



Report No.

64

May 2010

OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN INSPECTION OF COURT SECURITY
AND CUSTODIAL SERVICES UNDER THE DISTRICT
COURT BUILDING SERVICES CONTRACT



**Report of an Inspection of Court Security and
Custodial Services under the District Court
Building Services Contract**

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

www.custodialinspector.wa.gov.au

May 2010

ISSN 1445-3134

**This report is available on the Office's website
and will be made available, upon request,
in alternate formats.**



This document uses environmentally friendly paper, comprising
50% recycled & 50% totally chlorine free plantation pulp.

Contents

THE INSPECTOR'S OVERVIEW

DISTRICT COURT BUILDING: A GOOD START AND A POSITIVE FUTURE iii

CHAPTER 1

INTRODUCTION1

CHAPTER 2

COURT SECURITY3

Security Screening.....3

Master Control4

Emergency Management5

Guards and Orderlies5

Intelligence6

CHAPTER 3

CUSTODIAL SERVICES7

Late Production of Defendants in Court.....7

Supervision of Persons-in-Custody8

Time Spent in Court Custody9

Food and Drink.....10

Interviews on Reception10

Critical Incident Management10

CHAPTER 4

HUMAN RESOURCES.....13

CHAPTER 5

BUILDING MATTERS.....15

CHAPTER 6

CONTRACTUAL ARRANGEMENTS.....17

APPENDIX 1

RESPONSES TO THE RECOMMENDATIONS FROM THE 2009 INSPECTION.....19

APPENDIX 2

OICS, REPORT OF AN ANNOUNCED INSPECTION OF THE DISTRICT COURT
CUSTODY CENTRE, REPORT NO. 55 (JULY 2008).....28



THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

The Inspector's Overview

DISTRICT COURT BUILDING: A GOOD START AND A POSITIVE FUTURE

This Overview is being written shortly after the retirement of Chief Judge Antoinette Kennedy. Amongst Chief Judge Kennedy's many achievements, she presided over the development and early operations of the splendid new District Building (DCB) in Hay Street Perth. This is a first rate facility that should stand the test of time.ⁱ The public areas include the court rooms, the waiting areas, the registry counter and a café. The general ambience is modern and pleasant. Our main focus, however, was those areas that are not open to the public, namely, the secure areas where people are held before or after their court hearings. We also examined the security procedures that extend to the judiciary and court staff as well as to the public and other court users.

These various services are provided under a contract which commenced in June 2008 and runs for a 25 year term. The contractual arrangements are somewhat complicated. The contractor is the Western Liberty Group but services are delivered by a sub-contractor, G4S Custodial Services Pty Ltd. On the government side, the Commissioner of Corrective Services is the principal of the contract, with contract administration delegated to the Department of the Attorney General (DotAG).ⁱⁱ While comprehensive monitoring services are primarily the responsibility of the Court Security Directorate of DotAG, the Commissioner of Corrective Services is now sending his own monitors to provide assurance about duty-of-care issues at the facility.

The Report is generally positive and optimistic about the quality of court security and custodial services being provided at the District Court and the adjacent Central Law Courts. We found no fundamental flaws in the way that the services were delivered and many areas of good practice. However, we did identify some areas where improvements could help to maximise efficiency, security and quality of service. These included; improving the balance between customer service skills and security needs; some essential improvements to security; the question of whether the supervision arrangements for prisoners were sometimes excessive compared with the way they are dealt with in prisons as opposed to the courts; improved training; and some improvements to the conditions for people in custody.

The fieldwork for this inspection took place between March and June 2009 in the context of a much larger review of services under the *Court Security and Custodial Services Act 1999*. Comprehensive verbal and written feedback was given to the parties in July 2009 (with an opportunity to provide comment to us). The parties also had a chance to respond to the draft report in February 2010.

It is pleasing to report that there has already been positive action on some of our suggested improvements. The contractors and DotAG have reviewed front-of-house security arrangements and reinforced customer service skills. Efforts have been made to increase the quality of training provided to G4S staff, and the main contractor Western Liberty Group is undertaking its own audits of G4S training. Following our initial field work, G4S

-
- i We reported on the fitness for purpose of the custodial areas of the building prior to its opening : see OICS, *Report of an Announced Inspection of the District Court Custody Centre*, Report No. 55 (July 2008).
- ii This arises from his role as the CEO of the agency responsible for assisting the Minister in administering the *Court Security and Custodial Services Act 1999*.

DISTRICT COURT BUILDING: A GOOD START AND A POSITIVE FUTURE

also extended the provision of meals to people remaining in the centre after 6 pm at night. However, we remain concerned that risks arising from the staffing arrangements in master control, and the issue of excessive supervision levels of persons in custody have not been adequately addressed.

Nevertheless, given performance to date at the DCB and the willingness of all parties to respond positively to recommendations and to work towards continuous improvement, the State can be confident about its future.

Neil Morgan
Inspector of Custodial Services
7 May 2010

Chapter 1

INTRODUCTION

- 1.1 The present report relates to our inspection of court security and custodial services provided by the Western Liberty Group through its sub-contractor G4S Custodial Services Pty Ltd, under the District Court Building (DCB) Services Contract. This forms part of our broader inspection of activities under the *Court Security and Custodial Services Act 1999* which has included services provided under the Court Security and Custodial Services (CS&CS) Contract as well as services provided by the Department of Corrective Services.
- 1.2 While G4S Australia Ltd provides similar court security and custodial services throughout Western Australia through the CS&CS Contract, the DCB Contract has distinctive administrative arrangements, including a different performance management system and is administered by a separate Department, the Department of the Attorney General (DotAG). Services at the DCB were acquired as part of the former Government's Public Private Partnership procurement model in a way very different from those acquired in the earlier CS&CS Contract.
- 1.3 The Western Liberty Group was the successful tenderer for the project not only to design and build the District Court Building complex in Hay Street, Perth and to refurbish the court custody centre in the adjacent Central Law Courts, but also to provide a range of services in both buildings (and potentially to the Supreme Court) for a 25 year period after the DCB complex opened. Given the high profile of these Courts, the distinctive security challenges presented and the novelty of contractual arrangements, it made sense to report separately on our findings at this site.
- 1.4 The CSCS Inspection was announced in October 2008 with invitations to provide submissions and briefings in late January 2009; of relevance to the inspection, this included a briefing and submission by DotAG and a briefing by the Western Liberty Group.
- 1.5 The relevant fieldwork was undertaken in the week beginning 25 March 2009. During that week, to augment our expertise in the area of court security, the inspection team included Mr Dean Fechner, Manager Security Services and Policy, of the Office of the Sheriff of New South Wales. This fieldwork comprised direct observation, communications with operational staff and persons in custody, and meetings with the Chief Judge, the Chief Magistrate and some of his colleagues, the District Court Executive Officer, the Western Liberty Group and G4S, and various members of the Court Security Directorate.
- 1.6 Additional inspection work was undertaken on 10 June 2009, and there have also been further meetings with Court Security representatives, the Western Liberty Group and G4S also with the DotAG Contract Manager. One hundred and fifty nine brief surveys were conducted with persons in custody as part of the inspection of CS&CS services. This included a significant portion whose survey related to an instance of attending either the District Court or Central Law Courts. We invited input from legal users through the Criminal Lawyer's Association, but have not received any response. We have also examined contract management data provided by DotAG and other relevant data.
- 1.7 The Office of the Inspector of Custodial Services expresses appreciation for the cooperation and assistance given its inspections officers, including provision of submissions

INTRODUCTION

and answering our questions, from all parties, including heads of the respective court jurisdictions, officials from the Department of the Attorney General, the management teams from the Western Liberty Group and G4S, other G4S officers and persons in custody.

- 1.8 The present review follows closely on *Report 55: Report of an Inspection of the District Court Custody Centre* published in July 2008. That inspection had been undertaken at the behest of the Chief Justice, seeking independent assurance as to the security and amenity of the District Court facilities prior to their being commissioned. The then Inspector, Professor Richard Harding concluded:

The design of both the security and amenity of the District Court Custody Centre far exceeds anything that has previously been in Western Australia... With some of the infrastructure adaptations that we have proposed and some fine-tuning of processes, plus a reconsideration of some of the contractual issues identified, the new District Court Building promises to meet the reasonable needs of all the users, including the persons in custody for many years to come.¹

- 1.9 The recommendations from that report are reproduced in an appendix to this report, with an assessment of progress in addressing these recommendations.
- 1.10 The 2008 inspection was essentially a review of the fitness of the facility for purpose prior to its opening. The current inspection was more focused on the practices and performance of the contractor in custodial management and security in both the District Court and the adjacent Central Law Courts. At the time of our initial fieldwork, the DCB had been operational for almost nine months, having commenced on 3 June 2008.
- 1.11 At the time of the 2008 Inspection, refurbishment of the Central Law Courts was also still in train. The Western Liberty Group had responsibility for the redesign and construction of the court custody centre there on Level 4 (completed in November 2008) and for upgrading security systems at the Central Law Court (which was due for completion in June 2009).
- 1.12 During this Inspection, the new Court Custody Centre was therefore in use, as was the tunnel under Hay Street connecting the holding areas in the two buildings. However, refurbishment (by another company) of the Courts on Level 4 had not yet been completed, so that prisoners appeared in Courts on Level 5 accessed through long and potentially dangerous stairs. Public entry to the Central Law Courts at the time was from St Georges Terrace, pending reopening of the main Hay Street entry.
- 1.13 While it has taken some time to publish the report of the present inspection, an exit debrief was provided both to the Western Liberty Group and DotAG on 30 July 2009, which detailed our findings for the information and early attention of the relevant parties. Certain matters were indeed addressed, which is reflected in their official responses to the recommendations of the present report which can be found in Appendix 1.

1 OICS, *Report of an Announced Inspection of the District Court Custody Centre*, Report No. 55 (July 2008), 8.

Chapter 2

COURT SECURITY

SECURITY SCREENING

- 2.1 G4S have responsibility for perimeter security, dock and gallery security in court rooms, general security within the buildings and for primary response to incidents and emergencies. Staff access control throughout both buildings was by a proximity card reader system, except that all doors into or within the custodial zones were controlled by master control which had CCTV of all areas and radio contact with security and custody staff.
- 2.2 Perhaps the most obvious security feature at the District Court is the airport-style security apparatus coupled with the numerous security staff who control entry to the Courts and facilities on other levels from the main foyer. At times, with two teams operating security equipment and with supervisors, perimeter security staff and inquiry desk staff, there could be up to ten staff present.
- 2.3 This level of security is highly visible and in the minds of judicial members, court staff and many other court users, is highly intrusive. It was likened by some to the 'green zone' in Baghdad. Of course, most court users understand that higher levels of security are a necessity and it is likely over time that they will be accepted as routine, if at times inconvenient. In this regard, it was a matter of concern that DCB and G4S staff arriving through the front lobby were not subject to security screening. This rather undermines the integrity of such security systems and should be reconsidered. Even pilots and other aircraft crew are subject to security screening at airports.
- 2.4 We found in practice that staff tended to be too security-minded and were often less than diplomatic in relating to members of the public about possible security matters. Vigilance in security is essential but it needs to be tempered with customer relations skills and common sense in public areas, such as on the front steps, the lobby and coffee shop. For example, inspection team members were aggressively questioned while taking photographs on the front step of the building and, on another occasion, when entering the building with a group of staff before 8.30 am and joining the queue at the coffee-shop, without first having spoken to front reception. There was also an allegation by a TV cameraman about being shoved on the front steps. We were also informed that a gift wrapped bottle of wine for presentation to the speaker of an after-hours seminar of lawyers was refused entry due to the strict alcohol ban.
- 2.5 Care should be taken to minimise numbers of security staff gathered at the screening area, except when an additional presence is required because of the assessed risk level of specific court appearances or volume of court business. Consideration should also be given to the main inquiry desk being staffed by civilians chosen for excellent customer relations skills and presentation.

Recommendation 1

That G4S, in consultation with DotAG Contract Management and Court Security Directorate, review front-of-house security arrangements in the District Court Building lobby including:

- 1.1 Ensuring that security staff deployed in front-of-house have training in customer service skills and in the exercise of judgement.*
- 1.2 Addressing whether DCB and G4S staff should be subject to security screening, as with other building users.*
- 1.3 Minimising numbers of security staff present at the screening point to those required by the presenting level of risk or the volume of court business.*
- 1.4 Staffing the main inquiry desk by civilians chosen for excellent customer relations skills and presentation.*

MASTER CONTROL

- 2.6 Perhaps the most important asset for general court security matters at the DCB is master control. At the time of the inspection, a small control room also operated at the Central Law Courts (CLC), but it was planned for DCB master control to assume surveillance and control functions across the two sites when CLC security system upgrade was due for completion in June 2009. Master control was staffed during the day by two officers on a 10 or 12 hour shift and overnight by a single officer.
- 2.7 The workload of day staff was extremely high, with hundreds of surveillance cameras to monitor, constant radio communications, frequent alarms to check, security doors to be opened and vehicular traffic to manage. Staff only left their post for personal needs, to attend to a technical fault elsewhere, or if otherwise requested by their supervisor. There was no system of relief or rotation in evidence, even to take lunch.
- 2.8 Our expert adviser noted that research has shown that attention is compromised in such a control room environment after only 30 minutes. And we certainly observed that staff missed some alarms and opened secure doors on occasions on radio request alone, without a prior visual check over CCTV. Furthermore, communications often had to be repeated one or more times before master control would respond. We identified this as a significant risk area requiring urgent attention, if it has not already been addressed following a meeting we had with Western Liberty Group and G4S at the inspection debrief.

Recommendation 2

That staffing be configured to ensure that three operators are on duty in master control throughout the day shift on days when courts are sitting, with each operator being relieved after no longer than two hours on duty.

COURT SECURITY

EMERGENCY MANAGEMENT

- 2.9 The WLG Operations Manager is the Chief Warden for the District Court Building and it was noted that there had been two evacuation exercises (including a desk-top) to March 2009.² There was also a contingency in place to evacuate prisoners from one part of the complex to another if required. Appropriate signage was identified in the buildings and staff appeared to have knowledge of how the system operates. Floor wardens were indicated as being appointed and on duty at the time of the review.
- 2.10 However, some people working in the court expressed a lack of confidence in the ability of G4S to respond in a crisis. This suggested that more work was needed to communicate the emergency plans more broadly. While most emergency exercises are appropriately either only a desktop exercise, or only involve security staff and floor wardens, it is appropriate that an occasional exercise is undertaken in which everyone working in the building is a participant.

GUARDS AND ORDERLIES

- 2.11 Court staff and judicial members complained that gallery guards and perimeter guards were often missing from courts, and adjacent areas. This appeared to have resulted mainly from insufficient contractor staff during the first seven or eight months of operations. However, it was acknowledged this had latterly improved and contract management data showed that such incidents were much reduced by March 2009 and that none were reported in April 2009.
- 2.12 The provision of court orderlies in Magistrate's Courts is another essential service for court operations. This role is a complex one requiring good knowledge of the court's requirements, and an ability to manage competing demands.
- 2.13 The period of transition from the previous arrangements to services under the DCB Contract was disruptive, as some experienced orderlies moved on and new orderlies had to be trained. This process was continuing in March 2009 but, again, there were signs that the situation was stabilising.
- 2.14 Also of concern to Magistrates were changes in security and parking arrangements at the Central Law Courts, which reduced their amenity and sense of safety. This needed to be addressed through the CLC building users group as the refurbishment continued. Both the District Court Building and the Central Law Courts have monthly meetings of building user representatives to address issues with their respectively building managers to disseminate essential information.³

2 Text corrected following a response from Western Liberty Group. WLG (and G4S) also have responsibility for the Emergency Management Plan at the DCB but not in the CLC. A DotAG officer is the Chief Warden at CLC.

3 Draft text corrected following response from Western Liberty Group, which has building management responsibilities at DCB, with its responsibilities at CLC limited to the custody centre and security systems.

INTELLIGENCE

- 2.15 As part of the CBD Courts Project which led to the development of the new District Court Building and refurbishment of the Central Law Courts, DotAG commissioned development of the 3CS IT system to support custodial management in these court environments. This provides an excellent platform for collating and maintaining information about particular persons in custody, including information available from police and corrections. It also facilitates planning of cell placements by holding room staff and using touch screens, for real-time movement information, including placement into holding cells.
- 2.16 The Court Security Directorate in DotAG has also established a higher-level intelligence system to collate information and identify potential security threats at courts throughout the state and keep local court and security staff fully apprised, including at DCB/CLC. An operational order is provided by DotAG to G4S for the conduct of security around any high-risk matter identified. Other police and correctional agencies may also be involved in certain circumstances. Such orders are based on the Situation, Mission, Execution, Administration and Logistics, Command and Communications (SMEAC) model format similar to that of any police or military organisation. Our independent expert found that the intelligence system utilised by the Court Security Directorate is of above average standard.
- 2.17 However, G4S lacked an effective system to record, collate and forward intelligence arising from its own operations including from incidents within the Custody Centre and courts. Such information was largely passed on by word of mouth rather than an electronic reporting system and is likely to be less than comprehensive.

Recommendation 3

That G4S review its systems for recording, collating and forward intelligence and incident reports arising from its operations.

Chapter 3

CUSTODIAL SERVICES

- 3.1 For the most part, the Court Custody centres in both sites operate effectively and safely. However, there were a number of complaints, especially around the late production of persons in custody – both in the District Court and the Central Law Courts – and other delays.

LATE PRODUCTION OF DEFENDANTS IN COURT

- 3.2 Delays are not only an inconvenience for courts but potentially costly for lawyers and a source of concern to their clients. The Contract is constructed to pass some of this pain on to the contractor, and it was heavily abated in September and November 2008 and, to a lesser extent, in February 2009 for late productions of defendants in custody into court. This is a complex issue that had multiple causes, both external and internal.
- 3.3 External factors included the late arrival of persons surrendering from bail and the late arrival of prisoner transport vehicles. A separate branch of G4S has responsibility for transport. Internal factors included a rather slow processing of persons in custody on arrival into their cells and from there to court rooms; slow movement of prisoners from disembarkation in the DCB sallyport across to the CLC holding room; and insufficient time after arrival at the relevant custody centre for lawyers to see clients before court. Some escorts were not allowed to cross in corridors and as noted earlier, there were sometimes issues in getting attention from master control to get people in or out of the dock. A radio dead-zone in a corridor outside one court room caused considerable delays until the problem was identified and resolved.
- 3.4 Some procedural and structural refinements have reduced the number of reports of late productions in courts. For example, a switch has been installed in the docks at the DCB to allow easy exit into the custodial corridor. Dock staff, we were told, now attend in the District Court regardless whether a prisoner is available, so as to keep the Court informed of any delays.
- 3.5 In addition, G4S has arranged with the police for the earlier delivery of arrestees from East Perth Watch-house to the CLC sallyport each morning. This enabled duty lawyers to see most of them before court, reducing the cumulative delays that had resulted in many cases not being heard till rather late in the day. Prisons however, have declined to make prisoners available earlier each morning for transport to courts. There may be scope, now that the DCS Commissioner is recognised as the principal of the Contract, for more direct engagement with prisons to try and work around this issue.⁴
- 3.6 Surprisingly perhaps, the most obvious refinement has not been tried. Currently all prisoners disembark at the DCB sallyport. Those appearing at CLC have to be taken over in twos and threes through the tunnel to the CLC Custody Centre. This used to take all morning and often could not be completed before courts commence with a consequent impact on list management and lawyer availability. In vacating the May Holman Centre next door to the Central Law Courts, DotAG failed to secure use of the right-of-way which provided a through exit for vehicles from the CLC sallyport. Vehicles using the CLC

4 The question of contract governance is addressed in Chapter 6 (below).

sallyport have to exit by backing up the steep driveway to Hay St. The right-of-way may reopen in future, but in the meantime, it should still be possible for transport vehicles to unload DCB-bound prisoners in the DCB sallyport and CLC-bound prisoners in the CLC sallyport.

SUPERVISION OF PERSONS-IN-CUSTODY

- 3.7 A significant factor in the delays, and a matter of some concern to the inspection team was the two-to-one staff to person-in-custody ratio applied to *all* movements within custodial areas. This meant that at least six officers were needed to allow three people to disembark from a transport. Another six were then required to accept them in the lobby where they were pat searched or wanded before being passed into the first corridor where another six staff were waiting to convey them through to the custody hall and into holding cells. With the presence of senior staff and a computer operator in the lobby, the operation involved at least 20 officers.
- 3.8 The same staffing ratio was applied to all other movements within the secure complex to interview rooms, into court rooms or through the tunnel. Only two or three or four persons in custody were moved as a group. It may be noted that in a prison setting, such staff numbers are not required for general movements. Only when moving high security or disruptive prisoners would prison officers out-number prisoners by such a ratio. The people in custody were evidently discomfited and annoyed at the implied level of distrust in such an arrangement.
- 3.9 It is accepted that there are significant tensions surrounding court processes for many prisoners and that security risk in a general sense is elevated. But treating all prisoners as if they were high risk is unnecessarily clumsy and inefficient. Nor does it engender good custodial management skills among staff. On the contrary, in such large groups, staff naturally tend to play to the group, instead of focussing on managing the person in their care. For example, we observed an incident when four women were moved from cells in custody hall two by eight men. A fifth woman, whose status was not yet clarified, had been left in her cell and was shouting out abusively ‘two hours for [expletive deleted] paperwork, let me out of here’. One of the officers at the back of the pack shouted back to her smart-alec comments such as ‘what’s that, you got tapeworms?’ He was not challenged or brought into line by anyone.
- 3.10 Incidentally, only one female officer was present in the custody hall when the women were released from cells for their movement towards the sallyport. She was not, however, part of the escort team, meaning the movement of female prisoners was conducted solely by a group of men. This was also less than exemplary custodial practice.
- 3.11 Custody staff at DCB/CLC have good tools to hand for identifying risks relating to known persons in custody. The CS3 system collates information from prison, court and police systems and intelligence is provided on higher risk prisoners by the Court Security Directorate. The mood of prisoners is generally evident on arrival and incidental information may also be provided by transport staff, possibly originating from prison staff

or police. Prisoners identified as posing a higher risk should of course be managed on an individual basis by an appropriate escort team. Others, however, could be managed much more efficiently without any compromise to safety or security.

Recommendation 4

That DotAG in consultation with its contractor revise custodial management procedures including staff to person-in-custody supervision arrangements and staffing deployment under the District Court Building Services Contract to conform with sound risk-management and dynamic security principles.

TIME SPENT IN COURT CUSTODY

- 3.12 The average time prisoners spent away from metropolitan custodial facilities on court escorts to all metropolitan courts increased from 7.2 hours in late 2005 to 7.95 hours in February to April 2009. However, the time spent by those returning from the DCB was 8.35 hours and from the CLC 8.76 hours.⁵ Thus more time is spent by prisoners in cells in the holding rooms in central Perth. This has knock-on effects on matters such as the availability of meals when prisoners return to their facility. Indeed a third of prisoners returned to prison after 6.00 pm including 18 per cent who returned to prison after 7.00pm.
- 3.13 Again, the reasons for this are complex, including increased business in courts and late arrivals in the relevant holding rooms causing difficulties in accessing lawyers. There can also be significant delays in obtaining (and in conveying) court papers at times and those returning from the CLC must be escorted back through the tunnel to the DCB Court Custody Centre. District Court hearings can often extend into the evening, especially when juries are out. However, prisoners surveyed say they typically remain in the court custody facility some four to five hours after their court appearance so in many cases, their long day in court is due merely to a lack of timely transport.
- 3.14 Another arm of G4S is responsible for transport and their ability to provide a good quality of service has been in question for a number of reasons, including shortages in vehicles or staff, and multiple demands on their services. Clearances were generally scheduled for early and late afternoon but another vehicle is often required. The departure of the last vehicle may well be held off while a last effort is made to organise someone's bail, or to wait for a hearing to conclude.
- 3.15 It is not uncommon for juries to sit well past standard court sitting hours, and occasionally well into the evening. The contractor's procedures are such that at least seven staff are required to remain on premises as long as a person with a jury trial is on premises. This did not appear to have been anticipated prior to commissioning. In the end, a significant, and from the contractor's perspective, an unexpected number of people were held some nights after 6.00 pm. During our March field visit, we asked whether such people are provided with meals. We were pleased to hear in early June that the contractor is providing reheated frozen meals to such people.

5 Analysis of gate entry and exit records downloaded from the DCS custodial database (TOMS).

CUSTODIAL SERVICES

FOOD AND DRINK

- 3.16 The question of meals generally, was a major issue in most court custody centres, rating only 1.86 out of 5 in the opinion of prisoners surveyed. G4S at DCB made an effort to raise the standard of food provided at the two centres, with heated chicken-with-mayonnaise rolls from an external supplier becoming the mainstay. This was certainly an improvement over pies and sausage rolls provided in other sites, although without a fresh fruit or vegetable component, of questionable food value. We understand the contractor has recently decided to retender its food provision to leverage a further improvement.
- 3.17 One also wonders whether morning and afternoon tea could be made available to persons in custody on a self-serve basis. Perhaps cells could be progressively opened to allow people to enter the custody hall area and make themselves a cup of tea or coffee and a biscuit. The minimal risk involved would be offset to a significant degree by the cooperation and positive interaction afforded between staff and people in custody that such a reform would bring.

Recommendation 5

That a range of nutritious meal options, including fruit, salad and other fresh food in reasonable quantities (including a vegetarian option) be made available in the holding rooms at the District Court Building and Central Law Courts for lunch. Morning and afternoon tea should also be provided, and food offered to any person likely to be held after 6 pm.

INTERVIEWS ON RECEPTION

- 3.18 Finally, we noted that each person entering the centre through the sallyport was interviewed very briefly as to whether they had any injuries, medicine sent with them, paperwork for court and the name of their lawyer. This was done individually, and reasonably discretely and efficiently, but potentially within the hearing of others. Nevertheless, this process is a positive reform in managing persons in custody. It was also noted that staff conducted searches in a professional way and that they attended politely to requests by people in cells in the custody hall.

CRITICAL INCIDENT MANAGEMENT

- 3.19 G4S have to be capable of mounting a response to incidents that may arise within the custodial environment, including escape attempts, resistance or failure to cooperate with movements, assaults on staff or others, or damaging property. There could also potentially be situations involving a number of persons in custody such as fights or riots.
- 3.20 A list of four staff on duty is provided each day to master control, custody control and the Operations Manager to provide a response to such incidents. The team is lead by a nominated manager or supervisor. Team members are notified on a daily basis, with notification recorded on a form, together with their work location. There are also systems

to relieve them if they are required. These processes are sound and it was asserted by G4S managers that initial training received by all staff (including cell extraction and use of force training) was adequate preparation to be part of such a response team; the more important issue was management of the response. However, the quality of recruit training has been strongly questioned by a 2009 audit of G4S training (see next chapter) and it is widely accepted in the industry that response teams need repeated training to learn how to follow orders, work closely together, utilise batons, shields and other specialist equipment, and to apply verbal skills or escalation of force in a controlled way.

- 3.21 High security prisoners are transferred from prison by the Emergency Support Group (ESG) of the Department of Corrective Services. Following the escape of nine prisoners from the Supreme Court in June 2004, contract managers funded the contractor to maintain a Special Security Group (SSG) to help manage such prisoners at court custody centres. However, in 2007-2008, the present contractor was unable to staff its SSG, and the Department of Corrective Services decided to withdraw funding. Nevertheless, contract managers intended that an enhanced level of training would be maintained among a select group of contractor staff at metropolitan courts, including at the District Court Building and Central Law Courts. To date, no such enhanced training has been provided.
- 3.22 While a full-time specialist response team may not be required, any response team should be drawn from a pool of officers trained appropriately to respond to any incident in a professional way. This certainly requires an enhanced level of training with regular exercises and updates.

Recommendation 6

That the response team at DCB/CLC be drawn from a pool of officers with an enhanced level of training and practice to respond to any incident in a professional way.



THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

Chapter 4

HUMAN RESOURCES

- 4.1 G4S had to dramatically increase its workforce to staff the DCB Contract. A number of rounds of recruitment were needed before this was achieved in early 2009. Early recruits for employment under the DCB Contract trained alongside CSCS staff at the G4S base at Belmont, with latter schools trained separately, but with identical core components provided by the same trainers. Extra sessions are provided to cover DCB requirements.
- 4.2 In the first eight months or so, inexperienced staff were deployed in all areas, including in frontline duties in courts. This could not be compensated by close supervision and guidance and indeed, many areas did not have correct levels of coverage. Levels of confidence in the service by the judiciary and court staff were very low, and it will take time to win back that confidence despite fuller coverage and increasing levels of experience by staff.
- 4.3 At the time of our initial fieldwork, the contractor lacked a comprehensive strategy for further training and relied mainly on experienced staff to train and guide others on the job, for example, new court orderlies. We considered there were many areas where additional training was needed including:
- Dynamic supervision of persons in custody;
 - Cross-cultural competence;
 - Performing cell extractions;
 - Use of the C3S and master control systems;
 - Maintaining fitness and health;
 - Customer service;
 - Court security;
 - Managing court lists;
 - Bail operations.
- 4.4 Nor was there evidence of specific training for senior officers, supervisors and other managers.
- 4.5 An audit of G4S training in Western Australia, commissioned by the Department of Corrective Services in relation to G4S training for the Court Security & Custodial Services Contract, was delivered in March 2009. The audit found that:
- Learning materials available for Certificate III in Correctional Practice were inadequate;
 - Both pre-service and in-service training lacked session plans;
 - Quality of training was not effectively monitored;
 - There was no capacity to make judgements about individual competency in training;
 - Trainer competence had not been established, training record systems were not effectively applied;
 - There was a lack of self-auditing against contract training requirements;
 - There was a lack of information provided to staff and clients about any training,

HUMAN RESOURCES

assessment and support services provided and their rights and responsibilities throughout the training and assessment process.⁶

- 4.6 By June 2009, G4S at DCB planned to advertise a position of Training Supervisor and to utilise the forthcoming District Court recess for in-service training, mainly to update compulsory Senior First Aid competencies. A number of staff were also given further training in using the C3S system. Other in-service training opportunities would be identified and possibly offered utilising latent capacity in shifts, and suitable facilities within the District Court Building. It is perhaps unfortunate, though, that for such a large workforce, a gym is not available to help staff maintain their fitness levels.
- 4.7 In addition, a consultant was engaged to review training processes, including the Certificate IV in Correctional Practice which is compulsory for supervisors. The content was reviewed to ensure it will be generic (ie portable across the industry) and that it is pitched at the supervisory level. It was to be managed in house, supervisors were to be interviewed three-monthly, and weekly targets set. While largely based on recognition of prior learning processes, it would be rigorous and require significant written work.
- 4.8 These initiatives were positive, but it is not yet known whether recruit training has been properly reformed and in-service training sustainably established. Ultimately, it is incumbent on contract managers in DotAG to ensure that the quality of recruit and in-service training attains and is maintained at a good standard.

Recommendation 7

That DotAG audit and monitor training provided to contractor staff working in court security and custodial services roles at the District Court and Central Law Courts to ensure that the quality of recruit and in-service training attains and is maintained at a good standard to enable staff to properly undertake their duties under the Contract.

6 Applic8 Pty Ltd (2009): *An Audit of the Training Provided by G4S for the Court Security and Custodial Services Contract, A Report to the Department of Corrective Services*, (1 March 2009). Findings are here summarised and paraphrased.

Chapter 5

BUILDING MATTERS

- 5.1 Our previous report (*Report 55*) commented on the fitness for purpose of the custody centre at the DCB.⁷ We have since had the opportunity to view the rebuilt facility on level four of the Central Law Courts. This has been remodelled to provide nine modern cells with seats, toilets, water fountains, TVs and monitoring systems opening into a custody hall which includes a custody control area. A bank of adjacent non-contact interview rooms is available for meetings with lawyers and other officials. This facility is a major advance on the one it replaced with its narrow corridors and uncomfortable cells lacking toilets and water fountains.
- 5.2 However, the facility is not very large and may well become crowded at times. The area able to be provided for staff support is quite small and already overcrowded. Long stairs to and from courts on level five, were a risk to persons in custody and their escorts. However, these issues would be ameliorated when the larger Court 41 on the same level as the custody hall and which would also have its own large holding room was soon to be commissioned.
- 5.3 Report 55 included a recommendation that remedial action be taken in relation to 14 findings with respect to defects, risks or usage issues of aspects of the building and a further recommendation that screen vision in the control room be reset to equate with natural vision.⁸ Only a handful of these matters have been properly remediated, including duress alarms now installed in the sallyport (Finding 13), and blinds used to prevent line-of sight by persons in cells through the custody control area (Finding 10). Front screens to courtyards have been strengthened but not properly tested, ostensibly due to uncertainty how the yards will be used (Finding 5). It was always intended that the yards be used to provide time-out of smaller cells for stressed prisoners. This matter should be resolved without further delay.
- 5.4 Most of the findings were dismissed as not an issue and a couple were still awaiting a response from the relevant building contractor (such as Finding 1). There is uncertainty whether or not privacy has been achieved from CCTV monitors for people using toilets in cells (Finding 12) nor it was not possible to ascertain whether vision in the control room had been reset as recommended.
- 5.5 Finding 6, which has not been properly addressed in our view, related to the inability of shorter persons in custody and lawyers or other official visitors to see each other's full face above the mesh talk-through. This poor design we note was replicated at CLC. Being able to see another person's face is essential to good communication and this design should be modified. Incidentally, many lawyers would welcome the opportunity to see their clients more frequently outside the non-contact booths and in the contact interview rooms at the DCB.

7 OICS, *Report of an Announced Inspection of the District Court Custody Centre*, Report No. 55 (July 2008)

8 Ibid.

Recommendation 8

That the seat height in non-contact interview rooms in the holding rooms at the District Court Building and Central Law Courts be raised to ensure that all persons-in-custody have full-faced visual connection with the person conducting the interview.

- 5.6 A matter not raised in the previous inspection, but of fundamental concern to persons in custody is the nature of the cell furniture. Cells all have metal seats, which in an air-conditioned environment feel unduly cold to many people. These should be covered with an insulating material of some kind. Water fountains in cells are installed as part of the metal toilet installation. Many people are offended by the smell and perceived hygiene implications of this juxtaposition. It is hard to imagine how this could now be fixed, but it should be fixed if possible and alternatives should be used at other sites.⁹

Recommendation 9

That metal seats in holding room cells at the District Court Building and Central Law Courts be covered with an insulating material to make these seats more comfortable.

⁹ An amendment to DotAG's Standard Design Brief for court custody centres is recommended in the *Thematic Review of Court Security and Custodial Services in Western Australia* to be published concurrently.

Chapter 6

CONTRACTUAL ARRANGEMENTS

- 6.1 Experience with Acacia Prison and the Coroner's report in the Ward inquest have, in different ways, highlighted the issues and risks that can arise from a dispersal of authority and responsibility. Prior to Serco taking over the Acacia Contract, there were a series of complex corporate arrangements and split responsibilities that hampered the ability of contractors AIMS / Sodexo to meet the requirements of the Prison Services Agreement.¹⁰ Since Serco has taken over, there is a stronger and more accountable corporate structure but there is a serious issue with the fact that Sodexo retains the maintenance contract. In *Report 53*, we commented that risk and responsibility were therefore not properly aligned at Acacia.¹¹
- 6.2 Similar problems arise with the DCB. In *Report 55*, the former Inspector of Custodial Services drew attention to complexity of the DCB contractual arrangements as they stood at the time:
- The Department [ie DoTAG] and the Contractor are not in a direct legal relationship. The Contract ... is between the Department and the Western Liberty Group and WLG in turn has sub-contracted the task of running part of the building and services to G4S.... The State seems to have painted itself into the corner of a defective contractual model by separating operational responsibility from legal responsibility.¹²
- 6.3 A further complexity has now arisen in that it has been determined that the principal of the CSCS Contract as defined in the *Court Security and Custodial Services Act 1999* should be the Department of Corrective Services (DCS) Commissioner. This means that the DCS Commissioner is therefore also the principal for CSCS activities undertaken by G4S under a sub-contract from WLG pursuant to a contract which is administered and monitored by DotAG.
- 6.4 DotAG monitors DCB Contract compliance through its on-site representatives, its DCB Executive Officer and other court officials. Robust contractor reporting mechanisms are in place as are systems to record and penalise instances of contractor underperformance. The Western Liberty Group runs a help desk through which all building users can access information or make complaints. Regular building users meetings are held in both buildings, although G4S had not been able to participate in the CLC meeting for some time. Nevertheless, despite a number of stories of miscommunication, cross communication or lack of communication, in the early months, one senses that the situation is stabilising and the Western Liberty Group and G4S are working hard to satisfy the reasonable demands of building users.
- 6.5 However, the DCS Commissioner in his role as the contract principal understandably requires direct assurance about contractor compliance with duty-of-care and wellbeing requirements in all aspects of court security and custodial services. It was therefore proposed that a new team of monitors under the DCS Contract Manager be deployed to the DCB and CLC along with other sites where court security and custody services are undertaken,

10 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 19 (March 2003).

11 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008), paras. 2.2–2.13.

12 OICS, *Report of an Announced Inspection of the District Court Custody Centre*, Report No. 55 (July 2008), paras. 1.28–1.29.

CONTRACTUAL ARRANGEMENTS

including custodial transport. Monitoring with a specific focus on duty-of-care issues is arguably missing at the DCB and CLC so the new system may help to ensure the well-being of persons in custody.

- 6.6 This intervention by a separate Department may be necessary given the nature of the *Court Security and Custodial Services Act 1999* but it has to be said that nobody would dream up, let alone propose or adopt, such a model if we were designing a system from the ground up with a sharp eye on transparency and accountability. The Act was conceived at a time when a single Ministry of Justice was in place and a single contract was envisaged for the provision of the court security and custodial services.
- 6.7 However, a number of custodial services have reverted to the Department of Corrective Services without replicating the monitoring and accountability arrangements that applied to contracted services. Activities of Police under this Act, facilitated by a Memorandum of Understanding with the CEO of the former Ministry of Justice also arguably lack proper arrangements for transparency and accountability. Although all parties have attempted to ‘work around’ the current model, it is time that the legal and administrative framework for court security and custodial services was reformed.

Recommendation 10

That the Government reform the Court Security and Custodial Services Act 1999 to simplify administration and ensure transparency and accountability of court security and custodial services undertaken by the Departments of the Attorney General, Corrective Services, Police and their respective contractors.

- 6.8 In Report 55, we expressed concern about whether the staffing levels in the Contract were adequate given the throughput in the courts, the numbers in custody and more court hours. And if service quality is to be enhanced and sustained, we have already said that much more needs to be done in the area of staff training. However, in ongoing contract negotiations, note should also be taken of our finding that staffing ratios in custodial management often seem higher than they need to be; and with good risk management could be dropped back. However, in such negotiations, it should also not be forgotten that the state’s interests will be best served in the long term if the company can achieve a reasonable level of profitability in return for provision of high quality services.

Appendix 1

RESPONSES TO THE RECOMMENDATIONS FROM THE 2009 INSPECTION

Recommendation	Acceptance Level/Risk Rating/Response
<p>1. That front-of-house security arrangements in the District Court Building lobby be reviewed including:</p> <p>1.1 Ensuring that security staff deployed in front-of-house have training in customer service skills and in the exercise of judgement.</p> <p>1.2 Addressing whether DCB and G4S staff should not be subject to security screening as with other building users.</p> <p>1.3 Minimising numbers of security staff present at the screening point to those required by the presenting level of risk or the volume of court business.</p> <p>1.4 Staffing the main inquiry desk by civilians chosen for excellent customer relations skills and presentation.</p>	<p>DotAG: Agreed in part/Low</p> <p>1.1 This matter has already been addressed by G4S. The Department continues to monitor the front of house security arrangements and notes that here has been a marked improvement in the approach taken by G4S staff when dealing with visitors to the court.</p> <p>1.2 The Services Specification and arrangements in place at the District Court provide the contractor with options for escalating security arrangements to match the assessed risks to the Court. This is facilitated through the Service Specifications requirement for the contractor to provide a range of secondary access points to accommodate judicial officers, vulnerable witnesses, or victims, staff and jurors, in addition to the primary check point. The contract provides that G4S may exercise discretion to screen at secondary points, or to direct persons through the primary security check point. The Department does not plan to alter this arrangement.</p> <p>1.3 Overcrowding in the entry foyer was an issue during the first 6 months of services but has been resolved by G4S.</p> <p>1.4 The Reception Desk is an important element of the Court's entry regime. The Department encourages WLG/G4S to target officers with customer service skills for duty at the counter; however the broader issue of the general understanding of the approach to be taken with visitors to the Court requires further attention.</p>

Action Plan: The Department will review the training package by June 2010. The Department will review the performance of staff rostered to this role.

Western Liberty Group Response:

The number of staff deployed to the front of house and the primary security screening areas has been reviewed. At times there is more staff present due to the number of persons requiring entry through those areas. Policy determines that at times of elevated risk all court users, including staff may be required to pass through the security screening areas.

RESPONSES TO THE RECOMMENDATIONS FROM THE 2009 INSPECTION

Recommendation	Acceptance Level/Risk Rating/Response
	<p>All staff are required as part of their induction to participate in customer service skills training.</p> <p>Action Plan: Staffing at the security screening points has been reviewed. Annexure E of the Service Specifications also guides Minimum Requirements.</p> <p>Western Liberty Group Response: The day to day deployment of staff is the responsibility of G4S.</p> <p>G4S Response: In consultation with DotAG Contract Management and Court Security Directorate, G4S has reviewed the front-of-house security arrangements in the DCB lobby, and in particular the security staff and number of staff who work in that area. We have assessed their customer skills, the level of security that is necessary, the appropriateness of searching procedures for court-users, and the appropriate level of staff screening. We are satisfied that each of these issues has been resolved through enhanced training, a review of the appropriate level of security for users of the DCB, reinforcement of customer service skills, and improved roster management.</p>

RESPONSES TO THE RECOMMENDATIONS FROM THE 2009 INSPECTION

Recommendation	Acceptance Level/Risk Rating/Response
<p>2. That staffing be configured to ensure that three operators are on duty in master control throughout the day shift on days when courts are sitting, with each operator being relieved after no longer than two hours on duty.</p>	<p>DotAG: Agreed in part/Low The Department agrees with the sentiment of the recommendation that Master Control should be staffed to allow effective management of the function. The level of staff required is a matter for WLG/G4S, however Court Security Directorate officers regularly review the staffing and performance arrangements in Master Control, and coordinate remedial action if required.</p> <p>Western Liberty Group Response: The day to day deployment of staff is the responsibility of G4S.</p> <p>G4S Response: G4S has reviewed staffing levels in Master Control and is satisfied, with our experience and knowledge of what is necessary to ensure the security of DCB and the safety of users of the building, and to deliver the outcomes required by the contract, that the current staffing levels in Master Control are appropriate. G4S has moved to prioritise responses, including responses to duress alarms, by requesting the Western Liberty Group (WLG) to install an audible alarm which immediately identifies duress alarms. This eliminates the need for Master Control staff to be constantly monitoring the screens for random duress alarms, a major cause of fatigue. In addition, 15-minute breaks outside the Master Control area have been introduced to provide Master Control staff with a break and to Increase their alertness.</p>

RESPONSES TO THE RECOMMENDATIONS FROM THE 2009 INSPECTION

Recommendation	Acceptance Level/Risk Rating/Response
<p>3. That G4S review its systems for recording, collating and forward intelligence and incident reports arising from its operations.</p>	<p>DotAG: Agreed/Low</p> <p>The Department’s Court Security Directorate has established systems and processes to manage security intelligence and support G4S and other DCB officers. Given the officers’ intimate contact with the day to day operations of the courthouse, a formal system based reporting tool would be an advantage.</p> <p>Western Liberty Group Response:</p> <p>The appropriate recording of intelligence information within G4S is an internal matter however a more formal system that was electronic would achieve better outcomes for all parties involved in the management of risk.</p> <p>G4S Response:</p> <p>G4S is satisfied that the current system for reporting incidents is robust. Reports are recorded on C3S and in PDF format and forwarded to WLG on the next operational day. Critical incidents are reported in more detail, including documentary and CCTV evidence. Reports include statements from officers, records of logs, and root cause analysis to limit the recurrence of any similar incident. When appropriate, the information is reported on TOMS within eight hours of an event occurring.</p> <p>The collection of intelligence beyond incident reporting is conducted manually in accordance with Policy 3.20. The appropriate form is completed by the relevant officer and forwarded to Court Security Directorate. G4S’s Operations Manager attends the DotAG weekly Intelligence briefing to share and receive this and any other relevant information.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>4. That DotAG in consultation with its contractor revise custodial management procedures including staff to person-in-custody supervision arrangements and staffing deployment under the District Court Building Services Contract to conform with sound risk-management and dynamic security principles.</p>	<p>DotAG: Agreed in part/Low</p> <p>The contractor’s operational procedures are endorsed by the Department. Proposals to change previously endorsed procedures are reviewed by the Department, and in the case of security and custody procedures, that review includes security risk management principles. Where the contractor proposes procedures which, in the Department’s view do not adequately address the risk associated with the procedure, the procedures are returned for modification.</p> <p>For example, were the contractor to propose a particular change to practice on the basis of certain risks being identified and managed, the Department would require examples of the risk management processes and details of the appointments with the relevant delegations and responsibilities.</p> <p>Action Plan: The Department will continue to review service delivery.</p> <p>Western Liberty Group Response:</p> <p>The number of G4S staff deployed on a day to day basis is determined by G4S to enable them to meet the outcomes of the Service Specifications. WLG is willing to participate in any discussion with DotAG relating to contractor staffing.</p> <p>G4S Response:</p> <p>The ratio of escorting staff has been reviewed by an independent auditor with experience in the management and operation of custody centres. The auditor was initially inclined to share the view that the ratio of officers to persons-in-custody was too high. However, further research by the auditor supported the current 2:1 ratio which is the practice in other jurisdictions, including New South Wales and Queensland. The two-officer escort policy was agreed with Contract Management well before the start of the contract.</p> <p>The implication in section 3.10 that female prisoners require female escorts is not in line with security practice. With the exception of strip searching wand in some very limited situations, male and female officers perform identical escorting duties and that will continue.</p>

RESPONSES TO THE RECOMMENDATIONS FROM THE 2009 INSPECTION

Recommendation	Acceptance Level/Risk Rating/Response
<p>5. That a range of nutritious meal options, including fruit, salad and other fresh food in reasonable quantities (including a vegetarian option) be made available in the holding rooms at the District Court Building and Central Law Courts for lunch. Morning and afternoon tea should also be provided, and food offered to any person likely to be held after 6 pm.</p>	<p>DotAG: Agreed/Low The Service specification requires that the special dietary needs of PIC shall be considered, including social, cultural & religious influences. In addition, the WLG/G4S must ensure that all PIC held in the custody centre between 11.30am and 2.00pm and between 6.00pm and 8.00pm are provided with food. Court Security Directorate officers review this service on a regular basis as a matter of course.</p> <p>Action Plan: The Department will continue to review service delivery.</p> <p>Western Liberty Group Response: Food services are prescribed in the Service Specifications. Evening meals are offered to and provided to Persons in Custody.</p> <p>G4S Response: The Contract requires G4S to provide hot meals which conform to the Australian Dietary Standard. This includes a vegetarian option, the provision of fruit and meals for those in custody after 6 pm. G4S meets all these contractual requirements and regularly conducts consumer testing with staff to ensure that healthy and nutritious food is available to persons in custody. Any change in the type of food supplied would require a change in the contract and also a dietary assessment to ensure that the food still conforms to the Australian Dietary Standard. Costs associated with this change would need to be accepted by Contract Management.</p> <p>The Report’s recommendation regarding the provision of morning and afternoon tea will be assessed. It would result in additional costs and far more significantly access to hot liquids would introduce significant management risks.</p>

RESPONSES TO THE RECOMMENDATIONS FROM THE 2009 INSPECTION

Recommendation	Acceptance Level/Risk Rating/Response
<p>6. That the response team at DCB/CLC be drawn from a pool of officers with an enhanced level of training and practice to respond to any incident in a professional way.</p>	<p>DotAG: Disagreed/Low</p> <p>The contractor’s obligation to provide officers in this role does not require additional specific training. The skill set required should be delivered in the course of initial training. There is no doubt that the day to day briefings and familiarisation of officers necessary to effectively carry out this role requires attention.</p> <p>Action Plan: The Department will continue to review service delivery.</p> <p>Western Liberty Group Response:</p> <p>G4S is required to meet the Service Specifications and their operational policies that are endorsed by the State. A response team is identified each day. Training is provided to all staff to respond to incidents in a professional manner.</p> <p>G4S Response:</p> <p>There is already a fully trained response team. More than 20 members of G4S’s staff at the DCB have been trained in the use of shields and in approved and appropriate control and restraint methods when responding to incidents as a team. In addition, all G4S security staff have been trained in control and restraint and situational control procedures. Mandatory annual refresher training includes a test of competency in control and restraint.</p> <p>Commencing in April 2010, this will be further reinforced by contingency testing of a duress team’s response, to be followed by further testing every six months. The testing will involve approximately eight officers on each occasion.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>7. That DotAG audit training provided to contractor staff working in court security and custodial services roles at the District Court and Central Law Courts to ensure that the quality of recruit and in-service training attains and is maintained at a good standard to enable staff to properly undertake their duties under the Contract.</p>	<p>DotAG: Agreed/Low</p> <p>The Department continues to monitor the services delivered under the Contract, but also recognizes the role of other stakeholders in managing the quality of training in the context of the National Training Framework (NTF). The NTF is made up of the Australian Quality Training Framework (AQTF) and a myriad of endorsed training packages and accredited courses. Training organisations must be registered under the AQTF as Registered Training Organisation (RTO) in order to deliver, assess and issue qualifications or statements of attainment in endorsed training packages and accredited courses. G4S Australia Ltd is an RTO and is therefore subject to external audit by both Victorian and Western Australia registering bodies. To remain an RTO, an organisation must demonstrate compliance with the nationally agreed standards set out in the Australian Quality Training Framework (AQTF 2007). The Department works with WLG to ensure that training processes including quality and design, meet DotAG's operational requirements. G4S compliance with the AQTF is a matter for the registering bodies however DotAG may, if necessary, request either registering body to audit G4S compliance with the Framework.</p> <p>Action Plan: The Department will continue to review service delivery and participate in review of training policy. To be completed by June 2010.</p> <p>Western Liberty Group Response:</p> <p>Training is prescribed in the Service Specifications. External State registering bodies have the responsibility to audit the G4S Registered Training Organisation and that of any outsourced training provider. WLG completed an audit of the G4S training in 2009. There is a follow up audit scheduled between April and July this year.</p> <p>G4S Response:</p> <p>G4S has recently reviewed the practice and documentation which support the Initial Training Course for new staff and subsequent refresher training. This was undertaken to ensure that our practices remain compliant with the contract and with our requirements as a Registered Training Organisation.</p>

RESPONSES TO THE RECOMMENDATIONS FROM THE 2009 INSPECTION

Recommendation	Acceptance Level/Risk Rating/Response
<p>8. That the seat height in non-contact interview rooms in the holding rooms at the District Court Building and Central Law Courts be raised to ensure that all persons-in-custody have full-faced visual connection with the person conducting the interview.</p>	<p>DotAG: Agreed/Low The matter of seat heights in these facilities is dealt with in the Courts Standard Design Brief. The department will resolve the height disparity between the two booths by providing the legal counsel booth with raised seating.</p> <p>Action Plan: The Department will replace chairs on the public side of the interview rooms through the CBD Courts Project Facilities Agreement.</p> <p>Western Liberty Group Response: The adjustment to the seat high may not ensure that persons in custody have full faced visual connection with the person conducting the interview. DotAG to provide variation to WLG.</p>
<p>9. That metal seats in holding room cells at the District Court Building and Central Law Courts be covered with an insulating material to make these seats more comfortable</p>	<p>DotAG: Disagreed/Low The matter of seat cushioning in cells is dealt with in the Courts Standard Design Brief. The Department has identified the requirement in a number of court design briefs but has been unable to identify a product which meets the specification.</p> <p>Western Liberty Group Response: DotAG to provide variation to WLG should the State support this recommendation. WLG to consider operational and life cycle implications.</p>
<p>10. That the Government reform the <i>Court Security and Custodial Services Act 1999</i> to simplify administration and ensure transparency and accountability of court security and custodial services undertaken by the Departments of the Attorney General, Corrective Services, Police and their respective contractors.</p>	<p>DotAG: Disagreed/Low The Department has not experienced difficulty in maintaining appropriate levels of transparency or accountability in the contract’s administration.</p> <p>Western Liberty Group Response: Should the State support this recommendation the implications for the WLG Service Agreement and associated contracts would need to be carefully considered.</p>

Appendix 2

OICS, REPORT OF AN ANNOUNCED INSPECTION OF THE DISTRICT COURT
CUSTODY CENTRE, REPORT NO. 55 (JULY 2008)

No.	Recommendation	Progress noted and/or evidence needed
1.	<p>The Department of the Attorney General should, as indicated, accept the 14 Key Findings set out in Appendix 1 of this Report [listed below]. Remedial actions should be taken promptly, as agreed.</p> <p>The Department should take due account of the perspectives put forward by the Contractor... Where the Department's preferred remedial mode falls short of the approach set out in the Key Findings, the success of that approach must be monitored with a view to implementing the recommended remedial action in full.</p> <p>Key Findings:</p> <p>1. Change in level at the threshold of the doors leading into the accused dock of the Ceremonial and High-Risk Courtrooms. The stair at these thresholds poses risk of injury to staff and to persons-in-custody. The nosings to the stairs leading into the accused dock seating whilst effective as a non-slip treatment, may pose risk of injury as they are of aluminium and have a pointed corner.</p>	<p>Only three of the findings were fully addressed (10, 12 13). A fix was applied in another but lacks verification through testing (5) and an incorrect remedy was applied to another (8). Two further matters were referred to building contractors for consideration, but there is little confidence this will result in fixes (1) and (2). Other matters were not considered of importance, or could be mitigated operationally. For the most part, this is reasonable, but it is disappointing, for example, that lawyers and others have effectively been forced to use non-contact rooms to interview their clients, when contact interview rooms are readily available. The failure not only to increase seat height in contact rooms, but to replicate the same problem in CLC is especially concerning.¹³</p> <p>Builder asked to consider. No resolution. DotAG considers that practices used by the contractor adequately address the risks identified and to date there have not been any incidents.</p> <p>DotAG 2010 Comment: No further action planned</p>

13 However, in relation to the last two points, see DotAG 2010 Comments on findings 6 and 14.

OICS, REPORT OF AN ANNOUNCED INSPECTION OF THE DISTRICT COURT CUSTODY CENTRE, REPORT NO. 55 (JULY 2008)

No.	Recommendation	Progress noted and/or evidence needed
2.	An extendable table projects into the entry and exit pathway at the accused dock in the typical courtrooms.	<p>Builder asked to consider. No resolution.</p> <p>DotAG 2010 Comment: Practices used by the contractor adequately address the risks identified and to date there have not been any incidents.</p>
3.	The greater area of the Holding Rooms 02 at all courtroom levels is out of view from the door observation panel.	<p>Modification not considered necessary, can address procedurally.</p> <p>DotAG 2010 Comment: Closed – no action required.</p>
4.	There is a lack of facilities for staff managing persons-in-custody at holding rooms on courtroom levels eg. toilet, drinking water.	<p>Not considered a problem as staff stay not intended to be long.</p> <p>DotAG 2010 Comment: Closed – no action required.</p>
5.	The front screens to courtyards 1, 2, and 3 are less secure than the door fronts to typical holding rooms.	<p>Windows have been strengthened, however, DotAG have not authorised their use until contractor can demonstrate fitness for purpose.</p> <p>DotAG 2010 Comment: Work to correct this issue has been completed, and negotiations have been initiated with WLG to agree a testing regime. Testing is expected to be completed by mid to late April 2010.</p>
6.	There is potential uncomfortable visual connection between a seated visitor and a seated person-in-custody in all non-contact visiting rooms due to the relative height of seat vs height of communication screen.	<p>One room has a free chair, but this does enhance views. Problem has since been replicated at CLC. All PIC seats in interview rooms require a height increase (a platform for feet would also be needed).</p> <p>DotAG 2010 Comment: The Department will supply adjustable height chairs in the public areas of the interview facilities.</p>
7.	There is only one-off secure document transfer hatch provided in the non-contact visiting area. It is located in the wheelchair accessible non-contact booth.	<p>Has not proven a problem to date.</p> <p>DotAG 2010 Comment: Closed – No further action or response required.</p>

OICS, REPORT OF AN ANNOUNCED INSPECTION OF THE DISTRICT COURT
CUSTODY CENTRE, REPORT NO. 55 (JULY 2008)

No.	Recommendation	Progress noted and/or evidence needed
	8. There is opaque film across the glazed screens between the secure bail holding rooms and the non-secure (public accessible) bail waiting room.	<p>In an apparent misunderstanding of recommendation, the film was removed from inside and restored on the outside.</p> <p>DotAG 2010 Comment: Closed - No further action or response required.</p>
	9. There is potential conflict of movement activity between each wing forming the central corridor within the secure custody zone.	<p>No changes made here. (Check again). DotAG state that Policies and correct movement management/training should mitigate this possibility to an acceptable level.</p> <p>DotAG 2010 Comment: Closed - No further action or response required.</p>
	10. There is a potential sight line available to persons-in-custody between holding rooms 1 and 21 ie. across the staff base.	<p>Blinds have been used to prevent such sight line.</p> <p>DotAG 2010 Comment: Closed - No further action or response required.</p>
	11. There are rear doors to holding spaces in holding zone 2 which could generate default movement into and out of the movement corridor leading to the magistrates Courts.	<p>Doors rarely used. No problem evident to date.</p> <p>DotAG 2010 Comment: Closed - No further action or response required.</p>
	12. There appears to be direct CCTV surveillance directly onto toilet areas in all holding spaces which would impact on privacy.	<p>Cameras are effectively pixelated over toilets.</p> <p>DotAG 2010 Comment: Closed - No further action or response required.</p>
	13. There are no wall mounted duress alarms in the vehicle sally port. Elsewhere, there appears to be an inconsistency of height in their location.	<p>Duress alarms now mounted in DCB vehicle sally port.</p> <p>DotAG 2010 Comment: A solution to electronically obscure has been proposed by WLG and agreed by the Contract Manager. (WLG to remedy by 30 June 2010.)¹⁴</p>

14 This appears to refer to the previous recommendation

OICS, REPORT OF AN ANNOUNCED INSPECTION OF THE DISTRICT COURT
CUSTODY CENTRE, REPORT NO. 55 (JULY 2008)

No.	Recommendation	Progress noted and/or evidence needed
	14. There appears to be concern about security risk associated with the use of the contact visiting facilities ie introduction of contraband by visitors.	Contact visit rooms are almost never used. DotAG advises that mitigate contraband risks, procedures require that a visitor be “checked” before entry and the person in custody to strip-searched on exit. DotAG 2010 Comment: Closed – No further action or response required.
2.	The configuration of the Control Rooms’ screens should be re-set so that the screen vision equates with natural vision.	We have no information on whether this has been adjusted. DotAG 2010 Comment: The layout remains as reported by OICS however potential issues perceived by OICS have not eventuated. The issue has not had a detrimental affect on the operations of the officers or the control room. Court Security Directorate continues to review the effectiveness of the control room.



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

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