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Report No. 87 – Court Custody Centres’ Inspection

In releasing his latest report, the Inspector of Custodial Services, Neil Morgan, has called for rational and balanced debate about custodial services. The Inspector’s report examines services provided at 18 court custody centres throughout Western Australia and at four police lockups that come within his jurisdiction. Mr Morgan commented:

‘These services are provided by a range of public sector agencies (the Department of Corrective Services, the Department of Attorney General and WA Police) as well as contracted providers (Serco, Western Liberty Group and G4S). Our report identifies many examples of excellent practice and performance as well as a few issues of concern and areas for improvement. Importantly, these straddle both the public and private sectors.’

Speaking more broadly, and reflecting on recent incidents, Mr Morgan said:

‘It is important to avoid generalisations about public versus private sector service provision. We should focus on security, safety, efficiency and the decent treatment of people in all parts of the system. The fact of the matter is that incidents will occur from time to time in custodial settings because they are inherently risky environments. Balanced responses are needed when such incidents occur and lessons must be learned to reduce the risk of such incidents in the future.’

Thus, it is absolutely right that there should have been rigorous scrutiny of the recent escape of two prisoners from a Serco van at Geraldton airport. As a result, the service provider, Serco, has faced not only strict financial penalties but also serious reputational damage.

However, it must be remembered that just over 12 months ago, at the publicly operated Banksia Hill Detention Centre, longstanding security and management failings had created a volatile situation. The result was a riot that involved more than 100 young men and cost the state millions of dollars. And just a few days before the Geraldton incident, two young men at Roebourne Prison kicked their way out of a supposedly secure cell. They then managed to exit the unit and to escape through the perimeter fence. Whilst this escape occurred during a cyclone, it should not have happened. It raises significant questions about physical and procedural security.’

The report released today details huge diversity in the quality and suitability of court custody centre facilities. They range from modern new centres to run down facilities that need replacing. In some instances the infrastructure places significant limits on the quality of services that can be provided not only to those in custody, but to the court itself and to the public who attend there. The poorest examples of court custody centres and police lockups tend to be in more remote regional areas.

The Perth Children’s Court was operating to a high standard at the time of the inspection, with specially trained Department of Corrective Services staff providing care and security to the young people in custody. Shortly after the inspection Serco was asked to take over responsibility for these services because Banksia Hill was critically short staffed. Mr Morgan said:

'It is ironic and unfortunate that there was no real choice but to outsource a well-functioning service because of failings elsewhere in the Department. We will continue to monitor the new arrangements.'

Transparency of service provision at the Central Law Courts and District Court had been significantly enhanced since the previous inspection with the introduction of a computerised support system that is monitored by contract managers in the Department of Attorney General on a daily basis. Plans to better integrate the workforce from operational areas across both courts will provide an opportunity to improve the services further.

It was generally found that those in custody were appropriately treated by staff but there are some situations where improvements could be made, especially with regard to managing people experiencing mental health issues and those from non-English speaking or different cultural backgrounds. In particular the report encourages the development of improved guidelines to manage incidents of actual and threatened self-harm by those in custody.

An ongoing issue in the delivery of court custody centre services has been the complexity created by the need for contractors to take over police lockups where there are not court based facilities available. While sensibly freeing up police to undertake core duties, there is sometimes uncertainty about at what point police hand over responsibility for persons in custody. A flow on effect of this for the Inspector is defining his own jurisdiction to inspect the lockups and their services.

'The legislation and contractual arrangements relating to the use of police lockups for court custody purposes are in some ways quite complex and confusing, meaning there is some risk in terms of ensuring responsibility for persons in custody is clear.'

This confusion and the lack of oversight of lockups generally was recently the subject of Parliament's Community Development and Justice Committee, which reiterated a number of concerns raised in the Inspector's report. These related to the physical conditions of some facilities, the operational practices in a small number of instances, and the necessity for broader oversight of the management and operation of lockups generally.

Neil Morgan

12th February 2014

For more detail, see the Inspector's Overview to the Report (attached).

Neil Morgan will be available for comment from 12 noon on Thursday 13th February and can be contacted on 0427 426 471.

The full report will be available on the Inspector's website (www.oics.wa.gov.au).