of the Special Services Branch of the Department, with a base adjacent to Hakea Prison. It has responsibility for transport of any prisoner on the High Security Escort (HSE) list. Such movements include inter-prison transfers, court appearances, medical appointments, funerals and appointments with other law enforcement agencies such as Australian Federal Police, Corruption and Crime Commission and the State Administrative Appeals Tribunal.

The list is maintained by the HSE Assessment Panel as provided for in Policy Directive 50, based largely on recommendations from the Information and Analysis Section (IAS). Prisoners are placed on the list because they are believed to pose a major risk to security (including of escape), they are at-risk from others, or due to public notoriety. There were some 42 on the list in March 2006: four Level 1's (the lowest risk group), 30 Level 2's and eight Level 3's. There was only one female on the list.

There were 66 positions in the operational component of the ESG, with staff rostered 24-hours per day. A specialist selection course is available to prison officers on an annual basis, with graduates offered secondments or permanent positions as vacancies arise. Additional certification and currency is required in fire-arms, use of tazers and pursuit driving. There is a strong emphasis on further training, which is provided on a weekly basis.

Most escorts are known about well in advance, and planned, if required, in consultation with the Courts Security Directorate, security managers in hospitals, or with state or federal police. The configuration of vehicles and personnel assigned to each escort varies as required by the

assessed level of risk. Transfer and discharge notices are also perused each afternoon to screen for escorts not already known to the branch. The superintendent also has discretion to provide an escort or tactical support for prisoners not yet on the HSE list at the request of a prison superintendent, the Court Security Unit or AIMS.

As one would expect for such an operation, detailed procedures are in place for the planning and execution of HSEs and the issue and recovery of equipment such as restraints and firearms. A briefing and debrief is carried out for each escort. These procedures appeared quite robust, but deserve closer attention in the context of a broader inspection of the branch.

### 5.5. JUVENILE CUSTODIAL SERVICES

Juvenile Custodial Services (JCS) resumed management of transport of juvenile offenders along with management of the Perth Children's Court (PCC) Custody Centre on 1 August 2004. The prime reason for this was to enhance the quality of management of juveniles at the PCC, but it was also expected that an in-house transport service would be more responsive to the needs of young people and JCS management.

Before AIMS took on responsibility for juvenile custodial transport in 1 August 2000, transport activities were managed by local facilities. The creation of a centralised service under the PCC Custody Centre Manager with a generous staffing level (11 positions for custody centre and transport services) and specific training (in escort procedures, emergency management and First-Aid) has established a much more professional and coordinated service.

The PCC Custody Centre Manager is responsible to the Superintendent of Rangeview Detention Centre. The JCS fleet comprises three secure vehicles and a station wagon. One of the secure vehicles was transferred from the former AIMS fleet, a 16-seater Mercedes Sprinter and they also have two eight-seater Mazda vehicles.

### 5.6. COMMUNITY JUSTICE SERVICES

Community Justice Services (CJS) has 29 local offices in the metropolitan area and throughout Western Australia. There are also CJS staff at the Central Law Courts (CLC) and the PCC. We will see in this Report that Community Corrections Officers (CCO's) and Juvenile Justice Officers (JJO's) act to some degree as transport providers for offenders released from prisons and juvenile custodial centres, and occasionally for family members having special visits to such centres.

# Chapter 6

## LOCKUP CLEARANCES AND COURT ESCORTS

### 6.1. CLEARANCES FROM EAST PERTH LOCKUP

The first and often the only contact that many adults may have with contracted transport services is their transfer from a police lockup to a court custody centre or a prison. The contract as tabled in Parliament included in its scope only transfers from lockups to a prison or a juvenile detention facility, but before commencement of the contract a service requirement to transfer pre-court detainees from East Perth Watch House (formerly East Perth Lockup) to the CLC was added.

On one such journey, a detainee, Charles Gamble, committed suicide (see text box at right). The journey for Mr Gamble from the East Perth Watch House to the CLC took just five minutes. Salient points in the Coroner's findings included:

- Failure to convey at-risk information from police and the Department to AIMS.
- Failure by AIMS staff to properly search the person in custody before entering the vehicle and allowing that person to have shoes with laces in their possession.
- Failure to eliminate an obvious hanging point, a padlock, despite the findings of the Royal Commission into Aboriginal Deaths in Custody.
- A recommendation that both AIMS and the Department better monitor practices of AIMS staff at the East Perth Watch House.

#### CENTRAL LAW COURTS, 6 May 2003

Charles Raymond Gamble was discovered unconscious in the rear of a vehicle being operated by the Australian Integration Management Services Corporation Pty Ltd (AIMS). The deceased was a person in lawful custody and he was found hanging from his own shoelaces attached to a padlock in the rear of the AIMS vehicle, a Mercedes transport vehicle.<sup>19</sup>

Monitors have certainly given extra attention to AIMS activities at East Perth Watch House, as recommended in the report. On a visit to the Watch House by the Office, AIMS staff were observed to carefully examine the relevant paperwork to ensure validity of the transfer and for information about the detainee's self-harm, medical or segregation needs.

The detainees were released from holding cells four at a time, then individually and thoroughly pat-searched by AIMS staff in the presence of police and loaded onto the Mercedes van in the sally-port. In the case of females, the search was conducted by a female police officer. This was rather more confronting for the women as it involved teasing out their hair and lifting their (still covered) breasts in front of a number of officers. Most shoes were carried separately as part of their property. One detainee was allowed to retain his shoes, but his laces were placed in property.

Most detainees requiring transfer from East Perth Watch House are arrested on new offences and are yet to appear in court, but a proportion are subject to some form of custodial warrant, for example, for unpaid fines, or for breaching a parole order. Such detainees are transferred to the CLC Custody Centre, before transfer by AIMS to a prison.

While the bulk of detainees at East Perth Watch House were transferred by AIMS to the CLC (17 on the day in question), a number of others (8) awaited transfer to other metropolitan courts by police vans to be sent by the relevant police district.

19 Hope AN, *Record of Investigation into Death*, (Perth: Coroner's Court of Western Australia, 2004) 1



On one of the occasions that the Office observed unloading of vehicles from East Perth Watch House in the prisons, each group of four persons in custody entered a room from the sally-port to be confronted by a large group of AIMS Officers (some 15–20). They had to weave through this group to the opposite wall where they were pat-searched before being taken upstairs. It was acknowledged that this large presence was meant to deter disruptive behaviour or escape attempts, but in our view it was unnecessarily intimidating.

## 6.2. MOVEMENTS TO AND FROM METROPOLITAN COURTS

The conveyance of prisoners to and from court accounts for the lion's share of movements of persons in custody for 2004/05 (some 72 per cent). Most of these represent journeys between a metropolitan prison and the CLC in Perth, but there are also many journeys involving other metropolitan courts and between regional prison facilities and courts in those regions.

Court movements in the metropolitan area are not always simple. Prisoners may well find themselves on a pick-up or drop-off run involving one or more other facilities. Typically, a van originating at Casuarina Prison will also pick-up at Hakea Prison, and a van originating at Acacia Prison in the hills will pick-up at Bandyup Women's Prison on their way to the CLC.

**CASUARINA PRISON 31 January 2006:**  
One prisoner described being in a crowded, claustrophobic van with a hard seat, with smelly people, without ventilation, too small to stretch out and too low. You get left inside the cell far too long. Another said that it was too cramped in the cells, narrow seats, knees touching the wall, sitting like sardines; too hot in there, especially when full.

Various routes and strategies are employed to get people from particular prisons to and from other metropolitan courts such as Rockingham, Armadale, Fremantle, Joondalup and Midland, including by first bringing the prisoner to the CLC. Within Perth City, certain prisoners have to be further conveyed, or if unloaded at the CLC, transferred, to other courts such as the Supreme Court, the District Court, the Federal Court, the Family Law Court, and the Perth Children's Court.

Such arrangements for conveying prisoners to and from courts are common in metropolitan areas around the world, and is in the nature of an efficient centralised custodial transport system. These efficiencies, however, have to be balanced against the comfort and safety of prisoners on these journeys. The pod-style vehicles are not comfortable for very long, if at all, and they lack safety restraints, external views when seated, or any form of entertainment.

Prisoners often feel distressed about their impending court case or about the results of court hearings and many are suffering withdrawal from tobacco or other substances. Metropolitan vehicles lack toilet facilities and prisoners are rarely offered breaks on this kind of journey. Cells on the vehicles are air-conditioned, but little cooling or ventilation is available if engines are turned off in sally-ports.

A British report found in 2004 that the average journey length for court escorts was 84 minutes, with a number experiencing journeys well over the two-hour limit for a journey

without a break, as set out in the *Expectations*.<sup>20</sup> It is the view of the Office that the British standard is valid for the Perth metropolitan area, given the level of discomfort inherent in this kind of transport.

**Recommendation 1.**

That a standard be established for all custodial transport services: no escort journey should be planned in short-haul secure transport vehicles without a comfort break for all passengers at least every 2–2.5 hours. Journeys likely to take longer must be undertaken in long-haul vehicles.

Unfortunately, neither AIMS nor the Department is currently able to quantify periods taken by persons travelling to courts in Perth or elsewhere; however, journeys over two hours within Perth are uncommon. The limiting factor on the forward journey is the requirement that the prisoner be produced on time at the court, normally at 9.30 or 10.00 am – AIMS cannot afford the time to make too many pick-ups.

**BANDYUP PRISON, 23 March 2006:**  
Women prisoners commented that: the vehicles are uncomfortable and that there is a lack of ventilation in the pods, the pods are unhygienic and dirty with spit marks all over, being in the vehicle for any length of time really stresses you out.

**Recommendation 2.**

That the Department of Corrective Services ensure that information systems are capable of recording and reporting on actual time spent by prisoners or detainees in vehicles.

The main concern is with prisoners from Acacia Prison, an hour’s journey from Perth. If a prisoner from Acacia is required at court in Rockingham or Joondalup, the journey may well take over two hours, especially if there is another pick-up from a prison on the way, or a visit to the CLC on the journey.

A performance measure relating to untimely movements to court is in place for the contract, with a rather generous target of 900 movements before a penalty is applied. With only 171, 75, 46, two and zero incidents of untimely movements reported respectively over the five years of the contract, AIMS would appear to be increasingly successful on this important criteria.

Certainly the feedback on court arrivals from the Registry of the Magistrate’s Courts in Perth and from the Clerk of Courts at Midland was quite positive. Late arrivals are rarely a problem and tend to be accommodated easily in the lower courts. The District Court Registry at Perth, however, did report concerns about late arrivals of persons in custody into their court rooms.<sup>21</sup> This was more often attributable to delays within the holding rooms, but was occasionally due to transport issues such as traffic hold-ups on the freeway, or late arrivals from Acacia. There was no mechanism for quantifying such late arrivals in court or the reasons for these.

Another key consideration for court escorts is the total time away from the prison on the escort. Based on a three-month sample of gate records from the TOMS system, the average time away from the prison for a court escort (returning on the same day) for metropolitan prisoners is

20 HMIP, *Prisoners Under Escort: Thematic Report by HM Inspectorate of Prisons* (December 2004) 6; HMIP *Expectations – Criteria for Assessing the Conditions in Prisons and the Treatment of Prisoners* (2004) Expectation No. 12, 10; see Appendix 3.

21 Delays in trials in the District and Supreme Courts can be extremely expensive.

## LOCKUP CLEARANCES AND COURT ESCORTS

seven hours and 12 minutes. Of course, a proportion of prisoners leaving to attend court are away overnight or for longer periods, staying in police lockups or other prisons on the journey.

This metropolitan average of seven hours and 12 minutes compares favourably with the average for England and Wales of eight hours and 11 minutes,<sup>22</sup> although the latter figure would include cross-country day trips excluded from the Perth Metropolitan figure. As can be seen in the graph below, 40 per cent of prisoners are out of prison between this average and nine hours 16 minutes. Another 17.6 per cent between that and 11 hours 20 minutes, and a further 1.3 per cent spent longer still on court escort.

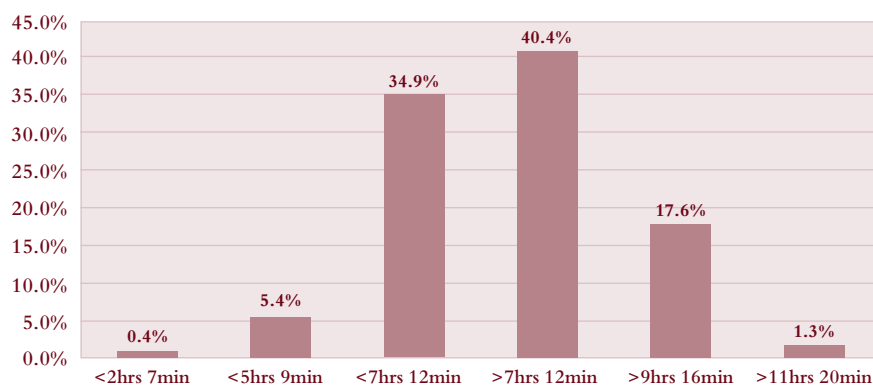
It is therefore no myth that court is an all-day experience for most prisoners. Many complain of a lost day for what is often a very brief mention in court. It can also disadvantage those engaged in employment, studies, offender programs or valued recreation opportunities back in the prisons. It is also a very long and stressful period for those addicted to tobacco, as there is no opportunity to have a smoke the entire day.

The experience of the prisoner from Karnet who did not get breakfast (see text box), was shared by many others, notably from Hakea.

### KARNET PRISON, 21 March 2006:

One man over 55 has had a series of escorts to the Central Law Courts in Perth. On the last one, he left at 7.30am for a two hour journey but was only dealt with in Court at 5.15pm, which only took three minutes. He returned to Karnet at 8.15pm, making a 12.75 hour day. This man was unable to get breakfast before he left as there was no time so did not eat until given a sandwich at lunchtime. Nor was he given water for the journey.

**Graph 1: Period Out of Prison on Court Escorts: Perth Metro – 4th Quarter 2005**



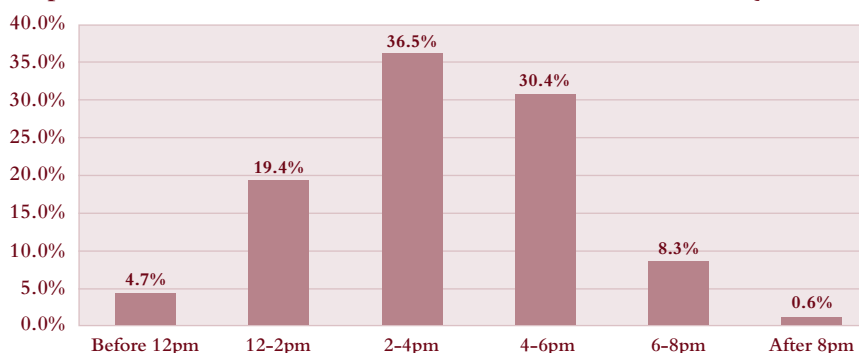
A related issue is the time prisoners are returned to their prison. The following graph from TOMS data shows the proportion of prisoners returning from court at different times. New admissions from court are not included in these figures, but will arrive simultaneously with those returning to prisons. After returning through the gate, everyone will require processing back through reception, including a change back into prison clothing, and any newcomers will require an admission interview, logging into the TOMS system, at-risk and health assessments, bed-allocation and first night orientation.

22 HMIP, *Prisoners Under Escort: Thematic Report by HM Inspectorate of Prisons* (December 2004) 3; The WA figures are based on gate records, so the periods from loading in Reception to the gate, and on return from the gate to unloading in reception are not included. Those away from the Prison overnight are excluded from this these figures.

## LOCKUP CLEARANCES AND COURT ESCORTS

The figures show that only 24.1 per cent returned before early afternoon, and another 36.5 per cent by 4.00 pm. The further 30.4 per cent returned between 4.00 pm and 6.00 pm would have missed civilian staff such as counsellors or the bail coordinator, and often the industrial officer assigned to reception. Many will need special arrangements for their evening meal, usually served by 5.30 pm. The 8.9 per cent returning after 6.00 pm, therefore puts an enormous strain on reception and first night resources at the prisons.

**Graph 2: Time Returned to Prison from Court: Perth Metro – 4th Quarter 2005**



Reception staff claim that arrivals have become later under the contract; however, it is not a performance criterion under the contract and we are not aware of any analysis undertaken on this issue. On balance, this is more likely due to extended sitting hours by overstretched court, than any mismanagement by AIMS. Hakea has been forced to extend its reception coverage to 10.00 pm cope with latecomers, and have advertised for a second bail coordinator to extend this service until 6.00 pm.

In the course of the field work for this Review, loading and unloading of prisoners was observed at many metropolitan and regional locations. The list opposite, copied from a whiteboard at Hakea reception with additions from gate records in TOMS, shows the range of escorts planned on the particular day observed.

## LOCKUP CLEARANCES AND COURT ESCORTS

**Table 3: Outgoings at Hakea Reception: 2 February 2006**

Due	Type	Nos.	Agent	Left
<b>Court</b>				
8:00	Fremantle Court	6	AIMS	8:02
8:00	Perth District Court	1	ESG	8:06
9:30	Perth Magistrate's Court	5	AIMS	8:13
8:00	Perth District Court	9**	AIMS	8:13
8:00	Perth Supreme Court	8	AIMS	8:23
8:00	Perth Children's Court	1	AIMS	8:23
<b>Transfers</b>				
tba	Casuarina*	10	AIMS	9:19
tba	Acacia	1	AIMS	10:04
tba	Wooroloo	6	AIMS	10:04
tba	Acacia	4	AIMS	10:43
8:00	Karnet	1	AIMS	15:50
<b>Medical</b>				
9:15	Armadale Hospital	1	AIMS	10:06
13:00	Armadale Hospital	1	AIMS	13:47
14:40	Armadale Hospital	1	AIMS	Cancelled
<b>Grant of Permit (not shown on whiteboard)</b>				
15:00	Visit sick relative	1	AIMS	16:08
14:08	Visit sick relative	1	AIMS	18:16

\* Included 2 prisoners first attending Court. \*\* Only 8 sent - 1 not required.

The process of planning holding cell placements before prisoners arrived at reception was good practice and similar to that employed by the Court Escort and Security Unit in the much larger operation at Silverwater in New South Wales. Unfortunately Hakea reception, like many others, is compromised by an inability to physically separate those on the prison side from those on the reception side (whether newly arrived or about to leave). Security was also compromised by the practice of open-door access from the prison into reception on the one hand, and the unlocked, often ajar door between reception and the sally-port on the other.

Nevertheless, prison officers, AIMS officers and ESG officers all worked professionally and cooperatively in their related roles in managing prisoners coming and going at reception. It was therefore disappointing to observe a rather

### **HAKEA REMAND and ASSESSMENT PRISON, 2 Feb 2006:**

The name of each prisoner for courts was written on the door of the holding room in which they were to be placed. A prisoner from Unit 6 had segregation status and would be placed in a separate cell. It was also noted that two prisoners were enemies and it was arranged that one would be in a different cell.

Court clothes were placed on racks to be made available in the change room. Prisoners were processed on arrival through the change room, pat-searched on exit and placed in the relevant holding room. All were treated respectfully, including an Aboriginal elder.

AIMS staff were very thorough in checking the paperwork handed-over against their own lists. One noticed that a prisoner's warrant had actually been stood over to another date. Another questioned missing medical and unit files for transferees. One medical file was personally delivered by the PAST nurse just in time for the escort.

offensive notice pinned to the noticeboard of a staff side-office: 'If assholes could fly, this place would be an airport'. While few prisoners passing by would have seen this, it was readily visible from the central area of reception and certainly undermined the professional and respectful tone of the centre.

### 6.3. REGIONAL LOCKUP CLEARANCES AND COURT ESCORTS

In the country, lockup clearances by AIMS for the most part involve removing persons from certain lockups after the person has been before a court and remanded in custody or sentenced, or arrested on a custodial warrant. However, we found exceptions to this in Broome and Kalgoorlie where police stations are opposite court houses, and AIMS were agreeable to conveying police prisoners in their own vans across to court each morning.

Such a service is of great value to police and can be provided at little marginal cost to AIMS, but it represents an effective variation to the contract which has never been reported or acknowledged by the Department. As such it poses a degree of risk, not least that the service is now expected by police in those locations, but also of pressure to provide the service at no cost to police at other locations.

AIMS are responsible for transporting prisoners on remand to court. Most of these journeys are to a court a short drive from the prison.

Lists are generally shorter at these courts than in the metropolitan area so prisoners are less likely to have to stay all day and average times away from the prison are significantly shorter than in the metropolitan area. Roebourne prisoners in many cases, however, face a two-hour trip each way to the court at South Hedland.



Figure 2: Rodeo 4WD used in regional areas

Of course, some prisoners have to return to more distant courts, especially for sentencing trials before the Magistrate on circuit, or possibly the District or Supreme Court sitting at that location. As new remands often emanate from the same court hearings, clearance runs are often undertaken in conjunction with court escorts to such courts.

One example is the Kimberley region, to which we gave particular attention (see The Kimberley Experience: Another Look at the end of this chapter). The Department funds AIMS to provide a limited backbone service to four major towns: Derby and Fitzroy Crossing in the West of the region, and Hall's Creek and Kununurra in the East. People arrested by police or appearing in court from any of the many communities in the region away from these towns, have to be brought by police to one of these lockups, or to Broome Prison. In some cases, remandees are required to return to court in their own communities. It has normally been left to police to take such prisoners either from Broome Prison, or from the lockup in one of these towns, back to their community for court.

## LOCKUP CLEARANCES AND COURT ESCORTS

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Some 34 runs are funded from Broome per annum. A journey to Hall's Creek or Kununurra in the East counts as one run, and a journey to Derby or Fitzroy Crossing in the West counts a 0.5 run. As Magistrates' Courts are held in Kununurra and Hall's Creek on a fortnightly basis, up to 26 of these runs have to be scheduled between these sittings.

This leaves the AIMS Coordinator in Broome with just eight funded runs to cater both for short runs to Derby or Fitzroy Crossing, which also have regular Magistrates' Court hearings, or to clear lockups from Eastern towns when numbers build up or a special need arises. The current arrangement means that prisoners returning to court in Halls Creek and Kununurra, normally have to reside in police lockups for a fortnight between clearance runs.<sup>23</sup> Indeed it is not unknown for people to have to stay in the substandard accommodation afforded in these lockups for three weeks or more, because roads were impassable, vehicles had broken down or the contractor had determined that it was not worth their while going so far for just one or two people.

Nevertheless, AIMS are adamant they are making every effort to ensure that such long stays do not occur and they had certainly been responsive in that respect in the months prior to and during this Review. Air charter, funded by the Department, has occasionally been utilised for a particularly vulnerable prisoner, or when roads were impassable.

A mixture of funded runs and ad hoc service provision is utilised for clearance and court runs for towns in other regions, such as Wiluna or Esperance in the Goldfields, Narrogin or Busselton in the South West, Meekatharra in the Murchison, Exmouth in the Gascoyne, Newman, Port Hedland or Onslow in the Pilbara. Indeed many lockup clearances throughout the state are still undertaken by police, especially from small towns into larger towns. Lockups at many small and even larger towns are not staffed on a 24-hour basis, so AIMS is called upon to remove prisoners and remandees back to prison from these larger towns as soon as possible.

AIMS has a policy of not travelling at night due to the risk of collision with stock or wildlife. The risk is very real throughout regional Western Australia and this policy is endorsed by the Office. However, with the distances involved it is often the case that it would be impossible for AIMS to complete an escort to the location on the same day. Faced with having to staff their lockup on overtime overnight, local police often prefer to bring the prisoner into the 24-hour regional lockup themselves, even if it involves driving at night. In many cases police and AIMS compromise by meeting half-way, if that can be achieved before dark.

Court runs back to remote towns such as Newman (from Roebourne Prison), or Meekatharra (from Greenough Prison), often present an added difficulty that the return run can only be completed by dark if the court disposes of the matter by early afternoon. Magistrates and court staff understand this issue but they are primarily concerned with the integrity of court processes. Accommodation of such prisoners in the local lockup is therefore a requirement on occasions, which local police have had to accept.

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23 See also Department of Justice (DOJ) *CSCS Annual Report* (Perth, 2004) 17.

The clearance/court run in the Kimberley is undertaken by one of the inter-prison Isuzu trucks that ply the coastal prisoner transfer route. It is currently done on Friday through Sunday. For most of the first four years of the contract, a prisoner arriving at Broome Prison on Sunday night, having spent two days on the road from Kununurra, might have found himself on the inter-prison transfer run down to Roebourne the next morning, possibly being sent further South each day until arriving in Perth after six days on the road. In the last year, the schedule was changed to allow a one day break in Broome; the truck South now leaves on a Tuesday morning. The main reason for this was to ensure the prisoners are medically assessed, something that may not have happened until their arrival at whichever prison they eventually stayed.

Other clearance and court runs in the regions are undertaken by locally based vehicles such as a Mercedes Sprinter, Holden Rodeo or Mazda Van. These journeys can be as long as 5.5 hours in the cases of Newman to Roebourne Prison or Wiluna to Eastern Goldfields. None of these vehicles have on-board toilets and runs are often undertaken without stops, a practice which can only be regarded as inhumane. We will revisit this issue in our discussion of prisoner transfer runs in the next chapter.

#### 6.4. RELATIONS WITH POLICE

AIMS officers at all levels express strong satisfaction in their relationship with the WA Police Service. This is true whether they have a base at the police station, operate a police lockup, or mainly only have contact at sally ports or a court house. Police also provide essential support in emergencies such as a vehicle breakdown.

For the most part police also express appreciation for the services provided by AIMS as they recognise it frees them for other operational duties, to a significant degree. They also understand that detainees tend to be more cooperative with an independent agency like AIMS, who are not involved in the arrest or prosecution of people. While there are ongoing issues about the extent to which AIMS can undertake lockup clearances and court escorts, these are generally resolved amicably at a local level.

Police would, however, very much like to have AIMS more involved in managing their lockups, in court duties and in juvenile escorts. We have noted above that local AIMS have undertaken escorts from police lockups to courts, and there have been (rare) instances of AIMS transporting juveniles on their behalf. We also became aware that Derby police, on one occasion last year, simply left AIMS escort staff from Broome in charge of court custody without any prior arrangement.

These kinds of issues are progressively being addressed in Local Service Agreements between AIMS and the police, with the Department involved at state level. For example, Kimberley police have been successful in having AIMS agree to manage court custody functions only as long their prisoner is required at court.



### 6.5. HIGH SECURITY ESCORTS

Escorts of prisoners on the HSE list from Hakea or Casuarina Prison to District or Supreme Court sittings in central Perth or other locations is bread and butter work for the ESG. Occasionally, an escort is required to or from a regional location, in which case commercial or charter air transport may be used.

Following the Supreme Court Escapes, AIMS was empowered to create a Security Support Group (SSG) to help manage people on the HSE List in court custody centres, but also for Level 1 HSE. As noted above, the numbers of prisoners ranked at Level 1 HSE are very small, and no escorts have yet been tasked by the ESG to the SSG.

There is no direct coordination between the two bodies over handovers of HSE's at court custody centre sallyports; AIMS are notified of security concerns about escorts only through the courts security section. Nor is there any kind of joint exercises or training as one might expect for two bodies working in parallel with the similar purposes and similar clients. This situation, in our view, is less than satisfactory.

#### Recommendation 3.

That the Department of Corrective Services review contractor involvement in High Security Escorts, develop a strategy to facilitate a closer working relationship between the ESG and SSG and review, in consultation with the Department of the Attorney General and the contractor, protocols to ensure seamless hand-over of High Security Escorts at court custody centres.

### 6.6. JUVENILE LOCKUP CLEARANCES AND COURT ESCORTS

Rangeview is effectively the equivalent of the East Perth Watch House for juveniles, with arrestees brought by police overnight and on weekends from anywhere in Perth and surrounding districts. Unlike adults, for whom a Magistrate's Court is held each Saturday at the East Perth Watch House, arrested children are routinely held over a weekend, sometimes a long weekend without access to a court.

These arrestees, together with remandees are conveyed to Perth Children's Court or other metropolitan courts on the next court day. The morning court run using a Mercedes Sprinter Van commences each morning from Banksia Hill Detention Centre in Canning Vale, with a pick-up at Rangeview Remand Centre in Murdoch. Use of the bus right of way on the freeway, helps ensure a good run to Perth Children's Court.

With only three secure vehicles, Juvenile Custodial Services can struggle to cover multiple metropolitan courts on occasions, but we were not made aware of any complaints about timeliness. The service also ensures that whenever possible, they are returned as soon as practical after their court matters have been dealt with.

The state's only two juvenile justice facilities are in Perth, and Juvenile Custodial Services has no transport resources in the regions. Police retain responsibility for all transport of juveniles from regional police lockups to courts and from courts to detention centres in Perth. At the time the CS&CS contract was negotiated, the Department held the position that police are

best able to care for and manage vulnerable juveniles on escorts. The Review found evidence, however, that on rare occasions in certain regional areas, police have persuaded AIMS (with or without the Department's approval) to carry juveniles from a remote location into the regional police lockup.

Remand escorts for juveniles back to regional courts are organised through the Police Air Support Unit, who task a road or air escort depending on the location. Traditionally escorts from the South-West, to the Goldfields in the East and the Murchison in the North are undertaken by road, often by transferring juveniles from one police van to the next at the half-way point. Commercial air travel is utilised for most escorts to and from the far North of the state, although police aircraft can occasionally be utilised in conjunction with other operations.

Transport of juveniles in the regions is a major resource issue for police, and there are issues with the quality of vehicles used and the quality of custodial care afforded in police lockups. It is not always practical, for example, to ensure separation of juveniles from adults in certain lockups. While police have no desire to hold juveniles in their lockups for any length of time, operational consideration sometimes necessitates longer stays than is desirable. This is monitored by the Family Liaison Unit at Rangeview Remand Centre and efforts are often made, with mixed success, to encourage earlier removals of juveniles from such lockups.

#### 6.7. IMPACT OF BAIL ON CUSTODIAL TRANSPORT

Bailees are very often sent or returned to Hakea Prison, Bandyup Women's Prison or a regional prison without having had the opportunity to effect bail at the court. A Justice of the Peace (JP) is rostered at Central Law Courts (and paid a minimal stipend) to assist with bail approvals and other matters that require a JP. However, that person does not have a role to help detainees contact a surety, only to assess surety if present. This JP is flat-out with the Magistrates' Court requirements and cannot assist with District Court bails.

**HAKEA REMAND and ASSESSMENT PRISON, 2 Feb 2006:**

On a recent Saturday, a father attended at East Perth Watch House at 7.30 am wanting to bail his son. At 10.30 am the son was dealt with in the Magistrate's Court hearing at the watch house, but there was no opportunity to arrange bail and he was advised to go to Hakea Prison; he arrived at 11.30 am. The transport with the son did not arrive at Hakea until 1.50 pm. It took until 4.00 pm before he could be registered into the prison, then processed through bail and back out to the front gate.

There is no such service at other courts in Perth, the country or at the court at East Perth Watch House where a Magistrates' Court is held on Saturday mornings. No-one at the courts or in AIMS has responsibility to assist in organising bail, although AIMS staff will sometimes facilitate calls by detainees to arrange a surety. In the end, however, persons-in-custody are removed from the court holding rooms at the convenience of the transport service, regardless of their prospects of obtaining surety.

Thus many people are unnecessarily being sent to Hakea, Bandyup or other receiving prisons, thereby becoming registered in the prison system, only to be released a few hours later, or

perhaps the next day. The end result is that families too often have to come out to the prison to organise bail, even if they were present in court. There are further delays while the prison calls in a JP off the roster, which is sometimes very difficult.

Bail not effected at court is a transport issue insofar as remandees are unnecessarily transported to prison, but also because families have to obtain transport to attend the prison to release the detainee, and transport him or her back home. The distances involved can be considerable, especially from Joondalup or Rockingham and prisons are difficult to get to if the family does not have a working vehicle. The following recommendation is consistent with earlier recommendations made by the Office and those made by the Mahoney Inquiry.<sup>24</sup>

**Recommendation 4.**

That bail coordinators be made available at courts and prisons, to assist people effect bail, and that persons granted bail be retained at a court or police facility for a reasonable period to arrange their bail, before being transferred to a prison.

**6.8. JUVENILE BAIL AND THE SUPERVISED BAIL PROGRAM**

The *Young Offenders Act 1994* made it mandatory that young offenders have a *responsible adult* sign their bail (mature 17 year olds excepted). Since the Act was proclaimed, Rangeview Remand Centre has operated a bail coordinator program at the Perth Children's Court, through the Family Liaison Unit at Rangeview itself and through local juvenile justice officers throughout the state, to help young people obtain bail within their normal support structure, or by finding a new placement and support system.

Those requiring such a placement are part of the supervised bail program, which has grown over the years to the extent that in 2004/05, 316 metropolitan and 44 country juveniles were supervised on bail, instead of coming into, or remaining in custody at Rangeview Remand Centre.<sup>25</sup>

Juvenile remand numbers have increased over the last four years, putting pressure on Rangeview despite the contribution of supervised bail, which reduces the numbers in detention at any one time by 20–30. A handful of metropolitan beds are funded through the program to assist with placements. Program staff have long argued that more funded accommodation placements would assist in diverting more young people from being unnecessarily detained in secure remand.

Since 2000, juvenile supervised bail placements were made with various communities in the Kimberley, Pilbara and Goldfield regions in an effort to prevent the cultural dislocation and expense of their being sent to Rangeview in Perth. The first two locations in the Kimberley took many bailees, but in 2003 each of them broke down for administrative reasons and this important regional version of supervised bail was discontinued.

24 OICS *Report of an Announced Inspection of Hakea Prison*, Report No. 12 (March 2002) 11; OICS, *The Diminishing Quality of Prison Life: Deaths at Hakea Prison 2001 – 2003*, Report No. 22 (March 2004) 31; Mahoney, Hon. DL, *Inquiry into the Management of Offenders in Custody and in the Community* (2005), Chapter 16.

25 DOJ, *Annual Report 2004/05*, (Perth, 2005) 87; These are additional to juveniles assisted in obtaining bail with their own parents or carers.

However, supervised bail significantly reduces the number of juveniles transported in custody to Rangeview, particularly from metropolitan and regional courts. Even for those released after an initial stay at Rangeview, it reduces the numbers transported back to court for subsequent appearances. Of course, the program generates its own transport requirements for staff liaison and for transport of bailees to their placements, other support agencies and to court.

### 6.9. HOSPITAL ORDERS

The *Criminal Law (Mentally Impaired Accused) Act 1996* provides that a court can make an order that an accused person suspected of being mentally ill, in need of treatment and at risk of causing harm to other persons or property be sent to and detained in an authorised hospital and examined by a psychiatrist (s.5). Under s. 35 of the *Mental Health Act 1996*, the transport of such an involuntary patient has to be accomplished as soon as practical. While other involuntary patients have to be transported by police, accused persons under the CS&CS contract are moved by AIMS.

Given that people subject to a Hospital Order are suffering symptoms such as psychosis or major depression, transport arrangements can be challenging indeed. Regular pod-style vans are commonly used for Hospital Orders within Perth and from surrounding areas including, sometimes from Geraldton and Kalgoorlie, which must be distressing for such people. However, most are sent from regional areas by commercial air-liner, after funding approval from Corrective Services Contract Management.

An issue has arisen in that certain Magistrates have taken a particular view on how such escorts may be conducted, asserting, for example, that such patients cannot be accommodated at a police lockup or a prison in the course of such a journey. It is often the case that flights to Perth are fully booked and it can be difficult to instantly organise escort staff.

For reasons of safety, AIMS decline to travel by road in country Western Australia at night so such an escort becomes untenable if the need arises in the afternoon. Nevertheless because of the position of the local magistrate, AIMS staff, having completed a day shift in local courts or transport have on occasion been forced to set out by road for trips up to seven hours arriving at Graylands Hospital in the late evening.

#### Recommendation 5.

That the Department of Corrective Services obtain a State Solicitor's opinion about transport and accommodation arrangements for persons subject to a Hospital Order.

### 6.10. VIDEO LINK AND TRANSPORT

The UK's *Expectations* state that 'the use of video link facilities should be actively promoted, unless a prisoner has a preference for attending in court'.<sup>26</sup> Authorities in Western Australia

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26 HMIP *Expectations – Criteria for Assessing the Conditions in Prisons and the Treatment of Prisoners* (2004), Expectation No.2, 1 (see Appendix 3).

have long supported video links as an inexpensive way to ameliorate inherent risks and costs of court escorts.

We continued to find overwhelming support from prisoners for such arrangements, as a brief and timely visit to the video link centre in a prison is far less onerous than a long, often unproductive day in court.<sup>27</sup> The issue was also extensively canvassed by both the Hooker Inquiry and the Office in the wake of the Supreme Court Escapes of 10 June 2004.<sup>28</sup>

Amendments in 1988 to the *Evidence Act 1906* and to the *Sentencing Act 1995* gave legal facilitation to the use of video in court proceedings, but despite the roll-out of video conferencing systems through the prison and juvenile justice systems in subsequent years, only a minority of court appearances were done in this way.

The Court Custody and Security Project commenced in the wake of the Supreme Court Escapes. It established a review to consult stakeholders on the use of the video-link system, consider how to change processes to broaden its use and audit proposed changes to video-link infrastructure and facilities. The Department subsequently invested heavily in 2004/05 in improving video-link technology at Hakea, Casuarina and in courts, extending its use to Acacia prison, and promoting its use among judicial officers.

The Review also anticipated the advent of the *Criminal Procedure Act 2004* (enacted 1 May 2005). Section 77 of this act requires the custodian of accused persons in custody, in relation to their second and third court appearances for an offence, 'to ensure the accused appears before the court by means of the video link or audio link, unless the court has ordered that the accused be brought before the court in person'.

However, as can be seen in the following graph, while the number of court appearances dropped significantly in May/June 2005, mainly due to the cessation of cycle remands, these numbers are recovering strongly; video-link usage also dropped for a time, and the Legal Aid Commission stopped providing a duty lawyer to prisoners appearing at the video-link facility at Hakea. Any rise in video-link appearances since then has so far been marginal.

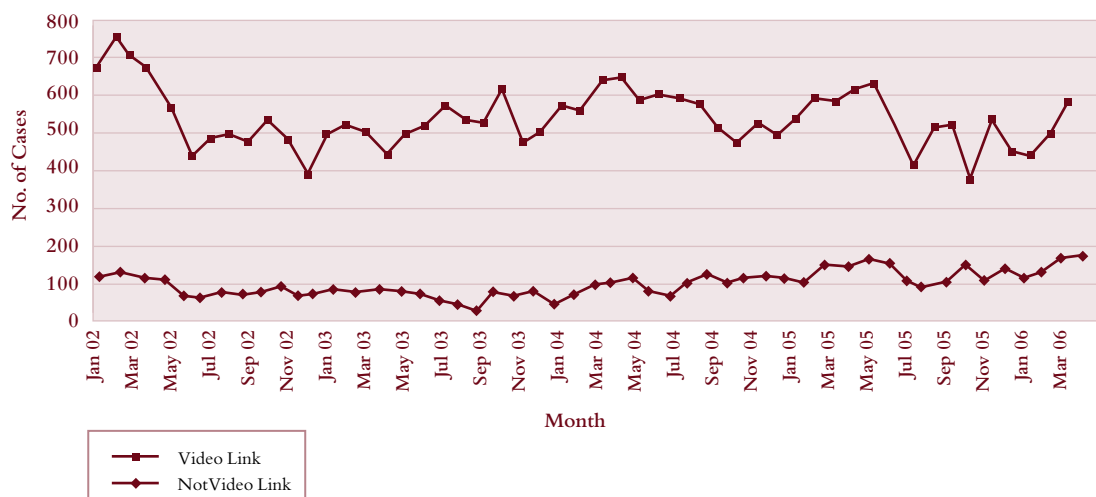
Marginal shifts in the end have little impact on the cost of custodial transport, at least in the short term. It costs the same to run a truck with 12 prisoners as it does with 16. Bigger and more sustained effects are required if cuts are to be sustained. Some of the cost savings, of course, can be achieved in country areas, but the take-up of this technology is uneven at best.

27 A contrary view was provided in a Prisoner Letter of 27/11/2005: *Sir, I am definitely against video link ups and I think a person should have a right to be in Court with their lawyer.*

28 Hooker, R., *Inquiry into the Escape of Persons Held in Custody at the Supreme Court of Western Australia on 10 June 2004* (Perth, 2004) 89; OICS, *Inspection of the Interim Arrangements at the Supreme Court Following the Escape of Nine Prisoners from the Custody Area on 10th June 2004*, Report No. 25 (December 2004) 13.

## LOCKUP CLEARANCES AND COURT ESCORTS

Graph 3: Video vs Court Cases for WA Prisoners: Jan 02-Mar 06.<sup>29</sup>



In one of the largest regions, we heard evidence that after a single experience, the Magistrate refuses to use the technology at great cost to the prisoner transport system and arguably to prisoners subject to long transports back to local courts. In another region, the Magistrate uses the technology frequently, even including the hearing of initial court appearances by audio-link in any court, in preference to utilising a JP.

As the adjacent example indicates, video link is not a panacea. There are legitimate reasons why judicial officers and legal counsel may prefer to deal with defendants in person in many cases such as the lack of direct and private communication between counsel and the defendant in court.<sup>30</sup>

**ALBANY REGIONAL PRISON,  
15 September 2005:**

In the video court hearing, the prisoner was clearly frustrated and disadvantaged by not having his lawyer alongside him and sensibly declined to plead to charges of which he was unsure. Prison staff were helpful in explaining afterwards to the prisoner what had occurred.

Too often, lawyers have been unable to obtain instructions from the client prior to the hearing day, and rely on the physical appearance of the defendant so instructions can be taken before the court hearing. Yet video conferencing has potential to facilitate the taking of instructions by lawyers from prisoners without a time-consuming trip to the prison.<sup>31</sup>

Lawyers have previously eschewed the taking of instructions by video-link due to privacy concerns, but there are signs of growing acceptance of the practice in the profession. Legal Aid in Queensland have video-conferencing equipment installed in their central office for this purpose and we understand that certain private firms in Perth have done the same. We also saw video conferencing equipment newly installed in the Legal Aid Commission Office in South Hedland for the purpose of taking instructions from their clients in Roebourne

29 From Department of Corrective Services (DCS) submission for this Review (2006) 17.

30 Similar issues are discussed in Hooker, R, *Inquiry into the Escape of Persons Held in Custody at the Supreme Court of Western Australia on 10 June 2004* (Perth, 2004) 89.

31 Legal aid agencies now mainly send paralegals, to the prisons.

## LOCKUP CLEARANCES AND COURT ESCORTS

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Regional Prison, or in other parts of the state. With lawyers otherwise having to undertake a 380 km round trip to Roebourne Prison to take instructions, this seemed a sensible move.

The Department of Corrective Services in New South Wales reported that the Cross Justice Video Conferencing system in that state achieved a 20 per cent increase in court matters handled by video link in 2004/05 over the previous year. Almost three times as many legal interviews (2,600) were conducted by video conference over the previous year and some \$3,470,774 were saved in adult prisoner movements because of the system.<sup>32</sup>

### Recommendation 6.

That the Department of Corrective Services, together with the Department of the Attorney General, establish a project to investigate continuing barriers to the use of video links and ensure that systems are in place to quantify actual usage of the system and the extent of its contribution in reducing the requirement for custodial transport.

### 6.11. REMANDEE PROPERTY

Under the contract, AIMS are obliged to ensure that, 'as far as is practicable, the personal property of every prisoner accompanies him or her during movement and is submitted to the responsible person at the approved place'. AIMS officers appeared conscientious in their handling of prisoner property, but there are systemic deficits in procedures in the adult prison system in this area.

Property and cash received at East Perth Watch House, from the Central Law Courts or from other courts around the state is duly conveyed with a remanded prisoner to a receiving prison. However, it is not the practice to send property or cash with unsentenced prisoners on their journeys back to court, except for longer journeys back to a regional area.

Thus many people released from custody, either from court or from prison, have to return to that prison to obtain their property and any money owed to them. The Catch 22 is that such people have been deprived of their funds or the means to access money (for example their ATM cards), to pay for this journey, or even get home. If family or friends have attended at court, this is no great hardship, but as the Eastern Goldfields example shows, this is not always the case. We had evidence from a number of community justice services staff that such people often landed at their office seeking help.

#### EASTERN GOLDFIELDS REGIONAL PRISON, February 2005:

[A] female prisoner went to court, from where she was released. Her home was 200 kilometres away. She returned to the prison to collect her gratuities; the officer who could release these was no longer on shift so her gratuities were unavailable. She returned to town, presumably penniless. The next day she was back again – not, as one might have hoped, to collect her gratuities, but as a prisoner.<sup>33</sup>

The practice contravenes justice, commonsense, and *Prison Regulations 1982* (numbers 34 and 36(3)), and places an unnecessary imposition on hard-pressed Community Justice Services

32 Department of Corrective Services, *Annual Report 2004/05* (Sydney, 2005) 27-8.

33 OICS, *Exit Debrief: Eastern Goldfields Regional Prison Announced Inspection* (February 2005) 4. Having been on the streets that night, she allegedly committed a further offence in which a window was broken.

staff. The only acceptable approach is that simply stated in the British standard, that ‘Property and private cash accompanies unsentenced prisoners to court.’<sup>34</sup> It is recognised that prisoners who have been on remand for a period can accumulate substantial property and that it is reasonable for such property to be recovered from the prison at a later date, but it is essential that any valuables and personal documents together with private cash and gratuities be sent to court with unsentenced prisoners or detainees. A better way of managing the cash is for it to be dispensed at the court, providing account details can be accessed.

A refreshing contrast to the adult policy is Juvenile Custodial Services who attempt to bring all property and private cash to court for unsentenced detainees. A limited amount of gratuities can also be issued from a cash float at the Perth Children’s Court holding rooms, but larger amounts, and larger property items such as larger paintings or woodwork, have to be recovered by visiting the centre.

**Recommendation 7.**

That at a minimum, valuables including wallets, purses, ID’s and ATM cards and civilian clothing always accompany unsentenced prisoners or detainees to court. In addition, private cash and gratuities must either accompany the prisoner or detainee to court, or a system established for this to be paid, if released, at or near the court. Where practical, all property for such remandees should also be sent to court, especially when the court is a great distance from the prison or detention facility.

**THE KIMBERLEY EXPERIENCE: ANOTHER LOOK**

**Field Report: Kimberley Prisoner Journey, 14–15 January 2006**

In the 2001 report on *Adult Prisoner Transport Services*, the most vivid material was the observation of 12 prisoners alighting from an AIMS truck at Broome Prison, who appeared dishevelled, distressed, dehydrated and disoriented after the long journey from Kununurra.<sup>35</sup> This is an account of the shadowing of an AIMS vehicle on the return leg of the regular drop-off and pick-up run from Broome Prison to Kununurra police lockup in January 2006. This particular journey was extended to Wyndham to facilitate a funeral escort and transfers to and from the work camp. The use of the AIMS transport for transfers to and from the work camp, whilst efficient, is contrary to the exclusion of Section 94 transport in the contract.

*WYNDHAM, 14 January 2006: OICS Officers intercepted the AIMS truck in the town at 9.00 am which had left Hall’s Creek at 5.30 am. After dropping off a prisoner at the work camp, they took another prisoner to a funeral service and burial in town before picking up another prisoner from the work camp. The AIMS truck then travelled to Kununurra police station to pick up a group of prisoners.*

*During a one hour stop, prisoners were given lunch and the new prisoners processed out of the lockup. Water was supplied for the afternoon’s journey South to Hall’s Creek. A temperature data logger was*

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34 HMIP *Expectations – Criteria for Assessing the Conditions in Prisons and the Treatment of Prisoners* (2004) Expectation no. 6 (see Appendix 3).

35 In an effort to deflect the impact of this assessment, AIMS commissioned Dr Colin Dillon, an Aboriginal elder and decorated former Police sergeant from Queensland to prepare a contrary report on prisoner transport in the Kimberley (Dillon C, *Independent Assessment Report on Performance of Prisoner Transport Services in Western Australia* (Brisbane: AIMS Corporation, 2002).



placed in one of the pods; it measured 38 degrees (hotter than the ambient air temperature) before the journey commenced. It took half an hour on the road with the air-conditioning on before the temperature reduced to an acceptable level inside the cell. There had been sun and shade in the morning, but on the journey South, the sky was clouded over with storm clouds which kept temperatures down. While most of the two day journey was conducted through overcast and stormy weather, breakdown on hot days in remote areas poses an extreme risk for health and or security of prisoners.

The escort eventually encountered storms and was twice stopped at floodways. Floods are common at certain times of the year and pose an extreme risk of stranding for an extended period to this kind of escort. Prisoners later reported that they felt particularly unsafe when crossing floodways. Outer doors had to be breached whilst waiting at floodways to provide ventilation. Satellite phones were unable to penetrate storm clouds. Fortunately each floodway became passable in under an hour and the escort eventually arrived in Hall's Creek at 6.50pm. AIMS staff that day had been on duty for some 14.5 hours and covered over 820 road kilometres.



Figure 3: AIMS van at floodway

Prisoners stayed overnight in the Hall's Creek police lockup. The conditions there were very poor – prisoners complained about 'dirty lousy blankets' and about the evening meal, supplied frozen from Hakea Prison, which was served not properly heated, from an unenclosed, dirty kitchen; the sausages had dried out and the vegetables were unappetising. We were told by the Officer in Charge that the microwave broke down often and had to be replaced and that the washing machine had been removed. This would make life especially uncomfortable and unhygienic for prisoners having to stay there for a week or two to attend court.

**HALL'S CREEK 15 January 2006:** On the following day at 6.45 am, the AIMS truck removed the prisoners from the Hall's Creek lockup, called in at Fitzroy Crossing lockup where they had a break and picked up a young female remandee and continued on to Broome Prison, arriving at 3.10 pm. The AIMS officers had completed a three-day out and return journey covering almost 2,200 kilometres.

AIMS officers were well regarded by the prisoners - one said: they make us laugh. Good and respectful relations and many small signs of kindness on the part of AIMS staff were observed throughout the journey.

AIMS officers drove safely, keeping to the speed limit and rotating appropriately. However, the non-driver has continuous multiple responsibilities including monitoring prisoners in cells on video screens, communication with prisoners and with the AIMS base in Perth and maintaining certain records, including pod temperatures. There is therefore no opportunity to rest, raising questions as to their fitness to relieve the other driver.

All prisoners bar one had used the potty in their cell. They did not complain about this.

The woman taken to and from Wyndham was only comfortable in her small front cell because she was allowed to take a pillow and a doona; the front cell got too cold when the air conditioning was set to maintain a reasonable temperature for the men in the middle cell.

## LOCKUP CLEARANCES AND COURT ESCORTS

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*Prisoners were stressed by long periods on the road during which they were unable to smoke. However, drivers were able to do so when the vehicle stopped to swap drivers.*

*Prisoners were accepting of the level of comfort afforded given cushioned seats and with only four in the main cell (with a capacity of 8) they were able to lie down on the seats or floor. However, this route was often undertaken by a vehicle with hard metal seats.*

*On arrival at Broome Prison, prisoners were certainly stiff, weary and needing a toilet, but not obviously distressed or dehydrated.*

*Only three prisoners were searched on the journey. Broome Prison failed to search prisoners on arrival assuming this had been done. These deficiencies were reported to the AIMS Supervisor and the Broome Prison Superintendent. Yards at certain police lockups have low gates and fences affording poor security.*

*Relations between AIMS and the police were generally very positive, although there was concern that the numbers of escorts budgeted under the contract per annum would not suffice. There had also been instances when the escort did not extend to Kununurra due to insufficient numbers or floods. Hall's Creek police attended at the floodway at the request of the AIMS base in Perth after they lost satellite communication with the transport.*

*One prisoner was being returned from court in Kununurra, having been sent there from Roebourne Prison. He now faced a further nine hour trip on Tuesday back to Roebourne, thereby completing a 3,500 km round trip. He was facing the same trip again for court in four weeks' time. However, while the prisoner was unhappy about such an onerous trip, he was glad to spend time back in Kununurra where he could have visits with friends and family.*



**Figure 4: Broome Prison reception**

# Chapter 7

## INTER-FACILITY TRANSFERS AND VISITS

### 7.1. REASONS FOR TRANSFERS

There were 7,347 transfers of adult prisoners between Western Australian prisons in 2004/05, some 13 per cent of total movements for the year. Why are such transfers made? Reasons include<sup>36</sup>:-

- Incompatibility of a prisoner's security rating or sentence status with the available accommodation in the facility. For example, Broome and Eastern Goldfields prisons can only accommodate a small number of maximum-security prisoners for a limited period whilst on remand.
- Changes in a prisoner's security rating or sentence status, whether through natural progression, for example to a minimum-security prison, or events such as poor behaviour requiring an upgrade in security rating.
- Approval of a request by a prisoner for their own reasons, for example, to join a friend in another prison, or be closer to family.
- A requirement that the prisoner attend court at a different location, for example, for a trial.
- Planned participation in offender programs, education, training, pre-release programs as part of an Individual Management Plan.
- Prisoner care issues such as access to medical care, aged care, protection or family visits (often on a temporary basis). For example, prisoners in Bunbury often have to be transferred to Casuarina to access specialist care only available in Perth.
- Other 'management' reasons, such as a belief by the prison's administration that a problem behaviour would be best managed in another context, or that certain prisoner associations pose a security risk and need to be broken up. For example, prisoners from feuding families are sometimes placed in different prisons.

Many of these transfers are certainly appropriate and will always be a feature in a well-functioning prison system. However, in 2005, some 57 per cent involved transfer between a metropolitan and regional prison or between regional prisons. Many people are being sent away from their family and friends in one region to be housed at a facility in another. This can cause distress for many prisoners, but especially for Aboriginal prisoners who talk about being 'out of country'. As at 31 March 2006, some 24.7 per cent of prisoners were accommodated away from their own region.<sup>37</sup>

The following table shows the pattern of such transfers among prisons.

#### **CASUARINA, 31 January 2006:**

A prisoner originating from a Kimberley community and transferred from Broome said he was only able to get breakfast on one of four mornings on the road, at Carnarvon lockup. When he arrived at Roebourne Prison, and later at Greenough, he hoped he could stay, but was simply loaded up again the next morning for another journey South. He was never told where he was going. The further he was sent away from his country, the more depressed he became.

36 As 77% of the transfer types recorded in TOMS were "Approved Transfers" or "Routine Transfers", which is essentially meaningless, we have no way of knowing which reasons are the most important.

37 Region defined as ABS Statistical Division; source: DCS, *Prisons Monthly Performance Report, April 2006*, (Perth, 2006).

## INTER-FACILITY TRANSFERS AND VISITS

**Table 4: Destinations of Transfers from WA Prisons – 2005.**<sup>38</sup>

Sending Facility	Acacia	Albany	Bandyup	Boronia	Broome	Bunbury	Casuarina	EGRP (Kal)	Greenough	Hakea	Karnet	Roebourne	Wooroloo	Total
Acacia		6				12	48	137	37	41	66	1	259	607
Albany			2			1	113			50				166
Bandyup				183				26	62					271
Boronia			58					2	1					61
Broome	1						1		7	3		381		393
Bunbury	4						135			46	12			197
Casuarina	231	148			1	165		115	204	78	108	2	113	1165
EGRP (Kal)	103		29	1			171			219			20	543
Greenough	3		74				286	1		165	1	426	4	960
Hakea	780	109			1	68	600	186	146		73		380	2343
Karnet	20					3	43			2			3	71
Roebourne					278		3		494	9				784
Wooroloo	229	3					36	11		11	12			302
<b>Total</b>	<b>1371</b>	<b>266</b>	<b>163</b>	<b>184</b>	<b>280</b>	<b>249</b>	<b>1436</b>	<b>478</b>	<b>951</b>	<b>624</b>	<b>272</b>	<b>810</b>	<b>779</b>	<b>7863</b>

The fundamental reason for many such inter-regional transfers is that prison infrastructure and services in the regions simply do not meet the needs of many of the prisoners from each region. This issue was well explored in the Directed Review undertaken by the Office in conjunction with the Mahoney Inquiry.<sup>39</sup>

The review proposed a substantial investment in prison infrastructure and human resources over the next decade to ensure that prisoners are able to be accommodated and to access justice programs and other services within their own regions and with the support of their own families and friends, as they progress through the system and back into the community.

### 7.2. METROPOLITAN TRANSFERS

Transfers between metropolitan prisons tend to be undertaken at a time convenient to the transport provider anytime during the day after the morning's court runs have left. As with court escorts, journeys can take an extended time if a prisoner travels to or from, or between outer metropolitan prisons such as Acacia and Karnet, via other prisons, such as Hakea or Casuarina. Metropolitan transfers can also be cobbled onto regional transfers, as these often start or finish by picking up or dropping off from two or more metropolitan prisons.

Such transports can ultimately arrive quite late in the day, which can cause difficulty in the processing of new prisoners in smaller prisons. Now that Karnet has its own capacity, they

<sup>38</sup> This and following tables in this section derive from data downloaded from TOMS for calendar year 2005.

<sup>39</sup> OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005).

## INTER-FACILITY TRANSFERS AND VISITS

sometimes effectively intercept the transfer from Acacia at Casuarina, so as to bring prisoners back to Karnet earlier in the afternoon.

### 7.3. INTER-FACILITY VISITS

Prisoners often have close friends and relatives in other prisons. Inter-prison visits allow occasional contact between such people, in particular between women in Bandyup and partners, brothers, sons or fathers in Hakea or Casuarina Prison. During the time of the Bandyup inspection in May 2005, it became apparent that such women were subject to up to three searches for each of these visits, an unacceptable imposition. This was subsequently reduced to one. Such visits are recorded as ‘other’ for statistical purposes by AIMS so we have little idea just how many of these are undertaken and at what cost.

Juvenile Custodial Services prefer to utilise video-link to facilitate contact between juveniles and near relatives in adult facilities.

### 7.4. REGIONAL TRANSFERS

Of the 7863 transfers recorded in TOMS, the majority (4489) had a regional component, either between a regional and a metropolitan prison, or between regional prisons. The following table shows the road distance for each journey leg from Perth to towns where prisons are located, and includes Carnarvon where prisoners stay over night on inter-prison transfer journeys. The table also includes Kimberley towns serviced as part of the regular lockup clearance/court run.

**Table 5: Road Distances between Major Centres in WA**

Journey Start	Finish	Distance	From Perth
Perth	Bunbury	180	
Perth	Albany	405	
Perth	Kalgoorlie	595	
Perth	Geraldton	430	
Geraldton	Carnarvon	475	905
Carnarvon	Roebourne	658	1563
Roebourne	Broome	794	2357 <sup>40</sup>
Broome	Fitzroy Crossing	358	2675
Fitzroy Crossing	Hall's Creek	288	2963
Hall's Creek	Kununurra	360	3323

Of course metropolitan prisons are not in central Perth, and prisons like Greenough (near Geraldton) and Bunbury are out of town, so journey distances will differ a little to those listed above. AIMS vehicles are restricted to 100 km/h so journeys take a little longer than possible in other vehicles. Journeys to or from Perth often involve pick-ups or drop offs in two or

40 Distance via coastal route. As Broome is 40km off The North-West Coastal Highway, distances are not cumulative.

more prisons. Thus a journey to Kalgoorlie normally starts at Casuarina Prison, picks up at Hakea Remand and Assessment Prison, possibly also at Bandyup Women's Prison and normally at Acacia Prison before proceeding to Eastern Goldfields Prison in Kalgoorlie/ Boulder. The journey can therefore take up to eight hours.

In the service standards of the CS&CS contract, the maximum journey time allowed without a break is five hours, but taking metropolitan pick-ups and drop-offs into account, this is regularly exceeded in journeys between Perth and Albany, Perth and Kalgoorlie, Perth and Greenough, Carnarvon and Roebourne, and Roebourne and Broome.

**KARNET PRISON, 21 March 2006:**

An elderly male prisoner had been transferred down from Roebourne, a three-day trip. He says he 'nearly had a heart attack', as he was so 'stressed' and 'claustrophobic' on this journey. He also felt unsafe in the big truck, especially having heard about the collision between an AIMS truck and a semi-trailer north of Carnarvon a few weeks before.

Journeys were broken in the early years of AIMS operation by stops at police lockups at Merredin between Perth and Kalgoorlie, at Narrogin between Perth and Albany and at South Hedland between Broome and Roebourne. These stops have long ceased, partly because they are inconvenient and lengthen the journey (by an extra hour in the case of Narrogin) and partly due to limited cooperation by local police.

A visiting transport is an imposition for local police as officers are prevented from leaving the station to attend to other duties and, as we noted in the Kimberley run, the level of security afforded is often rather poor. Stops at non-secure locations such as public toilets or road-houses are especially risky and time-consuming, as prisoners have to be secured on exit from cells and returned to cell one-by-one.

AIMS drivers still take breaks for their own needs, whether to have a smoke, use the toilet, obtain food or drink, or just have a break. Fuel stops are also a necessity, although for the most part these should be done before prisoners are loaded. Prisoners frequently complain about such stops. It can be especially difficult for smokers, confined without access to nicotine for such long periods.

Yet we had incontrovertible evidence that prisoners are allowed smoke in their pods in stops between Broome and Roebourne. This involves the breaching of at least the outer doors to pass tobacco and lighters through to prisoners. While this is a kindness that many appreciate, it is an affront for non-smokers sharing these pods. It is also an inappropriate security risk and a kindness that cannot be repeated in other journeys, fuelling resentment against other crews. As government agencies, including prisons, work towards a ban on smoking, it will be increasingly difficult for prisoners on transports to have a smoke, even if they do have a break in their journey. A humane approach would be to offer nicotine lozenges to smokers on such journeys.

**Recommendation 8.**

That consideration be given to the issue of nicotine lozenges on prisoner transfer journeys.

AIMS staff are instructed to inspect their vehicles thoroughly before using them for escorts

each day, including air conditioning systems. The Bunbury to Karnet example at right may be an aberration, but it is a concerning one given the effects of air-conditioning failure, even on a mild summer's day. Unfortunately, instances of breakdown of AIMS vehicles in regional areas is becoming all too common due the age of the fleet. The inter-prison trucks are perhaps more resilient, but they cover greater distances and breakdowns do occur.<sup>41</sup>

Given the lack of backup cooling systems and poor ventilation in pods, especially those where grills have been covered over by a film of lexcen, such a breakdown is potentially a life-threatening event. We saw in the Kimberley run how quickly pod temperatures can rise to dangerous levels in the heat. It was extremely disappointing therefore to hear that an inter-prison transport between Broome and Roebourne broke down on 13 October 2005 for a wholly preventable reason: it had run out of fuel about 90km before reaching its destination.

We noted in the Kimberley story above that the uneven impact of the air-conditioning system was such that the woman in the front pod felt cold, except that she was allowed to have a pillow and doona. AIMS generally deny prisoners blankets or other property in pods, due to the risk of self-harm or the concealment of contraband. The climate in the South and East of the state can at times be very cold, and prisoners have complained that they have been unreasonably cold in transport vehicles, for example on the journey from Albany to Perth.

We also saw in the Kimberley story that tropical storms can pose a significant risk for prisoner transports. Indeed six inter-prison transfers were cancelled in 2006 because of cyclonic weather. In one case greivous over-crowding at Broome coincident with a cyclone, forced prison authorities to hire a jet plane to remove some 39 Indonesian prisoners to prisons further South. Three other prisoners had to be flown by air to meet their critical appointments during the second of these cyclones. Three further cancellations or delays were caused by mechanical failures in the following months, one on the road near Nanutarra. Again, two prisoners had to be sent by air to meet their appointments.

Capacity of the North-South transport services was again tested in June 2006 when 37 Indonesian prisoners had to be sent south from Broome, most to Pardelup and Walpole work camps, by charter coach. Interestingly this was accomplished in just two days.

**KARNET PRISON, 21 March 2006:**

One man related his experience of a transfer in an AIMS van on transfer from Bunbury Prison to Karnet the previous week, which took some two hours 15 minutes. A small bottle of water was provided but that was needed to try to keep cool. He believed the temperature was 37 degrees that day [in fact it was only 30 degrees] but the air-conditioning did not work at all. In transit, they have to wear hot nylon track-paints and t-shirt, not the cotton drill pants and shirt he prefers to wear. There was no effective ventilation in the pod and it was very hot indeed. Staff refused to open a small sliding window from their cabin which may have provided more airflow, although they would also have gotten cigarette smoke from the drivers, which he would not have liked.

The drivers stopped to fill up at a roadhouse. The engine was turned off and there was no airflow at all; the prisoners sweltered. He says it was like a sauna and he nearly passed out on the journey. He called it a horror trip and couldn't understand why the escort would proceed on such a hot day when the air-conditioning did not work.

41 An average of 4.5 vehicles per week were off road due for repairs or maintenance in the period April – June 2006.

On 10 November 2005 at Roebourne Prison, an inter-prison transport arrived from Carnarvon. Prisoners said they had left that morning with only a 600 ml bottle of water each. The day before on the journey from Greenough, they had also been issued with a single 600 ml bottle of water. This was an outrageous undersupply in any circumstances, but the temperature in Roebourne that day was 39° C.<sup>42</sup> Fortunately, the AIMS van travelling South (drivers are exchanged at Nanutarra) had more water on board which was given to prisoners on the day in question.

For the most part, prisons are responsible for the supply of food and water for prisoner transports. This typically means a sandwich prepared in the prison, a piece of fruit and a bottle of water. Frozen sandwiches made at Hakea Prison are distributed to police lockups across Western Australia for issue to prisoners being transported. We heard instances of AIMS officers purchasing extra or better food or drink for prisoners on various escorts, especially when food was not issued by the prison.



Figure 5: Inter-prison van at Kalgoorlie Prison

As highlighted in the case of the prisoner in Casuarina who had been sent down from Broome, it is too common to find that prisoners have been placed on transports without having had breakfast. Typically this is because shift changes in the prison do not allow prisoners to be released from their cell early enough to make breakfast. Most prisons get this right some of the time, and some get this right most of the time, but there is a systemic inability to get this right, as is necessary, every time.

A novel but flawed attempt was made at Roebourne Prison to fix this up early this year by issuing single serve cereal packs with plastic spoons and a bladder of milk to prisoners travelling in the escort van to South Hedland. Extra food must be made available at reception for prisoners and detainees failing to obtain breakfast in the units *before* leaving on transports.

**Recommendation 9.**

That the Department of Corrective Services: make food available at reception for prisoners or detainees failing to obtain breakfast in units before leaving on transports.

**Recommendation 10.**

That the Department of Corrective Services establish fail-safe procedures to ensure that adequate fresh food and water is provided in cells for all long transport journeys.

**Recommendation 11.**

That adequate reserve supplies of potable water and food be carried for staff and persons in custody by any transport provider involved in non-local journeys outside the metropolitan area.

Another important issue highlighted by the example of the prisoner in Casuarina who had been sent down from Broome, is the lack of information given to many of the people sent on

42 The matter was addressed with the Department.



prisoner transfers. It was clear in our evidence that many people are informed only the afternoon before being placed on a transport or on the morning in question. Such people have no opportunity to appeal the transfer, or to have a family visit before being removed to another region. While lack of notice of transfer may be reasonable in the small minority of cases involving acute management or security issues, the practice is unacceptable for most prisoners.

**Recommendation 12.**

That the Department of Corrective Services establish fail-safe procedures to ensure that prisoners and detainees have sufficient notice of transfers to appeal the transfer and receive family visits, except as dictated by acute management or security issues.

**7.5. TOILETING AND HYGIENE ON LONG JOURNEYS**

While there was some evidence that potty toilets are used, their presence and use in cells remains controversial for prisoners. The lack of privacy both in relation to other prisoners and unseen staff through video monitors is a real consideration, especially for females. Toilet paper may or may not have been provided in advance. There is no provision for washing hands after using the toilet. Women are especially ashamed to have to change hygiene products in such circumstances. Men too often miss the low potties, sometimes putting them on the seat for a better aim and there is evidence of misses, spillages and upsets. Prisoners complain that potties are sometimes not emptied between journey legs.

**PRISONER LETTER, 8 November 2005:**  
Sir, these trucks have portable toilets in them which are not secured down and sometimes they leak and slide all over the place. I would hate to be hit by one if there was even an accident.

The Women's Custodial Directorate within Prisons Division has had an important role over the last 18 months in reforming the way women are managed in custodial transport, including by ensuring that hygiene packs are routinely provided for those in long haul transportation. Changes in the use of restraints for women are discussed in the chapter on medical transport services.

AIMS and the Department appear to regard current arrangements, with the provision of potty toilets as acceptable. Yet the journey to and from Albany (4.5 to 6 hours depending on the metropolitan prison) is undertaken in a vehicle without an on-board toilet. Empty drink bottles are sometimes used, hardly an option for women.

There are many other journeys between two and five hours duration routinely undertaken without a journey break in vehicles without toilets. This may be for transfers such as in the above example of a journey between Bunbury and Karnet, for lockup clearances and court remands (as we have seen) or for other reasons. Very many people have difficulty if unable to relieve themselves within two hours or so. There are many diabetics in the system and mature women with weak bladders. Some fail to access a toilet in the morning rush to reception and others are affected by anxiety relating to the reasons for the transfer or the experience of transport in a confined cell.

**Recommendation 13.**

That handwashing facilities or towelettes be made available to all prisoners or detainees using on-board toilets and hygiene packs be made discreetly available to women on prisoner transfer journeys or other escorts.

**7.6. MANAGEMENT OF EMERGENCIES AND CONTINGENCIES**

AIMS, in conjunction with the Department, has significantly upgraded its capacity to manage emergencies and contingencies since the Hooker Inquiry. Its new head office in Belmont, has a room equipped to act as a command post to manage serious incidents and emergencies and an incident management protocol has been adopted.

The new position of Security Manager has established close relationships with a range of relevant emergency services and policing agencies at state and federal level. A Security Support Group (SSG) was established within AIMS to provide support to regular AIMS staff to manage higher risk situations and respond to issues as they arise. AIMS supervisors and new recruits have had enhanced training in relation to security, risk management and intelligence and it is expected all staff will receive this training at some point.

Vehicles carry limited safety and security equipment including first aid kits, extra restraints, chemical agents, batons, and for those in regional areas, satellite phones. A new addition is a guy-wire system which can be used to secure prisoners on transfer from one vehicle to another in case of breakdown. This secure-wire system was used successfully for a vehicle breakdown at Greenmount on 25 August 2005, attended by the SSG.

In regional areas, the police and the Department are necessarily essential supports during incidents and emergencies; both agencies have had to attend on various occasions to assist with recovering prisoners from transports which have broken down. Non-secure prison vehicles have had to be used on occasion in such a circumstance. It was somewhat concerning, however, that this important role was not articulated in the Local Service Agreements between various police districts and AIMS.

AIMS and the Department have also identified air-charter operators in the Kimberley region who can be called up to remove prisoners from police lockups if necessary, for example if roads are impassable for prolonged periods or special needs arise.

**7.7. ACCOMMODATION IN POLICE LOCKUPS**

Police lockups in Western Australia are operated by the police service and are not, for the most part subject to inspection by the Office. Current exceptions are Carnarvon and Albany, which are partially staffed by AIMS officers under the CS&CS contract. A summary of a site visit report to the Carnarvon police lockup can be found at the end of this chapter.<sup>43</sup>

43 Albany is operated by AIMS primarily in its role as the Court Custody Centre in the Albany Justice Complex; and would rarely be used to accommodate prisoners overnight. See the forthcoming *Thematic Review of Regional Court Custody Centres* for more details about the Albany Centre.

## INTER-FACILITY TRANSFERS AND VISITS

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Nevertheless, the Department has various involvements with police lockups, which bear upon the overall quality of transportation services and need to be understood and assessed by the Office:-

- Prisoners and juvenile detainees on remand are accommodated in police lockups awaiting and following court appearances.
- Prisoners and juvenile detainees are accommodated at police lockups whilst on the journey to or from courts, whilst being transferred or even for an authorised absence.
- Prisoners are accommodated at police lockups under the trusty system, sometimes for extended periods.
- Staple food supplies for prisoners and detainees in lockups, and travelling from lockups are provided by the prison system, in particular, Hakea.

Under Policy Directive 4, superintendents of prisons ‘are required to visit the lockups in their area and report on their suitability to accommodate Department of Justice prisoners’.<sup>44</sup> In the end, the Department can choose whether or not to place a prisoner in a local police lockup on court remands, in transit or as a trusty. It can, and in our view should, make other arrangements in some cases.

Police lockups exist in the first instance to accommodate arrestees brought to a court and, if denied bail, to hold them until such time as they can be cleared to a prison or juvenile detention centre. Such people are often highly distressed and hard to manage. Filth and damage is endemic in such an environment. Without resilient facilities and good cleaning and maintenance arrangements, accommodation standards quickly degenerate to less than acceptable levels. Putting prisoners and detainees used to a certain level of decency back into such an environment can be degrading.

It is clear that Carnarvon police lockup is such an environment. It was also clear on visitation that Hall’s Creek lockup, which accommodates prisoners overnight on journeys to and from Kununurra, is also such an environment. This lockup is also the destination for prisoners appearing in court locally who may have to stay there for up to 15 days between transports, but it lacks even a washing machine to clean one’s clothes. Frozen food supplied from Hakea is unappetising for the most part and almost no fresh food is provided. Kitchen facilities are extremely poor, open to flies and other vermin and the microwave is often unusable, due to damage by arrestees.

There is little capacity at Hall’s Creek lockup to separate men, women and children during waking hours. A single TV for entertainment is made available in one of the men’s cells. Despite being one of the hottest towns in the state there is no indoor air-conditioned day room nor is there a cool water fountain for prisoners. Only four of the cells are ‘RCIADIC compliant’ in that potential hanging points have been removed.<sup>45</sup> Security is poor and it is easily possible to pass materials in or out of the lockup through the grill. There are many other

44 DOJ (WA), *Policy Directive 4*, (July 2003).

45 RCIADIC was the Royal Commission into Aboriginal Deaths in Custody, which recommended that safe cells be provided in Police lockups and prisons.

lockups of a questionable state in Western Australia, and Hall's Creek is singled out only because of its pivotal role in prisoner transportation.<sup>46</sup>

There were no trusty prisoners placed at either Carnarvon or Hall's Creek. Such prisoners can play a valuable role in maintaining cleanliness in such an environment. Some police now prefer to use prisoners on Section 94 for this purpose, for example at Kalgoorlie. The trusty system at East Perth Watch House, which has a stable hard-working group of trusty prisoners, demonstrates how valuable such prisoners can be. As well as maintaining a high standard of cleanliness and contributing to maintenance, they provide good quality fresh meals for arrestees and lunches for people held at the Central Law Courts each day.

The trusty system appears to be essentially moribund in regional areas. It is widely assumed that a sufficient reward for the cleaning duties of a trusty is the opportunity to have to regular visits with family members. In contrast to the East Perth Watch House, regional trusty prisoners are not allowed gratuities, but may be given tobacco or other treats by the sergeant. Nor are they afforded a pleasant cell in which personal property can be held and used, as they might expect as a prisoner.

Trusty prisoners may or may not experience respect and support from police managing the lockup. Lockups lack pleasant areas in which time can be spent when not working, working gym equipment or other basic entertainments. Nor would they be afforded the opportunity to take part in programs, recreation or training opportunities in the local community.

Many police lockups would benefit from a revitalised trusty system, but only if some of the above issues are addressed. Another idea that deserves consideration is whether trusty prisoners may have a valuable role in supporting arrestees and others in police lockups, in the same ways as Peer Supporters in the prisons. Gatekeeper training is provided to peer supporters for this purpose.

#### Recommendation 14.

That the Department of Corrective Services cease to utilise sub-standard police lockups for the accommodation of prisoners and juvenile detainees on transport journeys, and for extended stays for court escorts or trusty prisoners, recognising that conditions in many of these are incompatible with expected standards for prisoners and detainees.

### 7.8. JUVENILE TRANSFERS

Juvenile Custodial Services presently only has to concern itself with transfers between Rangeview Remand Centre in Murdoch, Banksia Hill in CanningVale, and very rarely from one of these to a metropolitan adult prison.

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46 District Superintendent S.J. Robbins has acknowledged concerns in relation to this lockup and detailed efforts to ameliorate these: *I expect that most of the matters of concern to visiting prisoners have been or are being addressed* (letter from Superintendent Robbins to Professor R Harding, 01/09/2005).

### 7.9. PROPERTY ON TRANSFER

AIMS are required to ensure, under the contract, that ‘as far as is practicable, the personal property of every prisoner accompanies him or her during movement’.<sup>47</sup> The vehicles provided by AIMS are to be capable of carrying both ‘primary’ (valuables and paperwork) and ‘secondary’ property. Property for prisoner transfers, as with remandees, is a controversial issue. A report by the Victorian Ombudsman recently noted that:

Grievances about prisoner property contribute to poor prisoner morale and management problems for staff. There are also cost implications for the prison system in investigating prisoner complaints, interviewing staff members involved and replacing damaged and lost property.<sup>48</sup>

Property allegedly lost in transfer, or not transferred with the prisoner, is certainly a mainstay in prisoner grievances, complaints to the Western Australian Ombudsman and letters to this the Office. We were informed that in 2005, Hakea Prison alone paid out \$20,000 in compensation relating to property claims. This would have included property lost within the prison, but a significant proportion related to transfers.

A good effort is made to ensure property is transferred with the prisoner, but issues can arise at various points in the chain. People may be transferred out for an apparently short stay to attend court or for family visits but find themselves unable to return to the original prison. It can be hard to get the original prison to pack and send one’s property in a timely manner, or for the receiving prison to process the property once received.

Valuables placed in clear sealed bags, prison files and unaccompanied property have a reasonably strong line of control, in that they are checked, signed for and recorded both by facility staff and contractor. However, this was compromised at times when valuables bags were breached to access tobacco and lighters if the opportunity for a smoke arose during the journey.

Secondary property has much less control. It is often packed by the prisoner into boxes or plastic bags with officers checking off items against records stored in the TOMS system. As noted above, an inordinate amount of property can sometimes be accumulated in prison. Once sealed, AIMS simply receives the boxes or bags to pack into the van, often with prisoner help, and conveys it to the destination. Such property is not signed for by the contractor on an item-by-item or even a box-by-box basis. Nor is there an acceptable electronic alternative, for example, a barcode system.

**BUNBURY REGIONAL PRISON,  
14 December 2005:**

The truck was a 16-seater Mercedes Sprinter with four cells. The crew was faced on this occasion with an extremely large property load with a long-term prisoner being transferred to Acacia – about twelve large boxes and one particularly long and large box containing furniture. Two pods had to be utilised just for property. The crew had to load all this with help only from one prisoner working in reception. When asked about the lack of a receipt for property, AIMS staff expressed disquiet: ‘you just have to trust these guys’.

47 CSCS Contract – Service Requirements (see Appendix 2).

48 Ombudsman Victoria, *Investigation in the Handling, Storage and Transfer of Prisoner Property in Victorian Prisons*, (Melbourne: December 2005).

AIMS staff express concern they may be held accountable for something over which there is no effective paper trail. On arrival, prisoners go through and sign off their property with reception staff, but this is often done the day after their arrival.

Efforts have been made over the last 18 months to create a more accountable system. These changes were apparently considered successful when trialled at smaller prisons but were considered unworkable by reception staff at Hakea.

**Recommendation 15.**

That a system be established to ensure an unbroken line of control and accountability for all property transferred with prisoners or detainees. The system must also provide for and track the timely movement and re-issue of unaccompanied property.

**Recommendation 16.**

That tobacco, toiletries or other items needed by prisoners or detainees during transport journeys be held in a separate bag from that used for valuables.

**7.10. VIDEO VISITS**

Video conferencing equipment was originally placed in most Western Australian prisons, juvenile detention centres and Community Justice Services offices for video visit purposes. For some 15 years or more, Aboriginal communities have used satellite video systems through the Central Australian Aboriginal Media Association for inter-family communication between communities.

Mr Peter Foss, the former Minister for Justice, believed a similar service would provide an important form of communication between prisoners and their families even if not incarcerated at the local prison, and had the system installed. It also has significant potential to assist with communication between family members in different prisons and between adult prisoners and juvenile detainees.

Regrettably, the system has never reached its potential. It is rarely promoted to prisoners or their families and arrangements for its use are often inflexible. It is also dependent on Community Justice Service staff having a capacity to host the visits, and on family members to turn up at the appointed time. It has also long been a hope that remote communities could access video conferencing services so that some of the most disadvantaged prisoners could have communication back home, but this has never been realised. However, it is possible to connect to many small towns through Tele-centres or even a TAFE.

Another major barrier has been the imposition of a \$4 charge to prisoners for each 20-minute session. This represents a subsidy of up to \$4 per session for those connecting with family at the other end of the state or in another state. Unfortunately after tobacco and telephone call costs, the charge is too often much of an obstacle.

While we are unable to quantify the numbers of out-of-country prisoners who access regular transfers back to more local prisons for the purpose of family visits, it is unquestionably a very

## INTER-FACILITY TRANSFERS AND VISITS

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small proportion of those eligible. Most transfers back to local prisons are to attend court or in readiness for release. It is not therefore suggested that transfers for family visits would be reduced if more video visits were undertaken, in the same way that court escorts can be reduced by greater use of video links.

On the contrary, if regular transfers for the purpose of family visits did happen for all eligible prisoners, it would represent a major increase in the number of inter-prison transfers which would be prohibitively expensive. Such transfers can also be very disruptive to a prisoner's participation in education, work, training or programs, and favourable cell placements can also be lost.

Video visits represent an opportunity, therefore, to ameliorate the sense of alienation these prisoners must feel from their families and communities. This point is better recognised by Juvenile Custodial Services which does not have centres in regional areas, so the question of transfers back for visits does not arise. Juveniles are not charged for the video visits and the system is much better utilised.

It is high time the Department revisited this question with a view to a significant rise in the use of the video visits system for these prisoners.

### Recommendation 17.

That the Department of Corrective Services cease to charge for video-visits to close family members in remote locations and establish a project to ensure the system is promoted as part of orientation to all eligible prisoners or detainees and their families, to resolve other barriers to its use and to implement outlets on key Aboriginal Communities.

## CARNARVON POLICE LOCKUP: THE FLOOR'S MOVING

### Site Visit Report: 15-16 February 2006

*The lockup was filthy. There were numerous places where food, vomit or spittle stained the walls or the floors and drifts of dust and fibre from blankets collected in many areas. It appeared that no effort had been made to mop for a considerable period of time; in some areas scrubbing or an industrial cleaner was required. Painted surfaces were peeling in many areas, especially the floor and there was considerable graffiti. It is long overdue for renovation.*

The Office only has jurisdiction over a police lockup (or watch-house) insofar as they are managed under the CS&CS contract. Two nights a week, AIMS manage this lockup to accommodate prisoners on transfer runs North from Greenough to Roebourne and South from Roebourne to Greenough. Since early in 2006, AIMS has also become involved in staffing the police watch-house, which is part of the justice complex in Albany, for the day shift on week-days.

The Office has had numerous comments and letters from prisoners about this lockup, which they have experienced on their journeys. The comment used in the heading, *the floor's moving*, was from a prisoner interviewed at Roebourne facing another journey South. He was referring to the vermin, the mice and cockroaches, he had experienced at Carnarvon lockup on previous journeys.

## INTER-FACILITY TRANSFERS AND VISITS

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AIMS had taken over the lockup on Tuesday afternoon of our visit, but only after the AIMS Supervisor had complained about fly-blown bins and filthy floors and walls, and police had done something of a clean-up. The Senior Sergeant acknowledged that it was hard to motivate younger police to prioritise lockup cleaning duties against other operational duties, a comment echoed by the Officer-in-Charge in every lockup we visited.

Carnarvon had not had a prisoner trusty for some time, and commercial cleaners are only brought in about once every three months. The Sergeant acknowledged that AIMS did a better job at cleaning up the lockup than police could manage.

The lockup was built in 1969 and commissioned in 1971 and is considered to be long past its use-by date. It comprises two yards, one with five cells for males (including a large 'security cell') the other with two cells for females. There was another section with five 'pink' coloured cells, three of which were used for volatile and at-risk prisoners including drunks and juveniles.

The lockup is directly connected to the adjacent court house by way of an underground tunnel, affording safe and secure passage for movements to and from court.



Figure 6: Main yard at Carnarvon Police lockup

Each yard had a single bench seat and table bolted to the wall, totally inadequate for the populations accommodated. A television is being installed in a particularly unfavourable location in the male yard, high up over the entrance-way.

There was also a kitchen and a laundry room. The main stove was out of order, and had been since December. A new one had been ordered and delivered, but fittings had to be manufactured locally which was still in train. There was a small reception area, which doubled as a charge room, and a small room used for fingerprinting. The reception area was so small that it represents a clear risk to staff when volatile detainees or prisoners have to be managed.

Extra cameras have recently been installed in the facility, including in the three 'pink' cells used for volatile and at-risk prisoners, the security cell in the male area, the yards and the reception area /charge room. These are monitored either in the police station (on the other side of the sallyport) or in the AIMS office (a demountable behind the lockup).

At about 3.30pm, the AIMS inter-prison transport vehicle arrived from Roebourne with 14 prisoners, all male, nine of whom shared the middle pod. One of these had an injured foot and another was an elderly man who needed assistance getting down the stairs.

The men were quickly placed into the male and female yards while paperwork was processed and scrutinised, especially for at-risk issues and essential medication. If medication was missing, too often the case, the supervisor would investigate, starting with prison health staff. Prisoners were issued with tobacco and other personal items needed from their property overnight.

The 14 prisoners had to be dispersed into both yards because the air-conditioning in the large secure cell in the male yard was not functioning. This cell has a sealed door to reduce hanging points and is completely dependent on the air-conditioning for ventilation.



## INTER-FACILITY TRANSFERS AND VISITS

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*The only female in the lockup that day was a police arrestee who was released to bail, but only after dispensing dinner and coffee or tea for the prisoners. AIMS have to accept and manage any new arrestees handed over by police on their watch, including juveniles.*

*Since the stove has been broken down, AIMS say they have simply purchased pre-packaged hot meals from local providers. This was well accepted by prisoners, although the meal supplied this night lacked vegetables. The Supervisor stated that prisoners won't eat the frozen meals from Hakea, so they generally prefer to cook from prison-supplied meat and vegetables, with additional fresh vegetables, milk, bread and plastic forks from Woolworths.*

*After dinner, five of the prisoners were interviewed. One was an elderly Aboriginal man who was a tribal man with very weak English. His knee was bandaged and it was clearly quite sore. He said he was jammed up in the truck, sweating. He complained that he couldn't bend his knee. He also did not understand why he was being sent South as he was due back in Broome for court in two weeks (he was already serving a sentence).*



**Figure 7: Elderly man climbs out of transport van**

*Another was a non-Aboriginal remandee whose home and family were in Broome; he was due back in court in Broome in March and did not understand why he was being sent South. He had no idea if he was to stay at Greenough (in fact was sent to Hakea). He was uncomfortable and crowded with eight others in the pod, with inadequate ventilation and unable to smoke. He was angry with the crew for failing to stop to allow a smoke, as the Broome to Roebourne crew had done twice the day before – 'I'm just on remand, why should I be punished?'*

*Another was a remandee due back in Kununurra court in mid-March. Again he had no idea if he was to stay at Greenough or a prison in Perth. He did say he had been getting his medication on the journey.*

*A sentenced prisoner was glad enough to get away from Roebourne which was hot and sticky and where he had to sleep on the floor, but found the journey uncomfortable sharing his cell with eight other men – 'it was squashy, no room to stretch'. This prisoner complained bitterly about the state of the lockup at Carnarvon and the failure to provide sheets – 'you could catch something'.*

*The last prisoner interviewed shared a smaller cell with three others but also felt crowded and lacked any room to stretch. He was also anxious about being in a pod if there was a roll-over. He said they should find a better way; they should have a bus, or fly. He was also unhappy about Carnarvon lockup, where he saw a mouse last time, cockroaches, dust and spit; he was too scared to use the toilet for fear of disease.*

*Prisoners slept on thin vinyl-covered mattresses on concrete pads in the cells. They were issued with blankets, without sheets or pillows.*

*AIMS staff conducted checks on all prisoners in the lockup on a half-hourly basis. Prisoners clearly did not appreciate these, as the torches and the sound of footsteps and clanging metal doors disturbed their sleep. Apparently in the early part of the contract, these were done every 15 minutes. This seems an extraordinarily intensive and intrusive regime, exceeding that for juveniles in detention in Perth.*

## INTER-FACILITY TRANSFERS AND VISITS

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*A hearty breakfast of cereal, toast, baked beans and spaghetti with tea or coffee was provided in the morning. While these prisoners did have breakfast at Roebourne Prison, the Review had evidence that some prisoners failed to get breakfast at the prisons on the journey South.*

*After breakfast, prisoners milled at the gate waiting to be pat-searched and placed on the trucks. However, it took at least a half-hour for property to be taken, re-sealed and recorded, and for other paperwork to be checked for handing back to the drivers.*

*This stretched the patience of prisoners, but they were cooperative when the time came to be searched and loaded on the truck. The elderly man with the poor knee was placed in a smaller pod this time. The truck left at 8.00 am.*

*Apart from the intrusiveness of checks, AIMS staff at the site impressed as competent and humane in their management of detainees.<sup>49</sup> They also enjoyed a good relationship with the police and court staff.*

*AIMS staff then cleaned the lockup, essentially a tidy-up of blankets, removal of rubbish and a sweep of the yards. When the senior constable inspected the premises before signing to regain control, he appeared more than happy with its state: 'magic', he said. However, there had been no mopping and the premises were still essentially filthy.*

Prior to the last election, the Western Australian State Government announced that Carnarvon police station and lockup would be replaced. However, the project has stagnated over competing ideas on whether the court should also be rebuilt, whether favourably sited Government Employee's Housing Authority (GEHA) housing at the back of the complex should be demolished to facilitate the new complex or whether it should be built, perhaps with a new court house, at a 'greenfields' site in another part of town thereby allowing the Shire to utilise the existing favourable site on the Fascine waterway, for a tourism development. It is also a concern that conceptual plans have not included an operational base for a court security and custodial services provider (such as AIMS).

While the present lockup has many deficiencies and needs substantial renovation or replacement, the critical issue is its management, and whether better arrangements can be made for its cleaning and maintenance. AIMS are doing a good job under the circumstances, but WAPOL, naturally, have prime responsibility for this site.

It is incumbent upon the Department, in placing prisoners in this facility to determine whether it is fit for this purpose, whether and how it can be made so, and whether alternative arrangements should be made. It may be possible, for example, to emulate commercial passenger coaches, which operate the coastal route without overnight stays at any location. This is only possible, of course because of the relative comfort of such vehicles and the regular meal breaks and comfort stops afforded passengers on the journey. Air transport would also avoid the need for prisoners to stay overnight in such a substandard facility.<sup>50</sup>

49 We have, however, received two letters in the last 12 months from prisoners who did not consider they were well treated by staff at this facility. One considered the frequent checks to be intimidatory.

50 In contrast to this, the Department has been nurturing a plan over the last three years to reduce the costs of the CS&CS contract by having both northbound and southbound prisoners stay at Carnarvon police lockup for the same night. Police, not AIMS, would staff the lockup that evening – see DOJ, *Proposal for Inter-Prison Runs*, internal document, (Perth, August 2003).

# Chapter 8

## MEDICAL ESCORTS AND BED SITS

### 8.1. CRISIS IN DEMAND MANAGEMENT

A medical escort involves the movement of a prisoner to a medical clinic or hospital, their supervision whilst awaiting treatment, under treatment or recovering from treatment, and their return to the custodial facility.

In 2004/05, there were reportedly some 5,543 medical escorts across the state, accounting for some 10 per cent of all movements under the contract.<sup>51</sup> However, during this period, cancellations by the contractor reached a crisis point, culminating in an average of 29.8 cancellations per week in the first three months of 2005.<sup>52</sup> This was very concerning as there were serious risks to health associated with the cancellation of the more urgent and important appointments.

The lack of staffing and vehicles was the reason recorded for most of these cancellations. It is certainly the case that vehicle availability was increasingly problematic at this time, with breakdowns, major maintenance needs and upgrades taking at least a few out of service at any one time. However, while staff numbers were quite low in 2004, AIMS ranks were replenished through new recruitment campaigns by early 2005. Other critical factors in the crisis were AIMS scheduling practices on the one hand, and poor demand management on the part of the Department on the other.



**Figure 8: At the lifts in a Perth hospital**

Taking the latter issue first, medical bookings in the first quarter of 2005 averaged 154 per week (ranging from 98 to 177). There was no coordination of these bookings by the Department, nor any indication as to which, from a medical standpoint, were the most urgent and important bookings that should be immune from cancellation.

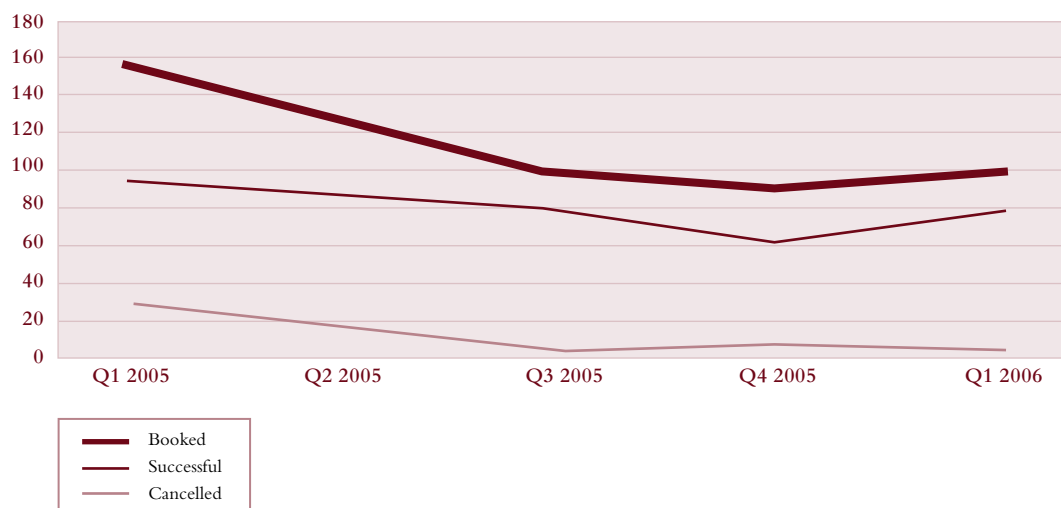
Contract Management worked with Prison Health Services from late 2004 to address these issues, resulting in a short project that created a system of triage and coordination for medical appointments. From mid-March 2005, most appointments were assigned a category of critical, urgent or non-urgent by medical staff, followed some weeks later, by creation of a Medical Records Bookings Coordinator position at Casuarina Prison. This resulted in a significant fall in the overall numbers of cancellations over the subsequent months, as shown in the graph.

In the first week of the triage system, seven 'critical' appointments were cancelled, followed by three the following week, then four, then one or zero for subsequent weeks as the system bedded down. This demonstrates clearly the level of medical risk carried hitherto by the Department and AIMS in its previous arrangements. Direct negotiation between AIMS supervisors and the Bookings Coordinator has been invaluable in reinforcing the medical necessity of certain bookings against others, in consultation with the relevant nurse managers from the booking prison.

51 DOJ, *CSCS Annual Report 2004/05*, (Perth, 2005).

52 From information in Weekly Reports provided to the Director General/Commissioner.

Graph 4: Medical Escort Cancellations – Weekly Averages by Quarter.<sup>53</sup>



Coordination also had the effect of reducing the number of bookings to more sustainable levels; in retrospect it can be argued that the crisis of medical cancellations was less about AIMS and more about unmanaged demand. Certainly by mid 2005, the situation had sufficiently improved, and poor performance in medical escorts was no longer considered an impediment in the decision to roll over the AIMS contract for a further three years.

Despite the significant fall in medical escort cancellations, they are arguably still high, and there has been a degree of backsliding in performance by the contractor. In the second and third quarters of 2005, 15 ‘urgent’ appointments were cancelled; in the fourth quarter 34 were cancelled; and in the first quarter of 2006, 29 urgent appointments were cancelled; In one week in November 2005, three ‘critical’ and seven ‘urgent’ appointments were cancelled. While AIMS managed an average of 93.3 successful appointments per week in the first quarter of 2005, by the fourth quarter it was only managing 63.3 and still cancelling 7.3 appointments per week. As mentioned in the Overview, the performance has now deteriorated to the point where it is worse than was the case in the first quarter of 2005.

Part of the problem is the way in which medical escorts are scheduled and performed. Many medical escorts are undertaken only after the morning court run is complete. Most also need to be completed in time for the afternoon return from the court run. This leaves a limited window for medical bookings and creates significant risk of delays or cancellations due to issues arising in earlier escorts. Thus there is a structural inflexibility and an elevated level of risk to the performance of the medical escort service caused by its joint operation with the court transport service.

The above graph on bookings also shows that cancellations by AIMS explains only part of the difference between bookings and successful appointments – in fact most appointments are cancelled either by the prison before the prisoner leaves, or by the prisoner refusing to attend.

53 Compiled from information provided through the Contract Manager’s Weekly Updates.

Cancellations by the prison commonly result from notice by medical providers that the appointment can no longer proceed. The prison may cancel an appointment due to a security issue such as the prisoner becoming aware in advance of the date of the appointment, or because of a scheduling issue such as a new requirement to attend court at that time.

Refusals by prisoners to attend medical appointments are especially concerning for the health of the prisoner, but are also very costly in terms of the time and resources wasted in medical and security assessments, in processing referrals, bookings and cancellations, and in sending an AIMS vehicle and crew for the pick-up only to be sent away empty-handed.

**Recommendation 18.**

That the contractor ensure that critical and urgent medical appointments are always undertaken and that difficulties with these are instantly reported to the nominated person at the relevant prison.

**Recommendation 19.**

That superintendents ensure that alternative arrangements are made to ensure that critical medical appointments, and if so advised by the nurse manager, urgent medical appointments, are facilitated by the centre in the event that the transport provider is unable to undertake the escort.

**Recommendation 20.**

That performance linked fees under the CS&CS contract be adjusted to include penalties for failure to satisfactorily complete escorts for medical purposes (especially for those rated critical and urgent), authorised absences or to take over hospital bed sits within the prescribed period.

**8.2. MEDICAL ESCORTS AND SECURITY**

The Brett Maston incident at right, despite the passage of time, is very much in the mind of everyone responsible for medical escorts in Western Australia. It underlines the degree of risk inherent in prisoner movements in a non-secure environment such as a hospital.

Thus prisoners are routinely double-cuffed and shackled on exit from AIMS vehicles.<sup>54</sup> Double-cuffing means their hands are cuffed together, and they are cuffed to an officer. In addition, maximum- and medium-security prisoners are not normally informed of appointment times for medical escorts; if the appointment becomes known to the prisoner it is rescheduled as a matter of security.<sup>54</sup>

**FREMANTLE PUBLIC HOSPITAL,  
12 August 1995:**

That evening, Brett Maston was taken to Fremantle Public Hospital for treatment of self-inflicted wounds. While in the foyer of the casualty ward, a female associate of the prisoner appeared and produced a shotgun. She threatened the two prison officers, ordering them to release Maston from his handcuffs. Maston then took possession of the shotgun and threatened the officers and hospital staff, before fleeing the scene.

<sup>54</sup> In fact those assessed at the highest levels of risk are placed on a High Security Escort list and their movements managed through the Emergency Services Group of the Department.

Many prisoners complain about the conditions of the journey on medical escorts, the public exposure they experience, long confinement times in pods, and pain caused by tight cuffs or indignities caused by restraints in medical examinations, even though restraints can be reconfigured at the request of the treating doctor with the approval of the superintendent.<sup>55</sup> While prisoners tend to ascribe these negative experiences to AIMS, their issues arise primarily from the risk-averse policy framework within which it operates and the nature of the vehicles in the secure fleet.

Interestingly, a small prisoner survey on medical escort refusals conducted by the Department in August 2005, indicated that prisoners refuse more often for reasons such as a family visit appointment they wish to keep, programs they need to complete to earn parole, or due to disdain or fears with regard to the medical treatment being offered. Because most prisoners cannot know their appointment time in advance, prisoners have no opportunity to address such concerns before-hand, making expensive last minute cancellations inevitable.

This requirement does not apply for the minority of prisoners rated at minimum-security, and would seem an unnecessary precaution for the many rated at medium-security. It is certainly valid for those rated at maximum-security, especially those on the High Security Escort list.

We have already discussed the compromise for medical escorts inherent in its provision alongside a court transport service. The case involving the routing of a medical escort through a court holding room facility provides a clear illustration of where such joint service provision can cross the line in the humane provision of a medical escort service.

Timely information and support from staff may well have made this experience more tolerable for the prisoner. However, AIMS staff at the Central Law Courts confirmed that it is common for prisoners on their way to other courts, funerals and medical escorts to be taken there first, especially when there are shortages of vehicles or staff.

**BANDYUP WOMEN'S PRISON, 22 March 2006:**

One prisoner said that her experience of a short journey in the AIMS vehicle was suffocating and claustrophobic. She is an asthmatic and found the vehicle to be hot and stifling and she felt as if she may have a panic attack. She is a large woman and she experienced difficulty getting in and out of the vehicle, which she found embarrassing.

On arriving at the hospital for her medical appointment she had to be restrained with handcuffs, however, the handcuffs were just too small for her and as a result her hands and wrists swelled up. The AIMS officers put leg hobbles on her and, although she says the officers were very polite and apologetic, the whole experience was humiliating.

**CASUARINA PRISON, 6 April 2006:**

A mature Aboriginal man reported having found himself in an AIMS van leaving Casuarina Prison at 8.00 am with a bunch of other men going to the Central Law Courts. He had been told in his unit he was going to hospital for a medical appointment. He was searched and processed into a holding cell upstairs in the court custody centre. Despite continually questioning why he was there, no explanations were given nor was he told how long he would be there. At 11.00 am he was taken to his appointment at Sir Charles Gardiner Hospital which only took about 20 minutes and sent back to the court custody centre to wait for a van back to Casuarina Prison in the afternoon.

55 DCS (WA), *Policy Directive No. 28* (March 2006); the issue of restraints is further discussed below.

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**Recommendation 21.**

That the Department of Corrective Services and the contractor ensure that persons under escort for a medical or an authorised absence never be held en route (in either direction) at a court custody centre. Wherever practical, such persons should be segregated from others.

AIMS has three station-wagons that can be utilised for prisoners requiring special arrangements due to medical conditions. However, one can only be deployed when medical staff in the centre have requested such a vehicle. This clearly did not happen in the case of a prisoner interviewed at Hakea while waiting for a medical appointment. His previous appointment a few weeks earlier was in relation to torn ligaments in his ankle and he was on crutches. He said he had real difficulty getting in and out of the back pod in the Mercedes Van and had to sit sideways to put his foot up.

We also heard evidence from a prisoner at Casuarina with a serious back condition who refused to attend a medical appointment when a station-wagon, which had been requested, was not made available. Similarly a new mother with her baby had to be transported back to prison by a court custody centre vehicle as AIMS could not make one available. Vehicle issues will be explored more closely in a separate section.

**Recommendation 22.**

That the Department of Corrective Services Health Services take further steps to ensure that, for all kinds of escorts, appropriate direction is given to transport providers in relation to injured, infirm or disabled prisoners and detainees, and to ensure that essential medicine accompanies those indicated as requiring such treatment.

Most medical escorts, like this one at Sir Charles Gardiner Hospital, are essentially unproblematic. However this example underlines the degree of public exposure, and the inherent lack of privacy in the medical consultation, that can be involved. It was interesting that members of the public were prepared to share the lift with the escort and one can only presume that this would not be allowed if the prisoner posed a higher risk.

While the prisoner in this example was restrained only on exit from his transport pod, in certain locations prisoners were handcuffed in the prison sallyport before entering the vehicle, therefore travelling in restraints for the entire journey. This is a significant inconsistency of practice.

At Fremantle Hospital, an escort was observed in which prisoners were held in AIMS vans for almost an hour and a half after their arrival, before security staff allowed them to attend treatment. The engine had to be kept running to provide ventilation to the prisoners. Because of

**SIR CHARLES GARDINER HOSPITAL, 31 March 2006:**

The AIMS Van parked immediately outside the main entrance at SCGH at 11.45 am. Security at the hospital had been consulted, but did not attend. The two AIMS officers went to the rear of the Mazda Van and fitted a pair of handcuffs to the prisoner while the door was latched open. He was then allowed to alight but was immediately cuffed to one of the officers. He was in prison green tracksuit. He was then escorted into the main entrance and across to the information desk where an officer inquired as to the whereabouts of the clinic.

The prisoner was then escorted to the Blue Lifts and taken to the 5th floor. A large number of members of the public also waited for the lift and joined the lift standing close to the escort without any apparent anxiety.

the extended delay, a third crew had to be sent to relieve the bed-sit. While the young prisoner was able to be managed on this occasion, similar delays have sometimes forced AIMS to return prisoners untreated.

Medical treatment can often be distressing for people, exacerbated in the case of prisoners by being in restraints, the public exposure and the lack of privacy in treatment. Incidents of non-compliant, abusive and disruptive behaviour by prisoners in the course of medical treatment are not uncommon, and can be extremely difficult for AIMS and hospital staff to manage.

### 8.3. HOSPITAL BED-SITS

If a person is admitted to a hospital bed, especially overnight, AIMS are responsible for providing officers to supervise the prisoner. In a medical emergency, facility officers may remove a prisoner from the facility to a hospital, using a prison vehicle or more likely an ambulance. AIMS are required under the contract to relieve these officers within four hours. Bed-sits are a 24-hour a day operation and are therefore extremely resource intensive.

Again, by and large, most bed-sits like this are unproblematic, but the inability to go for a walk, to access fresh air, perhaps to have a smoke or obtain a coffee is very trying for prisoner-patients. Visits and phone calls are only allowed on the basis of specific permissions in writing from the relevant superintendent; problems sometimes arise when friends or relatives attend at the hospital expecting to see the prisoner. As with other medical escorts, the use of restraints is a continuing source of controversy and complaint; at the time of the Office's 2001 report on Adult Prisoner Transport Services and for a considerable period after that, AIMS officers were instructed to restrain all prisoners, regardless of security rating, as the corporation feared substantial penalties in the case of absconding by a prisoner.

AIMS claim that vans often meet ambulances or other emergency escorts at the gate of the prison and follow them to hospital, relieving prison staff on arrival, and that it rarely takes as long as four hours to relieve prison officers at a bed-sit. In an incident in March 2006 (see text box at right) AIMS failed to meet the contractual standard. Surprisingly, late relief of a bed-sit is not in itself a performance measure under the contract, although it could be counted as a breach of a service requirement. As no breaches were reported in year five of the contract, it does not appear that this kind of under-performance is reported or counted.

**FREMANTLE PUBLIC HOSPITAL,  
31 March 2006:**

On Floor 7 at Fremantle Hospital on a Thursday afternoon, we observed a bed-sit involving a young Aboriginal man from Casuarina Prison; he had been there since Saturday, having had a minor operation. He was cleared to be returned to prison later that day. The prisoner's ankles were shackled to the metal frame by a chain, covered with plastic tubing and cloth at his ankles. He was escorted as required to the toilet, but was otherwise confined to bed. He had made no request for family to be able to visit, so his only company was AIMS and hospital staff.

**FREMANTLE PUBLIC HOSPITAL,  
31 March 2006:**

In Accident and Emergency at Fremantle Hospital two prison officers were standing adjacent to the bed of a prisoner brought in by ambulance that morning with a suspected heart attack. The officers had travelled in the ambulance and would have to catch a taxi back to the prison when eventually relieved. They had left the prison at 10.12 am. As at 3.10 pm, they still had not been relieved by AIMS. They had not had a seat or a drink this whole time. The AIMS crew who had been tasked for this had been delayed by late attention given by medical staff to a prisoner in the same hospital. AIMS eventually tasked a different crew to take over the bed-site – they arrived at 3.45 pm.



While AIMS in the metropolitan region have a capacity to respond to such needs at short notice, it can be very difficult to mount a bed-sit in some regional areas. Supervisors acknowledge that AIMS staff may well have meals and other family responsibilities to take care of, or even require a nap before reporting for duty towards the end of the four hour grace period before relieving a bed-sit.

In certain cases, a prisoner may become gravely ill during their hospital stay, and it is incumbent on AIMS staff to keep the prison superintendent informed of his or her condition, who may have to keep relatives informed and may allow a bedside visit. The question of necessity of restraints sometimes arises in such a circumstance, but they can only be removed at the direction of the relevant superintendent following a request by the doctor. However, evidence given at a recent inquest of elderly man who died shackled to his bed suggests this procedure is not well known, especially to hospital staff. It should be incumbent on AIMS officers to raise this possibility as appropriate.

#### 8.4. MINIMUM-SECURITY ESCORTS

Metropolitan minimum-security prisons were especially vulnerable to cancellations of medical escorts, especially the two male prisons at Karnet and Woorloo, located a great distance from central Perth. For much of the term of the contract, these prisoners also experienced the same treatment in terms of restraints as if they had a maximum-security rating. This has since been clarified and, as noted above, from June 2005 these prisons have all been resourced to undertake their own medical escorts.

With the distances involved, the male prisoners often felt claustrophobic in the AIMS vehicles. They were also distressed by the strip searches required when attending Casuarina Prison for treatment. Those who went to the physiotherapist said their bones were aching again by the time they got home. They now travel in non-secure centre vehicles, and this is greatly appreciated. Women from Boronia equally disliked the secure transport and restraints previously required for medicals and appreciated the more supportive woman-centred approach afforded by centre staff and vehicles.

Nurse managers were happy that appointments could be scheduled in consultation with the local transport coordinators and have good assurance that all appointments, especially important ones, would proceed. Prisoners can also be informed of their appointments two or three days in advance which makes it possible to resolve any issues beforehand. Cancellations, either by prisoners or the transport service, are now relatively rare.

**KARNET PRISON, 21 March 2006:**

One man had completed a medical escort to the ophthalmologist at Armadale. This took just two hours including 20 minutes travelling time each way. He went with two other men, and they were accompanied by two Prison Officers, in the Tarago van. He went to the toilet before he left and did not need to go during that time, but Officers allowed one the men to use the toilet in the shopping centre during the escort. The Officers were indifferent to the prisoners (“did their own business”), but they were treated well.

Unfortunately a recent change of rules means that prisoners not yet approved for section 94, each have to be accompanied by an officer. This limits numbers able to participate in group runs, for example to a dental clinic.

#### 8.5. WOMEN ON MEDICAL ESCORTS AND BED SITS

The Office's 2003 *Report of an Announced Inspection of Bandyup Women's Prison* raised concerns about the overuse of restraints for female prisoner patients, the inappropriateness of restraints for birthing mothers, and the tendency of women to refuse treatment due to the shame of appearing in a public environment in restraints.<sup>56</sup> It was argued that:-

Most women do not present the same risk of escape and harm to the public that it is supposed men do, and that it is the supposition about men's risk that informs the assessment of women for risk.<sup>57</sup>

However, as indicated in the example of the juvenile mother (see text box, right), policy only shifted after direction from the Attorney General. It had been further refined by the time of the re-inspection of Bandyup Women's Prison in May 2005. Thus, under revisions to Policy Directive 44, restraints are not utilised on women prisoners before, during or after labour, childbirth or a termination, or on women attending a gynaecological appointment.<sup>58</sup> This change in practice is a major advance in the humanity of medical escorts involving women.

**BANKSIA HILL DETENTION CENTRE, April 2003:**

A juvenile detainee was due to give birth in hospital under AIMS supervision. Her mother was understandably appalled that her daughter would be shackled to the bed during and following the birth. She raised the issue with the press and the Attorney General who promptly ordered a rethink on the part of the Department.

Unfortunately, as discussed in the 2006 Bandyup inspection report, there has been little progress on the question of the overuse of restraints for women more generally.<sup>59</sup> As we have already noted, restraints practice for minimum-security prisoners has indeed been liberalised, but there has been no real loosening of the classification system which over-classifies women in accordance with risk factors normalised for male prisoners.

#### Recommendation 23.

That the Department of Corrective Services review both the classification system and restraints policy as they apply to women, to eliminate the overuse of restraints in medical escorts consistent with a more realistic risk profile.

56 OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 13 (March 2003) 77-8, and Recommendation 16.

57 Ibid: 78. A similar argument was taken board by Mahoney, Hon. DL, *Inquiry into the Management of Offenders in Custody and in the Community* (2005), paragraph 10.42 at page 342.

58 The latest version of Policy Directive 44 was made effective on 13/05/2005 and includes provisions that the restraints can be applied on the direction of the Superintendent if warranted for significant risks relating to escape, public safety, self harm or problem behaviour, or on the initiative of the escorting Officer to the minimum extent/period necessary to overcome problematic behaviour that may arise. Juvenile Custodial Services have implemented similar procedures for female detainees.

59 OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 36 (June 2006) 39-42.

#### 8.6. HIGH SECURITY MEDICALS

The Emergency Services Group (ESG) of the Department stand ready, on a 24-hour basis, to step in and conduct, or intercept and follow, an emergency medical escort involving a prisoner listed on the High Security Escort (HSE) list. Any bed-sit and eventual return to prison is the responsibility of the ESG.

The ESG also conduct other medical escorts involving person on the HSE list, using their secure vehicles where practical, or a sedan or the four-wheel drive when required. However, in January the Office observed the return of a high security medical escort prisoner who had to be lifted down the steep tall stairs from the pod as he was too infirm to stand by himself. This suggests that prison and/or ESG staff had not given sufficient consideration to his medical condition or treatment effects when determining which vehicle should be used.

#### 8.7. JUVENILE ESCORTS

Health Services staff at the juvenile centres were very happy that Juvenile Custodial Services had resumed responsibility for medical appointments. Like other facilities they had often suffered cancellations of escorts by AIMS and at one stage an attempt was made to impose an inappropriately low weekly cap on medicals.

Like the minimum-security prisons, health staff are able to coordinate appointments directly with the manager of the transport service and have potential booking conflicts resolved in advance. Detainees were picked up in time for their appointments and returned promptly afterwards. Cancellation by the transport service was very rare.

# Chapter 9

## AUTHORISED ABSENCES

### 9.1. FUNERALS AND OTHER ABSENCES

Under part 8 of the *Prisons Act (1981)* and section 188 of the *Young Offenders Act (1994)*, absences may be authorised for the purpose of visiting a near relative who is dangerously ill, attending the funeral of a near relative, or any other approved purpose.

In 2004/2005 AIMS undertook 649 funeral escorts. There were 472 absences authorised for other purposes and many of these would have been for the purpose of visiting a gravely ill relative. An unknown number of juvenile escorts would have been undertaken by JCS during the same period, as would a handful of escorts undertaken in June or July by metropolitan minimum-security prisons.

Compared with New South Wales which reported just 24 funeral escorts from a much larger custodial population in 2004/05, the Western Australian total seems generous. It is certainly widely understood within the Western Australia corrections system that attending the funeral of certain related persons is a cultural imperative for Aboriginal people. Policy Directive 9 for adult prisoners provides that ‘an emotional, psychological or cultural significance attached to the relationship between the prisoner and deceased’ may qualify a prisoner to attend a funeral, even when there is no close blood relationship. Juvenile Custodial Services operating under JCS Rule 802, has similar license.

However, decisions relating to funeral escorts remain highly controversial both to internal and external stakeholders. The Law Reform Commission, in its pivotal discussion paper on Aboriginal Customary Law, found that the most important issue expressed in its consultations in relation to prisons, was the attendance by prisoners at funerals.<sup>60</sup>

During the course of this Review and in other inspection work, prisoners continually expressed dismay that they or others were not allowed to attend a particular funeral. In funeral applications, the lack of recent contact with the deceased is taken as evidence that the relationship was not so important, no matter how profound it may have been in the prisoner’s past. One Prisoner Support Officer, an Aboriginal person, stated that while he was consulted about funeral applications he did not believe his views were taken seriously by head office.

Nevertheless, cultural and personal factors are not the only factors to be considered in determining whether a funeral escort should proceed. One prisoner had been allowed to visit a gravely ill close relative and could not understand why he was not approved to attend the funeral. In this case there was a genuine security concern: the family of the deceased revealed that the family of the prisoner’s victim would be attending and would not take kindly to his presence.

Under contract arrangements, escorts involving significant resources have to be funded on a case-by-case basis by the Department, especially when air-charter is involved.<sup>61</sup> There are also considered to be security risks attached to large numbers of prisoners attending the same funeral from various prisons across the state.

60 Law Reform Commission of Western Australia (LRCWA) *Aboriginal Customary Law, A Discussion Paper, Project No. 94* (2005) 256. See also Morgan N and Motteram, J, *Aboriginal people and justice services: plans, programs and delivery, Project No. 94 – Background Paper 7*, (Perth: LRCWA, 2004)

Thus in 2003, decision-making for funeral absences was centralised in Assessments at Head office. A crude rule of thumb was established limiting attendance at any one funeral to a maximum of four prisoners with no more than two from any one prison. While such practices enhance demand management, cost control and security, there is real potential for unfairness in establishing the quality and importance of each applicant's relationship with the deceased.

It has also become practice to insist that only a 'close blood relative' is eligible to attend, despite the intent of the policy directive.

The involvement of an Aboriginal person in consultation and decision-making at head office level would assist in ensuring procedural fairness for Aboriginal applicants in the evaluation of competing claims. Another approach would be to devolve coordination and decision-making to the superintendent of the prison closest to the site of the funeral, involving peer support officers or other Aboriginal persons in the decision-making process.



**Figure 9: Attending a funeral at Wyndham**

Whichever approach is taken, it is also essential that the family of the deceased be consulted, as to which prisoners they consider closest to the deceased or best able to represent others at the funeral. There may well be a case, especially for deceased persons of particular stature, to allow more than four prisoners to attend, providing the expense is not prohibitive.

Good practice may well, however, involve helping prisoners grieve and honour a deceased person in other ways. At Bunbury the Office observed an internal funeral service, organised by the prisoner support officer and chaplain and attended by a number of prisoners. Prisoners were also assisted in organising flowers to be sent and ads placed in the bereavement column. Sending of cards and special video visits are others ways prison staff can assist grieving prisoners pay their respects.

Of course, practical issues can too often be decisive in preventing a funeral escort from proceeding, even when the Department accepts the prisoner's credentials to attend. If the prison attaches some credence to an application, a quote is requested from AIMS regarding the cost to operate the escort, especially when it involves a long journey, and possible air charter. This may be supplied some days prior to the funeral, but AIMS supervisors claim they are often given very little notice if the funeral is to proceed.

Particularly in regional areas, requirements for court escorts or urgent medicals can arise which effectively prevent the funeral escort from proceeding. With enough notice, staff can sometimes be sent up from Perth to help meet local demand. In the metropolitan area there have been complaints of funeral escorts being cancelled or arriving late due to other service

61 Until late 2004, the Department expected communities to contribute to the cost of such escorts.

demands, but this has not been quantified in the same way as medical escorts.

The issue was highlighted in June 2006 at Roebourne Prison where AIMS quoted \$7,800 for a funeral escort to Jigalong. This reflects the cost of the air-charter in a region where costs have been driven up by a buoyant resource industry, as well as staff costs for the day. A road escort would have taken two days and, given chronic understaffing in the Pilbara and other service demands, was not a possibility for AIMS on this occasion. Interestingly, the Acting Superintendent personally undertook the escort in a prison vehicle with another prison officer, rather than spend so much on the escort or allow the prisoner to miss out on an important cultural obligation.

In its regional community consultations, the Law Reform Commission received strong representations about the overuse of restraints for prisoners at funerals. The practice is seen as undignified and unacceptable. They believe shame is sufficient to stop prisoners running away.<sup>62</sup>

Only since about May 2005 has AIMS fully respected direction by superintendents, when given, not to restrain minimum-security prisoners on funeral and other escorts. As in the example at Wyndham (see text box), this has yet to prove problematic.

And it has only been since June 2005 that metropolitan minimum-security prisons have had responsibility for authorised absences such as funerals and medicals. Such escorts are commonly conducted without restraints, subject to direction by the superintendent.

In contrast, a funeral involving a person on the High Security Escort list is undertaken by the ESG, with a minimum of three officers kitted out in their SAS style jumpsuit, and the prisoner in a full set of restraints (double-cuffed, shackles and body belt). While this approach is inherently intrusive, it is nevertheless humane that the system facilitates participation by such a prisoner in such an event.

Regrettably, juveniles are rarely spared restraints at funerals. As discussed elsewhere in this report, few are rated at minimum-security, and restraints can only be spared by a specific direction on application by juvenile custodial centre staff, from the Director Juvenile Custodial Services.

In 2004, the Department undertook its own review of Policy Directive 9, which addressed many of these issues, and has had correspondence with the Law Reform Commission in relation to their draft recommendations. Two key reforms require change of legislation and it is hoped that some changes can be made in 2007. The Law Reform Commission has now published its final report which includes four recommendations relation to funeral escorts,

**WYNDHAM COMMUNITY CENTRE,  
January 2006:**

We followed the truck to the Centre and observed the release of the prisoner from the van. The service was due to commence at 09.30am. One of the AIMS officers escorted her into the Centre to allow her to use the toilet, then returned with her to the truck. She was quickly approached by a relative with a child which was immediately placed on her hip. As the time of the service approached, AIMS officers walked with her into the hall and stood at the back of the hall while she sat with relatives in sight of them.

62 LRCWA, *Aboriginal Customary Law, A Discussion Paper, Project No. 94* (2005) 259.

## AUTHORISED ABSENCES

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including the express recognition of Aboriginal kinship in assessment criteria, consultation with family and local groups in decision-making, minimisation of the use of restraints and revision of departmental policies in consultation with Aboriginal communities.<sup>63</sup>

### Recommendation 24.

That the Department of Corrective Services implement changes in its authorised absence policy and practice for adults and juveniles, to ensure that significance of the relationship is the dominant factor in decision-making, that an Aboriginal person is formally involved in decisions about applications from Aboriginal persons, that families or communities are appropriately consulted in these decisions and that the use of restraints is minimised, consistent with security and public safety.

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63 LRCWA, *Aboriginal Customary Law, Final Report* (2006) Recommendations: 59–62.

# Chapter 10

## OTHER ESCORT TYPES AND TRANSPORT ISSUES

### 10.1. SECTION 94 ACTIVITIES AND WORK CAMPS

Under section 94 of the *Prisons Act (1981)*, prisoners are often afforded opportunities to participate in activities approved by the Minister away from their prison accommodation, in particular: community work; charitable or voluntary work; work associated with the operation of the prison; sport; religious observance; or any other activity approved by the Minister. It is hoped that participation in many of these activities will enhance work and social skills that will assist in the prisoner's future reintegration into the community on release.

A recent report, prompted by negative publicity in relation to recreation activities undertaken under the program, found that some 364 prisoners each week were taking part in Section 94 approved activities and claimed that community work completed by such prisoners was worth \$2.78 million annually.<sup>64</sup> While some of these activities take place on the perimeter of prisons or work camps, or on adjacent facilities accessible by foot, many involve some form of transport. Some of the journeys, particularly transfers to and from work camps, can take hours, or in the case of Wyndham Work Camp, days to complete by road.

Such journeys are undertaken in standard vehicles (see next chapter) in accord with community standards and are essentially unproblematic. Officers and prisoners experience the same conditions. Toilet stops and meal breaks are taken as required. Nevertheless, it is important to recognise that a very significant dimension of custodial transport in this state is undertaken outside the security envelope. Indeed for many minimum-security and regional prisons, this is the dominant form of custodial transport.

#### BUNBURY REGIONAL PRISON, 16 December 2005:

The prisoner assigned to stores was allowed to accompany the stores officer on various delivery runs, including one in which he helped pick up milk from Brown's Dairy and another when they delivered prepared vegetables to Meals on Wheels. It was his first and he hopes his only time in prison. He was most appreciative of his privilege, saying his s.94 work stopped him becoming too institutionalised.

### 10.2. JUVENILE DAY LEAVE AND DAY RELEASE

Under section 188 of the *Young Offenders Act (1994)*, it is similarly possible for juveniles to participate in a program approved by the Minister.<sup>65</sup> This is known as *Day Leave* for a single occasion, or *Day Release* for a series of absences, but only a handful of juveniles are approved for either each year due to the risk averse policies and practices in the juvenile jurisdiction. Such activities are almost always focussed on the individual's resocialisation into the community, such as introduction to education, training services, work or accommodation service providers. Again, transport to such activities is undertaken in standard, non-secure vehicles and is unproblematic. It may involve juvenile custodial centre staff, Community Justice Services staff, service providers or even parents of juveniles as determined in the approval.

64 Flynn, K, *Report on the Review of Activities Under Section 94 of the Prisons Act 1981*, (Perth: Department of Justice, 2004).

65 Most decisions regarding Day Release are delegable to the Director, Juvenile Custodial Services.



### 10.3. HOME LEAVE AND SPECIAL LEAVE

Another form of temporary release for which minimum-security adult prisoners may apply is Home Leave or Special Leave under section 87 of the *Prisons Act (1981)*. This involves visits to an outside sponsor (family or friend) either for a brief period, or for an extended period, leading up to their expected release. The prisoner or the sponsor will normally be expected to make their own transport arrangements, although the prison or other corrections staff may agree to assist depending on the circumstances.

### 10.4. RETURNING HOME ON RELEASE FROM CUSTODY

Section 33 of the *Prisons Act 1982*, provides that:

Upon the release of a prisoner from prison, the chief executive officer may... provide him with the means of returning to his home or his usual place of residence within the state or the place of his arrest within the state by causing his fare to be paid or by providing other means of transport.

In reality, prison staff book and pay for a bus ticket to send a prisoner back to their nearest town, but take no responsibility for ensuring they get on the bus in the first place, which can be many hours or even days after their release, or for assisting with journey legs from local towns back to their home communities. This can be an enormous problem, whether released in Perth or somewhere like Kalgoorlie or Broome, as many prisoners go off the rails, sometimes reoffending, while waiting for transport.<sup>66</sup>

Community Justice Services in various regions often find that released prisoners, and people released at court from police custody, simply turn up at their office for assistance in returning home. For the most part this is provided, but it can require time-consuming negotiations with Centrelink, home communities and other agencies to obtain the fare and provide food or accommodation until the transport is available.

Both the Directed Review of this Office and the Mahoney Inquiry made strong recommendations relating to the need to ensure that people released from custody are not left stranded but are assisted in returning to their home communities.<sup>67</sup> The Department has implemented pilot projects in the Goldfields and Pilbara regions as part of its Reducing Aboriginal Imprisonment program to address this issue but the results of these are not yet known.

Juvenile Custodial Services, together with Community Justice Services, provide a full service to ensure released juveniles get placed onto transport and taken to their homes whether released at court, on a supervised order, or at the end of a sentence. Families and communities are often called upon to assist with taking juveniles home. Even those just attending Perth Children's Court are given a Transperth fare home if needed, or transport to a bail placement.

66 OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005), [4.82-3] 121; Mahoney, Hon. DL, *Inquiry into the Management of Offenders in Custody and in the Community* (2005), [20.8] 413.

67 OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005), rec. 80, 134; Mahoney, Hon. DL, *Inquiry into the Management of Offenders in Custody and in the Community* (2005), rec. 146, 413.

## OTHER ESCORT TYPES AND TRANSPORT ISSUES

For children from remote areas, it can be impossible to arrange transport home on the day of release, so they sometimes have to remain, with parental consent, in the juvenile detention facility for another night as a boarder. The Supervised Release Review Board typically time releases for sentenced detainees on the date that transport is arranged, an idea which is currently being promoted with the new adult Prisoner Review Board.

### Recommendation 25.

That the Department of Corrective Services continue to develop strategies to assist people released from custody, particularly from regional and remote areas, to return home safely.

### 10.5. VISITOR TRANSPORT

Visitor transport is difficult to most prisons and detention facilities, as almost all are located well away from the centre of cities or towns, and few are served by regular bus services. In the case of the metropolitan prisons the Department, Serco (for Acacia) or related agencies like Outcare have to run buses from major transport hubs such as Fremantle, Cannington or Midland to each prison. These are only provided two to four times per week, and people first have to get to the transport hub on time, often a major feat in itself, especially if bringing small children. Bus turnaround, for example at Hakea, can be quite short, leaving barely an hour for the visit, including processing in and out of the centre.

Regional prisons vary as to the extent visitors are assisted with transport. While Roebourne provides regular transport from South Hedland for visits, figures for April 2006, indicate that prisoners there received by far the lowest number of visits with just 0.76 visits per head for the month. While it is certainly true that prisoners not accommodated in their own region will rarely attract visits, perusal of the following table suggests there must be other factors, including transport, which are also very important.

**Table 6: Visits/Prisoner (Apr 2006) and Percent Non-Locals in Prison (Mar 2006)<sup>68</sup>**

Prison	Visits Per Prisoner	Non-Locals
Acacia	1.81	17.5%
Albany	1.93	75.6%
Bandyup	2.81	21.3%
Boronia	7.64	22.9%
Broome	5.44	25.2%
Bunbury	2.64	49.5%
Casuarina	2.17	31.8%
Eastern Goldfields	5.09	28.2%
Greenough	1.40	56.3%
Hakea	3.98	19.2%
Karnet	5.20	17.3%
Roebourne	0.76	42.7%
Woorloo	5.30	16.9%

68 DCS, *Prisons Monthly Performance Report, April 2006*, (Perth, 2006).

## OTHER ESCORT TYPES AND TRANSPORT ISSUES

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Regional Prisons, other than Greenough, all have attached work camps where a proportion of their population is accommodated. As discussed in the Directed Review, these are almost all very remote and few can receive visitors.<sup>69</sup>

On rare occasions for welfare reasons, the prison, Community Justice Services, or other agencies may assist with transport for a particular family visitor. This is more often required in the juvenile institutions. In Queensland, families of children from remote areas held in Brisbane Youth Detention Centre are provided travel assistance to visit their child. Western Australia provides both travel and accommodation to families of children in Princess Margaret Hospital. Given the lack of juvenile centres in remote regions, a similar scheme should be considered for the parents of children in custody in Western Australia.

### Recommendation 26.

That the Department of Corrective Services review the transport arrangements for prison visitors, including for families of juveniles from remote areas.

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69 OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005) [2.100] 40.

# Chapter 11

## VEHICLE FLEET

### 11.1. STATE OF THE FORMER AIMS FLEET

Thirty-seven of the original fleet deployed in August 2000 are still in service for use by AIMS in prisoner transport on the road; these are listed in the table below. As at 30 April 2006, these vehicles had completed over 10.16 million road kilometres. One of the original 39 vehicles had been written off after a rollover accident near Roebourne in 2004 (no passengers on board) and another was transferred to Juvenile Custodial Services.

**Table 7: Vehicle Fleet Utilised by CS&CS Contractor**

Vehicle Type	Cells	Capacity	Number	Total
Commodores (non secure)	1	1	3	3
Mazda Vans	3	9	16	144
Mercedes Sprinter Vans	4	16	9	144
Rodeo 4WD's	2	4	4	16
Isuzu Truck (metro)	4	19	1	19
Isuzu Inter-Prison Truck	4	19	4	76
Total Capacity of Fleet				402

Some of the vehicles have done over 600,000 kilometres and a number have required engine replacements, gearbox rebuilds and other major repairs. Most are acknowledged to have reached the end of their effective working life. In addition, vehicles have been taken off line for extended periods for upgrades. Together with repairs and routine maintenance, there are often four to six vehicles off line at any one time, with a substantial impact on services. Unreliable vehicles are placing regional transport operations at grave risk. As well as breaking down in the course of a journey, escorts are often undertaken at times when the fleet of potential recovery vehicles in the region is depleted by vehicles under repair.

A range of upgrades have been undertaken during the course of the contract, prompted initially by this Office's Report on Prisoner Transport in 2001<sup>70</sup> and later by the death of Charles Gamble in an AIMS van in 2003:

- More effective air-conditioning in inter-prison vans.
- Extra windows to afford natural lighting in cells.
- Latches to better secure sliding doors on the Mazdas.
- Cover grids on internal doors with full clear lexan, remove internal padlocks and other modifications to remove hanging points.
- Fish-eye lens colour cameras and monitors.
- Satellite phones in vehicles used outside of the metropolitan area.
- Padding on metal bench seats to provide a safer and more comfortable ride for prisoners.

70 OICS, *Report of an Announced Inspection of Adult Prisoner Transport*, Report No. 3 (November 2001).

These upgrades are largely complete, although as at 30 April 2006 only one of the inter-prison vans had the grids on internal doors covered with lexcen. This is perhaps fortunate, as the grids allow cells to be ventilated by opening the outer doors when vehicles are necessarily stationary for long periods, for example, when broken down, or at a floodway (see Kimberly Experience above).

Indeed, the lack of ventilation created by the lexcen screens in other vehicles operating throughout the state poses a grave risk. Strong thin see-through, air-porous metal screens beginning to be used in other states may provide a more effective alternative.

Only part of the fleet has padding over the hard, sharp-edged metal seats. This padding of stiff foam with a tough surface, has been extremely effective where installed. It is a lottery whether a prisoner gets to sit on a padded or unpadded seat whether for a local court escort or an extended inter-prison transfer journey.

Air-conditioning was supposedly upgraded, but the promised separate controls for each pod were not in evidence in the Kimberley journey – the front pod was far too cold for the lone female passenger. It is still the case that air-conditioning can break down independently of the engine, and we heard stories in the hot North of outer pods having to be tied open to allow air-flow into cells in such circumstances, a very risky proposition especially for those in rear facing pods adjacent to the exhaust. There was also evidence that prisoners travelling in AIMS vans in the South-West, have suffered from the lack of heating.

**PRISONER LETTER, 8 November 2005:**

Sir, AIMS have two different trucks that they use on escorts and one of these trucks has soft seats and the other truck seats are just bare metal. We stay in these trucks all the way from Kalgoorlie to Perth and I have spent up to nine hours sitting in these trucks.

Sir and what about seat belts or doesn't our safety mean that much? Most of the prisoners that come up and down from Kalgoorlie to Perth and back again are remand prisoners and some of us are 'innocent'.

## 11.2. FLEET OWNERSHIP AND PROCUREMENT

Despite AIMS having advanced its own fleet replacement strategy, the Department, as part of its Revitalisation Project, determined to assume ownership of the existing vehicle fleet and make its own plans to procure a new fleet. The transfer, which proceeded on 1 December 2004 during the fifth contract year, was 'for the state to be responsible for and incur all costs related with the operation of the secure vehicle fleet'.<sup>71</sup> In fact, fleet management was out-posted to a different contractor, EasiFleet, the Government's sole supplier of vehicle fleet management.

The 2001 *Report of an Announced Inspection of Adult Prisoner Transport* was extremely critical of the level of comfort and safety afforded prisoners in the AIMS fleet, and the failure of AIMS, the Department of Justice and the Department of Transport to adequately address these issues in licensing arrangements for the fleet.

71 Letter from A. De Barro, to D. Nicholson, General Manager, CS&CS, AIMS, 26/11/2004.

For some time AIMS and the Department minimised these concerns, as evidenced by the Dillon report which rejected safety restraints in vehicles,<sup>72</sup> and commitments to vehicle upgrades were minimal, until the Hooker Report and Gamble Inquest were pressing. The Department of Transport, now the Department of Planning and Infrastructure (DPI), reviewed its licensing policy, and in December 2004 a determination was made that an F Endorsement, for driving buses and small charter vehicles for hire and reward purposes, was required for all AIMS transport drivers. A medical endorsement is a requirement for this license. AIMS Staff were notified in March 2006 and licensing progressed towards a cut-off in September 2006.

It was left to late 2004, in the wake of the Hooker Report, for the Department to engage Competitive Edge Services to prepare a risk assessment report on the next generation of secure vehicles.

**CASUARINA PRISON, 31 January 2006**

All prisoners are scared that they will have an accident, blow a tire, or have a roll-over, and there are no seat-belts!

The report was based on a workshop of stakeholders including the Department, AIMS, EasiFleet, DPI and the Office.<sup>73</sup>

The report, following this meeting affirmed:

- Pod/chassis designs in preference to coach/bus designs widely utilised in Europe and the United States.
- That the Omnibus Australian Design Regulations should be used as the basis for vehicle design (at least in its intent).
- A requirement for adequately powered vehicles.
- The need for statewide tracking and communication systems.
- A preference for dual cab vehicles and winches on 4WD's.
- The need for spare tyres and other parts to be carried.
- The need for adequate storage for staff belongings, prisoner/detainee property and food, water and medication for prisoners or detainees.
- A requirement for hot and cold air-conditioning adjustable for each pod and for officers, and able to be operated when the vehicle is not running.
- The need for effective emergency exits, with hatches readily able to be opened and ligature points eliminated.
- The requirement for effective segregation for various groups (eg protection, women, juveniles).
- A requirement for fixed toilets on long duration trips affording privacy and security.
- That seats should be forward or rear facing not sideways.
- That prisoners or detainees must be able to see outside and see the horizon when in normal seated position.
- That natural ventilation must be available in all cells.

72 Dillon C, *Independent Assessment Report on Performance of Prisoner Transport Services in Western Australia*, (Brisbane: AIMS Corporation, April 2002).

73 Edge J, *Report on the Secure Vehicle Risk Assessment*, (Perth: Competitive Edge Services Pty Ltd, January 2005).

## VEHICLE FLEET

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- That bottled water should be provided in cells, not reticulated from on-board tanks.
- A requirement for safe and secure doors and hatches affording natural light, outside views, ventilation, reparability.
- A requirement for good quality CCTV system with backup or redundancy.
- The need for operational monitoring using alarms and GPS tracking systems.
- A requirement for proven rollover strength of pod and vehicle.
- A requirement for safe access steps for drivers and prisoners/detainees.
- A concern to consider designing pods for needs of disabled and for a baby capsule.

Regrettably, a clear conclusion on the use of seatbelts in custodial transport vehicles was not reached. The Department of Planning and Infrastructure advised that by default, as passenger vehicles, seatbelts should be fitted, but that they would consider an exemption if a formal risk analysis were submitted and accepted. However, it was further advised that such an exemption would likely only be afforded if rear-facing seats were used, as this was considered much safer in a forward collision than forward or sideways facing seats. It was further advised that seatbelt anchor points should be fitted, even if these were not used.

The above propositions were the basis for an indicative design, on the basis of which a tender was issued in April 2005 for a prototype Single Cab Isuzu FRR Auto Long Chassis vehicle with a capacity of 14 prisoners. The initial specification was for rear facing seats without seatbelts. However, the sole conforming supplier, Herds of New South Wales, indicated that seatbelts would be fitted in conformity with local standards. In contract negotiations with Herds, specifications were therefore amended to forward facing seats with seatbelts.

The tender specified 31 December 2005 for prototype delivery. Regrettably, selection and negotiation processes were so protracted, that when Herds closed its doors in March 2006, a contract had still to be concluded. The Department has since successfully applied to the State Supply Commission for sole-supplier status for Special Vehicle Manufacturers (SVM) in Queensland for larger vehicles, with smaller van replacements to be sourced from Perth-based Osborne Metal Industries.

The Office is familiar with vehicles built by SVM for Queensland Corrections which appear to be the most sophisticated, safe and secure prisoner transport vehicles in the nation, although the incorporation of toilets into a design will be challenging. The safety features included dual-cab designs, engine fire retardant ports, secondary diesel motors to power air-conditioning systems, and the elimination of rear pods and their replacement with an easy-load prisoner property bin compartment. Some of these safety features, however, are outside the specifications being considered for Western Australia.

Fleet replacement is long overdue, but thinking has shifted substantially in addressing issues of prisoner and detainee comfort and safety raised in the Office's 2001 transport report and affirmed by a body of evidence in the intervening years.

**PRISONER LETTER, 8 November 2005:**  
Sir, I do not know if that is 19 big prisoners or 19 small prisoners, but I do know you cannot safely put 19 prisoners in these trucks... who measures the vehicles to say how many prisoners fit safely in these vehicles? I weigh 125 kilos.

Padded or at least moulded forward facing seats and external views with approved safety restraints would be a major advance on current arrangements.

However, it is clear that inadequate consideration has yet been given to passenger comfort insofar as cell size is concerned. Current specifications are for a roof height of just 1.8 metres and a seat to wall distance of 0.6 metres. The layout also indicates rather narrow seating. This suggests that prisoners could never stand or stretch out properly on a long journey and that larger prisoners will be extremely cramped. The ability to stand properly should be a minimum requirement for a long-haul passenger vehicle. While passengers will be expected to be seated and wearing seatbelts for the most part, a higher ceiling permits better access to the toilet, an occasional stretch during the journey (preferably during brief stops), and easier access to and egress from cells at the beginning and conclusion of each leg of the journey.

Pod style vehicles (in contrast to coach/bus designs) have inherent difficulties with ventilation; it will be critical that there is redundancy in ventilation and cooling systems to ensure functioning for extended periods when the vehicle is stopped, whether in a sally-port, in gridlocked traffic, at a floodway or in a breakdown.

The Department should also consider the piping of music and radio to passengers in custodial transport vehicles cells, an inexpensive reform already in place with juveniles, that would immeasurably assist many in coping with their experience. Consideration should also be given to utilising dual cabs for long haul transports, to accommodate crews of three. This would ensure rotating drivers are properly rested and able to better manage situations that may arise.

Finally, the Department of Corrective Services and the Department of Planning and Infrastructure should ensure that vehicles used for custodial transport have a low propensity for rollover. Rollovers cause 19 per cent of vehicle occupant fatalities in Australia.<sup>74</sup> They have also been reported as causing 44 per cent of deaths on rural roads in Western Australia. Australian researchers have found that the risk of rollovers is unacceptably high for Rodeo 4WD's fitted with prisoner cells.<sup>75</sup> There have also been concerns reported in the US in relation to fully-loaded 15-seater passenger vehicles, of a similar size to the Mercedes Sprinters used in Western Australia.<sup>76</sup> An unfavourable stability factor (the height of the centre of gravity over the track width) is the main reason for vehicle rollovers, but the risk can be ameliorated with stabilising systems.

#### Recommendation 27.

That the following minimum standards be incorporated in vehicle design for all secure transport vehicles:-

- Seat belts to be fitted for all passengers.
- Passenger seats to be preferably forward, or rear facing, never sideways.
- All seats to be moulded, and/or cushioned.

74 Richardson GA, Rechnitzer G and Grzebieta RH, *A Methodology for Estimating Vehicle Rollover Propensity that Combines Stability Factor and Handling Metrics*, presented at the 18th International Technical Conference on the Enhanced Safety of Vehicles (Nagoya, May 2003) 1.

75 Ibid.

76 *Policefleet Manager*, Mar/Apr 2005; 4, 2; Career and Technical Education, 18.



## VEHICLE FLEET

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- Cells to have one way windows fitted to afford natural light and external views with privacy from outside.
- Seats and cells to have sufficient width and leg room to accommodate larger prisoners.
- All cells to be safe-cell compliant.
- All cells have hatches to enable food or other materials to be passed between staff and persons in each cell and to enable handcuffs to be securely applied.
- All cells to have a rescue exit in case of emergency.
- Effective video and audio monitoring and communication systems between the cabin and cells.
- Robust climate control for staff and passengers, adjustable in each zone.
- Good natural ventilation readily available when the climate control system is not functioning.
- A capacity to broadcast music, radio or essential information to passengers.
- A cool store for staff and passenger meals and drinks.
- Adequate storage for staff and passenger valuables, paperwork and other property.
- Effective communication systems from the vehicle to its operating base.
- Vehicle is able to be tracked via satellite in real time and an activity trace securely recorded.
- Vehicle is fully configured and, at all loadings, certified as resistant to rollover.

### Recommendation 28.

That long haul transport vehicles have the following additional standards:-

- Cells of sufficient height to allow passengers to stand when the vehicle is stopped or to access the toilet.
- At least one cell to allow extended leg room for injured and partly disabled passengers (consider installation of a chair lift also).
- Enclosed toilets accessible on request by all passengers.
- Views of the horizon from a seated position.
- A potable water supply.
- Redundant power system for air-conditioning when vehicle is stationary.
- Vehicle is sufficiently robust to operate at night without risk from livestock.
- Dual cabs (for larger inter-prison transfer vehicles) to accommodate a third Officer.

Finally, at least two chairlifts should be installed in secure vehicles in the metropolitan area to meet the needs of disabled or injured prisoners. There were three wheelchair-bound prisoners known to Medical Records in metropolitan prisons, and many more instances of disabled or injured prisoners coming into the prisons each year, or sustaining injuries during their stay.

### Recommendation 29.

That the Department of Corrective Services develop a strategy for the dignified conveyance of prisoners and detainees of all security ratings who are infirm, disabled, pregnant or injured including:

- Systems to ensure such needs are identified in advance of escorts and notified to those making transport arrangements.
- Circumstances and procedures in which non-secure vehicles may be utilised, including sedans, maxi-taxis, ambulance and aircraft, and the availability of such resources in each area identified.
- Determination as to the requirement within the fleet for chair-lift equipped vehicles and for extra leg room in certain cells in secure vehicles.

### 11.3. OTHER VEHICLES USED FOR CUSTODIAL TRANSPORT

Juvenile Custodial Services was given one of the AIMS Mercedes Sprinters when it resumed juvenile transport. It already had a secure Mazda van for each of the two juvenile centres and a small fleet of sedans and station wagons. A further station wagon was acquired for the transport service.

While the Sprinter was in very good condition at the time of transfer, and (apart from ripped seat covers) remains so, it has not benefited from any of the upgrades undertaken for the rest of the former AIMS fleet. In particular, it has the old-style limited view black and white CCTV system and there have been no upgrades to eliminate hanging points, such as the exposed grill on the inner doors.

It is nevertheless, well ahead of the Mazdas which lack any video monitoring equipment. A CDMA phone is utilised for country escorts. The CDMA network is not comprehensive and is being phased out; a satellite phone should be considered. Safety and emergency equipment should be reviewed to ensure departmental standards are at least equalled in the juvenile fleet. The playing of the radio in juvenile transports is appreciated by juveniles.

This resonates with an observation in Queensland that illustrates a trap for small services such as that in JCS. The Brisbane Youth Detention Centre is a very impressive campus-style facility broadly based on Perth's Banksia Hill Detention Centre. They also had an attractive, brand-new secure transport vehicle with two compartments. However, these were separated only by meshing, covered by a thin clear film of lexcen, which afforded a degree of visibility to the drivers, but no sight or sound separation between compartments. Nor was it safe-cell compliant and it lacked closed circuit video or audio monitors, and many other safety features standard in the state's secure fleet for adults.

#### Recommendation 30.

That as a matter of urgency, the secure vehicles used by Juvenile Custodial Services be upgraded to safe cell standards, and fitted with at least the same standard of monitoring, communications equipment, GPS tracking and emergency equipment as the adult fleet.

Most metropolitan and regional prisons also have secure vans, and again a variety of specifications appear to apply. Some prisons, however, are reliant on the availability of AIMS if a secure vehicle is required.

The ESG understandably claim different standards for vehicles used for high security escorts. The ESG has two specialist secure escort vehicles, an Isuzu truck and a Mazda van. They also

## VEHICLE FLEET

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have a 4WD Landcruiser and a number of sedans, which normally act as pursuit vehicles, but can also act as escort vehicles in the case of injured or disabled prisoners. These vehicles have red flashing lights and sirens that can be activated if required.

Each of the secure vehicles has a rear bench seat in the cabin to accommodate the third and sometimes fourth officer in the escort team, who also has responsibility for monitoring the prisoner on the CCTV. The Isuzu has two pods, the middle accessed through the rear pod. Seats are padded but sideways facing and lack safety restraints. As prisoners are normally cuffed and hobbled, it would be difficult to apply traditional seatbelts. As a concession, their cuffs are not secured to a body belt, allowing protective arm movement in the case of an accident.

Cells are not RCIADIC compliant, with large ventilation holes evident in the Isuzu and large meshing in the Mazda. Unlike the Mazda, there are no escape hatches in the pods of the Isuzu. Each vehicle also has cradles for mobile and satellite phones, although a hand-held GPS satellite phone is now utilised instead.

The security monitoring features of these vehicles are impressive, and it was a positive that seats were padded. However, the combination of side-ways bench seats and the lack of the safety restraints is a serious deficiency, whatever the security rating of the passengers. Safety restraint systems do exist for high security prisoners, but at the very least, rear facing seats should be used. Nor is it acceptable that the Isuzu lacks any kind of escape hatch, notwithstanding legitimate security considerations.

The secure fleet, whether used by contractors or other organs inside the Department, should all be built, maintained, upgraded and replaced in accordance with consistent standards across the board. In our submission, this would most appropriately be managed through a single desk in Contract Services.

### **Recommendation 31.**

That to ensure consistent application of vehicle design standards and fleet replacement strategies, the Department of Corrective Services consider placement of responsibility for management of the entire secure fleet under a single desk system.

A variety of other vehicles are utilised for non-secure prisoner or detainee transport in the Department: sedans, station wagons, 4WD's, vans and mini-busses. Prisoners assisting with stores often travel with staff in commercial-style vans or trucks and even farm vehicles are used at certain locations. This fleet is largely managed by the government's fleet management contractors, in accord with community standards.

However, all such vehicles should have communication equipment, first aid equipment, maps and other safety features appropriate to their operating environment. Special equipment is also needed for certain escorts, for example restraint equipment. Consideration should be given to ensuring that each facility can readily access suitable transport for the disabled including those bound to wheelchairs, and that baby capsules are fitted in vehicles for any facility which accommodates women or girls.

# Chapter 12

## THE COURT SECURITY AND CUSTODIAL SERVICES CONTRACT

### 12.1. CONTRACT MANAGEMENT

The *Court Security and Custodial Services Act 1999* sought to place certain custodial transport, court security, court custody and police custody functions in the private sector, releasing prison officers, juvenile justice staff and police to undertake their core functions. It was expected that efficiencies be obtained by combining these activities under a single provider.<sup>77</sup>

These expectations were only partially realized after services commenced in August 2000. On the one hand police were never relieved of responsibility for transport of juveniles in regional areas. On the other hand the government declined to implement phase two of the contract in which the contractor would have become responsible for a number of police lockups. The risks associated with the poor condition of many of these were unacceptable to the Department. The single exception was the police lockup at Carnarvon, which AIMS manages for two nights per week to accommodate inter-prison transfer runs North and South between Greenough and Roebourne Regional Prisons.

Issues surrounding the initial under-estimation of service demand, the consequent cost escalation for the CS&CS contract in its first year,<sup>78</sup> and the transformation of funding arrangements from a fixed-price to a cost-plus basis following protracted arbitration between AIMS and the Department in its second year, are well covered elsewhere and need no more attention here.<sup>79</sup> In its Annual Report of 2003, the Director General of the Department concluded:

The current contractual arrangements are an unacceptable framework in which to move forward and the state has invested considerable energy this year in exploring options that deliver better value for money.<sup>80</sup>

The fourth contract year (2003/04) saw the start of protracted negotiations between the Department and AIMS about funding arrangements, vehicle fleet management, a change of service requirements for the fifth contract year (2004/5) and the decision whether the contract should be renewed for a further three years. Under the contract this decision was required to be made by July 2004.

77 Fuller accounts of the creation of the CS&CS Contract can be found in OICS, *Report of an Announced Inspection of Adult Prisoner Transport*, Report No. 3 (November 2001); Hooker, R., *Inquiry into the Escape of Persons Held in Custody at the Supreme Court of Western Australia on 10 June 2004* (Perth, 2004) 89; OICS, *Inspection of the Interim Arrangements at the Supreme Court Following the Escape of Nine Prisoners from the Custody Area on 10th June 2004*, Report No. 25 (December 2004) Chapter 3.

78 The CS&CS Contract funding year is from August to July.

79 See esp. OICS, *Report of an Announced Inspection of Metropolitan Court Security and Custodial Services*, Report No. 31 (February 2006) Chapter 1; Hooker, R., *Inquiry into the Escape of Persons Held in Custody at the Supreme Court of Western Australia on 10 June 2004* (Perth, 2004) 31.

80 DOJ, *CS&CS Annual Report*, (Perth, September 2003) 2. The Director General also stated that *the level of trust in senior AIMS management, which continued to transfer operational risk to the Department and take little responsibility for service issues had deteriorated.*

As early as January 2004, Treasury had determined that ‘on a comparison of all available options to the existing budget envelope, only the negotiated AIMS Contracted Extension Option can be achieved without resorting to additional funding support’.<sup>81</sup> However, the contract renewal was to be on the basis of removing certain services from the contract in favour of provisions by the Department, and changing the contract from a cost/plus to fixed price/schedule of rates to implement cost savings. A strategy to achieve this was developed under the framework of the CS&CS Revitalisation Program which addressed contract variations, security reviews, information management systems, the secure vehicle fleet and the management framework for the contract.

A counter-proposal was proffered by AIMS, on the basis of which the evaluation panel recommended certain variations to the contract being negotiated with AIMS.<sup>82</sup> On 10 June 2004, before such negotiations were concluded, nine prisoners in AIMS custody at the Supreme Court escaped. An inquiry was established under Senior Counsel Richard Hooker, which concluded in August, and found deficiencies in:<sup>83</sup>

- Training of AIMS staff at the custody centre.
- Protocols on the use of force in custody centres.
- AIMS procedures in managing the custody centre.
- The Department’s contract management and monitoring of this area.
- Risk assessment and risk management.
- The use of video links for court appearances.
- Processes to address the Office’s recommendations made about the custody centre.

While these findings all specifically relate to the court custody aspect of the contract, they certainly raised broad questions about the performance both of the contractor and the Department in its management and monitoring of the contract. The coronial inquiry into the death of Charles Raymond Gamble on 6 May 2003 by strangulation in the rear pod of an AIMS vehicle between the East Perth Watch House and the Central Law Courts was also underway and added to the pressure for substantial change in approach.<sup>84</sup>

81 Internal email, Department of Treasury and Finance, 28 Jan 2004, quoted in Hooker, R, *Inquiry into the Escape of Persons Held in Custody at the Supreme Court of Western Australia on 10 June 2004* (Perth, 2004) 32.

82 Hooker, R, *Inquiry into the Escape of Persons Held in Custody at the Supreme Court of Western Australia on 10 June 2004* (Perth, 2004) 89; OICS, *Inspection of the Interim Arrangements at the Supreme Court Following the Escape of Nine Prisoners from the Custody Area on 10th June 2004*, Report No. 25 (December 2004) 41.

83 Hooker, R, *Inquiry into the Escape of Persons Held in Custody at the Supreme Court of Western Australia on 10 June 2004* (Perth, 2004) 89; OICS, *Inspection of the Interim Arrangements at the Supreme Court Following the Escape of Nine Prisoners from the Custody Area on 10th June 2004*, Report No. 25 (December 2004) Chapter 12.

84 Hope AN, *Record of Investigation into Death*, Coroner’s Court of Western Australia, (Perth, 2004) 1; the Coroner’s findings of were published in October 2004.

In July 2004, AIMS replaced its General Manager of CS&CS operations and, after preliminary findings of the inquiry were made known, publicly admitted that the escape had been ‘inexcusable’ and that it had ‘badly failed the people of Western Australia’.<sup>85</sup> The Department rolled over the contract for year five, but proceeded with proposed reductions in the scope of the contract. Responsibility for juvenile transport and management of the Perth Children’s Court custody centre was returned to Juvenile Custodial Services from August 2004<sup>86</sup> and responsibility for medical and other discretionary escorts at the metropolitan minimum-security prisons was returned to those prisons from June 2005.

The decision on contract renewal was formally deferred initially until 30 October 2004 and then until 31 March 2005. Negotiations on the Department’s attempt to impose a fixed price on the renewed contract failed in June 2005 and the contract was renewed for three years on a cost/plus basis in July 2005.

AIMS and the Department also refocussed on service outcomes, and worked collaboratively in this regard. The Department did however, as the situation demanded, issue a breach notice to AIMS in relation to the Supreme Court escapes.

The Department extended resources to AIMS for prisoner movements, various aspects of court security including a high security capability, and for recruitment and training of extra AIMS officers. It also reformed its own monitoring practices. AIMS for its part, reviewed its operational practices, committed to enhanced staff training, established the Special Security Group (SSG) as its high security support capability and vigorously recruited new staff.

## 12.2. MONITORING ARRANGEMENTS

The Department took steps from July 2004 to integrate two of its contract monitors into its contract management team. The third contract monitor joined the new court security management team in the Courts Division, which developed its own system of operational reviews for the court security and court custody aspects of the contract.

The CS&CS monitoring plan was reformulated, by introducing a risk-based operational review framework. The framework provides for structured, regular operational reviews of different aspects of AIMS service provision from the perspectives of security, compliance and duty of care. Schedules for site reviews are modified as intelligence or other information highlights new areas of risk.

In their reviews monitors rate each aspect of performance, according to a response matrix, on a risk scale from one to five, with one being fully compliant, two being majority compliance with minimal concerns, three being moderate concerns that can be readily managed, and four and five respectively signalling critical and catastrophic issues that require urgent and

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85 Hooker, R., *Inquiry into the Escape of Persons Held in Custody at the Supreme Court of Western Australia on 10 June 2004* (Perth, 2004) 89; OICS, *Inspection of the Interim Arrangements at the Supreme Court Following the Escape of Nine Prisoners from the Custody Area on 10th June 2004*, Report No. 25 (December 2004) 5.

86 Notice of the service reduction in relation to juveniles was given in a letter to AIMS on 30 April 2004.

substantial remediation. The Contract Manager reviews these reports at least weekly and addresses issues of performance directly with AIMS if urgent, or through a monthly meeting. Vehicle concerns are addressed with Easifleet. Remediation efforts are tracked to ensure reduction of significant risk in agreed time-frames.

The Office travelled regionally with a departmental contract monitor just prior to the start of the Review, had occasional communication with monitors, received feedback on their work from AIMS staff and sighted results of their work through the weekly report produced for the Director General (latterly the Commissioner) of the Department.

We found that the monitors were vigorous, thorough and conscientious, and provided reasonable coverage of transport activity by the contractor throughout the state. Numerous operational matters were identified and their risk levels were determined and addressed, mostly on a day-to-day basis, either directly with local supervisors or between contract management and AIMS management. An issue identified by the monitors in an operational review, chronic understaffing at Roebourne, was subsequently escalated to a breach notice served on AIMS late in 2005.

The monitoring process, however, relied primarily on observation of activities undertaken by the contractor, review of documentation and discussion with AIMS staff, prison officers and other departmental staff. There was less evidence that persons in custody were consulted on their experiences by monitors. Monitoring was stronger in relation to procedural practices and vehicle fitness rather than qualitative processes such as the interaction between AIMS staff and persons in custody. Nevertheless, the reinvigorated monitoring process clearly contributed to improved performance by the contractor in its fifth contract year (2004/5).

In late 2005, monitors were moved from Contracts to the Prisons (now Adult Custodial) Directorate, and with the new job title of Operational Review Officers. This means that the section of the Department normally responsible for operational matters has a role in reviewing the performance of the agency providing transport services on its behalf. Insofar as many issues in custodial transport are not solely concerns with AIMS, but with the interface between prisons and AIMS, this realignment has enabled such issues to be addressed more effectively.

A new governance framework, developed in August 2005 and approved by the CS&CS Board in November 2005, is designed to coordinate the inputs from monitors and stakeholders such as the courts, prisons (adult custodial) and contract management.

### 12.3. SERVICE DEMAND

The following table summarises the level of services provided over the first five years of the CS&CS contract. Neither AIMS nor the Department publishes information on how service costs are broken down, so we have included both court and transport related information to gain some sense of the relative cost of these services.

## THE COURT SECURITY AND CUSTODIAL SERVICES CONTRACT

We have previously noted that actual demand for services in the first year of the contract was 30 per cent over that estimated and budgeted for by the Department.<sup>87</sup> It would appear that the second year saw another 36 per cent increase in transport numbers to 58,641. This figure has fluctuated since then, but in the current contract year (2005/06) it has continued to decline. Interestingly, the number of resource hours required for movements declined over the first two years and the numbers in road kilometres declined even as numbers rose, pointing to increased efficiencies.

Conversely there was a decline in efficiency in the final contract year, with resource hours climbing despite a decline in movement numbers. This is likely due to increased staffing both generally and for the SSG.

**Table 8: 5 Year Overview of Demand for CS&CS Contract<sup>88</sup>**

Service Area	Year 1: 2000/01	Year 2: 2001/02	Year 3: 2002/03	Year 4: 2003/04	Year 5: 2004/05
Court security and court custody hours (Including Hospital bed sit hours)	293,720 N/a	271,513 29,910	299,031 35,028	307,835 29,061	333,687 28,389
Persons in custody movement hours	137,741	126,037	122,950	116,047	126,149
Total Service Delivery Hours	431,461	397,550	421,981	423,882	459,836
Number persons managed in custody	29,170	29,864	26,446	28,777	29,192
Number persons transported in custody	43,149	58,641	54,650	58,925	54,567
Road Kilometres	2,205,310	1,991,159	1,890,673	1,904,166	1,924,361
Total Contract Price	\$16,170,010	\$17,409,990	\$17,852,587	\$18,661,675	\$20,971,714

87 See esp. OICS *Report of an Announced Inspection of Metropolitan Court Security and Custodial Services*, Report No. 31 (February 2006) 1

88 The data in this Table are derived from the submission to this Review and various CS&CS Annual Reports by Department of Corrections and the former Department of Justice. The phrase “persons in custody transported” refers to the number of journeys by individuals, not vehicle movements. Data for the first three months of the contract (Aug-Oct 2000) was not collected. Hospital bed sit hours were not included in total hours in Year 2 and were included in Years 3 and 4 under court security and custody hours. Juveniles were excluded from the contract for all Year 5 and medicals and authorised absences from metropolitan minimum-security prisons from June 2005 in Year 5.



THE COURT SECURITY AND CUSTODIAL SERVICES CONTRACT

The following table shows how the numbers of persons transported in custody from the above table is broken down by movement type for years four and five of the contract. It should be noted that transfers from East Perth Watch House were counted as part of the court/prison numbers, not lockup transfers (which were regional).

**Table 9: Numbers of Movements by Type in Years 4 and 5**

Movement Type	2003/04	Percentage	2004/05	Percentage	Increase
Lockup Transfers	1755	3.0%	1625	3.0%	-7.4%
Court/Prison	44145	74.9%	38931	71.3%	-11.8%
Prison Transfers	6822	11.6%	7347	13.5%	7.7%
Medical Escorts	5318	9.0%	5543	10.2%	4.2%
Funeral Escorts	640	1.1%	649	1.2%	1.4%
Other	245	0.4%	472	0.9%	92.7%
Total	58925	100.0%	54567	100.0%	-7.4%

It can be seen on the one hand that increased numbers of prison transfers, medical escorts, funeral and other escorts were more than matched by decreased court escorts and regional lockup clearances. The transfer of responsibility for juvenile escorts was likely the main cause of reduced court movement numbers, although recent reports from contract management indicate a further decline so far in 2005/06.

Total numbers transported for each of the first five years are plotted in the following graph, along with numbers managed in court custody centre operations and total contract costs. It can be seen that since the contract got up to speed in 2001-02, persons managed in custody remained fairly steady, while persons transported in custody fluctuated and declined to some degree. Contract costs, however, have continued to escalate, especially in the last contract year, which represent a significant deterioration in efficiency.

**Graph 5: Contract Cost versus Numbers. Managed and Transported in Custody**



#### 12.4. FINANCIAL FRAMEWORK

The evolution of the contract from a fixed-price to a cost/plus contract following arbitration between the Department and AIMS has been discussed above. A certain level of service is provided for within the agreed contract price, but many additional escorts and other activities by the contractor have to be funded as extras. This applies to additional lockup clearances, to regional funerals, to hospital orders, unscheduled inter-prison transfers including transfers where air transport is needed, and additional training for AIMS staff.

The situation was created on the one hand by the Department's early inability to correctly quantify its requirements, or to manage rampant demand. As discussed in earlier chapters, efforts have been made to manage demand in relation to court, medical and funeral escorts. However, unlike South Australia where a fixed price contract between Corrections and GSL has been in place for some years, the scope of the contract, the size of the state, fluctuations in demand and the cost of contingencies are such that it has been difficult for the Department here to do likewise.

The CS&CS contract is structured so that much of its profitability is tied up with the performance linked fee component, in this case set at 4.5 per cent of the annual contract price. The following table shows the list of performance measures provided in the contract and the recorded performance of AIMS in the first five years of the contract. Items highlighted are those for which an excessive level of underperformance was noted and for which a penalty was applied. On examination, it would appear that AIMS performance has markedly improved over the first five years, with the notable exception of escapes which peaked in the fourth year due to the nine escapes from the Supreme Court.

However, an equally valid perspective is that, while services may well have improved since the contract started, these figures instead reflect inconsistent data collection practices on the one hand and a less censorious approach to contract management by the Department on the other. It is highly unlikely, for example, that there were no untimely movements recorded in the last year, and only two the year before that.

THE COURT SECURITY AND CUSTODIAL SERVICES CONTRACT

**Table 10: Performance Measurement in the First 5 Years of the Contract**<sup>89</sup>

Performance Measure	Maximum No.	1st year	2nd year	3rd year	4th year	5th year
Death in custody	0	0	0	1	0	0
Escape	2	6	2	4	13	2
Self-harm	0	0	1	0	1	1
Assault upon a judicial officer	1	0	0	0	0	0
Loss of control	1	1	0	0	0	0
Unlawful release	0	5	2	4	1	1
Failure to report required information	2	3	1	0	2	0
Assault on a member of the public	2	0	0	0	0	0
Assault on client agency staff	2	1	0	0	0	0
Assault on a PIC	1	2	0	0	0	0
Breach of legislation	4	0	2	0	0	0
Breach of a service requirement	5	37	4	3	1	0
Disruption court proceedings	1	1	0	1	0	0
Traffic accident	1	0	0	0	0	0
Assault on a PIC by a PIC	1	0	0	0	0	0
Substantiated complaint	10	3	2	2	0	0
Untimely prisoner movements	900	171	75	46	2	0
Inappropriate use of powers	1	0	0	0	0	0
Loss of property of a PIC	1	2	0	1	3	3

Indeed, ‘untimely prisoner movements’ is really the only measure on service delivery in this framework. Any other service delivery issues presumably fit under the generic ‘breach of a service requirement’. Clearly contract managers have not seen fit to count the many medical escorts cancelled and not undertaken by the contractor, nor bed-sits not taken over from departmental staff at the prescribed time. A customer satisfaction survey to be undertaken annually under the contract has not been done since the first contract year and was to be dropped in any contract extension.<sup>90</sup>

In summary, the performance measurement system covers some important outcomes in the care and management of persons in custody, but some measures are unreliable, and it lacks any real detail on service delivery outcomes, such as time spent in cells on journeys without relief, funerals not attended, and so on. This is the kind of detail which is inherent in similar contracts in the United Kingdom.

<sup>89</sup> Note: PIC means a person in custody. Maximum No. is the maximum number of incidents allowable under the particular performance measure before a penalty is applied under the Performance Linked Fee system (source: CS&CS Annual Report 2004/05). Pink shaded cells denote excessive numbers of incidents which in fact attracted a penalty.

<sup>90</sup> CS&CS Annual Report 2004/2005: 28

It is therefore exceedingly difficult to make a sound judgement about the value for money attained by the CS&CS contract. We have already noted a decline in efficiency insofar as contract costs continued to rise despite a decrease in numbers transported and flat demand in court custody numbers. The government also accepted significant additional new custodial transport costs by creating a Juvenile Custodial Services transport and court custody unit and a transport capacity for metropolitan minimum-security prisons.

On the other hand, Contract Management have indicated that transport service demand fell in the sixth contract year and will likely yield savings against the budget, something which would not have occurred in a fixed price contract. Nor has there been evidence of the contractor driving costs by practices such as inefficient task management of prisoner journeys.

Contract managers have therefore been able to apply some of the savings to fund much needed staff training for AIMS and to fund special movements, sometimes by air, for vulnerable prisoners, remote funeral escorts and mass movements of Indonesian nationals involved with illegal fishing.

#### 12.5. HUMAN SERVICES

If staff are the most important asset for any business, they are by no means a fixed asset for the AIMS Corporation. The turnover is considerable, due to unfavourable staffing arrangements, and the corporation's weak position in a particularly competitive labour market. As can be seen from the following table, AIMS sought to increase its staffing flexibility in the second and following years by reducing its permanent full-time work force and increasing its pool of casual workers. This, together with attrition, led to a crisis in staffing levels by the fourth year. This required a major recruitment and training effort, which succeeded in restoring staffing to a much higher level. Extra positions were also created for the SSG. While the numbers of permanent full time staff was restored, there were also many more casual staff.

About 55 of all AIMS staff work in the regions, with 270 or so in the metropolitan region. Almost all regional staff are involved with transport activities alongside their court security and custody duties. AIMS did not provide as requested the numbers working in Perth on the transport side, but it would be the minority, with most working in court security and court custody centres at the Central Law Courts and other metropolitan courts.

**Table 11: AIMS Staff Numbers at End of the Contract Year (Years 1-5)<sup>91</sup>**

AIMS Staff Numbers at End of Contract Year	Year 1: 2000/01	Year 2: 2001/02	Year 3: 2002/03	Year 4: 2003/04	Year 5: 2004/05
Permanent	121	110	N/a	73	112
PFT	59	78	N/a	110	73
Casual	95	107	N/a	78	142
Total Staff Numbers	275	295	264	261	327

91 Information from AIMS Annual Reports.

Staff issues were explored in a survey sent to all AIMS officers involved with custodial transport, both in the metropolitan area and in the regions. As shown in the tables reproduced in Appendix 4, there were 32 respondents. Longer term staff were well represented with respondents indicating an average length of service 40.7 months. Twenty-one respondents worked in regional areas, but only 15 responded from the metropolitan area, four of whom also worked at times in regional areas on relief. Scores in the survey were rated on a scale of one to five, with one signifying 'poor', three 'satisfactory' and five 'excellent'.

It was found in the survey results that staff on average are marginally satisfied with their training, the effectiveness of procedures, and relations with other agencies. However, they are less than satisfied with the quality of the vehicle fleet and with their own work conditions.

Training for AIMS staff is based on a modularised operational manual with worksheets. Metropolitan recruits work through this manual in the context of a pre-service recruit training course, which includes group instruction and practical elements, such as use of force training.

Regional trainees have to work through the manual under guidance from their local supervisor. This can be quite challenging, but they are able to spend more time observing operational activities. They are also sent to Perth for two days to undertake use of force training, usually with a handful of others from around the state. Recruits submitting worksheets and having competencies signed off will attain a Certificate III, although this qualification is not obligatory.

Refresher training has been less than consistent. AIMS seems to lack a stable strategy in this regard, with the only training generally available in 2005 being on use of the newly issued batons. All staff are required to keep their Senior First Aid Certificates current with fees for refresher courses covered by AIMS. Previous training has covered verbal judo and security related issues. Supervisors attend an annual conference at which targeted training is given, and they have also been required to become Certificate IV Workplace Assessors to support the recruit training process.

Many staff are frustrated by the lack of refresher training, one saying 'I have had more training in every other industry in which I have worked (spanning 35 yrs work)', and another, 'we need a lot more training, please help us'. Staff nominated self-defence, managing people with special needs and computer training as their highest training needs. While not a priority for most staff, there were also strong representations for greater cultural awareness training, given the number of Aboriginals and Indonesians being transported.

The fundamental reason for the lack of consistent further training for all staff is the contract financial arrangements. This kind of training is on the plus side of the cost/plus contract; the Department has to be willing to fund the training as an extra, which has been done to support particular changes in service provision, but not on a consistent basis. Recruit training has necessarily had to be the main focus of the AIMS training coordinator. Further training really should be regarded as a core expense of the contract.

Nevertheless, it is encouraging that the Department has agreed to fund to a round of training in the later months of the sixth contract year for all metropolitan and regional staff on use of force. AIMS have also engaged a respected Aboriginal person for cross-cultural awareness training.

**Recommendation 32.**

That the Department of Corrective Services ensure that a program of refresher training for all transport staff be considered a core budgetary component of any contract for custodial transport.

Staff conditions were condemned by many respondents. The majority are either permanent flexi-time workers, who are guaranteed only 30 hours work per fortnight, or casuals, who lack any work guarantees. While most do obtain adequate work and many like to work less than full-time, some are frustrated by the lack of certainty, and low hours in some periods and in some locations.

People are called into work sometimes with less than four hours notice, and at any time of the day, night or week. Perceptions of unfairness are rife in that many feel others are given more favourable rosters or manage to avoid certain duties.

AIMS services are adjunctive at established sites and most have inadequate staff amenities. Even now, after a six year presence on the ground, plans for new police, court and justice complexes lack any recognition of the need to accommodate such a workforce. Regional AIMS staff also suffer in comparison with other regional workers not only through low and uncertain hours, but through a lack of housing and a low area subsidy.

**Recommendation 33.**

That the government ensure suitable staff facilities are provided in police, courts and corrective services buildings at which officers engaged under the CS&CS contract are expected to work.

Transport staff are also frustrated by issues relating to the vehicle fleet, especially the cramped and uncomfortable cabins, the ineffective air-conditioning for both themselves and their passengers, and the proneness of vehicles to breakdown. They also considered the fleet deficient in its ability to convey the infirm or disabled with dignity, and felt disadvantaged in their own knowledge of procedures for working with such people.

AIMS staff, however, are proud of their good relations with staff from the prisons, the courts and especially WAPOL. They are reasonably satisfied with their relations with persons in custody, their immediate supervisors and operational base and with monitors and inspectors. They are least happy with their own senior management whom they perceive as remote, too budget-oriented and unresponsive to staff concerns.

Early public acceptance of blame by AIMS management in relation to the Supreme Court escapes was seen as a betrayal by some of their staff. Connected with this is a persistent feeling, in the words of one staff member, 'that AIMS is targeted by the media, no matter what we do the media attack us unfairly and we cannot defend ourselves against them or the government'. Another contended that 'the turnover rate for AIMS employees says it all'.

It is certainly the case that AIMS are continually having to recruit new staff. They had three recruit schools in the first half of 2006 in addition to those recruited and trained in the regions. The particular skills and experience of AIMS employees are very attractive to agencies offering more stable and remunerative employment and many have been accepted by the Department, WAPOL, Customs and major security companies.

Despite this range of staffing issues, AIMS staff we encountered in the field clearly believed in themselves and the work they were doing. They seemed committed to their work, to have sound skills in most areas, and to be respectful of the people in custody. While they could be described in the Department's 2003 CS&CS Annual Report as 'add-ons', AIMS staff are now well accepted by most stakeholders as integral to justice and corrections processes.

While only one of the respondents in our survey claimed to have a non-English speaking background and one other to be Aboriginal, AIMS staff are an ethnically diverse group. Nevertheless, external stakeholders raised forcefully the proposition that more Aboriginal staff are needed to better meet the needs of the high number of Aboriginals represented in prisoner movements, especially in regional transfers and funerals. Indeed it was strongly suggested that future tenders be recast to enable Aboriginal corporations to bid for the provision of prisoner transport services in their own region.

**Recommendation 34.**

That AIMS, in conjunction with the Department of Corrective Services, develop a strategy to ensure a stronger complement of locally recruited Aboriginal staff in light of the over-representation of Aboriginal people carried by custodial transport services.

**12.6. STAFFING REGIONAL OPERATIONS**

Difficulties attracting and holding staff are especially acute in some areas. AIMS in Roebourne have had just two permanent staff members and for a long time have only been able to provide a single crew. As these often have to do the court run up to South Hedland, they are hard pressed to also undertake court/clearance runs up to Newman, Tom Price or Onslow, or other escorts such as funerals, medicals or hospital bed-sits. Some assistance has been afforded by South Hedland and at times extra staff have been sent up from Perth, but this is impossible on an ongoing basis.

The pressure on existing staff has at times been intolerable and the prison itself, also chronically short staffed, has increasingly had to step in and assist with escorts. The lack of local affordable housing, and the availability of much better rewarded work in the mining industry makes this a particularly difficult environment to obtain and retain workers. The Department placed a breach notice on AIMS in November 2005 in regard to the impact the low level of staffing has had on services at Roebourne.

Early in 2006, AIMS was able to recruit a casual worker to Roebourne and in April received a transferee from Perth, but that person quit in the first week. The Department is offering to fund minimum hours for the extra staff, but this is unlikely to prove sufficient to attract new staff in this location. Without greatly increased wages, zone allowance and the provision of

accommodation, it is hard to imagine how this site could ever attract a stable workforce. Such costs, of course, would have to be picked up by the Department and would certainly create further cost pressures in other remote areas.

The Mahoney Inquiry noted that transport operations in regional areas are distinctly different from those in the metropolitan area and questioned whether the former could be viable for a profit-driven enterprise. It was suggested that the government consider whether the two should be dealt with together or separately.<sup>92</sup>

While regional transport certainly does pose distinct challenges, financial viability is not the main concern. In a cost/plus contract as at present, a private provider servicing a regional area will by definition cover its costs and be paid the agreed profit, less any performance penalties. Any fixed price bid sought for a future contract would have to include a premium for risk to cover regional business. It will be incumbent on contract managers to ensure the viability of future bids, including for regional operations.

The real issue is whether it is possible for private contractors to maintain a stable workforce in regional areas capable of delivering a consistent level of service with a reasonable level of efficiency. At most sites, transport and court custody work are both available, so there is enough work to retain casual and flexi staff and operate efficiently. Roebourne, which is essentially just a transport site to service the regional prison, suffers from the lack of consistent work. Nevertheless, operations in most areas are affected at times from staff turnovers and shortages and an improvement in conditions for staff are essential.

**Recommendation 35.**

That AIMS, in conjunction with the Department of Corrective Services, revise its staffing arrangements in regional areas to attract and retain experienced staff through strengthening job security, increasing regular hours of work and the provision of better zone allowances, taking account of current job market conditions.

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92 Mahoney, Hon. DL, *Inquiry into the Management of Offenders in Custody and in the Community* (2005) [20.6–20.7]



# Chapter 13

## ACROSS THE FENCE

### 13.1. VICTORIA

In December 2005, the Office observed custodial transport arrangements in Victoria, Queensland and New South Wales.

Victoria has a single contract for the transport of corrections prisoners, police detainees and juvenile detainees for the whole state. It was awarded to GSL Australia Pty Ltd with services commencing in July 2003 and runs for three years with two one-year extensions. GSL, previously part of the Group 4/Falck Group, also has contracts for the Port Philip Prison in Melbourne, prisoner transport in South Australia and for immigration detention facilities (which includes relevant transport activities) for the Federal Government's Department of Immigration and Multicultural and Indigenous Affairs.

Services include clearances from police lockups (to court, other lockup facilities or correctional facilities), other court related movements (including persons on remand and hospital orders) and inter-facility transfers. However, escorts for funerals, medicals or day leave are not part of the contract and remain the responsibility of the relevant facility. In some cases, juveniles are transported in different pods of the same vehicles as adults, especially on regional clearance runs. However, strict separation from adults is maintained.

The contract is funded through and managed by the Department of Justice on behalf of Corrections and the police (both parts of the umbrella Justice portfolio) and Juvenile Justice (which is part of Human Services Victoria). A steering group from the police and Corrections meets monthly to receive reports from GSL and the monitors. Police and Corrections previously had separate transport contracts with separate providers, so the consolidated contract was expected to deliver new efficiencies. Unlike Western Australia, the Victorian prisoner transport contract is not a public document, nor are the two inspections reports into their contracted custodial transport services completed in 2005 by the internal Corrections Inspectorate.

The numbers of prisoners and facilities in Victoria are comparable with Western Australia, despite having over twice the population. Victoria of course, is much more compact. They make do with just twelve vehicles for the state, eleven based at Port Melbourne, and one based regionally at Kyneton (half way to Bendigo). Most activities are serviceable from Melbourne (or Kyneton) on a same-day out and return basis. The exception is the run to Mildura, 550 km to the North-West, at which crews stay overnight before returning to Melbourne. At the time of our visit, there were 3,500 escorts per month (42,000 per annum) with 75,000 road kilometres covered (900,000 per annum).<sup>93</sup>

The contract specifies that persons in custody must have journey breaks at least every four hours, and breaks are typically taken on all long-haul journeys, whether at a police station or prison. However, Victorian contract managers were reconsidering this and other contractual conditions in the light of the Hamburger Inquiry, which made serious and adverse findings against GSL in relation to the transport of Immigration Department detainees being transferred from a

93 This compares with 54,500 escorts and 1,900,000 road kilometres covered in WA in 2004/05.

Melbourne facility to Baxter in South Australia.<sup>94</sup> GSL's contract with federal immigration authorities is managed quite separately from their contract with the State of Victoria. However, a complicating factor in the incident relating to the immigration detainees was that GSL inappropriately utilised a prisoner transport vehicle for the journey.

In July 2006, the Victorian Ombudsman and Office of Police Integrity published an own motion report on conditions for persons in both police and corrections custody. The report found 'widespread non-compliance with duty of care and contractual obligations for detained persons and insufficient attention to custodial standards' and 'inadequate transport arrangements'.<sup>95</sup> The report found many of the same issues regarding substandard police accommodation that have been highlighted in this Review.

The Victorian report included previously unreleased findings from custodial transport reviews by the Corrections Inspectorate. Deficiencies found by the Inspectorate were: incomplete staff refresher training, poor record keeping, a lack of regular review of emergency management procedures, little adherence to servicing and maintenance requirements for the vehicle fleet and serious problems with the quality of cell monitoring and communication equipment in vehicles.<sup>96</sup>

The Ombudsman also identified as issues the length of trips by prisoners in pod-style vehicles, either on extended runs within Melbourne or travelling to and from regional areas without adequate stops or amenities. Such issues are exacerbated by refusals to allow non-minimum-security prisoners on such journeys to alight in a minimum-security prison reception for a comfort stop, or for males to alight at women's prison. Prisons also typically failed to keep a meal for prisoners arriving late and food and water is not normally supplied by the transport contractors.<sup>97</sup>

### 13.2. NEW SOUTH WALES

By contrast, New South Wales manages prisoner transport within its Department of Corrective Services through its Court Security and Escort Unit (CESU) based at Silverwater Prison in Sydney. It has some 800 staff deployed to transport and court custody centre activity at Silverwater and throughout the state. Corrective Services are rather more paramilitary in nature, and escorts are routinely armed with handguns and rifles.

There were some 139,000 escorts in 2004/05 of which 64 per cent were court escorts, 30 per cent inter-prison transfers, and only 0.3 per cent were medical or funeral escorts. Medical movements are quite low as most medical services (for men) are available at Long Bay Prison and any specialist bookings are managed from there.

94 Hamburger K, *Findings and Recommendations from Report of Investigation on behalf of the Department of Immigration and Multicultural and Indigenous Affairs Concerning Allegations of Inappropriate Treatment of Five Detainees during Transfer from Maribyrnong Immigration Detention Centre to Baxter Immigration Detention Facility* (Canberra: Knowledge Consulting Ltd, 2005)

95 Ombudsman Victoria and Office of Police Integrity, *Conditions of Persons in Custody* (July 2006) 8-9.

96 Ibid.: 105.

97 Ibid.: 105-6.

Court escorts for the metropolitan area and most regional transports are funnelled through a holding facility within Silverwater. Certain journeys to the West and North of the state are very long, but most regular journeys were completed on a single day. Operational orders require that prisoners have breaks every four hours, although it was acknowledged that this was sometimes impractical. Toilets are not provided on long-haul transports and urination down the stairs of pods is not uncommon. Nor is food or drink available except during journey breaks. Prisons, CESU custody centres and, rarely, police watch houses are used for journey breaks.

### 13.3. QUEENSLAND

Queensland also manages prisoner transport through government agencies. While the Operational Support Services Unit (OSSU) of the Department of Corrective Services has responsibility for movements of sentenced prisoners, the Queensland Police Service retain responsibility for movements of unsentenced prisoners. Thus, for example, both police and corrections vehicles bring prisoners from outlying centres to Sir Arthur Gorrie Correctional Centre in Wacol early each morning, and then to the relevant metropolitan courts. OSSU officers and police perform a similar service at regional prisons.

As the state after Western Australia facing the greatest distances, it was interesting to note that long-haul transfers up and down the Queensland coast have ceased. Corrections prisoners are transported along with police prisoners and juveniles up and down the coast using Polair, the Police Air Wing. As Polair also carries many serving officers for police management purposes, there are usually adequate officers on board for escort purposes.



Figure 10: Polair flight schedule, Queensland

Thus it is rare that Corrections are required to provide officers to act as an escort on these flights, although Corrections staff must be on hand to assist with loading the aircraft and to receive escorts at the destination. All prisoners on such flights are handcuffed, but further restraints such as shackles and body belt are used for those rated as high security.

The backbone route up the coast is mainly serviced through an 18-seater Beech aircraft based in Cairns which flies to Brisbane and back three days per week stopping at any of five places each way as required. A typical journey between Brisbane and Cairns (1697 road kilometres) with three stops on the way takes about 5.5 hours or about seven hours including transfers to and from the prisons. A comparable journey in Western Australia would be the journey between Perth and Roebourne Prisons (1568 road kilometres), which takes three days by road (including overnight stops at Carnarvon Police lockup and Greenough Regional Prison).

Two other regionally based aircraft, 10-seater Cessna Caravans, act as feeders for this backbone route, for example to bring prisoners from Mt Isa across to the coast at Cairns. The fleet also has a 10-seater Citation Jet based in Brisbane, mainly used for travel by the Minister and senior officers, but also for special escorts, and interstate extraditions when required.<sup>98</sup>

98 Air transport for prisoner movements is extensively used by Federal authorities in the United States. The US Marshal's Justice Prison and Alien Transportation System (JPATS) was created in 1994 from two earlier services and carries annually some 175,000 federal detainees, criminal aliens and, through cooperation agreements, military, state and local prisoners. See Wojdylo, JR, 'Con Air: America's High-Flying Paddy Wagon' (2005) 57(2) *Sheriff*, 22.

# Chapter 14

## OUTLOOK FOR CUSTODIAL TRANSPORT

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### 14.1. INCREASED POLICING IN ABORIGINAL COMMUNITIES

One of the key initiatives in response to the 2004 Gordon Inquiry on domestic violence and abuse in Aboriginal communities was the provision of a permanent policing presence in selected remote areas to provide a first-line of response for victims and policing services for community members.

Provision of the permanent policing facilities is intended to enable multi-agency use providing an enhanced capacity for officers from different agencies (including Community Development and Corrective Services) to be co-located where resources and functionality permit and to develop better joint working relationships. The nine areas prioritised for a permanent policing presence through establishment of a multi-function police facility to be rolled out between 2004 and 2009 are: Kintore (NT), Warburton, Balgo, Jigalong, Warakurna, Dampier Peninsula, Bidyadanga, Warmun and Kalumburu.

Some of these communities lie in the border region between Western Australia, South Australia and the Northern Territory. A cross border justice project is working towards addressing the complex issues and needs facing the people living in the cross border region through the co-ordinated delivery of justice services. Legislation is currently being drafted to empower police, corrections and judicial officers to provide a more coordinated service to people in these areas and at regional centres such as Alice Springs and Kalgoorlie with which they connect.

In June 2006, the Federal Government Minister for Indigenous Affairs, at a meeting with his state counterparts, offered some \$100 million nationally to support enhanced policing in Aboriginal towns and communities to help prevent abuse and violence, on condition it be matched by new state resources.

It is likely that such increased policing initiatives will lead to increased imprisonment of people from such communities, at least in the short to medium term, as crimes of abuse and violence are better detected and prosecuted. Unfortunately, it may also exacerbate overcrowding in regional facilities and increase the numbers accommodated 'out of country'. On the other hand, the cross border project may mean that people sentenced to custody are sent to the most suitable facility in any of the three states, raising the prospect of interstate transfers.

In August 2006 the Department's CS&CS contracts management had discussions with WAPOL to prepare a business case for resources to undertake clearances from such centres by the contractor using regional air-charter services.

### 14.2. CBD COURTS

The new Central Business District (CBD) courts building will reduce the requirement for separate transport from prisons to the Supreme Court or between courts in the CBD. This building will consolidate the state's Central Law Courts, including the Supreme, District and Magistrate's Courts, in adjacent buildings straddling Hay Street: the whole complex will be served by a new holding room suite and linked by a secure tunnel. Detainees will no longer have to be escorted from the existing holding facility across a public laneway into the District Court Building, thus reducing both their public exposure and security risks.

However, the state appears to have missed an opportunity to further reduce risk and cost of custodial transport by not emulating the Melbourne Court Custody Centre which combines court holding room and police watch house functions (as undertaken currently at the East Perth Watch House). The Melbourne centre is a 24 hour police receive facility located in the Magistrate's Court Building, operated by GEO Australia. Thus transfers will have to continue each morning from the police watch house to the CBD courts complex.

### 14.3. MEDICAL SERVICES AND SECURE MEDICAL CLINIC

Contract Management within the Department have been working for some time on a proposal to create a secure medical facility attached to Royal Perth Hospital (RPH) in the basement of the former Perth Dental Hospital, which is now an outpatients clinic. It is anticipated that some two thirds of prisoner medical escorts will, in future, be to this clinic. There will be a secure sally-port, four cells each holding up to six prisoners, a control area and consultation rooms. Medical staff will access the clinic using the lifts and there is also a corridor into the main hospital if needed.

Prisoners will still have to be escorted upstairs or possibly into the main hospital to access certain diagnostic equipment and services, but it is hoped over time that this can be minimised. The project will significantly increase the efficiency and security of medical escorts, given the diverse number of hospitals and clinics currently accessed. For prisoner patients it will mean less public exposure and less use of restraints.

Women with obstetrics appointments or due to give birth will, however, still attend King Edward Memorial Hospital in Subiaco and juveniles will not utilise the secure medical facility. Prisoners from outlying prisons will still access more local services in most cases.

A tender was due to be released in July 2006 for work to develop the clinic and it is expected to be operational by early 2007.

The Health Implementation Taskforce, however, have announced the closure of Royal Perth Hospital and its replacement, from 2010 by the Fiona Stanley Hospital, at Murdoch. While a clinic will remain at RPH, Contract Management have had discussions with the implementation team for the new hospital about the need for a similar secure clinic at Murdoch, and whether a secure ward for inpatients should also be developed.

#### Recommendation 36

That secure medical outpatient and inpatient facilities be included in the scope of the proposed Fiona Stanley Hospital at Murdoch to maximise public security and minimise unnecessary public exposure and use of restraints for those being treated.

### 14.4. JUVENILE CUSTODIAL TRANSPORT SERVICES

As we have seen throughout this report, juveniles are for the most part very well served by the JCS transport service, but there are some systemic issues that deserve consideration if such a quality service is to be maintained and enhanced:

## OUTLOOK FOR CUSTODIAL TRANSPORT

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- Unlike contracted services, there are no service standards established, no performance measures and no monitoring processes in place for JCS.<sup>99</sup>
- JCS lacks a database system for recording journey details, including persons carried, journey times, journey types, et cetera, which can be used to support performance measurement, monitoring, investigations or analysis of its transport work.
- The lack of a systematic process to assess sentenced juveniles for a lower security rating, which means that almost all juvenile escorts are completed using restraints (exceptions are made by application to the Director).
- Whether juveniles are best served through current arrangements whereby WAPOL retains responsibility for most regional transportation of juveniles.
- The failure to upgrade the juvenile fleet to safe cell standards and for passenger comfort in line with most of the secure vehicle fleet. There are also issues with monitoring of cells (none exists in the Mazda vans), communications on country journeys and lack of equipment to manage breakdowns or other emergencies.

In response to comments made by juveniles to the Office during the Rangeview inspection<sup>100</sup> about their experiences of transport by police from the regions, the police service last year indicated that ‘an alternative process involving the use of the current private contractor service provider for the transportation of adult prisoners across the state, AIMS Corporation, is being explored’.<sup>101</sup>

Following a promise made by the government in its 2005 election campaign, JCS are engaged in planning, consultation, design and land acquisition for the construction of remand/detention facilities in the Kalgoorlie and Geraldton areas. However, the government is steering away from a secure facility at Geraldton and is pursuing other bail accommodation and support options for juveniles there. The implications of such developments for juvenile custodial transport has yet to be determined.

JCS has also discussed a ‘whole of regional transport strategy’ with a representative from WAPOL, but have indicated they are not in a position currently to assist with any transportation currently undertaken by the police.

JCS have traditionally taken the position that the police provide an inherently better service than can be provided by a non-government provider. Field-work suggests that this is a questionable assumption. Police do not see custodial transport as core business and the conveyance of juveniles, often along the same routes as adults seems especially inefficient. Juveniles often resent police and are difficult and uncooperative. Police often cannot afford effective segregation of juveniles from adults either in police vehicles, or local lockups.

99 JCS staff in the transport and court custody services are authorised under both the CS&CS Act 1999 and the Young Offender’s Act 1994, but the provisions of the CS&CS Contract have no applicability. We also noted above that AJJA Standards for Juvenile Detention Centres lacks any reference to secure transport.

100 OICS, *Report of an Announced Inspection of Rangeview Juvenile Remand Centre*, Report No. 29 (August 2005)

101 Letter from R. N. Napier, Policy Director, WAPS to Professor Richard Harding, Inspector Custodial Services, 7 June 2005.

Custodial transport is, however, the core business of the non-government provider, they are seen as neutral by their clients and their vehicles are designed to provide effective sight and sound separation for those placed in different cells. Victoria, the state with the lowest rate of juvenile incarceration, uses a single contractor for all adult and juvenile custodial movement throughout.

With appropriate policy and procedural adaptations, and relevant training for the officers involved, there is no fundamental reason why juveniles should not be transported in regional areas by a private provider. This is not to suggest that responsibility for juvenile transport in the Perth metropolitan area should revert to the contractor. On the contrary, any expansion of capacity on the part of JCS to provide juvenile custodial transport services beyond Perth should be welcomed.

### Recommendation 37

That Juvenile Custodial Services review its assessment systems and custodial transport policies to eliminate unnecessary use of restraints, especially for medical escorts and authorised absences.

### Recommendation 38

That the Department of Corrective Services review arrangements for intra-regional transport of juveniles and transport of juveniles from remote regions to Perth with a view to service provision by the CS&CS contractor and/or, where possible by the Juvenile Custodial Services transport unit. Should juvenile custodial facilities be established in any region, Juvenile Custodial Services should accept responsibility for custodial transport of juveniles within those regions and for transfers between those regions and their facilities in Perth.

## 14.5. REGIONAL TRANSPORT ARRANGEMENTS

Earlier discussions in this report have highlighted peculiar challenges in the provision of secure transport in regional and remote areas. We have noted that certain lockup clearance journeys and prisoner transfer journeys take over four and up to nine hours without a break in the journey. Previous arrangements to break certain journeys at police lockups are considered impractical and have broken down.

These journeys are undertaken in vehicles that sometimes have hard metal seats and are often overcrowded. They lack room to stretch, outside views, seatbelts, natural ventilation, dignified toilet arrangements and music or any other distraction. The operation of such journeys for long periods without decent breaks in such conditions is inhumane and requires correction.

In addition, this Report has identified a range of serious risks to life, well-being or security from issues such as driver fatigue, vehicle breakdown, air-conditioning failure or unpassable road conditions including flood-events. The use of sub-standard police lockups such as those at Hall's Creek and Carnarvon for accommodation of prisoners on transfer journeys has also been identified as unacceptable practice.

What options should be considered to address these concerns? Our earlier examination of the vehicle fleet led to some design recommendations for long-haul transport vehicles which, together with those for secure transport vehicles generally, will address most of the concerns about conditions of transport. The following sections address three specific proposals to further,



or at least differently, address concerns regarding operational considerations such as journey breaks and associated identified risks.

### 14.6. SECURE YARDS FOR JOURNEY BREAKS

For a range of reasons, police lockups may not be an appropriate place to break a prisoner transport journey. Some do not have secure sally-ports or yards, requiring laborious transfer procedures into and out of the lockup. Conditions are also often poor. Police operations are unreasonably hampered if they are required to remain in station to receive such a transport. The location of many lockups is less than ideal for journey breaks and for certain journeys, none exists.

Most ordinary travellers in remote and regional areas avail themselves of roadhouses and other facilities for travellers. While this may be acceptable for individuals in certain kinds of escorts, it is inappropriate for groups of prisoners for reasons of security and public safety.

It may therefore be necessary for the Department to develop a system of secure yards to facilitate prisoner transport journeys throughout the state. Such yards would have to be created in association with existing facilities such as police stations, corrections offices or roadhouses. They would comprise a lockable yard large enough to accommodate the transport vehicle, and segregated shaded areas with seats, water and toilets. Such yards must be accessible to transport officers at any time without the need for supervision from the person in charge of the host agency.

There may be high-technology alternatives, which on the face of it are unlikely to be viable but may warrant consideration. It may be possible for example, to unfold material from the side of the transport vehicle, or even to extend the chassis of a vehicle outwards to create some kind secure yard when the vehicle stops. This at least, would have the advantage of providing a holding area to help manage prisoners during vehicle breakdowns or other delays, anywhere on the journey.

### 14.7. THE USE OF EXPRESS COACHES

On 11 June 2006, 37 prisoners were placed on a commercially-hired express coach at Broome Regional Prison, arriving in Perth the following day. Twenty-four of these continued their journey south to the work camps Pardelup and Walpole. It is believed that prisoners were allowed to alight at roadhouses at selected points on their journey.

This was only possible, because the prisoners were Indonesian fisherman, who were deemed to be (if not all yet formally assessed), minimum-security prisoners. This measure was taken as the large influx had placed an intolerable burden on Broome Regional Prison. Only a minimal number of AIMS officers were needed to supervise these prisoners on the journey.

Nevertheless, this experience raises the question whether express coaches, with on-board toilets, reclining seats, good views, good standing room and entertainment would be a more suitable kind of vehicle for long-haul prisoner transport, especially on the coastal route. One advantage of such an approach might be for journeys to simply continue without overnight

stops, in the same manner as commercial coaches. There would be no need, for example, for prisoners to have to stay in substandard police lockups at Hall's Creek or Carnarvon. Nor would they have to be processed in and out of prisons on route unnecessarily. A journey from Broome Regional Prison, now four days, would only take two.

However, issues relating to security would have to be addressed in such an approach. In other times and places, restraints would normally be used for medium- or maximum-security prisoners transported on buses, and a substantial team of supervising officers in addition to drivers would be required. Coach transport could only achieve levels of safety, security and efficiency similar to the pod-style vehicles by securing and compartmentalising the vehicle with access to a toilet from each compartment. In addition, such a transport would still require occasional journey breaks necessitating at least a few secure yards as previously discussed.<sup>102</sup> Such an approach would also require prison reception areas to be open at unusual hours.

### 14.8. AIR TRANSPORT

Late on the evening of 17 January 2006, a specially chartered jet left Broome with 39 Indonesian prisoners on board and a number of AIMS personnel, bound for Geraldton and Perth. The use of commercial air transport for individual prisoner transfers is not uncommon (there were seven in the first half of 2006). Such transfers were for medical reasons, for vulnerable individuals in crisis, and to ensure timely court appearances when roads have been blocked by flooding from cyclones. Charter planes are also routinely used for funeral escorts to remote communities.

The use of the police air network in Queensland for prisoner transport raises the question whether a similar arrangement could be developed here. Police Air in Western Australia is rather less developed, although the current deployment of 10-seater Pilatus aircraft to remote regions such as the Goldfields and the Kimberley is a sign of greater investment and professionalism. In principle, it may be possible for such air-craft to shadow magistrates' circuits to towns and communities in the region, transporting prisoners, along with prosecutors, and possibly other personnel such as the corrections officer, lawyers, court staff and even the magistrate as well.

However, in reality these aircraft may not be able to be tied to such activities. As discussed above in relation to transfers from multi-function centres on remote Aboriginal communities, charter transport is more likely to be utilised. Nor does this state presently have a large aircraft able to undertake the coastal route such as the 18-seater Beech aircraft used in Queensland.

While Queensland has long had a well developed government aircraft fleet, Western Australian governments have tended to prefer to support its regional airlines. Nevertheless, with a resources boom in full swing, there would seem to be little reason now why police or corrections officers could not make use of a backbone air service on which prisoners were transported in a similar way.

Certainly, air transport has the potential to provide a far more humane prisoner transport service that obviates some of the major risks identified in this report arising from road transport in remote areas and deserves close attention by government. This includes operability at times

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<sup>102</sup> Albeit less frequently than if a pod-style vehicle is utilised.

when roads are impassable. It would also remove concerns about prisoner accommodation in substandard police lockups and the need for secure yards to facilitate journey breaks by prisoners.

Of course, air transport for prisoners creates its own set of risks and issues that would need to be addressed. For reasons of security, prisoners would have to be restrained in accord with their security rating which creates a measure of discomfort, but for a much shorter period than the discomfort generated by long journeys in pod-style vehicles.

Routine prisoner transport by commercial or charter air services would certainly be prohibitive, but the kind of model utilised in Queensland where police and other government workers are carried on the government operated fleet thereby incurring savings on commercial fares, points the way to a more cost-effective solution.

In the early 1990's, Ansett Western Australia used to run an overnight service to and from Darwin via the major airports up the coast and across the top end in which the cabin was configured for passengers and cargo. It may well be that a viable contract could be negotiated with a commercial operator today for a regular prisoner transport service.

### 14.9. THE FUTURE OF CONTRACTED TRANSPORT SERVICES

With the present contract due to expire on 31 July 2008, a determination on the shape of future arrangements for custodial transport is pressing. The business context today is vastly different from that when the contract was first developed. In the first instance, private provision of such services was the policy of the former Liberal government, not of the present A.L.P. government. Yet when the opportunity came at the conclusion of the original five year CS&CS contract to return these services to the public sector, the government balked at Treasury estimates of the extra funding this would require and renewed the contract for another three years.

Indeed, the present government committed the state to 25 years of service provision by the private sector, including court custody and security services as part of the public-private partnership with the Western Liberty Group consortium responsible for the aforementioned CBD courts project.

Court custody and security services at the Central Law Courts are currently provided by AIMS Corporation as part of the CS&CS contract, but services at this site will effectively be excised from this contract early in 2008 when the Western Liberty Group takes on responsibility for these services. Nevertheless, AIMS has protected its position by joining the Western Liberty Group and will indeed continue to provide these services under the new arrangements.

It is also important to note that for five years until May 2006, AIMS Corporation was the operator for the Acacia Prison in the Perth hills. It was unsuccessful in its re-bid for this contract. It might be considered that this major blow would reduce the commitment or capacity of the corporation to continue to service the CS&CS contract. AIMS management, in its presentation to this Review, rejected this concern, and cited its participation in the Western Liberty Group consortium and the growth of its business in other sectors nationally, for example in security, as signs of its continuing health and capacity.

## OUTLOOK FOR CUSTODIAL TRANSPORT

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In any case, the loss of the Central Law Courts component of the CS&CS contract significantly reduces the value of the contract for alternative potential operators. It also reduces operational flexibility insofar as the large pool of court custody officers is an invaluable resource in supporting other court custody and transport services, both in metropolitan and regional areas. It therefore places AIMS at something of a competitive advantage for future custodial transport contracts.

As noted in the Overview, however, AIMS nevertheless wishes to quit the contract and has proposed to the government that it be novated to GSL. The Office has indicated opposition to an uncontested arrangement of this kind, for this is not calculated to obtain the best practice, value-for-money and sustainable arrangements for the CS&CS contract as a whole, particularly at a time when the custodial transport aspect clearly, in the light of this Report, needs development and review.

The imminent creation of a secure day clinic at Royal Perth Hospital and proposals to eventually replace this and to create a secure medical ward in the forthcoming Fiona Stanley Hospital at Murdoch will create efficiencies in the way medical escorts and hospital bed-sits are conducted, which will have an impact on any future contract.

We have noted in this report that demand for custodial transport in remote regions is likely to increase. Police strongly desire to reduce the burden on their operations of custodial services such as managing police lockups and prisoner or detainee transport. Arrangements for the transport of juveniles are especially costly in this regard. An appropriately resourced independent service may well provide a more humane and effective service in these areas than is possible through police.

The Mahoney Inquiry and the Office's Directed Review both featured recommendations for significant investment in regional prisons and related facilities to ensure that prisoners of all security levels and with diverse service needs can be accommodated within their own regions.<sup>103</sup> If implemented, this would negatively impact on a CS&CS contract insofar as it would significantly reduce the numbers of prisoners having to be transported between Perth and other regions.

At the time of writing, there has been no commitment by government to make such an investment, and in any case, it would almost certainly take at least a decade to fully implement. On the contrary, in the short to medium term, there is a risk of a continued deterioration in terms of prisoner displacement, meaning increased numbers of prisoners and detainees having to be accommodated away from their home regions.

There is also no reason why a contractor could not be utilised to assist with visitor transport or transport of persons released from custody, using non-secure vehicles.

Thus, there is significant potential for growth in the scope of services that could be offered under a new CS&CS contract, which may help make the contract more viable. On the other hand, with corrective services and courts now in separate departments, there is a potential that separate contracts may be preferred. While such a scenario may be practical in the metropolitan area, to separate court and transport activities in regional areas would seriously deplete the quantum of work available to regional teams and thus make marginal operations virtually unsustainable.

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103 Mahoney, Hon. DL, *Inquiry into the Management of Offenders in Custody and in the Community* (2005), recs. 6 and 8.

#### 14.10. DEVELOPING A NEW CS&CS CONTRACT

Our earlier account of the management of the CS&CS contract reveals a marked shift from an arms-length contract supervisor/supplier relationship between the Department and AIMS Corporation to a far more cooperative approach focussed on the quality of services. In administering what became a cost/plus contract the Department has had to become far more involved in decision-making about many aspects of service provision which in an ideal world should have been the responsibility of the contractor. Custodial transport is integral to the management of prisoners and detainees so it is proper that a close relationship exist between the Department and its contractor at an operational level.

On the other hand, we have highlighted certain deficiencies in the supervisory framework for the contract, including the lack of detail in performance measures relating to service delivery and the questionable quality of information used for these measures. Even six years after commencement of the contract, data systems are still unreliable and fail to produce important key information. Financial systems must also be capable of validly reporting contract costs for each service area, especially transport versus court custody and other services. These deficits must all be addressed in preparations for, and reflected in, any new contract.

We have also noted an increased complexity in Contract Management arising from the placement of the contract managers in a different department (Corrective Services) from the one whose CEO is indeed responsible for its administration (Attorney General). This seems a dubious arrangement which may require legislative correction. Whichever agency has carriage of the contract, there should be continuing recognition that the service is of critical importance to corrections, police and the courts, and each should be represented (as at present) on the contract board and are entitled to monitor relevant aspects of the service.

Service demand is now sufficiently well understood that it should be possible to develop a costing model on which a future tender can receive bids. This should have appropriate mechanisms for significant variations in demand and to define exceptions which will be funded on a cost/plus, or a case by case basis. We have indicated above that staff recruitment and further training must be built into the base level of any future contract. As before, contract bids should be evaluated on the basis of value for money, and the capacity of the contractor to deliver a humane and effective service, not on the basis of the lowest cost.

#### 14.11. RETURNING CUSTODIAL TRANSPORT SERVICES TO THE PUBLIC SECTOR

The default option is to uncouple adult prisoner transport from court custody or other operations and return this responsibility to the prisons. We have seen in metropolitan minimum-security prisons and in the juvenile centres that dedicated resources for transport can be managed locally in a way that well suits the needs of prisoners and other stakeholders including those responsible for movements, authorised absences and medical escorts. It also affords greater continuity of care and discipline.

Such an arrangement in principle, can also resolve difficulties recruiting and retaining staff in regional areas. Yet, as we have seen some of these regional prisons already have major difficulties attracting or accommodating their existing staff complement. In-house service

provision would lose the kind of efficiencies obtainable through the contractors' mix of permanent part-time and casual staffing. There is also significant potential for the erosion of the quality of the service as transport staff are called on to assist with other duties when the prison is short staffed, people are rotated into the role without specialist training and individuals are rostered into transport because they are not wanted in other areas.

In the Perth metropolitan area, there would need to be a specialised custodial transport service, possibly under control of the Special Services Branch at Hakea, which already has responsibility for High Security Escorts. This unit would have responsibility for coordination of transport services, incident management, specialist training of transport officers, data collection, and compliance with service standards throughout the state.

However, the return of services to the public sector should not make them any less accountable than those in the private sector. There should be comprehensive service standards for all such services, along with excellent systems of data collection, performance measurement, grievance resolution and monitoring.

### Recommendation 39

That an inter-departmental taskforce comprising the Department of Corrective Services, the Department of the Attorney General and the WA Police Service be established to urgently re-examine requirements and options for safe and humane transport services for persons in custody in remote and regional areas including:

- a. Establishment of particular standards for custodial transport in regional and remote areas.
- b. A system of secure yards to facilitate road journey breaks.
- c. Use of a modified coach for long haul custodial transport to obviate unnecessary overnight stays in police lockups.
- d. Development of a capacity to utilise police air or air charter services for prisoner transport within each region on a routine basis.
- e. Development of an air service for custodial transfers along the coast between Perth and Broome.
- f. Arrangements for the transport of juveniles in custody.
- g. Transport of visitors to custodial facilities and of persons released from custody.
- h. The appropriate mix of service provision by police, corrective services and contractors.
- i. Continuation of Court and Transport custodial services in a single contract.

### Recommendation 40

That the inter-departmental taskforce also urgently examine requirements for safe and humane custodial services in regional and remote police stations and courts including:

- a. Establishment of essential accommodation and service standards for such facilities.
- b. Development of a capital plan to upgrade or rebuild existing facilities to meet these standards.
- c. Strategies to ensure that such facilities are adequately cleaned, and that persons in custody receive fresh, nutritious food and appropriate levels of care.

## OUTLOOK FOR CUSTODIAL TRANSPORT

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- d. Reform of the prisoner trusty program including reasonable work expectations, standards of accommodation and the provision of gratuities and other rewards.
- e. Consideration of the extent to which the CS&CS contractor should become involved in the provision of such services.

### Recommendation 41

That any proposal to return custodial transport services to the public sector be on the basis of a specialised custodial transport service by dedicated transport officers, both in the metropolitan and regional areas, with a central unit responsible for coordination, incident management, specialist training, data collection and compliance with service standards throughout the state.

### Recommendation 42

That public sector service provision in custodial transport be transparent and accountable, with comprehensive service standards established for all such services along with excellent systems of data collection, performance measurement, grievance resolution and monitoring. Custodial transport tasking, tracking and reporting systems should operate seamlessly across public, private, adult and juvenile sectors.

# Appendix 1

## RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
	<p>1. <i>That a standard be established for all custodial transport services: no escort journey should be planned in short-haul secure transport vehicles without a comfort break for all passengers at least every 2-2.5 hours. Journeys likely to take longer must be undertaken in long-haul vehicles.</i></p>	
DCS/ DOTAG	<p>A set of standards will be developed stipulating long journeys and the vehicles used in these journeys – these will be predominantly IP trucks performing:</p> <ul style="list-style-type: none"> <li>• regional to regional movements and</li> <li>• metropolitan inter-prison movements</li> </ul> <p><b>Risk Rating:</b> Low</p> <p><b>Timeframe for Implementation:</b> 2-5 years (2009 – 2014)</p>	Agree
WA Police	<p>The WA Police (WAPOL) supports the recommendation and suggests that ideally consideration should be given to one service provider having the responsibility to conduct all prisoner transport services Metropolitan and Country, for both Adult and Juvenile, with that service provider having the appropriate vehicles and training for the purpose.</p>	
AIMS Corp	<p>Vehicle availability, availability of suitable secure facilities precludes this from occurring on a regular basis. IP Vehicles are used for scheduled runs North and South, Kalgoorlie and Kununurra.</p>	
	<p>2. <i>That the Department ensure that information systems are capable of recording and reporting on actual time spent by prisoners or detainees in vehicles.</i></p>	
DCS/ DOTAG	<p>The Contract currently measures vehicle movements as the actual time the vehicle is on the road and this is considered sufficient to manage the services.</p> <p><b>Risk Rating:</b> Low</p> <p><b>Timeframe for Implementation:</b> N/A</p>	Disagree



RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
WA Police	WAPOL advises that departure and arrival times are currently recorded by police and are considered a sufficient record for their purposes. The added requirement to log and input data may be warranted for long haul transport undertaken by police, however, this should be infrequent.	
AIMS Corp	The manual entry Vehicle Occurrence Log provides for this requirement.	
3.	<i>That the Department of Corrective Services review contractor involvement in High Security Escorts, develop a strategy to facilitate a closer working relationship between the ESG and SSG and review, in consultation with the Department of the Attorney General and the contractor, protocols to ensure seamless hand-over of High Security Escorts at court custody centres.</i>	
DCS/ DOTAG	<p>The current procedure is working well for both ESG and SSG, however, the current practice of ensuring a seamless handover of HSE prisoners from the ESG to the SSG will be formalised. SSB Superintendents Management Instruction have been drafted, in consultation with the SSG Coordinator, for use by all staff. The amendments will result in contingencies placed into the process to cover emergency court appearances for HSE prisoners. All training material for the SSG will be approved by the Department, as required under PD5. This will also ensure that training is in line with that of the Department. Following this, joint training for ESG and SSG will be organised.</p> <p><b>Risk Rating:</b> Moderate</p> <p><b>Timeframe for Implementation:</b> Superintendents instructions completed</p>	Agree in principle
WA Police	WAPOL notes this is an issue for the Department of Corrective Services and supports the recommendation.	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
AIMS Corp	<p>There is a positive and professional working relationship with ESG and protocols are in place for the transfer of HSE PIC's between ESG and AIMS. To date AIMS have not undertaken any HSE secure vehicle movements. Joint training initiatives have been proposed and planned.</p>	
4.	<p><i>That bail coordinators be made available at courts and prisons, to assist people effect bail, and that persons granted bail be retained at a court or police facility for a reasonable period to arrange their bail, before being transferred to a prison.</i></p>	
DCS/ DOTAG	<p>AIMS works to facilitate bail at courts, however, there is no facility to retain persons in custody for extended periods of time where the person attempting to effect bail is unable to, or experiences difficulties doing so. A facility for a bail coordinator is included in the design for the new Central Law Courts, estimated for completion in April 2008. Bail Officers are present at the two metropolitan receive prisons. Hakea prison currently has two FTE's to provide bail services and Bandyup one FTE.</p>	
	<p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> N/A</p>	
WA Police	<p>This system is currently in place at the Central Law Courts with JP's remaining late to facilitate the release to bail. Persons who are granted bail have an obligation to ensure that where a surety is required that that person is available to attend to post the bail. It causes problems for police if they have to take prisoners back into the custody system after being released to Court as they have to be re-entered fully into the system.</p> <p>WAPOL considers that persons put before the Court should be either released directly from there, or transferred from there to prison. In relation to what is determined as a "reasonable period", police have limited staff to provide custodial care and some stations do not have adequate cells to house prisoners long term. It is, therefore, better for this</p>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
	Agency to move people who have been granted bail and awaiting surety to the nearest Prison where bail can be arranged from there. Otherwise, it places undue stress on police resources.	
AIMS Corp	No Response.	
5.	<i>That the Department of Corrective Services obtain a State Solicitor's opinion about transport and accommodation arrangements for persons subject to a Hospital Order.</i>	
DCS/ DOTAG	<p>There is SSO opinion on file that addresses this matter. This clearly states that prisoners with hospital orders cannot be detained in prisons without a corresponding remand warrant.</p> <p><b>Risk Rating:</b> N/A  <b>Timeframe for Implementation:</b> Completed</p>	Agree
WA Police	This is an issue for the Department of Corrective Services.	
AIMS Corp	This should include the option to remand a person and hold them in DoCS or police custody until suitable transportation can be arranged.	
6.	<i>That the Department of Corrective Services, together with the Department of the Attorney General, establish a project to investigate continuing barriers to the use of video links and ensure that systems are in place to quantify actual usage of the system and the extent of its contribution in reducing the requirement for custodial transport.</i>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
DCS/ DOTAG	<p>There are procedures and practices in place in all jurisdictions to utilise AudioVisual technology, however the decision to use AV ultimately rests with the presiding Judicial Officer. Discussions between DotAG, WAPOL and DCS have occurred with a view to initiating a project to increase the use of AV technology.</p> <p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> To be determined</p>	Agree in part
WA Police	<p>WAPOL fully supports this recommendation as a means of reducing numerous unnecessary prisoner escorts. The use of video links for court appearances would be particularly beneficial for assisting remote Lockups, such as Carnarvon, in dealing with remand prisoners. In some instances, remand prisoners on transfer are held for up to a week, whilst waiting transport causing the prisoners to become restless and agitated.</p>	
AIMS Corp	No Response.	
Chief Justice	<p><b>From letter of 18 Dec 2007:</b> I would at this stage wish to proffer my own general observation, which may not be directly relevant to the matters addressed in the Draft Report, but it is to the general effect that it would be much better if there weren't nearly as many custodial transports in this state. As your Draft Report illustrates, the transport of persons in custody is often time consuming, expensive and onerous to both persons in custody and security staff.</p> <p>For my part, I would like to see much greater use of audio visual facilities, so as to reduce the need to have a person in custody physically present in Court. Ideally, I would like to aim for a situation in which the only times at which a person in custody was physically present in Court was when they are entering a plea, being tried, or sentenced.</p> <p>Substantial progress towards achievement of these objectives has been achieved in other jurisdictions. For example, Chief Judge Michael Rozenes of the County Court of Victoria has</p>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
	<p>advised me that audio visual links are used for all appearances in the County Court of Victoria other than pleas, trials, or sentencing.</p> <p>As your draft report points out, in this state the vast distances sometimes involved in the transfer of prisoners would seem to me to increase the desirability of the objective of reducing physical transport of prisoners wherever possible. This may necessitate some additional investment in audio visual facilities for both courts and prisons, but it seems to me that such investments would very likely pay for themselves in terms of savings from prisoner transport in a relatively short period.</p> <p><b>From letter of 18 Jan 2007:</b> Your Recommendation 6, for the establishment of a project to investigate continuing barriers to the use of video links and to ensure that systems are in place to quantify actual usage of the system and the extent of its contribution in reducing the requirement for custodial transport is strongly supported. As I indicated in my previous letter, it is my unquantified view that greater provision and utilisation of video facilities will generate substantial savings in the costs of custodial transport. It would obviously be desirable to be in a position to substantiate those savings to Government, in order to support the case for the greater provision of video facilities. Steps are in hand within this Court to provide systems that will enable the data to be gathered to support such a case.</p>	
7.	<p><i>That at a minimum, valuables including wallets, purses, ID's and ATM cards and civilian clothing always accompany unsentenced prisoners or detainees to court. In addition, private cash and gratuities must either accompany the prisoner or detainee to court, or a system established for this to be paid, if released, at or near the court. Where practical, all property for such remandees should also be sent to court, especially when the court is a great distance from the prison or detention facility.</i></p>	
DCS/ DOTAG	<p>EGRP, RRP, ARP, Bunbury and Greenough RP have commenced processes to ensure that Remand Prisoners who attend court have, as a minimum their VP ready to be</p>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
	<p>provided to them in the event that they are released from custody. This is not possible from Hakea due to the volume of offenders being transported. Remand prisoners already attend court in civilian clothing. The provision of private cash and gratuities to remand prisoners upon release from court is impractical and can not be achieved without significant resource implications. This is not possible from Hakea due to the volume of offenders being transported. However, where release is considered to be a real possibility and time permits the monies are provided to be available upon release.</p> <p><b>Risk Rating:</b> Low</p> <p><b>Timeframe for Implementation:</b> Ongoing</p>	<p>Agree in part</p>
<p>WA Police</p>	<p>WAPOL considers that prisoner valuables would be better left in one place rather than moved several times, which could create more opportunities for valuables to go missing and lead to complaints. However, should such a system be adopted strict guidelines need to be in place and property placed in a tamper proof sealed bag.</p>	
<p>AIMS Corp</p>	<p>Consideration needs to be given to the additional administrative and reception tasks this initiative would demand.</p>	
<p>Chief Justice</p>	<p>Your Recommendation 7 is strongly supported. It has been the experience in this Court that if a person is admitted to bail on conditions that can be met forthwith, they are released from custody in the precincts of the Court, but without any personal belongings, money, identity documents or credits cards. It is often extremely difficult for those persons to make their way to the relevant prison to collect their belongings.</p>	
<p>8.</p>	<p><i>That consideration be given to the issue of nicotine lozenges on prisoner transfer journeys.</i></p>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
DCS/ DOTAG	<p>Assistance is provided to prisoners who are genuinely attempting to quit smoking through the provision of supplemented pharmacotherapies i.e. patches. The provision of lozenges during the transport of prisoners is not considered necessary.</p> <p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> N/A</p>	Disagree
WA Police	<p>WAPOL does not support this recommendation as it is considered a health issue beyond the role and responsibilities of police.</p>	
AIMS Corp	<p>A positive initiative. This would need to be accompanied by some form of prescription.</p>	
9.	<p><i>That the Department make food available at reception for prisoners or detainees failing to obtain breakfast in units before leaving on transports.</i></p>	
DCS/ DOTAG	<p>Prisoners are unlocked in sufficient time for them to access food. Food is made available either within the unit or in reception prior to the departure of the transport. This issue generally arises where the prisoners do not motivate themselves to access this in the timeframe provided.</p> <p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> N/A</p>	Disagree
WA Police	<p>This is a Prisons issue in Regional WA as meals should be available to prisoners and not left for police to provide, which can often be the case.</p>	
AIMS Corp	<p>No Response.</p>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
10.	<i>That the Department establish fail-safe procedures to ensure that adequate fresh food and water is provided in cells for all long transport journeys.</i>	
DCS/ DOTAG	Prisons currently provide fresh food and bottled water on all long journeys emanating from prisons. WAPS undertake this responsibility for journeys emanating from police lockups. However, the Department will ensure adequate supplies in accordance with DCS Health Services guidelines will be provided.  <b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> Almost immediately	Agree
WA Police	Supported.	
AIMS Corp	Agree. Currently additional supplies of water are carried on inter-prison transfers.	
11.	<i>That adequate reserve supplies of potable water and food be carried for staff and persons in custody by any transport provider involved in non-local journeys outside the metropolitan area.</i>	
DCS/ DOTAG	Reserve supplies in accordance with DCS Health Services guidelines will be provided. In addition, Contractor staff have the authority to purchase extra supplies of food and water in instances of vehicle breakdowns.  <b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> Almost immediately	Agree
WA Police	Supported.	
AIMS Corp	See above.	



RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
12.	<i>That the Department establish fail-safe procedures to ensure that prisoners and detainees have sufficient notice of transfers to appeal the transfer and receive family visits, except as dictated by acute management or security issues.</i>	
DCS/ DOTAG	<p>The AIPR process provides prisoners with sufficient notice of planned transfers, and the ability to appeal the decision. Under normal circumstances, prisoners are made well aware of the intention to transfer them to another facility, allowing them time to advise family and where possible arrange visits. In the case of immediate transfers due to security or health reasons, sufficient notice to appeal may not be practicable.</p> <p><b>Risk Rating:</b> Low  <b>Timeframe for Implementation:</b> Completed</p>	Agree in part
WA Police	Whilst this is a Prisons issue in Regional WA, WAPOL considers it may not always be practicable.	
AIMS Corp	No Response.	
13.	<i>That handwashing facilities or towelettes be made available to all prisoners or detainees using on-board toilets and hygiene packs be made discreetly available to women on prisoner transfer journeys or other escorts.</i>	
DCS/ DOTAG	<p>Hygiene packs for female prisoners are routinely made available at prisons for those prisoners who require them. The Department will ensure that reserve packs are carried in I.P. vehicles by transport staff. Hand washing facilities in the form of either towelettes, or hand cleanser will be provided on all inter-prison vehicles where toilets may be used.</p> <p><b>Risk Rating:</b> Low  <b>Timeframe for Implementation:</b> Almost immediately</p>	Agree

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
WA Police	WAPOL considers this is a Prisons issue in Regional WA and should be managed as a health requirement gauged by the circumstances and available facilities.	
AIMS Corp	Agree.	
14.	<i>That the Department of Corrective Services cease to utilise sub-standard police lockups for the accommodation of prisoners and juvenile detainees on transport journeys, for extended stays and for court escorts or for trusty prisoners, recognising that conditions in many of these are incompatible with expected standards for prisoners and detainees.</i>	
DCS/ DOTAG	As there is no other secure accommodation between Broome Regional Prison and Kununurra and between Roebourne Regional Prison and Greenough Regional Prison. The Department utilises Halls Creek and Carnarvon Police Lockups to break what would otherwise be intolerably long journeys for both prisoners and staff. The standard of accommodation in police lockups is not within the jurisdiction of this Department	
	<b>Risk Rating:</b> Low	<b>Disagree</b>
	<b>Timeframe for Implementation:</b> N/A	
WA Police	This recommendation has implications for WAPOL due to the cost associated with up grading of police lockups. Police support the use of alternate facilities to accommodate prisoners during transport as many Police Lockups are not considered suitable for this purpose.	
AIMS Corp	No Response.	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
15.	<i>That a system be established to ensure an unbroken line of control and accountability for all property transferred with prisoners or detainees. The system must also provide for and track the timely movement and re-issue of unaccompanied property.</i>	
DCS/ DOTAG	<p>Unaccompanied Property is carried as soon as possible depending on the amount, and the capacity of the vehicle being used. The property is tracked via an Unaccompanied Property Receipt book, which is carried by all vehicles. A system for tracking accompanied property was introduced some time ago. The Department will initiate action to ensure the system is deployed and monitored appropriately.</p> <p><b>Risk Rating:</b> Low  <b>Timeframe for Implementation:</b> Almost immediately</p>	Agree in part
WA Police	Supported.	
AIMS Corp	<p>The current manual process and forms provide for this. The issue is often the amount of property that can be taken by the contractor.</p>	
16.	<i>That tobacco, toiletries or other items needed by prisoners or detainees during transport journeys be held in a separate bag from that used for valuables.</i>	
DCS/ DOTAG	<p>Smoking is not permitted in any government vehicle, therefore tobacco is not available to prisoners whilst on a vehicle. Access to both tobacco and toiletries is available at overnight stops.</p> <p><b>Risk Rating:</b> Low  <b>Timeframe for Implementation:</b> N/A</p>	Disagree

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
WA Police	WAPOL supports the recommendation providing the property is in a tamper proof sealed bag.	
AIMS Corp	Agree.	
17.	<i>That the Department cease to charge for video-visits to close family members in remote locations and establish a project to ensure the system is promoted as part of orientation to all eligible prisoners or detainees and their families, to resolve other barriers to its use and to implement outlets on key Aboriginal Communities.</i>	
DCS/ DOTAG	<p>The Department is supportive of using video-visits and other technologies to assist prisoners with families in remote locations to maintain family and cultural ties. Prisons currently charge a nominal fee of approximately five dollars for a fifteen minute video-visit. This is consistent with the current practice of charging prisoners for their telephone calls. Where a request is made, and/or a need is identified, video-visits can be conducted free of charge at the discretion of the Superintendent. Such instances are assessed on a case by case basis.</p> <p>A free service on a blanket basis runs the risk of generating demand that may not be able to be met. It also runs the risk of prisoners attempting to utilise a free video-link in place of a telephone call for which they would be charged. The nominal fee imposed is intended to ensure that the service continues to be readily available to prisoners who are most in need of this service, for instance, prisoners who are not receiving visits or receiving limited visits because their family reside in Aboriginal communities. In addition, new initiatives are being adopted to provide DVD video visits where offenders can produce a DVD and have this posted to family/community. Prisoners are informed of these options by either Orientation or Peer</p>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
	<p>Support Processes. It is noted that some issues exist relating to the provision of this service at the receiving facility, for instance, in some communities there is a cost impost on the families receiving the video-visit.</p> <p><b>Risk Rating:</b> Low  <b>Timeframe for Implementation:</b> N/A</p>	Disagree
WA Police	This is a matter for the Department of Corrective Services to assess and determine.	
AIMS Corp	No Response.	
18.	<p><i>That the contractor ensure that critical and urgent medical appointments are always undertaken and that difficulties with these are instantly reported to the nominated person at the relevant prison.</i></p>	
DCS/ DOTAG	<p>The provision of the Triage system of rating medical appointments according to their urgency means that the Contractor is aware of those deemed urgent and in all instances, will endeavour to provide the necessary transport. However, in instances where difficulties may arise due to high service demand, the relevant Health Centre within the prison is notified by the contractor as soon as possible. In a situation deemed life threatening, an ambulance will be called.</p> <p><b>Risk Rating:</b> Low  <b>Timeframe for Implementation:</b> Completed</p>	Agree in principle
WA Police	This is a Prisons issue in Regional WA.	
AIMS Corp	<p>There is a tried and true process in place to manage this and AIMS is cognisant of the importance of ensuring Category “A” Medicals are undertaken.</p>	
19.	<p><i>That superintendents ensure that alternative arrangements are made to ensure that critical medical appointments, and if so advised by the</i></p>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
	<p><i>nurse manager, urgent medical appointments, are facilitated by the centre in the event that the transport provider is unable to undertake the escort.</i></p>	
<p>DCS/ DOTAG</p>	<p>Where urgent or critical medical appointments cannot be facilitated by the service provider, prisons endeavour to arrange the escort from within their resources. The categorisation of medicals into A/B/C has assisted in the prioritisation of these appointments. As with recommendation 18, in a situation deemed life threatening, an ambulance will be called.</p> <p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> Current and ongoing</p>	<p>Agree</p>
<p>WA Police</p>	<p>This is a Prisons issue in Regional WA.</p>	
<p>AIMS Corp</p>	<p>No Response.</p>	
<p>20.</p>	<p><i>That performance linked fees under the CSE&amp;CS contract be adjusted to include penalties for failure to satisfactorily complete escorts for medical purposes (especially for those rated critical and urgent), authorised absences or to take over hospital bed sits within the prescribed period.</i></p>	
<p>DCS/ DOTAG</p>	<p>The ability to perform medicals is based on 2 factors within the current contract that provide for a level of reasonableness in the ability of the contractor to provide the service:</p> <ol style="list-style-type: none"> <li>1. Numbers booked at any one time are logistically possible to achieve.</li> <li>2. the other demands that are in the system at the time that have and will continue to take priority over medicals (i.e. court appearances and funerals)</li> </ol> <p>The manner of attending to hospital sits will be reviewed for future contracts.</p> <p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> Contract review stage</p>	<p>Agree in part – Hospital Sits</p>

## RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
WA Police	This is a Contract issue for which police offer no comment.	
AIMS Corp	This recommendation needs to be considered within the context of the overall demand for services across the entire operation.	
21.	<i>That the Department of Corrective Services and the contractor ensure that persons under escort for a medical appointment or an authorised absence, never be held en route (in either direction) at a court custody centre. Wherever practical, such persons should be segregated from others.</i>	
DCS/ DOTAG	<p>In order to maximise efficiency of services, there is a need to multi-task. It would not be deemed an effective utilisation of the resources available and therefore, not be permitted by the Department, to make two trips from an outer metropolitan prison for a prisoner due at court and a prisoner due to a medical at a similar time. In exceptional circumstances, alternative arrangements will be made e.g. in-patient transport.</p> <p><b>Risk Rating:</b> Low  <b>Timeframe for Implementation:</b> Current and ongoing</p>	Disagree
WA Police	WAPOL supports the recommendation as it considers this an occupational safety and health issue.	
AIMS Corp	Constraints of available resources and time sometimes require PIC's for medical appointments to be transferred with other PIC's and staged at Court Custody Centres awaiting transfer to medical. The establishment of the secure medical facility at RPH this year should eliminate this situation.	
22.	<i>That the Department of Corrective Services Health Services take further steps to ensure that, for all kinds of escorts, appropriate direction is given to transport providers in relation to injured, infirm or disabled prisoners and detainees, and to ensure that essential medicine accompanies those indicated as requiring such treatment.</i>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
DCS/ DOTAG	<p>The Department facilitates specific transport needs for prisoners who are injured, infirm or disabled as and when determined by medical staff. Moreover, policy provides for specialised transportation for categories of prisoners (e.g. pregnant prisoners) in unsecured vehicles (e.g. station wagons) under these exceptional circumstances. Essential medication accompanies prisoners on long haul journeys.</p> <p><b>Risk Rating:</b> Moderate <b>Timeframe for Implementation:</b> Current and ongoing</p>	Agree
WA Police	<p>WAPOL supports the recommendation as it considers this a duty of care issue which requires escort officers to be adequately informed.</p>	
AIMS Corp	<p>Agree.</p>	
23.	<p><i>That the Department of Corrective Services review both the classification system and restraints policy as they apply to women, to eliminate the overuse of restraints in medical escorts consistent with a more realistic risk profile.</i></p>	
DCS/ DOTAG	<p>The classification system is being reviewed in a joint effort between the Department and the Office of the Inspector of Custodial Services. The outcome of the review will determine the risk profile and any necessary policy changes.</p> <p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> N/A</p>	Agree
WA Police	<p>This is a Prisons issue where appropriate risk management strategies must be deployed with escort officers and community safety always being the first priority.</p>	
AIMS Corp	<p>No response.</p>	



RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
24.	<p><i>That the Department of Corrective Services implement changes in its authorised absence policy and practice for adults and juveniles, to ensure that significance of the relationship is the dominant factor in decision-making, that an Aboriginal person is formally involved in decisions about applications from Aboriginal persons, that families or communities are appropriately consulted in these decisions and that the use of restraints is minimised, consistent with security and public safety.</i></p>	
<p>DCS/ DOTAG  <i>Adult Custodial</i></p>	<p>The policy currently provides for significant relationships to be recognised in the approval process. It must be understood that, although a dominant factor, the relationship is not the deciding factor. The family/ communities are consulted in the determination of an application for a funeral attendance. The Authorised Absences Policy is currently being reviewed by adult custodial in line with changes to the Act.</p>	
	<p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> 1st half 2007</p>	<p><b>Agree in part</b></p>
<p><i>Juvenile Custodial</i></p>	<p>JCS protocol is that all escorts are considered individually by the Superintendent. The relationship significance is an important factor in the decision process. Research is completed by the Aboriginal Welfare Officer (AWO) with families and communities to assess each escort (funeral/ medical) separately. This procedure is already in place for juveniles. The AWO completes the application, in consultation with the young person, their families and the community. The significance of the relationship with the deceased is the dominant factor in light of Aboriginal culture and the important role that extended family plays in the young person's life. It should also be noted that around 90 per cent of funeral applications relate to extended family and the majority of these applications are approved. The use of restraints is an operational factor.</p>	
	<p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> Completed</p>	<p><b>Agree in part</b></p>

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
WA Police	WAPOL suggests that it is arguable that like to like cultural background decision making is increasing segregation and disrespect in the community. Consequently, there is justification for one fair and equitable system for all persons. With regard to the issue of restraint measures, the safety of escort officers and community members must always be the first priority.	
AIMS Corp	No response.	
25.	<i>That the Department of Corrective Services continue to develop strategies to assist people released from custody, particularly from regional and remote areas, to return home safely.</i>	
DCS/ DOTAG	Custodial Transport Services are not appropriate for this service, however, the Department continues to develop strategies to assist persons returning home upon release from custody.  <b>Risk Rating:</b> N/A <b>Timeframe for Implementation:</b> N/A	Agree
WA Police	This is a matter for the Department of Corrective Services to assess and determine.	
AIMS Corp	No response.	
26.	<i>That the Department of Corrective Services review the transport arrangements for prison visitors, including for families of juveniles from remote areas.</i>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
DCS/ DOTAG	<p>This is not part of Custodial Services Transport, however, the Department continues to pursue options for facilitating family contact, such as the recent pilot visitor bus from Midland train station recent pilot visitor bus from Midland train station.</p> <p><b>Risk Rating:</b> N/A  <b>Timeframe for Implementation:</b> N/A</p>	Agree
WA Police	<p>This is a matter for the Department of Corrective Services to assess and determine.</p>	
AIMS Corp	<p>No response.</p>	

27. *That the following minimum standards be incorporated in vehicle design for all secure transport vehicles:*
- *Seat belts to be fitted for all passengers.*
  - *Passenger seats to be preferably forward, or rear facing, never sideways.*
  - *All seats to be moulded, and/or cushioned.*
  - *Cells to have one way windows fitted to afford natural light and external views with privacy from outside.*
  - *Seats and cells to have sufficient width and leg room to accommodate larger prisoners.*
  - *All cells to be safe-cell compliant.*
  - *All cells have hatches to enable food or other materials to be passed between staff and persons in each cell and to enable handcuffs to be securely applied.*
  - *All cells to have a rescue exit in case of emergency.*
  - *Effective video and audio monitoring and communication systems between the cabin and cells.*
  - *Robust climate control for staff and passengers, adjustable in each zone.*
  - *Good natural ventilation readily available when the climate control system is not functioning.*

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
	<ul style="list-style-type: none"> <li>• <i>A capacity to broadcast music, radio or essential information to passengers.</i></li> <li>• <i>A cool store for staff and passenger meals and drinks.</i></li> <li>• <i>Adequate storage for staff and passenger valuables, paperwork and other property.</i></li> <li>• <i>Effective communication systems from the vehicle to its operating base.</i></li> <li>• <i>Vehicle is able to be tracked via satellite in real time and an activity trace securely recorded.</i></li> <li>• <i>Vehicle is fully configured, and at all loadings, certified as resistant to rollover.</i></li> </ul>	
DCS/ DOTAG	<p>The Department has already facilitated a specification for its new vehicle fleet. These vehicle specifications will include all of the minimum standards as specified in this report.</p> <p><b>Risk Rating:</b> Moderate</p> <p><b>Timeframe for Implementation:</b> Completed</p>	Agree
WA Police	<p>This recommendation will impact on WAPOL in terms of the costs associated with upgrading and/or replacing vehicles to the recommended minimum standards. Also, it may not always be warranted or practicable for police to achieve these standards in every instance where only short distance transport is involved. However, if the recommendation is to be implemented it is important that a balance be observed between the needs for security as well as those for safety. For example; if the fitting of seat belts for all passengers is to include prisoners, it may need to be considered in the context of ensuring that all cells be safe-cell compliant.</p>	
AIMS Corp	Agree.	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
28.	<p><i>That long haul transport vehicles have the following additional standards:-</i></p> <ul style="list-style-type: none"> <li>• <i>Cells of sufficient height to allow passengers to stand when the vehicle is stopped or to access the toilet.</i></li> <li>• <i>At least one cell to allow extended leg room for injured and partly disabled passengers (consider installation of a chair lift also).</i></li> <li>• <i>Enclosed toilets accessible on request by all passengers.</i></li> <li>• <i>Views of the horizon from a seated position.</i></li> <li>• <i>A potable water supply.</i></li> <li>• <i>Redundant power system for air-conditioning when vehicle is stationary.</i></li> <li>• <i>Vehicle is sufficiently robust to operate at night without risk from livestock.</i></li> <li>• <i>Dual cabs (for larger inter-prison transfer vehicles) to accommodate a third Officer.</i></li> </ul>	
DCS/ DOTAG	<p>The specifications for the new vehicle fleet will accommodate the standards as specified including enclosed toilets accessible on request for all passengers.</p> <p><b>Risk Rating:</b> Moderate</p> <p><b>Timeframe for Implementation:</b> Completed</p>	Agree
WA Police	<p>In relation to long haul transport vehicles, WAPOL considers these requirements will apply to the AIMS Contractor given that police vehicles are not specified for undertaking such a transport role.</p>	
AIMS Corp	<p>AIMS Corporation has been and continues to work with DCS on the design features for a practical and functional IP vehicle.</p>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
29.	<p><i>That the Department of Corrective Services develop a strategy for the dignified conveyance of prisoners and detainees of all security ratings who are infirm, disabled, pregnant or injured including:-</i></p> <ul style="list-style-type: none"> <li>• <i>Systems to ensure such needs are identified in advance of escorts and notified to those making transport arrangements.</i></li> <li>• <i>Circumstances and procedures in which non-secure vehicles may be utilised, including sedans, maxi-taxis, ambulance and aircraft and the availability of such resources in each area identified.</i></li> <li>• <i>Determination as to the requirement within the fleet for chair-lift equipped vehicles and for extra leg room in certain cells in secure vehicles.</i></li> </ul>	
DCS/ DOTAG	<p>See 22. The Department's primary aim is to ensure persons in custody are moved in a safe and secure manner to protect the public and staff whilst maintaining integrity of the judicial process. The Department facilitates specific transport needs for prisoners who are injured, infirm or disabled as and when determined by medical staff. Moreover, policy provides for specialised transportation for categories of prisoners (e.g. pregnant prisoners) in unsecured vehicles (e.g. station wagons) or other means of transport to include air travel or ambulance, under these exceptional circumstances. A chair lift will be incorporated into one of the new vehicles.</p> <p><b>Risk Rating:</b> Moderate</p> <p><b>Timeframe for Implementation:</b> 12 months - 2 years; completed December 2008</p>	Agree
WA Police	<p>Police would not normally be engaged in the long distance transport of prisoners because the task takes much needed officers away from their home base. However, should the situation arise then police would make appropriate arrangements to cater for specific transport needs according to the prevailing circumstances.</p>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
AIMS Corp	No response.	
30.	<i>That as a matter of urgency, the secure vehicles used by Juvenile Custodial Services be upgraded to safe cell standards, and fitted with at least the same standard of monitoring, communications equipment, GPS tracking and emergency equipment as the adult fleet.</i>	
DCS/ DOTAG	<p>Juvenile Custodial Services (JCS) have three (3) secure vehicles used for detainee transport. A Mercedes Sprinter that was purchased outright (ex AIMS) when JCS resumed responsibility for the management of the Perth Children’s Court and metropolitan transport and two (2) Mazda E2000 vans. Both E2000’s have previously had leases extended due to low kilometrage. In compliance with this recommendation both vehicles will be upgraded to the new DCS prototype transport vehicles being developed at present. The management of the Mercedes will be transferred to a contracted Fleet Manager (currently done by JCS) and will also be upgraded when a comparable vehicle is available.</p> <p><b>Risk Rating:</b> Moderate  <b>Timeframe for Implementation:</b> 30 June 2008</p>	Agree
WA Police	This is a matter for the Juvenile Custodial Services to assess and determine.	
AIMS Corp	No response.	
31.	<i>That to ensure consistent application of vehicle design standards and fleet replacement strategies, the Department of Corrective Services consider placement of responsibility for management of the entire secure fleet under a single desk system.</i>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
DCS/ DOTAG	<p>Responsibility for the management of vehicle design standards for all adult escort vehicles currently rests under a single desk system (i.e. Director, Contracted Services). Responsibility for management of CJJ secure fleet currently rests with CJJ. However, in order to ensure a uniform secure vehicle design standard, the Department is considering placing responsibility for the design of all secure vehicles under a single desk system.</p> <p><b>Risk Rating:</b> Moderate <b>Timeframe for Implementation:</b> December 2007</p>	Agree
WA Police	WAPOL supports this recommendation.	
AIMS Corp	No comment.	
32.	<p><i>That the Department of Corrective Services ensure that a program of refresher training for all transport staff be considered a core budgetary component of any contract for custodial transport.</i></p>	
DCS/ DOTAG	<p>The current contractor (AIMS Corp) has an annual programme of generic refresher training for all staff. However, it is agreed that transport staff and in particular, staff who regularly undertake long journeys in regional areas, should undergo extra training directly related to transport services.</p> <p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> Ongoing</p>	Agree
WA Police	This is a matter for the Department of Corrective Services to assess and determine.	
AIMS Corp	Agree.	



RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
33.	<i>That the government ensure that suitable staff facilities are provided in police, courts and Corrective Services buildings at which officers engaged under the CSE&amp;CS contract are expected to work.</i>	
DCS/ DOTAG	This recommendation should be directed at the Government of the day.  <b>Risk Rating:</b> N/A <b>Timeframe for Implementation:</b> N/A	Agree in principle
WA Police	WAPOL supports this recommendation.	
AIMS Corp	Agree.	
34.	<i>That AIMS, in conjunction with the Department of Corrective Services, develop a strategy to ensure a stronger complement of locally recruited Aboriginal staff in the light of the over-representation of Aboriginal people carried by custodial transport services.</i>	
DCS/ DOTAG	AIMS has recently applied for and received federal funding to support training for Indigenous people. As a result of vigorous recruiting, a recruit course for predominantly Indigenous people from both metro and regional areas is planned for early March 2007. 12 places have currently been filled. It is envisaged this number will increase prior to the commencement of the training course.  <b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> April 2007	Agree
WA Police	WAPOL supports this recommendation on the basis that the strategy ensures only suitable applicants be considered for recruitment. Such staff would need to be sufficiently capable and competent to fulfil the role.	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
AIMS Corp	AIMS is currently engaged in an indigenous officer recruitment drive for both Metro and Regional staff and will keep the Inspector apprised of developments in this	
35.	<i>That AIMS, in conjunction with the Department of Corrective Services, revise its staffing arrangements in regional areas to attract and retain experienced staff through strengthening job security, increasing regular hours of work and the provision of better zone allowances, taking account of current job market conditions.</i>	
DCS/ DOTAG	Currently the areas of concern are Roebourne/South Hedland and, to a lesser extent, Kalgoorlie. AIMS, with agreement from the Department, has increased the number of permanent full-time positions and now offers a re-location allowance to regional areas for experienced staff wishing to re-locate. In addition, as housing is at a premium, particularly in the Pilbara region, AIMS has secured the long term lease of a house in South Hedland for any permanent staff willing to re-locate.  <b>Risk Rating:</b> Moderate <b>Timeframe for Implementation:</b> Ongoing	Agree
WA Police	This is not a matter for police to comment.	
AIMS Corp	AIMS Corporation is working with the Department on local initiatives to attract and retain staff in regional areas.	
36.	<i>That secure medical outpatient and inpatient facilities be included in the scope of the proposed Fiona Stanley Hospital at Murdoch to maximise public security and minimise unnecessary public exposure and use of restraints for those being treated.</i>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
DCS/ DOTAG	Discussions are currently underway to provide such facilities in the Fiona Stanley complex.  <b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> Subject to funding	Agree subject to funding
WA Police	WAPOL supports this recommendation.	
AIMS Corp	No Comment.	
37.	<i>That Juvenile Custodial Services review its assessment systems and custodial transport policies to eliminate unnecessary use of restraints, especially for medical escorts and authorised absences.</i>	
DCS/ DOTAG	Each escort is now considered on the basis of Health, Welfare and Security. Pregnant young women have been transported without restraints and in a non-secure vehicle with the permission from the Director Juvenile Custodial Services. JCS Rules have been amended accordingly.  <b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> Completed	Agree
WA Police	This is not a matter for police to comment.	
AIMS Corp	No comment.	
38.	<i>That the Department of Corrective Services review arrangements for intra-regional transport of juveniles and transport of juveniles from remote regions to Perth with a view to service provision by the CSE&amp;CS contractor and/or, where possible by the Juvenile Custodial Services transport unit. Should juvenile custodial facilities be established in any region, Juvenile Custodial Services should accept responsibility for custodial transport of juveniles within those regions and for transfers between those regions and their facilities in Perth.</i>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
DCS/ DOTAG	<p>Regional transport of juveniles is being considered as part of the CS&amp;CS Contract which expires on 30 June 2008. Regional juvenile transport services are currently the responsibility of the WA Police and JCS are not in a position to bring those services in-house. Service provision by a contractor would be supported with strict protocols and standards enforced.</p> <p><b>Risk Rating:</b> Moderate <b>Timeframe for Implementation:</b> June 2008</p>	Agree in part
WA Police	<p>WAPOL fully supports this recommendation. The JCS have accepted the responsibility for juvenile escorts in the Metropolitan area however refuse to take responsibility for Country escorts. As such, there is a significant impact on WAPOL with thousands of man hours and resources being allocated to this task. In some instances it places a significant burden on local police, especially where there are already limited resources available and this can leave localities without a policing response for some time. Police at present do not have suitable conveying vehicles that would meet the standards for long distance transport such as air-conditioned cabins for prisoners, toilet facilities, electronic surveillance from cab to cage etc. Therefore, if all Juvenile Escorts were carried out by AIMS (CS&amp;CS Contractor) or JCS this would release police from their escort responsibilities.</p>	
AIMS Corp	<p>AIMS Corporation has already provided police and DCS with a proposal to provide Juvenile Escort services from regional locations to Perth.</p>	
39.	<p><i>That an inter-departmental taskforce comprising the Department of Corrective Services, the Department of the Attorney General and the WA Police Service be established to urgently re-examine requirements and options for safe and humane transport services for persons in custody, especially in remote and regional areas including:-</i></p> <ul style="list-style-type: none"> <li data-bbox="507 2011 1066 2067">• <i>Establishment of particular standards for custodial transport in regional and remote areas.</i></li> </ul>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
	<ul style="list-style-type: none"> <li>• <i>A system of secure yards to facilitate road journey breaks.</i></li> <li>• <i>Use of a modified coach for long haul custodial transport to obviate unnecessary overnight stays in police lockups.</i></li> <li>• <i>Development of a capacity to utilise police air or air charter services for prisoner transport within each region on a routine basis.</i></li> <li>• <i>Development of an air service for custodial transfers along the coast between Perth and Broome.</i></li> <li>• <i>Arrangements for the transport of juveniles in custody.</i></li> <li>• <i>Transport of visitors to custodial facilities and of persons released from custody.</i></li> <li>• <i>The appropriate mix of service provision by police, corrective services and contractors.</i></li> <li>• <i>Continuation of court and transport custodial services in a single contract.</i></li> </ul>	
<p>DCS/ DOTAG</p>	<p>Many of the issues raised in this report can be and in some instances have been addressed by the Court Security and Custodial Services Management Board comprising representatives from DOTAG, DCS, WAPOL, and the Contractor. As part of ongoing review, many of the options for safe and humane transport for persons in custody, particularly in remote and regional areas (e.g air charter and bus travel) have been tested to determine economic feasibility. These items will be raised at upcoming CS&amp;CS Board meetings where sub-committees continue to investigate and develop appropriate and viable alternatives. The viability of addressing points 2 and 3 will be investigated by the Department. Point 7 has been addressed in recommendations 25 and 26.</p> <p><b>Risk Rating:</b> Moderate</p> <p><b>Timeframe for Implementation:</b> Current and ongoing</p>	<p>Agree in part</p>

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
WA Police	<p>WAPOL supports the opportunity to examine options for prisoner transport. In this regard, WAPOL is already participating in a joint proposal with the Department of Corrective Services and the Department of the Attorney General to present a business case for enhanced prisoner transport for remote and regional courts. It seeks to increase the scope and services under the CS&amp;CS Contract to provide for the removal and delivery of prisoners from remote court locations as a consequence of the Government's Multi Function police Facilities initiative.</p>	
AIMS Corp	<p>No response.</p>	

40. *That the inter-departmental taskforce also urgently examine requirements for safe and humane custodial services in regional and remote police stations and courts including:-*
- *Establishment of essential accommodation and service standards for such facilities.*
  - *Development of a capital plan to upgrade or rebuild existing facilities to meet these standards.*
  - *Strategies to ensure that such facilities are adequately cleaned, and that persons in custody receive fresh, nutritious food and appropriate levels of care.*
  - *Reform of the prisoner trusty program including reasonable work expectations, standards of accommodation and the provision of gratuities and other rewards.*
  - *Consideration of the extent to which the CS&CS contractor should become involved in the provision of such services.*

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
DCS/ DOTAG	<p>No inter-Departmental taskforce exists to manage the issues identified in this recommendation. Each Department will manage the facilities and services that fall within their jurisdiction.</p> <p>A) and B) Court Services have a Strategic Asset Plan in place to manage safe and humane custodial court services.</p> <p>C) Each Department will be responsible for the maintenance of facilities under their jurisdiction.</p> <p>D) Not relevant to Custodial Transport.</p> <p>E) To be reviewed at the time of contract renewal.</p> <p><b>Risk Rating:</b> Low</p> <p><b>Timeframe for Implementation:</b> E) At time of contract renewal</p>	Agree in part
WA Police	<p>WAPOL supports the opportunity to examine requirements for custodial services in regional and remote. Police Stations and Courts. However, it is considered that professional resources should be employed to conduct this type of work at police premises. Demonstrated by the circumstances existing at the Carnarvon Police Lockup, there is a need for a dedicated approach to upgrade facilities and manage prisoners who enter the lockup. It is of particular concern to police in dealing with remand prisoners being brought to Carnarvon for the District Court, when there is a lack of AIMS staff to adequately manage prisoners held in the lockup.</p>	
AIMS Corp	No response.	
41.	<p><i>That any proposal to return custodial transport services to the public sector be on the basis of a specialised custodial transport service by dedicated transport officers, both in the metropolitan and regional areas, with a central unit responsible for coordination, incident management, specialist training, data collection and compliance with service standards throughout the state.</i></p>	

RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
DCS/ DOTAG	<p>As part of the evaluation of any future provision of services, both in house and other options are being examined for consideration by the Minister.</p> <p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> May 2007</p>	Agree
WA Police	<p>WAPOL supports this recommendation. Any return of custodial transport services to the public sector must be to a single specialised custodial transport service by dedicated custodial transport officers in both Metropolitan and Regional WA.</p>	
AIMS Corp	<p>AIMS Corporation believe that transport services provided under the CS&amp;CS Contract have been to an extremely high standard given the complexity of the service, the variables of demand, the extremes of weather, distance, road conditions, and in recent times the reliability of the secure vehicle fleet.</p>	
42.	<p><i>That public sector service provision in custodial transport be transparent and accountable, with comprehensive service standards established for all such services along with excellent systems of data collection, performance measurement, grievance resolution and monitoring. Custodial transport tasking, tracking and reporting systems should operate seamlessly across public, private, adult and juvenile sectors.</i></p>	
DCS/ DOTAG  Adult Custodial	<p>Adult Custodial Services provide custodial transport for minimum-security prisons. This is an in-house service provided at each individual prison (Boronia, Wooroloo and Karnet) for Medical and Funeral appointments and, as such, is not linked to the overall tasking system. Movements are tracked on the TOMS system. Standards exist for these services in prison policy and training manuals/modules and the Department considers this to be sufficient for the purpose of the service.</p> <p><b>Risk Rating:</b> Low <b>Timeframe for Implementation:</b> N/A</p>	Agree in part



RESPONSES TO RECOMMENDATIONS

Agency	Recommendations & Responses	Agreement
Juvenile custodial	<p>JCS has standards in place in the form of JCS Rules, Standing Orders and established Grievance Processes. Custodial Transport for juveniles forms a very small part of overall custodial transport and the Department is confident that the reporting and monitoring of this service within JCS is adequate.</p> <p><b>Risk Rating:</b> Low  <b>Timeframe for Implementation:</b> N/A</p>	Agree in part
WA Police	WAPOL supports this recommendation.	
AIMS Corp	No response.	

## Appendix 2

### SERVICE REQUIREMENTS OF THE CS&CS CONTRACT

The State of Western Australia and Corrections Corporation of Australia Pty Ltd (2000),  
*Contract for the Provision of Court Security and Custodial Services*, January 2000

#### 4.3.2 GENERAL REQUIREMENTS

The provision of prisoner movement services by the Contractor includes the safe, secure and timely movement of all prisoners, with due regard for age, gender, health, and risk status, for the following purposes:

- (a) movement to a Court, or other nominated place for the purpose of any judicial proceeding, inquest, inquiry or Royal Commission, in the interests of justice;
- (b) movement to a prison or juvenile detention centre from a Court or lock up following the disposition of any judicial proceeding, inquiry, inquest or Royal Commission;
- (c) movement to and from prisons, juvenile detention centres, hospitals and other places as nominated for approved purposes as specified in the *Prisons Act 1981* and the *Young Offenders Act 1994*;
- (d) movement of the personal property of prisoners;
- (e) movement to any other approved location for a bona-fide purpose as directed by the Client Agencies; and
- (f) supervision (including guarding) of any person at any prescribed location as required by the Client Agencies.

The following Service Requirements are specified for prisoner movement services:

#### MAINTENANCE OF A SAFE AND SECURE ENVIRONMENT FOR PERSONS IN CUSTODY

- (a) prevent escapes or attempted escapes by prisoners during movement;
- (b) *provide for the searching of prisoners at appropriate times to minimise the trafficking of drugs and other contraband items;*
- (c) adopt appropriate measures for the safeguarding and preservation of contraband items to be used as evidence in any prosecution;
- (d) provide physical (and where required visual) separation of prisoner groups including adults from young offenders, males from females, those requiring protection from potential assailants and those whose actions may lead to a disturbance or pervert the course of justice;
- (e) ensure that vehicles are thoroughly inspected and searched prior to and immediately after each journey involving the carriage of prisoners;
- (f) develop and submit for approval, procedures relating to the loading, unloading and hand-over of prisoners at approved places;

- (g) ensure that, as far as is practicable, the personal property of every prisoner accompanies him or her during movement and is submitted to the responsible person at the approved place;
- (h) protect prisoners from insult, curiosity and undue public view;
- (i) *deliver prisoners under movement to the approved destination by a route having regard for safety and approved timetables allowing for randomised timing and alternative route selection in the interests of security.*

#### **EXERCISE A DUTY OF CARE**

- (a) prevent assault and injury (including self harm) to prisoners during movement;
- (b) *ensure measures for the safeguarding of all at-risk/vulnerable prisoners and young offenders;*
- (c) ensure the minimisation of hardship during movement by adequate provision for the safety, comfort and well being of prisoners;
- (d) ensure that regular checks are made on prisoners during movement to ensure safety, security, health and well being;
- (e) provide access by prisoners to prescribed medication as required during movement;
- (f) develop procedures for the provision of first aid and/or medical assistance to prisoners during movement;
- (g) ensure that as a general requirement road travel should not be of more than five hours duration without a minimum rest break of one half hour at a secure location where prisoners can alight from the vehicle. Prisoners are to be provided with adequate meals, refreshment and access to toilets at reasonable intervals;
- (h) ensure that prisoners subject to movement are not confined in escort vehicles any longer than is necessary to complete the journey to the appointed destination and by a direct route;
- (i) ensure that prisoners are adequately clothed to a standard appropriate to climatic conditions and public decency at all times during movement;
- (j) ensure that movement of all prisoners complies with all relevant safety legislation and regulatory requirements;
- (k) make provision for proper access to toilets and other amenities as appropriate by prisoners under supervision during hospital sits, outpatient visits, and during Court appearances.

#### **ENSURE TIMELY MOVEMENT OF PRISONERS**

- (a) ensure that the movement of prisoners complies with normal Client Agency operational routine in accordance with approved timetables and at other times prescribed by the Client Agencies;
- (b) deliver prisoners to Courts at the specified time before the Court sits to enable adequate time for processing, compliance with formalities and necessary meetings with or visits to the prisoner, including legal representatives.

#### COMPLY WITH CONTRACT OBLIGATIONS

- (a) *ensure that staffing deployments are sufficient to provide for custody, security, safety, care and well being of prisoners during movement.*

#### PROVIDE AND MAINTAIN EQUIPMENT AT A HIGH STANDARD

- (a) provide an adequate number of appropriately designed secure vehicles that are fit for the purpose of carrying prisoners and all their personal property (stored separately) and secondary items (as required). These vehicles are to be adequately ventilated and kept in a clean, hygienic and roadworthy condition;
- (b) provide appropriate facilities and services for those prisoners with special needs e.g. disabilities;
- (c) ensure that communication networks are compatible with those of the Client Agencies;
- (d) make provision for the secure carriage of documents during prisoner movement; and
- (e) make provision when necessary for the carriage of secondary items (including prisoner's property, stores, mail, etc.) in conjunction with, but separated from, prisoners.

#### PROVIDE DOCUMENTATION, RECORDING AND REPORTING OF INCIDENTS

- (a) ensure that proper authority has been obtained from the Client Agencies and that a valid order exists authorising the movement of any prisoner;
- (b) make all necessary reports to ensure the prosecution of persons found in possession of contraband items;
- (c) ensure that all necessary documentation accompanies every prisoner during movement and is given to the responsible person at the place of destination;
- (d) provide timely information to prisoners subject to movement including details relating to the end destination, estimated duration of journey and other information as considered necessary by the Client Agencies;
- (e) provide accurate movement information and journey details to the Client Agency representative at each approved destination and interim staging point at least one half hour prior to arrival; and
- (f) ensure that arrival and departure times of vehicles are recorded and can be verified.

#### MOVEMENT OF PRISONERS

In the event of a Contractor initiated prisoner movement, such as to a hospital for treatment, the movement is to be authorised by the Contractor's area supervisor, documented in the form of a Critical Incident.

In order to facilitate scheduled movement, the Client Agencies will make available to the Contractor, in a format to be determined, a list of names and locations of prisoners to be moved including point of destination, timing requirements, any specific management instructions and relevant risk details.

It is a minimum requirement that every prisoner delivered to the charge of the Client Agencies will be accompanied by supporting documentation as approved by a Court or the CEO. The Client Agency's representative will require proper identification of all prisoners against supporting documentation prior to prisoner movement transactions being completed. It is the responsibility of the Contractor's staff to ensure that documentation is complete and accurate and that the identity of each prisoner can be confirmed.

The Contractor acknowledges that unscheduled movements such as medical appointments, authorised absences and other one-off movements, may be required to be operationalised at short notice at any time.

#### INTER-PRISON/DETENTION CENTRE MOVEMENTS

The Contractor must schedule all movements of prisoners to accommodate the operating times of prisons and juvenile detention centres except as otherwise stipulated from time to time by the Contract Manager. The Contractor's staff are required in all circumstances to acknowledge and cooperate with established security protocols governing access to and exit from prisons, detention centres and remand centres, Courts and lockups.

The Contractor will be required to transport mothers and infants at times (e.g. interprison visits from Bandyup Women's Prison to other metropolitan prisons). Provision must be made in the escort vehicle for approved restraint equipment (i.e. baby capsule, child seats etc.) whilst ensuring the security of the prisoner.

The Client Agencies will provide meals for consumption during long distance prisoner movements where applicable.

#### MEDICAL TREATMENT

Section 27 of the *Prisons Act 1981* makes provision for the removal of adult prisoners from prison for medical treatment (including dental and optical) which cannot by reason of impracticality or urgency be administered in a prison or lockup.

The "Absence for Medical Treatment" of young offenders is provided for under Section 179 of the *Young Offenders Act 1994*. Prisoners held in a prison or lockup (with the exception of those lockups excluded from this Contract) requiring medical treatment shall be moved and supervised by the Contractor. This includes outpatients' visits to hospitals, nursing posts or consultant's rooms and in-patient admission to hospital under custodial supervision. The Ministry of Justice Director General's Rules should be referred to as a guide.

Prisoners moved to and from Graylands Hospital will be managed separately from main-stream prisoners on an as-needs basis. Procedures are to be developed in conjunction with the Health Department.

The Royal Flying Doctor Service (RFDS) provides an air ambulance service for persons requiring emergency evacuation from remote regions. This service is used only for prisoners

(generally those with a psychiatric condition) requiring urgent transport to the Perth Metropolitan Region for medical treatment. The RFDS will continue to provide this form of transport and medical service free of charge to the Contractor, whereas the Contractor will provide accompanying staff.

#### AUTHORISED ABSENCES

Provision is made in Part 8 of the *Prisons Act 1981* for authorised absences from prison including Grant of Permit for Absence enabling an adult prisoner, with the approval of the responsible Minister, to:

- (a) visit a near relative who is dangerously ill;
- (b) attend the funeral of a near relative; or
- (c) for any purpose which appears to the Minister to be sufficient.

Section 188 of the *Young Offenders Act 1994*, gives authority for the absence of young offenders for approved purposes similar to those outlined above for adult prisoners.

However, having regard for the vulnerability and special needs of young offenders applications for authorised absence are generally regarded more sympathetically.

It is common practice for families (especially Aboriginal communities) to meet the full or part cost of air transport (including charter flights) for prisoners to attend funerals in remote locations. MOJ considers every application on its merits having regard for the direct relationship between the deceased and the prisoner, the distance to travel and the cost.

#### PROCEDURAL REQUIREMENTS

The Contractor must develop and submit for approval by the Contract Manager, operational procedures making provision for the management of prisoners subject to movement for all purposes and shall ensure that the Contractor's staff apply those procedures in all circumstances. Separate procedures are to be developed in recognition of the needs of adult prisoners and young offenders.

In developing operational procedures the Contractor must take into account the provisions of the relevant legislation and should have regard for the standards/policies established in the relevant Director General's Rules but not be constrained by these in applying innovative and alternative solutions. The following points are to be taken into account:

- (a) *the primary obligation to extend a high level of duty of care to all persons in custody who are in the charge of the Contractor;*
- (b) *the optimum number of supervisory staff required to provide adequate levels of security according to the assessed risk of the prisoner and the need to provide, where practicable, at least one officer of the same sex as the prisoner for medical escorts, so that due regard for the prisoner's decency, self-respect and privacy is maintained at all times;*

## SERVICE REQUIREMENTS OF THE CS&CS CONTRACT

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- (c) the application of mechanical restraints as determined appropriate by the Contractor and in accordance with the appropriate duty of care requirements;
- (d) the need for appropriate training in the use of mechanical restraints;
- (e) any reasonable administrative or clinical requirements stipulated by a health service provider;
- (f) the privacy, safety, comfort and well being of the prisoner at all times;
- (g) the control and safeguarding of prisoner's personal property;
- (h) visits and communications with family and friends under certain circumstances and especially in the case of young offenders;
- (i) the need to minimise profile and contact with the public;
- (j) the need to notify the Contract Manager of any change in the prisoner's circumstances;
- (k) the need to facilitate immediate notification of the prisoner's next of kin of any imminent and life threatening deterioration of the health of a prisoner whilst hospitalised;
- (l) the need to notify the Contract Manager of any significant change in the prisoner's circumstances; and
- (m) the need to ensure rapid response and reporting in the event of any emergency or critical situation with the potential to impact adversely on Service Requirements.

# Appendix 3

## BRITISH STANDARDS FOR CUSTODIAL TRANSPORT

Her Majesty's Inspectorate of Prisons (2004): *Expectations, Criteria for Assessing the Conditions in Prisons and the Treatment of Prisoners*, Home Office, UK

### COURTS, ESCORTS AND TRANSFERS

*Prisoners travel in safe, decent conditions to and from court and between prisons. During movement the individual needs of prisoners are recognised and given proper attention.*

1. Prisoners are held in cellular vehicles for the minimum possible period of time.
2. The use of video link facilities should be actively promoted, unless a prisoner has a preference for attending in court.
3. Prisoners are given 24 hours' notice of planned transfers, in order to make a telephone call to their family, next of kin and/or legal adviser. (Subject to well-evidenced security considerations.)
4. Prisoners can have a meal before going to court or being transferred.
5. Prisoners have access to appropriate clothing so that they do not have to wear prison uniforms for court appearances.
6. Property and private cash accompanies unsentenced prisoners to court. - Arrival in custody.
7. Property and private cash details always accompany sentenced prisoners who are being transferred.
8. Prisoners are escorted in vehicles that are safe, secure, clean, and comfortable, with adequate storage for prisoners' property.
9. Appropriate vehicles are used to transport disabled prisoners in a dignified manner.
10. Methods of restraint are only used if justified by risk assessment.
11. Prisoners in transit are treated according to their individual needs, based on written information accompanying the prisoner and staff observation.
12. Prisoners are given comfort breaks at least every two hours with additional stops when necessary. Hygiene packs are provided for female prisoners on escort.
13. Escort staff consistently use respectful language in speaking to, or about prisoners.
14. Escort staff take responsibility for ensuring that prisoners receive an adequate meal at meal times.
15. Female and male prisoners are transported separately.
16. Prisoners are produced at court on time.
17. Prisoners are held in court cells for the minimum possible period.
18. Prisoners arrive at their receiving prison before 7pm. Any prisoners arriving later than this should still receive full reception and first night procedures.
19. Prisoners are given information at court about what is going to happen to them, in a language they can understand.



# Appendix 4

## AIMS STAFF SURVEY RESULTS

**Table 12: AIMS Transport Staff Survey – General Information on Respondents**

Item	Number	Item	Number
Number of Respondents	32	Employment Status:	
Average Months with AIMS	40.7	Permanent Full Time	17
Number of Female Staff	4	Permanent Flexi	9
Number of Indigenous Staff	1	Casual	5
Number of NESB Staff	1	Trainee	2
Metro Based	15	Initially Trained on a Course	22
Regionally Based	21	Initially Trained by Manual	10

**Table 13: AIMS Transport Staff Survey – Average Ratings of Operational Areas \***

Item	Number	Item	Number
Quality Recruit Training Ave Rating	3.1	Quality of Vehicles Ave Rating	2.6
Quality Further Training Ave Rating	3.0	Effective Procedures Ave Rating	3.1
Staff Conditions Ave Rating	2.4	Relations with Others Ave Rating	3.3
Staff safety Ave Rating			

\* Items rated from 1-5, with 1 for Very Poor, 2 for Poor, 3 for Satisfactory, 4 for Good, 5 for Excellent.

**Table 14: AIMS Transport Staff Survey – Low Rating Items (<= to 2.5)**

Item	Number	Item	Number
Recruit Training TOMS/Watchdog	1.7	Vehicle Driver Air-con	2.2
Recruit Training Other Computing	1.6	Vehicle Reliability	2.3
Staff Conditions Appraisals	2.3	Vehicle Body/Chassis	2.5
Staff Conditions Pay/Overtime	1.8	Vehicle PIC Air-conditioning	2.1
Staff Conditions Call-out	2.1	Vehicle PIC Ventilation	2.4
Staff Conditions Area Subsidy	2.1	Vehicle suitability for Infirm/Disabled	1.7
Staff Conditions Living Away	2.3	Procedures with Disabled	2.5
Staff Conditions Amenities	2.3	Procedures with the Infirm	2.5
Staff Conditions Breaks	1.9	Relations with Senior Mgrs	2.3
Vehicle Driver Comfort	1.9		

**Table 15: AIMS Transport Staff Survey – Areas in which Further Training Desired**

Item	Number	Item	Number
Use of Force/Restraints	14	CPR/First Aid	13
Self Defence	18	Use of Breathing Apparatus	14
Incident Management	14	Occupational Health and Safety	14
Interpersonal Skills	14	TOMS/Watchdog Skills	17
Managing Special Needs People	17	Other Computing Skills	15

# Appendix 5

## COLOUR PHOTOGRAPHS OF CUSTODIAL TRANSPORT SERVICES

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**Figure 1:**  
Consulting Kimberley Aboriginal  
Reference Group



**Figure 2:**  
Rodeo 4WD used in regional areas



**Figure 3:**  
AIMS van at floodway

COLOUR PHOTOGRAPHS OF CUSTODIAL TRANSPORT SERVICES

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**Figure 4:**  
Broome Prison reception



**Figure 5:**  
Inter-prison van at Kalgoorlie Prison



**Figure 6:**  
Main yard at Carnarvon Police lockup

COLOUR PHOTOGRAPHS OF CUSTODIAL TRANSPORT SERVICES

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**Figure 7:**  
Elderly man climbs out of transport van



**Figure 8:**  
At the lifts in a Perth hospital



**Figure 9:**  
Attending a funeral at Wyndham

COLOUR PHOTOGRAPHS OF CUSTODIAL TRANSPORT SERVICES

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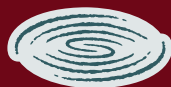
**Figure 10:**  
Polair flight schedule, Queensland



**Figure 11:**  
Following an AIMS van between  
Kununurra and Hall's Creek



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[www.custodialinspector.wa.gov.au](http://www.custodialinspector.wa.gov.au)

Level 27, 197 St George's Terrace, Perth, Western Australia, Australia 6000  
Telephone: +61 8 9212 6200 Facsimile: +61 8 9226 4616