



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

DECEMBER 2013

2012/13  
COURT CUSTODY CENTRES' INSPECTION

87

*Independent oversight  
that contributes to a more  
accountable public sector.*

## **2012/13 Court Custody Centres' Inspection**

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# The Inspector's Overview

## CONTRACTS AND OVERSIGHT IN LOCK-UPS AND COURT CUSTODY CENTRES: CHALLENGES, ACHIEVEMENTS AND OPPORTUNITIES

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This report is based on an inspection of all the custody centres that exist at the various courts across the state and the small number of lock-ups that currently come within the jurisdiction of the Inspector of Custodial Services. The report has been written during a time of considerable change and debate, including the outsourcing of court custody services at the Perth Children's Court, delays to the full operational opening of a new police and courts complex in Northbridge, and the release of a major Parliamentary Committee report into police lock-ups.

### LOCK-UPS

In total there are around 125 lock-ups in Western Australia, including some relatively large modern facilities in the metropolitan area and some small, old, decrepit facilities in the regions. In its recent report *In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups*, the Community Development and Justice Committee noted that there have been many improvements in lock-up conditions and management over the past two decades, particularly in the metropolitan area, but expressed concern at the situation in regional Western Australia.<sup>i</sup> The Committee stated that the issues included poor physical conditions, pressures faced by lock-up staff, the adequacy of access to legal, medical and other services, and some shortfalls in transport arrangements. It also emphasised that the vast majority of police personnel do a 'commendable job in sometimes testing situations',<sup>ii</sup> a view I fully endorse.

The Committee also criticised the absence of systematic external oversight processes for police lockups.<sup>iii</sup> The legislative position is confusing. The *Inspector of Custodial Services Act 2003* states that the Inspector must inspect lock-ups at least once every three years.<sup>iv</sup> This appears broad in scope, but the term 'lock-up' is defined elsewhere to exclude 'any lock-up that is managed or controlled by the Commissioner of Police'.<sup>v</sup> In effect, this means that the Inspector only has jurisdiction over lock-ups if (i) they are not run by the police; or (ii) if they double up as court custody centres. At present, the Inspector's formal jurisdiction probably therefore extends only to the lock-ups at Albany, Carnarvon and Kalgoorlie.<sup>vi</sup>

The Community Development and Justice Standing Committee concluded that the scope of the Inspector's jurisdiction with respect to lock-ups is both poorly defined and too limited. It recommended that legislation be amended to 'enable the Inspector of Custodial Services to assume oversight responsibility for all police lock-ups in Western Australia and that consideration is given to appropriate resourcing of the Office ... to undertake this function.'<sup>vii</sup> This position was supported by all witnesses and submissions to the Inquiry.

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i Parliament of Western Australia, Community Development and Justice Standing Committee, *In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups*, November 2013: [www.parliament.wa.gov.au/cdjsc](http://www.parliament.wa.gov.au/cdjsc)

ii Ibid, Chair's Foreword.

iii Ibid, Chapter 5.

iv Section 19.

v Ibid, section 3.

vi Carnarvon, Kalgoorlie and Albany are prescribed lock-ups under the *Court Security and Custodial Service Regulations 1999* and are run by DCS. At Albany, Carnarvon, Geraldton and South Hedland, the lock-ups also double up as court custody centres.

vii Op cit, Recommendation 17.

Chapter 7 of this report lends further support to the Committee’s recommendation. It identifies a number of concerns and improvement opportunities at the handful of lock-ups that currently fall within jurisdiction, and these are likely to be replicated at other lock-ups too. This suggests that the up-front costs of an independent inspection regime for all lock-ups (which would certainly be less than 0.1% of the annual WA Police budget) are likely to be outweighed in the long term by improved efficiencies and greater public confidence.

### COURT CUSTODY CENTRES

In total there are 18 court custody centres throughout the state including: the Perth Children’s Court, the District and Perth’s Central Law Courts, and 15 other courts custody centres managed under the Court Security and Custodial Services contract.

#### Complexity of Governance

Management of court custody centres is largely governed by the *Court Security and Custodial Services Act 1999* (CS&CS Act) and the vast majority of centres are managed by private sector service providers. However, the contractual and governance arrangements are not straightforward.

The main contract, the CS&CS Contract, is administered by the Department of Corrective Services (DCS). It delivers services not only to DCS (custodial transport), but also to the Department of the Attorney General (court security and custodial services at the majority of the state’s courts), and to the WA Police (lockup clearance and the management of prescribed lockups).

Court security and custodial services at the District Court Building and Central Law Courts in Perth are managed under a separate contract called the District Court Building Services Contract (DCB Contract). While elements of the DCB contract operate under the *CS&CS Act*, the contract is administered by the Department of the Attorney General (DotAG). The Perth Children’s Court operates under an entirely different arrangement.

The introduction of a new CS&CS contract in June 2011 brought with it a number of changes and DCS partnered with DotAG and the WA Police to develop new objectives, governance and service design. The contract was awarded to Serco Australia Pty Ltd (Serco) for an initial period of five years, with possible extension.

I have previously commented that management of the CS&CS contract is ‘reliant on strong participation by client agencies and communication at all levels ... to ensure client needs are met and that contract issues are collectively resolved.’<sup>viii</sup> The responses to Recommendations four and five in this report suggest that some uncertainties remain with respect to responsibilities, governance and accountability. The two recommendations relate specifically to the District Court and Central Law Courts. They involve improvements to staff training in risk assessment and multi-tasking skills. For its part, DCS states that these are matters for G4S to implement and DotAG to monitor (as principal for the DCB contract). On the other hand, DotAG considers they are matters for G4S and DCS (as principal for the CS&CS contract).

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viii Office of the Inspector of Custodial Services (OICS), *Thematic Review of Court Security and Custodial Services in Western Australia*, Report No. 65 (June 2008) Chapter 1.

## CONTRACTS AND OVERSIGHT IN LOCK-UPS AND COURT CUSTODY CENTRES: CHALLENGES, ACHIEVEMENTS AND OPPORTUNITIES

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More generally, despite the new contract, the issue remains that while DCS is a specialist in custodial management, many elements of the CS&CS contract focus solely on servicing the court such as the court orderly, the perimeter guard and the gallery guard. These services have little association with people in custody, and are more about servicing court users than custodial management. Questions arise as to whether DCS is the best agency to manage a contract which provides court services and whether DotAG, the key client agency receiving services under the contract, should have a larger role.

### Facilities

The inspection of the 18 sites across Western Australia during 2012/13 found that the standards of the court custody cells, staff amenities, passageways, docks and control rooms vary enormously across locations. They range from large, secure centres clean of graffiti to rundown centres in need of replacement or upgrading.

The number and mix of cells was also not always appropriate for the volume of people that use the centres. Sites such as Bunbury and Armadale regularly experience heavy traffic, sometimes up to around 20 people per day, and are forced to manage large numbers of people in only three or four small cells. People can sometimes be placed in temporary holding cells or in non-contact interview rooms for extended periods of time without access to fresh water or amenities. Apart from a select few, most sites do not provide adequate break areas or secure places for custody staff to store their belongings.

While Rockingham court custody centre is equipped with an impressive surveillance system, the same cannot be said of most other court custody centres, with some centres lacking cell cameras, and others experiencing blind spots.

Significant investment has recently been undertaken by DotAG, however. The new Kalgoorlie Courthouse was opened in November 2013, and the new Kununurra Courthouse and Carnarvon Police and Justice Complex are due for completion before the end of 2014. These facilities will offer improved conditions and services.

Further investment has also occurred in the shape of a new court and police lockup built as part of a new police complex in Northbridge. Again, this offers significantly improved facilities but it is unfortunate that the opening of the courts at the Northbridge complex has been delayed by protracted negotiations between the key parties (DCS, DotAG and WA Police) with respect to responsibilities and division of labour. Fortunately it appears that these have now been resolved in principle, though the opening remains some way off and subject to further business cases being approved.

### Perth Children's Court (PCC)

At the time of the inspection the custody centre at PCC was the only custody centre not contracted to the private sector. Services were being provided by DCS Youth Custodial Officers (YCOs) and the custody centre was a site of very good practice. The professional manner in which the YCOs went about their job and the considerate way they interacted with detainees demonstrated that they understood the 'business' and enjoyed working with young people.

CONTRACTS AND OVERSIGHT IN LOCK-UPS AND COURT CUSTODY CENTRES:  
CHALLENGES, ACHIEVEMENTS AND OPPORTUNITIES

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From 14 October 2013, however, court custody services at PCC have been contracted to Serco for an initial period of six months. This arrangement was introduced to allow YCOs based at PCC to fill vacant positions at Banksia Hill Detention Centre until additional YCOs could be trained. It is unfortunate that it became necessary to out source an efficient and effectively run service to compensate for deficiencies elsewhere in youth custodial services, and DCS will need to ensure, through its contact management team, that quality of service is maintained. It remains to be seen whether this service will remain with the private sector or will be brought back 'in house'.

The inspection also found that the two non-contact interview rooms, which together were designed to accommodate up to five detainee interviews at one time, provided no privacy for lawyers to discuss sensitive information with their clients.

#### Central Law Courts and District Court Building

In 2005 Western Liberty Group (WLG) was awarded the contract for designing, constructing, financing and operating the new District Court Building and the adjoining Central Law Courts. Management of the contract is the responsibility of DotAG. WLG has sub-contracted court security, custodial services and emergency management to G4S Custodial Services.

G4S officers use software called the Custodial Services Support System (C3S), developed by DotAG to facilitate the management of people in custody, including movement, court custody and security processes and services. DotAG monitors the C3S software daily. The close daily monitoring of C3S by DotAG ensures transparency and accountability, with all movements, management information, and monitoring reports being reviewed to oversee the contractor's performance in relation to their Key Performance Indicators. The result is a very secure site that is run and monitored effectively and efficiently.

Neil Morgan

4 December 2013



# Chapter 1

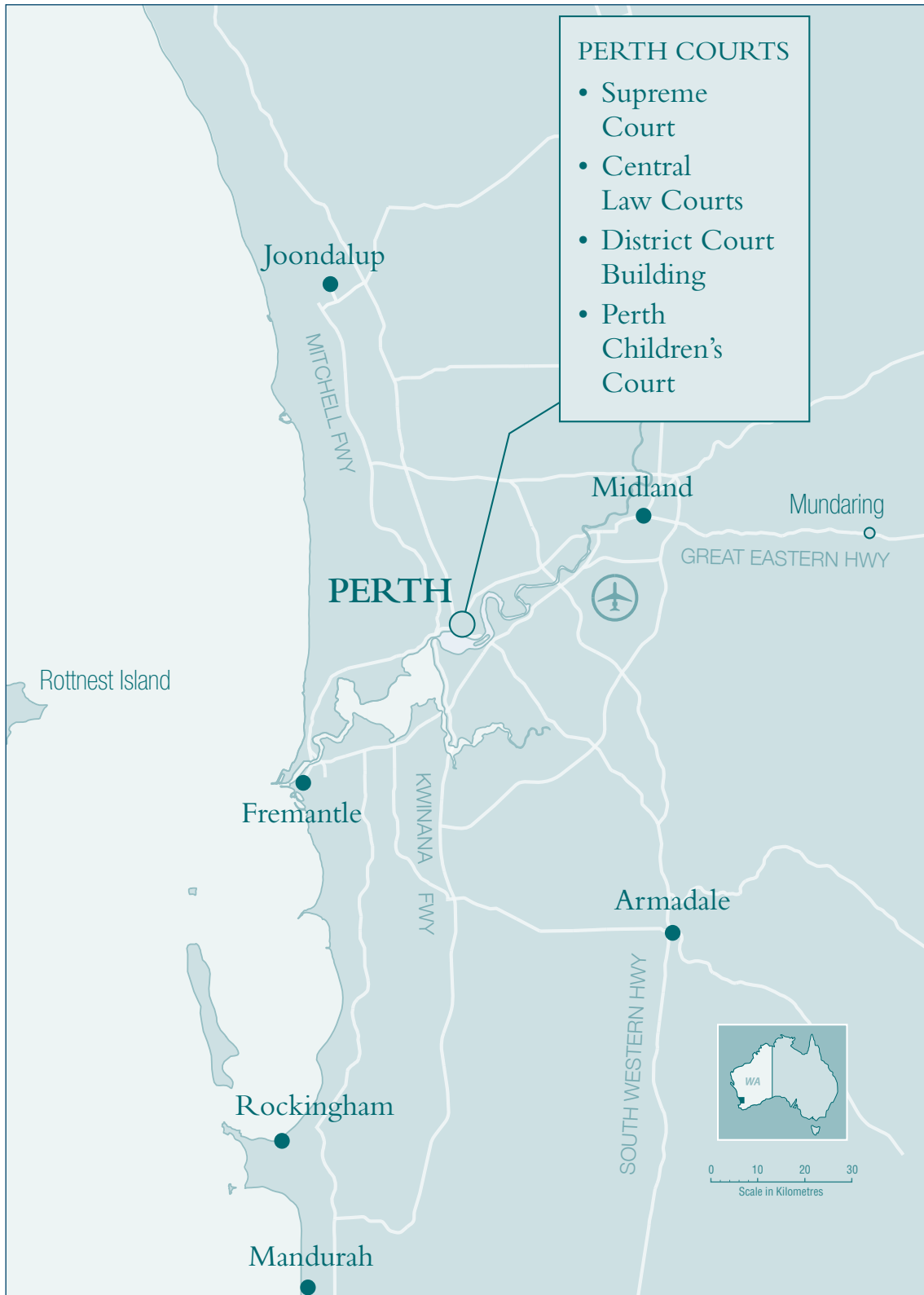
## INTRODUCTION

- 1.1 This is a report of an inspection of court custody centres and certain lock-ups undertaken throughout 2012–13 in accordance with section 19 of the *Inspector of Custodial Services Act 2003*. Section 19 requires the Inspector to inspect each court custody centre and lock-up (excluding lock-ups managed or controlled by the Commissioner of Police) at least once every three years. The 18 sites inspected are listed in Table 1.

	Service Provider	Contract Management	Contract
Armadale Court	Serco	Corrective Services	CS&CS
Broome Court	Serco	Corrective Services	CS&CS
Bunbury Court	Serco	Corrective Services	CS&CS
Fremantle Court	Serco	Corrective Services	CS&CS
Joondalup Court	Serco	Corrective Services	CS&CS
Kalgoorlie Court	Serco	Corrective Services	CS&CS
Kununurra Court	Serco	Corrective Services	CS&CS
Mandurah Court	Serco	Corrective Services	CS&CS
Midland Court	Serco	Corrective Services	CS&CS
Rockingham Court	Serco	Corrective Services	CS&CS
Supreme Court	Serco	Corrective Services	CS&CS
Albany Court	Police/Serco	Corrective Services	CS&CS
Carnarvon Court	Police/Serco	Corrective Services	CS&CS
Geraldton Court	Police/Serco	Corrective Services	CS&CS
South Hedland Court	Police/Serco	Corrective Services	CS&CS
Central Law Courts	G4S/Western Liberty Group	DotAG	CS&CS
District Court Building	G4S/Western Liberty Group	DotAG	CBD Courts Project Contract
Perth Children's Court	Corrective Services	Corrective Services	N/A

Table 1: A Breakdown of Court Custodial Services in Western Australia

INTRODUCTION



*Perth and Metropolitan Area Court Locations*

INTRODUCTION



*Western Australia Regional Court Locations*

## INTRODUCTION

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### BACKGROUND

- 1.2 A court custody centre is part of the court's premises that is set aside as a place where persons in custody are detained and is not accessible to the members of the public.<sup>1</sup> Court custody centres hold prisoners, people on remand and arrestees who have been charged with a crime and are due to appear in court. They are operational during court sitting times and are not equipped to hold people overnight or on weekends. At the end of the day, those people held in custody are either released, transported to prison or spend the night in a lock-up if there is no prison nearby.
- 1.3 A lock-up is a police facility usually consisting of a cell, or a number of cells, attached to a police station that may be used by police as a temporary holding facility of persons in custody. A 'prescribed lock-up' is a lock-up that is prescribed under Regulation 5 of the *Court Security and Custodial Services Regulations 1999* (the CSCS Regulations) to facilitate contractor management of that facility. There are three prescribed lock-ups in Western Australia: Albany, Carnarvon and Kalgoorlie. There are a further two lock-ups (Geraldton and South Hedland) that while not prescribed make use of a contractor to provide the court security services and to escort people in custody from the lock-up to the courtroom dock. The police cells at Geraldton and South Hedland are not included in this Office's inspection schedule, however the temporary holding cells, escorting passageway and court room dock which are all managed by the contractor, were inspected. The handover procedures between the police and the contractor were also observed.
- 1.4 The management of court custody centres (excluding those at the Perth Children's Court, District Court Building and Perth's Central Law Courts) falls within the scope of the Court Security and Custodial Services (CS&CS) contract. The CS&CS contract is administered by the Department of Corrective Services (DCS). Along with management of people in custody, the contract also includes transportation of people in custody, court security, funeral and medical escorts, and provides security for persons in custody who are admitted to hospital.
- 1.5 The introduction of a new CS&CS contract in June 2011 brought with it a number of changes. DCS partnered with the Department of the Attorney General (DotAG) and the Western Australian Police to develop new objectives, governance and service design.<sup>2</sup> The contract was awarded to Serco Australia Pty Ltd (Serco) for an initial period of five years, with the possibility of an additional five year extension upon expiration. The District Court Building and Central Law Courts are excluded from the CS&CS contract and instead are managed under a separate CBD Courts Project Contract, administered by DotAG.

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1 *Court Security and Custodial Services Act 1999* (WA) s.3.

2 Department of Corrective Services (DCS), CSCS Annual Report 2011/12

## INTRODUCTION

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- 1.6 Previous inspections of custody centres and lock-ups completed by this Office were either undertaken as part of a larger thematic review or were inspected based on their geographic location. This inspection encompassed the custodial management services across the entire state and included Perth's District Court Building, Perth Central Law Courts, Perth Children's Court plus the remaining 15 CS&CS sites across Western Australia.

### PREVIOUS INSPECTION OF COURT SECURITY AND CUSTODIAL SERVICES

- 1.7 The 2010 inspection of court custody centres was incorporated into a thematic review of all services under the *Court Security and Custodial Service Act 1999*.<sup>3</sup> The review encompassed all aspects of the court security and custodial services contract, with a focus on the partnership roles between the public and private sector. A substantial proportion of recommendations regarding contractual performance were directed to the previous contractor G4S Custodial Services (G4S), and are no longer applicable under the new CS&CS contract.
- 1.8 However, a number of recommendations were made with regards to facilities and contract management that are still very topical. Progress against these recommendations will be discussed throughout this report.
- 1.9 The 2010 thematic review was also the first inspection of custodial transport after the tragic death of Mr Ward in 2008. Justifiably, custodial transport was a major focus for 2010 review with many recommendations referring to the management of prisoner transport. Transport was not a major focus for the 2012–2013 inspection as this Office revisited custodial transport when undertaking an audit of prisoner and detainee transport in 2012.<sup>4</sup> In 2011 this Office also conducted a review of regional juvenile transport which examined the transportation of children and youth to and from police lockups.<sup>5</sup>

### PREVIOUS INSPECTIONS OF DISTRICT COURT BUILDING AND CENTRAL LAW COURTS

- 1.10 The District Court Building and Central Law Courts are not covered under the CS&CS contract, and are instead managed separately under the CBD Courts Project Contract. Two inspections of the District Court Building and Central Law Courts have been completed since the opening of the new facility in June 2008. An inspection was conducted in 2008 at the request of the Chief Justice, who was seeking independent reassurance about the security of the building prior to the building becoming fully operational.<sup>6</sup> As a result of some of the recommendations action was taken to enhance security throughout the building. Security concerns regarding the use of the courtyards have been addressed by the contractor and will be discussed in this report.

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3 Office of the Inspector of Custodial Services (OICS) *Thematic Review of Court Security and Custodial Services*, Report No. 65 (May 2010).

4 OICS, *Prisoner/Detainee Transportation 1 July 2011 – 31 December 2011* (October 2012).

5 OICS, *Review of Regional Youth Custodial Transport Services in Western Australia*, Report No. 74 (August 2011).

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

## INTRODUCTION

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- 1.11 In 2010, a second inspection was undertaken to review the provision of services at the facility. The facility at the time was regarded as ‘a first rate facility that should stand the test of time’.<sup>7</sup> This Office considered that the contracted services were delivered well demonstrating many areas of good practice. The recommendation for the contractor to review risk-based escorting has been adopted by G4S and will be touched upon in this report.

### 2012–13 INSPECTION OBJECTIVES

- 1.12 The focus for this inspection was on the management of court custody centres, with a secondary focus on transportation or court security if these areas affected the management of the court. Particular areas of interest were the quality of the holding facilities and amenities, human resources, risk management strategies, transport and reception procedures, the management of persons in custody, and the level of security in the escorting passageway.
- 1.13 This was the first inspection for this Office which covered court custody centres managed by two private sector operators. It also encompassed the Perth Children’s Court custody centre which is managed by DCS. By inspecting all court custody facilities in a single inspection, the Office was able to compare and contrast the service delivery of all the different service providers, both private and government. Positive service features from all providers were observed and included in this report.

### 2012–13 INSPECTION METHODOLOGY

- 1.14 The field work for the 2012–2013 inspection was conducted between November 2012 and March 2013. Prior to visiting each site, a survey was distributed to all contractor staff and Youth Custodial Officers (YCOs) to ensure the views of staff were incorporated into the inspection findings. Overall, the surveys achieved a 79 per cent response rate and reasonably represented the views of staff employed by all three service providers.
- 1.15 To capture a balanced view the inspection team held discussions with multiple stakeholders at each site including contractor staff, court staff, police officers, prison officers, legal representatives, members of community organisations, the public and people in custody.

### 2012–13 REPORT STRUCTURE

- 1.16 This report is broken into three main sections. The report first explores issues affecting the DCS managed court custody centre at Perth Children’s Court. The Perth Children’s Court is the only custody centre in the state that is not contracted to the private sector. Services are provided by specially trained YCOs from DCS. The court custody centre is not included in the CS&CS contract.

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7 OICS, *Report of an Inspection of Court Security and Custodial Services Under the District Court Building Services Contract*, Report No. 64 (June 2010) iii.

## INTRODUCTION

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- 1.17 The report then focuses on reviewing the court custody centres at the District Court Building and Perth's Central Law Courts. All court services at both sites are provided by Western Liberty Group under the CBD Courts Project Contract. Western Liberty Group sub-contracts the court custody and security services to G4S Custodial Services (G4S). When the contract was first established in 2005, management of the CBD Courts Project Contract was delegated from the Commissioner of DCS to DotAG.
- 1.18 The remaining sections of the report review the 15 court custody centres that are managed by Serco under the CS&CS contract. One chapter will cover all issues affecting Serco run court custody centres, before reviewing specific issues affecting regional sites, metropolitan sites and police lock-ups. The report concludes with identifying concerns and making recommendations regarding the management of the CS&CS contract.

# Chapter 2

## PERTH CHILDREN'S COURT

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### INTRODUCTION

- 2.1 Perth Children's Court (PCC) deals with offences alleged to have been committed by young people aged 10 to 17 years. Children's cases are also heard in other courthouses throughout the State.<sup>8</sup>
- 2.2 The custody centre at PCC is the only custody centre in Western Australia not contracted to the private sector, with services provided by the Department of Corrective Services (DCS). Staffing PCC with Youth Custodial Officers (YCOs), specifically trained to work with children, ensures a consistent supply of specialists to manage the unique needs of juveniles in custody. Court security is separately managed as part of the Court Security and Custodial Services (CS&CS) contract.<sup>9</sup>

### HUMAN RESOURCES

- 2.3 The considerate manner in which the YCOs at PCC interacted with the detainees during the inspection demonstrated that the staff members clearly enjoy working with young people. The YCOs commented to inspection staff that working at PCC generally involves considerably more contact with detainees than working at detention centres, so staff need to genuinely enjoy working with juveniles.
- 2.4 The majority of YCOs who completed the staff survey indicated that the best thing about working at PCC was the comradeship amongst colleagues. They also felt that managers based at the custody centre led their team well. This positive environment certainly contributed to the professional management of the custody centre.
- 2.5 There were only a small proportion of YCOs permanently based at PCC at the time of the inspection. The remainder were on short-term secondments from Banksia Hill Detention Centre. Both seconded and permanent staff commented that there are no strong incentives attracting YCOs to seek a permanent position at PCC. Seconded employees keep their commuted allowance and nine weeks annual leave, while permanent staff at PCC are not entitled to these benefits.<sup>10</sup> The perception of unequal conditions contributes to lower morale amongst the permanent staff, creating a real risk for DCS of losing their long-standing permanent staff. YCOs conditions of employment are in need of reviewing with particular reference to remuneration and allowances.
- 2.6 Despite enjoying their job, the YCOs at PCC often feel neglected with regards to training. With court sitting every day and unpredictable court schedules, the idea of training for the YCOs at PCC seems to have been sidelined. Yet on the day of the inspection, court finished early and staff were permitted to go home. This could have

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8 <http://www.childrenscourt.wa.gov.au>

9 From 14 October 2013, the court custody services at Perth Children's court were temporarily contracted to Serco for an initial period of six months. This arrangement was introduced to allow YCOs to fill vacant positions at Banksia Hill until additional staff could be trained. The inspection of Perth Children's Court custody centre was undertaken prior to Serco commencing the contract.

10 YCOs engaged in shift work at Banksia Hill receive a 19% commuted allowance, equivalent to an additional 19% of their annual base salary. This allowance is intended to cover the fact that they work 12 hour shifts, weekends, public holidays and nights. Additionally, YCOs are paid for their lunch breaks because they cannot leave the facility and are required to respond to calls for assistance even whilst on their breaks. These requirements do not apply to YCOs employed at PCC. <http://www.correctiveservices.wa.gov.au/careers/opportunities/youth-custodial-officer.aspx>



provided an opportunity to conduct additional training that the staff need. The YCOs raised concerns that they feel that they are not adequately trained to meet the needs of detainees with special needs, particularly detainees with a physical disability. Clearly, the YCOs at PCC would greatly benefit from a tailored training program that incorporates training for managing detainees with special needs.

#### FACILITIES AND SECURITY

- 2.7 PCC custody centre consists of six large cells, five of which are in direct sight of the control room. The other cell is monitored by a surveillance camera. The cells are required to be searched and cleaned each day but are in need of maintenance and a fresh coat of paint.
- 2.8 On an average day, the centre accommodates around 12 detainees, meaning all cells are generally occupied and most will contain more than one detainee. Once detainees are assessed and segregated by age, gender and history, cell placement can become a difficult juggling act. Unfortunately, with only a small window of time available for detainees to see their lawyers, boys and girls are forced together in interview rooms, a practice that contradicts segregation procedures.
- 2.9 There are only two non-contact interview rooms available for detainees to meet with their legal representatives before appearing in court. The rooms have been designed to accommodate up to three detainee interviews at one time, providing no privacy for lawyers to discuss sensitive information with their clients. This situation is unacceptable when dealing with confidential information. The inspection team were told of instances when two co-accused detainees were attending simultaneous interviews and clearly felt uncomfortable disclosing information about each other while in the same room.



*Photo 1: The non-contact interview rooms at Perth Children's Court*

- 2.10 The inspection team also heard various reports claiming that the intercom systems in the non-contact interview rooms function so poorly that lawyers can hear detainees in adjoining interview rooms clearer than their own clients.

*Recommendation 1:*

*The Department of the Attorney General refurbish the non-contact interview rooms at Perth Children's Court to provide appropriate privacy for detainees to meet with their lawyers.*

#### DETAINEE WELFARE

- 2.11 The YCOs at PCC demonstrated genuine care for the welfare of the juveniles in their custody. They sourced second hand clothes to offer to detainees who may not be dressed suitably for court or for those who needed additional layers to keep warm in the air conditioned cells. The YCOs ensured that the detainees were well aware of where they needed to be and who they needed to see.
- 2.12 The detainees were provided with sandwiches for lunch prepared by the trustees at East Perth Watch House.<sup>11</sup> However, given that most people in custody at PCC are adolescents, they tend to eat considerably more than the average adult in custody. The YCOs save the leftover sandwiches from the day before to provide to the detainees for morning tea. The option of providing stale, leftover sandwiches is less than ideal.

*Recommendation 2:*

*The Department of Corrective Services provides fresh, nutritious options to detainees at Perth Children's Court for morning and afternoon tea.*

#### MANAGING ADULTS IN CUSTODY

- 2.13 Adults who are accused of committing a crime before they reached the age of 18 can still have their case heard at PCC. Shortly before the inspection, a man in his fifties was held in custody at PCC. Understandably, adults require separation from juveniles while in custody at PCC which places extra pressure on the centre to make room for the adult. Additionally, YCOs have not been trained to manage adults in custody. Given that the YCOs are mostly on temporary secondment, providing additional training to manage adults amongst a transient workforce would be an inefficient solution.

*Recommendation 3:*

*Pursuant to the Children's Court of Western Australia Act 1988, the courts should examine alternative processes for adults to appear at other courts specifically designed to hold adults in custody.*

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<sup>11</sup> A trustee is a minimum security prisoner who has been entrusted to live and work at police lock-ups.

#### SECURITY

- 2.14 The security system allowing access to PCC is sophisticated and impressive. To enter the custody area, one must pass through an eye retina and fingerprint scanner. Alternatively, visitors can use the video intercom to request permission to enter. Staff working in the custody area will not permit anyone into the custody centre without appropriate identification.
- 2.15 Positively, the inspection team observed that in the case of emergencies, the YCOs work together with Serco security officers who monitor and patrol public areas of the court. When duress alarms are activated, both parties actively assist one another, focusing first and foremost on controlling the situation regardless of which uniform they are wearing. During the inspection, a duress alarm was activated by Serco staff when a member of the public was behaving aggressively towards Serco staff. The YCOs were quick to respond and assisted Serco officers to bring the situation under control.

# Chapter 3

## CENTRAL LAW COURTS AND DISTRICT COURT BUILDING

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### INTRODUCTION

- 3.1 In 2005 Western Liberty Group was awarded the contract for designing, constructing, financing and operating the new District Court Building (DCB) and the adjoining Central Law Courts (CLC). When first established, the Commissioner of Corrective Services delegated management of the contract to the Department of the Attorney General (DotAG).<sup>12</sup>
- 3.2 The State's agreement is with Western Liberty Group who sub-contracts court security, custodial services and emergency management to G4S Custodial Services (G4S). There is no direct relationship between G4S and the State.

### HUMAN RESOURCES

- 3.3 There are generally between 80 to 100 G4S officers working throughout the combined centre. G4S staff working in all areas of the facility spoke to the inspection team about low morale resulting from low staffing numbers. Almost 80 per cent of staff who responded to the staff survey were less than satisfied with the staffing levels, making it the most common complaint mentioned in survey. Despite claims of staff shortages by G4S officers, only a small number of contractual staffing failures were recorded by either DotAG staff or self-reported by the contractor for 2012, with a significant proportion of these due to officers being late for work.<sup>13</sup> This demonstrates that, according to the contract, G4S has fulfilled contractual requirements with regards to staffing levels yet G4S officers are still feeling overworked and stretched.
- 3.4 To manage staff more efficiently, the G4S management team is attempting to introduce a new multi-tasking staff culture. This will mean that staff working in roles that are spasmodic in nature, such as escorting those in custody, take on other roles when not required, such as dock guards. Multi-tasking, provided it is managed and executed well by supervisors, is a practical method of managing staff resources, particularly for such a large centre. However, staff emphasised their resistance to the idea with many feeling that the process simply does not work in practice.
- 3.5 A significant proportion of CLC and DCB officers also felt that their teams worked independently of each other, encouraging an 'us versus them' mentality. Officers at CLC and DCB are also further segmented into two smaller groups of custody staff and security staff. This structure provides a level of comfort for staff who are content in their respective roles, but seems to devalue the advantages of having 80–100 staff all in the same facility. The shortage of officers with multi-functional skills and experience can become problematic if a particular area requires temporary staff to back fill. Some staff commented to the inspection team that it would be easier to be short staffed than to spend time training officers on a short secondment, particularly if the officers are assigned to the custody area and do not know how to use the custody software. A site that positively embraces a multi-tasking rostering model would reduce issues such as these from occurring.

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12 DCS, *CBD Courts Project*, Annual Report 2011/12.

13 Western Liberty Group/G4S, *Staffing Failures – Incident Reports* (2012).

*Recommendation 4:*

*G4S introduce a multi-tasking model and cross train officers to work in all areas of both District Court Building and Central Law Courts. G4S should regularly rotate staff to allow for adequate experience across all areas of court custody and court security positions.*

- 3.6 Escorting of people in custody between cells and court has traditionally worked on a two-to-one ratio, requiring two escort officers to escort one person, four escort officers to escort two and so on. Acting upon advice from previous inspection reports,<sup>14</sup> and in an attempt to decrease excessive escorting numbers, G4S proposed a supervised trial aimed at reducing the ratio of escort staff. The proposal suggested trialling situations whereby two people in custody could be escorted by three escort officers, instead of four. Part of the proposal also involved different handling of members of the public who have previously been granted bail and are required to appear in District Court (bailees). Bailees must surrender their bail to the custody centre in the morning of their court appearance. When they arrive at the custody centre, they are kept in separate bail holding rooms instead of cells. The G4S trial suggested that bailee escorts could be conducted one-on-one from the bail holding rooms to court.<sup>15</sup>
- 3.7 The proposal was met with extreme resistance from G4S staff with WorkSafe eventually intervening and issuing an Improvement Notice. The Notice required G4S to implement risk assessment training for G4S staff for one-on-one escorting of bailees. The Transport Workers Union (TWU) was against this proposal and released a campaign against one-on-one escorting. TWU posters were displayed throughout the DCB and CLC building inaccurately claiming that prisoner escorts were being conducted from cells to court. G4S confirmed that the proposal was to escort bailees to court, not prisoners, and they were to be escorted from the bail holding rooms, not from cells. A significant proportion of staff mentioned their dissatisfaction with one-on-one escorting throughout the staff survey and were concerned that the practice jeopardised their personal safety.

*Recommendation 5:*

*G4S work with staff at District Court Building and Central Law Courts to develop and implement safe, risk assessment-based escorting and introduce adequate risk assessment training to all staff.*

- 3.8 Despite reportedly low morale and concerns about one-on-one escorts, more than three-quarters of staff surveyed stated that they felt safe in their job. Physical security measures, including surveillance, radios and duress alarms contribute to the general feeling of safety amongst G4S officers.

14 OICS, *Report of an Inspection of Court Security and Custodial Services Under the District Court Building Services Contract*, Report No. 64 (June 2010) 9.

15 Bailees are people who are required to attend court and have voluntarily surrendered bail from freedom. They are kept separately from detainees, in bail holding rooms with a television, tables and chairs, kitchenette and private bathroom.

- 3.9 Two-thirds of G4S employees surveyed felt that they had received enough training to complete their substantive jobs, however some officers felt that they could benefit from more scenario based training. Staff are aware that they are under constant surveillance by G4S staff in the Master Control room, and that footage may be supplied to DotAG to monitor contractual performance. There were concerns amongst staff as to how footage of them managing volatile or confrontational situations may be construed or interpreted, and that the wider context of those interactions should be considered.
- 3.10 Despite this concern, staff appeared confident to manage medical emergencies or events of a person in custody self-harming. All officers who were questioned by the inspection team commented that they would do everything in their means to prevent an individual from self-harming. They all stated that they would first approach the situation by providing physical presence and verbal negotiation, and administer physical force if required to prevent further self-harm. Some staff in the surveys commented that they rely heavily on instincts rather than training to help them through difficult situations. While this has managed to get them through in the past, some officers are becoming increasingly concerned that they will need more training, particularly with the introduction of the new Mental Health Court.<sup>16</sup> A training program aimed at educating staff in the area of mental health awareness could aid with reducing some of these staff concerns.

*Recommendation 6:*

*G4S introduce further training to prepare staff for medical emergencies and to educate staff in mental health awareness.*

**FACILITIES AND SECURITY**

- 3.11 There are 52 cells in the DCB custody centre, including temporary holding cells and one disabled cell. There are an additional 10 cells in the CLC custody centre. The two centres are joined via a secure pedestrian tunnel that runs under Hay Street. The passageway allows for people in custody to be escorted to and from each centre without the need for restraints or transport vehicles.

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<sup>16</sup> The Specialist Treatment and Referral Team Court is Western Australia's first specialised mental health diversion program administered by the Mental Health Commission and the Department of the Attorney General. Session commenced in March 2013.

- 3.12 The staff in the Master Control office manage vehicle and pedestrian movements, security, incident responses and duress alarm responses throughout the centre.<sup>17</sup> Six hundred cameras cover all internal and external areas of the building including under vehicle surveillance, car parking areas and custody areas. The doors are controlled electronically by Master Control, further contributing to the safe design by restricting access to keys. A sense of optimum security radiates throughout the centre, which was reinforced when the inspection team observed the management of a person in custody assessed as being high risk. The individual was escorted under a heavily armed escort from the Department of Corrective Services Emergency Support Group (ESG). Once unloaded and processed, restraints were removed and the person in custody was escorted throughout the custody centre by unarmed G4S staff. The contrast between the ESG and G4S security procedures during the handover process was stark and highlighted the extremely secure design of the DCB.



*Photo 2: The District Court Building custody centre*

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<sup>17</sup> G4S Custodial Services Pty Ltd CBD Courts Perth Policy & Procedures, Section 2.18 – User Management and Court Security Services, Part 6 of Building/Court Security 2.18 Master Control.



3.13 There are three courtyards located in the DCB building that were originally designed to be used as holding areas or as behavioural incentives, providing fresh air and space for people in custody.<sup>18</sup> When the centre was initially opened, security assessments by this Office and the ESG deemed the door frames deficient, resulting in the closure of the courtyards.<sup>19</sup> In April 2013, DotAG approved a G4S proposal to re-open the courtyards provided appropriate risk assessments are conducted. Continuous CCTV monitoring and a constant guard presence have also been incorporated into the courtyard policy to minimise security risks.



*Photo 3: The unused court yards at the District Court Building*

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18 G4S Custodial Services Pty Ltd CBD Courts Perth Policy & Procedures, Section 3.2, Courtyard Holding Areas.

19 OICS, *Report of an Inspection of Court Security and Custodial Services under the District Court Building Services Contract*, Report No. 64 (June 2010).



- 3.14 G4S officers use software called the Custodial Services Support System (C3S), developed by DotAG to facilitate the management of people in custody, including movements, court custody and security processes and services. The program can be accessed by staff in the custody control rooms, as well as via touch screens situated on the walls outside each cell and at prominent locations around the centre. The system allows all G4S officers to collect real-time information without the need to carry remote devices. After years of successful application, some of the touch screens located around the centre are beginning to malfunction with some remaining non-functional for months.<sup>20</sup> In these cases, staff are required to remember movements and feed the information back through to the custody control room as soon as practicable. With dozens of movements occurring throughout the day, this manual process leaves room for error and estimations, and creates an additional workload for the custody control centre staff who are required to continuously enter the information throughout the day. A rigid maintenance program to fix faulty touch screens could reduce the workload of custody officers when screens malfunction and prevent human errors occurring at the DCB.



*Photo 4: The C3S touch screens at the District Court Building*

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20 G4S Monthly Reports January 2012 – December 2012.

#### WELFARE OF PEOPLE IN CUSTODY

- 3.15 An external contractor supplies meat and salad rolls which are distributed to people in custody between 11.00 am and 2.30 pm. It was positive to see that extra rolls were provided if individuals were still hungry. Anyone remaining in the centre past 6.00 pm is also provided a meal if required. Clothes are collected from charity organisations and provided if a person is cold or if their own clothes are inappropriate for court.
- 3.16 Observations indicated that the treatment of people in custody by G4S staff was of a high standard. Staff in the custody centres spoke to each person humanely and with respect. The only concern noticed was that the initial interviews conducted upon receiving new arrivals were undertaken in the sally port in full ear shot of others. Given that some of the questions are of a personal nature, it seems unlikely that a person in custody would be willing to provide an honest response when others are listening.

*Recommendation 7:*

*G4S undertake initial interviews at District Court Building and Central Law Courts in a private area away from other people in custody.*

- 3.17 The impact of prison transport on waiting times after a person has been remanded to custody appears erratic, with reports of individuals waiting until after 7.00 pm to be collected.<sup>21</sup> An analysis of after-hours custody departure times for the month of February 2013 showed that individuals who depart court before lunch can be waiting well into the evening before transport arrives to take them to the prison. The inspection team observed the anxiety created amongst those who are left in cells for long periods, particularly when others are transferred out before them. The situation creates unnecessary anxiety and hostility that can lead to potentially dangerous situations.

*Recommendation 8:*

*G4S/Western Liberty Group and the transport provider Serco work together to establish a more streamlined transport schedule for transferring people from the District Court Building to prison.*

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21 Western Liberty Group, *PIC After Hours Discharge Report*, (February 2013).

### CONTRACT MANAGEMENT

- 3.18 The C3S software is monitored daily by DotAG. The contractor submits daily and monthly reporting, along with any incident and situation reports, to DotAG. The courts' administration staff also report incidents as they occur.
- 3.19 The close daily monitoring of C3S by DotAG ensures transparency and accountability. All movements, management information and monitoring reports are reviewed to oversee the contractor's performance with relation to their Key Performance Indicators. Any incident, ranging from an individual attending court late to a critical incident of self-harm, is recorded by custody officers in C3S for review by DotAG. The stringent observation of the contractor allows for the state to monitor the services provided at the District Court Building and Central Law Courts and ensures that the contractor is performing in accordance with contractual requirements.
- 3.20 Conversations with stakeholders suggested that Western Liberty Group and G4S have an open and honest working relationship with DotAG. The contractors are recognised for their integrity and have been known to voluntarily disclose and accept responsibility for service mistakes.

# Chapter 4

## COURT SECURITY AND CUSTODIAL SERVICES CONTRACT

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### INTRODUCTION

- 4.1 In June 2011, the Department of Corrective Services (DCS) awarded the Court Security and Custodial Services (CS&CS) contract to Serco Australia Pty Ltd (Serco), with services commencing from 31 July 2011. The original term of the contract was five years, with an opportunity to extend for an additional five years. During the course of the inspection visits, Serco was between 12 and 18 months into the contract.
- 4.2 The CS&CS contract encompasses more than just court custodial management. It includes transportation of people in custody, court security, custodial management, funeral and medical escorts and provides security for persons in custody who are admitted to hospital.
- 4.3 The new contract promised a number of improvements including more stringent monitoring of performance standards, higher levels of training for contracted employees and the development of an online information system for the collection and sharing of data.<sup>22</sup>
- 4.4 Serco manages 11 court custody sites throughout Western Australia and provides court security and court services to sites adjacent to four police lock-ups. This section of the report will focus on general court custodial issues experienced across all of the 15 Serco sites, with systemic issues relating specifically to lock-ups discussed later in this report.
- 4.5 The Serco-managed CS&CS sites reviewed as part of this inspection were Albany, Armadale, Broome, Bunbury, Carnarvon, Fremantle, Geraldton, Joondalup, Kalgoorlie, Kununurra, Mandurah, Midland, Rockingham, South Hedland, and the Supreme Court.

### FACILITIES AND SECURITY

- 4.6 The standards of the court custody cells, staff amenities, passageways, docks and control rooms vary across locations. They range from large, secure centres clean of graffiti to rather rundown centres in desperate need of upgrading. During the inspection, the cells in use across all court custody centres provided access to fresh water and a toilet and received sufficient air flow. However the number and mix of cells was not always appropriate for the volume of people that pass through the custody centre. Sites such as Bunbury and Armadale regularly experience heavy traffic, sometimes up to around 20 people per day, and are forced to manage large numbers of people in only three or four small cells. Centres often have to juggle individuals in and out of cells if segregation rules apply. Without enough cells for segregation, people can sometimes be placed in temporary holding cells or in non-contact interview rooms for extended periods of time without access to fresh water or amenities.

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22 DCS CSCS Annual Report 2011/12, 4.

- 4.7 Apart from a select few, most sites do not provide adequate break areas or secure places for the custody staff to store their belongings. Staff at Armadale have access to a small break area that was converted from a ladies toilet cubicle, allowing enough space for one employee to sit and rest at a time. Mandurah does not have a staff break room at all for employees to rest, therefore staff are expected to eat in the control room or leave the premises. The lack of suitable space for contracted employees to rest throughout the day encourages Serco staff to work through their lunch break, as observed throughout the inspections. Employee welfare, staff morale and work performance becomes a concerning issue at sites without adequate break facilities. On the other hand results from the staff survey for Serco employees at locations such as Joondalup and Carnarvon, which have access to suitable break areas, confirm that staff are more satisfied with the facilities at these locations than at other locations.



*Photo 5: Serco staff facilities at Armadale Court Custody Centre*

- 4.8 Rockingham court custody centre is equipped with a very impressive surveillance system. The site is fitted out with over 100 cameras providing coverage of the entire custody centre, the public areas of the court, the courtroom docks, the sally port, the police car park and outside the courthouse. Full camera coverage provides a number of significant advantages. Firstly, the control room operator and the supervisor, known as the Client Service Manager (CSM), have full visual coverage of every area of the operating environment. If staff are called to an incident, the control room operator can monitor the situation and brief responding officers over radio as to what to expect. This process can prevent officers from stepping into a potentially dangerous situation ill prepared. Secondly, cameras can protect the integrity of both officers and people in custody while in volatile areas such as the landing areas outside the courtrooms. If a person in custody were to accuse an officer of mistreatment, or vice versa, camera evidence could be provided to validate or disprove the accusations. Thirdly, in the event of an incident, not only can the footage be used as evidence, it can also be used afterwards as a training tool for officers.
- 4.9 Unfortunately the camera surveillance systems at most of the other court custody centres are not as sophisticated as those found at Rockingham. Some sites are lacking cell cameras,<sup>23</sup> while other locations experience blind spots in some of the public court areas.<sup>24</sup> Most locations do not have any camera coverage in the passageways between the cells and the courtroom, which can often become volatile places if a person's court appearance did not produce a positive outcome.

*Recommendation 9:*

*The Department of the Attorney General undertake an audit of CS&CS sites to identify:*

- (a) Sites that are experiencing cell occupancy pressures;*
- (b) Locations that are lacking sufficient areas for custody staff to take breaks; and*
- (c) Custody centres where the lack of camera coverage poses significant security risks to staff, people in custody and the public.*

*Based on the audit results, the Department of the Attorney General should prioritise and allocate capital works funding accordingly and factor the audit findings into standard design briefs for new courthouses.*

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23 Some of the cells at Broome and Fremantle are not equipped with camera surveillance.

24 The public areas of Armadale and Midland courts are not under surveillance.

- 4.10 Without complete camera coverage, Serco officers are heavily dependent on radio communication. Results of the staff survey revealed that radios were the most complained about issue across all locations, with more than 60 per cent of survey respondents dissatisfied with the radios. Survey responses and observations from the inspection confirmed that the number of radios at each site was insufficient and, as a result, some staff were forced to work without any form of communication with their team which may place officers in a vulnerable or dangerous position. Ear pieces were also in short supply. Without earpieces, officers working in public areas often switched off their radio to prevent members of the public hearing confidential radio calls. Coverage was a third concern that was evident across various sites with some sites experiencing 'black spots'.<sup>25</sup>

*Recommendation 10:*

*Serco provide radios with full reception and earpieces to every staff member at each CS&CS site.*

#### WELFARE OF PEOPLE IN CUSTODY

- 4.11 During the inspection, people in custody were very well looked after by Serco employees with obvious signs of mutual respect generally demonstrated throughout the course of the inspection. The inspection team did observe some exceptions at specific sites however, where the manner in which Serco officers conversed with people in custody could be improved. The inspection team also observed some cultural differences between Serco employees and individuals, which sometimes led to misunderstandings and communication difficulties. It was noticed across a number of sites that individuals, particularly of Aboriginal background, were struggling to understand the Serco employee when they were asked about their medical history or asked about lunch options. It is important that staff training and supervision emphasises the need for staff to be aware of, and make provision for, communicating with people for whom English may be a second or third language.
- 4.12 In 2012, Serco introduced six new microwavable meal options to serve to people in custody. The nutritious meals received mixed reviews, some enjoying the variety, others not liking the vegetables served with the meals. The meals are a step up from serving pies and sausage rolls that lacked nutritional value. All sites, except for Fremantle, were serving the new meals. Concerns were voiced to the inspection team by Serco staff at Fremantle that providing plastic spoons to people in custody placed staff at risk. The Fremantle staff appeared to have little faith in the spoon distribution and collection procedures that were introduced by Serco management. To address staff concerns, Serco management had planned to undertake a risk assessment to ensure staff safety was not at risk when providing the new meals.

*Recommendation 11:*

*People in custody at Fremantle court custody centre are provided with the same nutritious meals that the individuals at the other sites receive.*

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25 Staff working in at least six sites informed inspection staff that they were using radios with little to no coverage in certain areas of the site.



- 4.13 With potentially long waiting times, people can be kept in cells for hours with little to do. Older style analogue televisions are available at some locations, however with the analogue signal no longer available the televisions are now only useful for playing videos (there are no DVD players). Most regional centres do not even have televisions. Subsequently people are forced to find other ways to keep themselves entertained. Unfortunately, this sometimes means damaging the cells, acting in a hostile manner, or flushing objects down the toilet.



*Photo 6: The remains of Styrofoam cups that were torn up and flushed down the toilet*

*Recommendation 12:*

*The Department of the Attorney General implement or upgrade the televisions in all cells to the digital network.*

- 4.14 The inspection was conducted over the summer period when the weather was sometimes extremely hot. The air conditioning in the cells, particularly at some of the Northern sites, was refreshing but if people were wearing summer attire they could end up rather cold and uncomfortable. Most sites provided second-hand warm clothes sourced from charity organisations, but rarely were blankets available. Some Occupational Safety and Health representatives strongly suggested that blankets need to be provided, particularly in the winter time when the concrete seats in some of the older buildings can become particularly cold. Serco management advised this Office that they were yet to adopt



a position on the issuing of blankets, and were concerned that providing blankets may encourage sleeping and drowsiness when attending court; however sleeping should be a personal choice for individuals to make and should not be a decision for Serco management. At the rare site where blankets were provided, the custody centre had agreements with either the local prison or the police to launder and return the blankets.

*Recommendation 13:*

*Blankets should be provided to people in custody at all CS&CS sites upon request.*

- 4.15 Due to the stressful circumstances of appearing in court, individuals in custody can often behave in a volatile manner. The anxiety created by not knowing one's future, coupled with the sometimes unexpected and sudden deprivation of liberty, places a significant number of individuals at high risk of self-harm. The Serco Operating Instructions provide guidelines to ensure any personal belongings that could be used to self-harm, such as belts and shoe laces, are removed during the reception process. However, removing such items does not always guarantee complete self-harm prevention. At times, people may use the force of their own body to inflict injury upon themselves.
- 4.16 While the Operating Instructions clearly direct staff to take precautionary measures there are no clear instructions for staff and supervisors to stop someone if they begin self-harming. Despite this oversight, most officers and CSMs have referred to their initial training and acted immediately to stop attempts of self-harm. Staff and officers have relied on tactics such as verbal negotiation, physical presence or reallocation of cells to calm people and divert their attention away from inflicting further injury. When these attempts have failed, almost all CSMs stated that they would instruct team members to enter the cell and physically restrain a person to prevent further self-harm.
- 4.17 Unfortunately not all supervisors are prepared to act appropriately in the case of self-harm. During the course of the inspection, an incident was observed when a person in custody began serious self-harming by fiercely banging his head repeatedly against the cell wall. After an initial assessment was conducted by the CSM no further steps were taken to prevent the person from continuing to self-harm.
- 4.18 It is an unfortunate reality that behaviour of this sort will sometimes occur. In cases of self-harm, this Office would expect Serco officers to take proactive measures to stop a person from hurting themselves, including safely entering the cell and restraining the person if necessary. Inspection staff became concerned that they did not observe any staff member entering the cell on this particular occasion. The person's actions continued to occur intermittently throughout the day and he was later released without any medical or psychological examination. Duty of care and concerns for the individual's welfare appeared to be completely disregarded. Details regarding the follow-up undertaken by this Office can be found in paragraph 8.4 of this Report.

- 4.19 Working in such a volatile industry requires all staff and managers to be trained to adequately manage incidences or threats of self-harm. To achieve this, appropriate procedures and instructions need to be in place and staff need to be equipped appropriately to deal with each situation.

#### HUMAN RESOURCES

- 4.20 It was evident during the inspection that staff morale and job satisfaction was highly dependent on relationships with the CSM. Staff who claimed that they were generally happy with their job often complimented the CSM for making their workplace fair and pleasant. The inspection staff also noticed that CSMs with proactive attitudes and who were accommodating of Serco policies and procedures produced more positive working environments, resulting in happier staff.
- 4.21 A great deal of trust flowed through the court custody centre teams with almost half of all employees surveyed commenting that the best part of their job was working with their colleagues. These strong relationships extended beyond the court custody centre staff to include court employees, police officers and prison staff. Overall most police, prisons and court staff had nothing but praise for Serco employees, commending them on their professionalism and ability to get the job done. Three quarters of respondents to the staff survey stated that the strong bonds they have built amongst their colleagues contribute to their feeling of safety every day in the job.
- 4.22 While most sites emitted a positive atmosphere, there were a few sites where allegations of bullying and harassment were rife. Staff morale at these sites was significantly lower. Some officers made comments to the inspection team that they felt that although their CSM was aware of the internal conflicts, they felt that the CSM could not control the situation. Court staff and legal representatives informed the inspection team that occasionally Serco staff arguments were so loud that they could be heard from the courtroom. Staff conflicts had become so severe at some locations, that the inspection team observed staff arguing amongst one another in front of people in custody while performing their duties. The CSMs undertake a Certificate IV in Correctional Practices however the events observed at these sites demonstrate a need for CSMs to undertake further training in people management.
- 4.23 Given that these conflicts were seriously affecting the safety of people in custody, the inspection team reported their concerns to Serco for immediate action. The Serco management team undertook an internal review and implemented a management plan to address the situation. Court staff subsequently told the inspection team that they felt Serco took allegations of bullying and harassment seriously and were always quick to address any situation. Court officers who had observed toxic working environments in the past commented that they noticed a positive difference in the court custody centres after situations were dealt with by Serco management.

- 4.24 The Serco base training curriculum begins with a six week initial training course consisting of both classroom training and work placements. Employees are then required to complete a Certificate III in Correctional Practices within their first twelve months of employment. In general, most employees were satisfied with their training, however, quite a number commented that they would like ongoing refresher training to deal with unpredictable situations. Supervisors at some sites were proactively implementing regular on-the-job training that staff genuinely appreciated. Some CSMs have even gone so far as to introduce regular scenario-based training during quieter periods. This type of impromptu training provides clear professional development benefits to officers and should be a standard practice across all sites, particularly at regional sites that experience significant periods of downtime when courts are not running.
- 4.25 A common theme identified throughout the inspection was that staff felt apprehensive about managing juveniles without specialised training. Most courts run a local Children's Court on particular days of the week, which sometimes means children are required to be held in the custody centre. While staff undertake juvenile management training as part of their initial training course, most felt that the training was not enough. This was particularly evident at regional and outer metropolitan sites where higher numbers of juveniles frequent the court custody centre.

*Recommendation 14:*

*Serco provide additional training for relevant employees to appropriately manage juveniles in custody. Regular refresher training should be provided.*

- 4.26 At some of the busier sites CSMs regularly worked alongside officers in both custody and security roles to ensure enough support is provided to their team. While CSMs should be commended for their eagerness to get the job done, this practice could potentially hinder operations if something were to go wrong while a CSM was involved in other duties. A CSM should be across all operational activities at all times and should be easily accessible by all members of the team. A 'hands-off' approach to the role of CSM is preferred but, given the busyness of some sites, this is not always practicable.
- 4.27 To help relieve the pressure on CSMs, other officers with significant experience often find themselves working in informal management roles, assisting with the running of the centre when times are busy. This local agreement eases some of the pressure faced by CSMs, by providing an alternative contact point for staff queries and allowing for CSMs to take a step back from becoming too involved with minor issues. These officers often take on this additional responsibility out of genuine concern for their managers, and do not receive any financial compensation. However, because the officers do not hold any officially sanctioned rank over their colleagues, other staff have been known to undermine their authority. If Serco management were to officially appoint an officer to take on duties to assist the CSM this could potentially alleviate excess pressure placed on CSMs and compensate the senior officer appropriately.

- 4.28 The number of officers assigned to each custody centre was a contentious issue. More than half of all survey respondents commented that staffing levels at their sites were poor. While some sites lacked sufficient staffing numbers to safely deliver court custody and court security services, others were staffed sufficiently but the officers were not tasked appropriately. All Serco officers are trained to be multi-skilled to work across all areas of the CS&CS contract and, on a standard day, are expected to undertake multiple roles to meet operational demands. Some officers and CSMs were using out-dated staffing arrangements whereby each person was assigned to one position for the day and they worked in that role only. Longer standing employees were more likely to believe in this method of allocating staff, as this was the staffing model they had been accustomed to under the previous contract. Officers and the CSM at other sites had positively embraced the idea of multi-tasking, however, and were running their sites safely and efficiently using this approach.
- 4.29 Along with multi-tasking, Serco encourages all staff to undertake individual risk assessments for each person in custody. Again, some of the longer standing staff were resistant to the idea. Conducting risk assessments helps to tailor a security and management regime suitable to the risk posed by each individual. Not only does it assist CSMs to task officers effectively, it also demonstrates a level of respect to people in custody who do not always need to be closely monitored by an unnecessary number of officers. In fact, displaying too much security presence in a courtroom may negatively influence the presumption of innocence by sending a message that an individual requires a high level of security.
- 4.30 The inspection team noted that one particular site had successfully introduced risk-based assessments that dictated the level of security required for each individual in custody. If someone were assessed as low risk, the CSMs assigned one dock guard to monitor the person while in the courtroom dock, instead of two. This idea was suggested to other CSMs during inspection visits. Some were open to the idea, while others believed that all people in custody are high-risk and require maximum surveillance and monitoring at all times.

# Chapter 5

## METROPOLITAN COURT CUSTODY CENTRES

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### INTRODUCTION

- 5.1 For this inspection, the following Serco managed sites were classified as metropolitan court custody centres: Armadale, Fremantle, Joondalup, Mandurah, Midland, Rockingham and the Supreme Court.

### HUMAN RESOURCES

- 5.2 The workload at each court custody centre fluctuates daily, depending on variables such as the number and types of courts running and the amount of overnight arrests. Court listings provide supervisors with a rough indication of the expected workload for the following day, however, there is no real way of knowing how many arrestees will be delivered by the police. The irregular agenda of courts makes scheduling the appropriate number of staff each day a challenging task. Some centres have ended up with insufficient staff to undertake their duties, with a site on one occasion reportedly not even opening their custody centre until late in the afternoon when they had enough staff to do so. As a result, the police at this location were forced to hold overnight arrestees until the afternoon which resulted in the police paying their officers for unplanned overtime.
- 5.3 The staff at the metropolitan court custody centres expressed extreme frustration and concern about low staffing levels at their sites. In most cases, the frustration stemmed from the resistance towards multi-tasking, however there appeared to be some legitimate situations where the staffing levels did not seem to correspond to the needs of the custody centre. To assist with these cases, Serco have introduced a number of solutions. Along with ongoing recruitment, Serco have been temporarily assigning transport drivers from the metropolitan regions to assist at the court custody centres during the quieter transport periods in the middle of the day. Unfortunately, the mornings and afternoons periods when transport staff are unavailable, have been the busiest times at court custody centres. Additional staff have been needed first thing in the mornings and later in the afternoons to assist with unlocks, processing and escorting.
- 5.4 A plan for a new and more permanent approach to organising workloads was introduced early in 2013 to assist with staffing issues at metropolitan sites. Staff who work on flexible 30 hour per fortnight contracts were advised that, instead of working at one particular site permanently, they would rotate between a cluster of local sites to provide additional coverage where required. Staff in the employment pool were also asked to nominate the locations that they prefer to work at, in an attempt to build a flexible team that could familiarise themselves with a select group of court custody centres. Letters to staff explaining the new rostering process were received around the time of the inspection, causing a great deal of anxiety amongst staff who were unsure of their future. Despite these innovative solutions, there may still remain a need to review the staffing model to ensure sufficient staffing numbers are provided to adequately meet the needs of the custody centre.

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## TRANSPORT OPERATIONS

- 5.5 There are nine court custody centres and seven prisons scattered across the metropolitan area, making the logistics of getting people to court in the mornings a complex and challenging process. Over 1,300 prison-to-court movements were undertaken in the first quarter of 2013, all managed by the Serco control room located at Canning Vale.<sup>26</sup> Most of the metropolitan transfers were from Hakea Prison (73%), the state's primary remand and reception prison for male prisoners. An unacceptably high one quarter of these movements resulted in the person being late to court, although this is not necessarily the fault of the contractor (see paragraph 5.7 below). More information regarding prisoner transport times can be found in the Prisoner/Detainee Transportation audit conducted by this Office in 2012.<sup>27</sup>
- 5.6 Contractually, a person in custody is required at their court location 30 minutes before the time stated on their warrant, which typically falls between 8.30 am and 9.30 am.<sup>28</sup> The warrant times are set by Magistrates on a case-by-case basis and are deliberately scheduled to occur before court opens to allow legal representatives adequate time to meet with their clients when they arrive at court. It is not uncommon for a number of people to be scheduled to appear at the same location with different warrant times.
- 5.7 It is logistically and economically beneficial for people in custody who are due to appear at the same court with slightly different warrant times to be transported from prison on the same vehicle. However this will only work if those individuals are unlocked and processed together. Unfortunately, the morning unlock schedule for prisoners at Hakea due for court appearances is based on warrant times rather than the transport schedules. The general rule at Hakea is that only prisoners with warrant times before 9.15 am will be unlocked early, simply because there are not enough night staff on duty to safely unlock more. When a vehicle is scheduled to pick up prisoners with staggered warrant times the vehicle must wait for the last prisoner before it can leave. This practice defeats the purpose of unlocking the others so early, and is often the cause for people arriving late for court.

### *Recommendation 15:*

*The Department of Corrective Services work in partnership with the prisons and Serco to implement a strategy aimed at streamlining the morning routine of preparing prisoners for court and ensuring prisoners arrive to court at the contractually stated time.*

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26 Serco Metropolitan Court Delivery Performance – Jan–March 2013.

27 OICS, *Prisoner/Detainee Transportation 1 July 2011 – 31 December 2011* (October 2012).

28 CSCS Contract, *Movement Requirements*, Schedule 6, 7.1 (June 2011).

- 5.8 At some of the outer metropolitan sites such as Mandurah and Rockingham, end of day transfers from court to prison are not generally actioned by the Serco operations control room until court is finished for the day. This process promotes efficiency by ensuring only one vehicle is scheduled to clear out the outer custody centres each day. However the process creates difficulties when an individual is remanded in the morning and has to wait until the evening to be taken to prison. The inspection team was told about cases where people remanded in the mornings were left waiting in the court custody cell until after 7.00 pm. As mentioned in paragraph 3.17 the result of having to wait for an extended period of time in cold, concrete cells with little entertainment is less than ideal and can lead to potentially volatile situations.

*Recommendation 16:*

*Serco review current transport operations and implement an enhanced transport plan to prevent unnecessary waiting times for people in custody at outer metro courts who are waiting to be returned to prison.*

#### SUPREME COURT

- 5.9 The Supreme Court custody centre is the only site in the State where the court custody and court security teams function individually. The functions were divided after the 2004 Supreme Court escapes to provide greater supervision in the custody centre.<sup>29</sup> Nine years later and despite significant security upgrades, the Serco staff at the Supreme Court still report to separate CSMs and communicate on their own radio frequency. The Serco officers working at the Supreme Court feel that the lack of direct communication between the two teams leaves them feeling vulnerable, particularly if security staff in the courtroom need emergency security assistance from custody staff, and vice-versa.
- 5.10 The division between the court custody and court security functions also discourages multi-skilling amongst officers. When the custody area is short staffed, the benefits of relying on security staff who are not trained or who lack sufficient experience working with people in custody can present a risk. The staffing model at the Supreme Court contradicts Serco's multi-skilling and multi-tasking approach. This suggests that the Supreme Court would function more effectively from amalgamating the court security and court custody functions into one team.

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<sup>29</sup> On 10 June 2004, a group of nine prisoners escaped from the main holding cell at the Supreme Court Custody Centre.



- 5.11 The Supreme Court building is more than 100 years old, and naturally requires regular upkeep. Rising water has been emanating throughout the building from underground and as a result, some of the older parts of the custody area were experiencing damp problems and were emitting a strong, musty odour. The Supreme Court custody CSM is concerned that both staff and people in custody could potentially be exposed to toxic air quality. Discussions with court staff revealed that they were reluctant to undertake any major works to address the problem until more drainage has been installed and a solution to prevent more water from entering the building has been installed. The air quality in the Supreme Court custody area requires testing and, if unsatisfactory, active steps need to be taken to remove the damp and provide a safe environment for both custody staff and people in custody.



*Photo 7: Result of rising damp at the Supreme Court custody centre*

- 5.12 Being such an old building without centralised climate control system, the cells in the custody centre can become quite cold. The officers working in the custody area do not have access to blankets or additional clothing to provide to people in custody, who frequently complain about the cold cells in the winter time.

*Recommendation 17:*

*The Department of the Attorney General consider implementing better climate control options for the cells in the custody centre.*



# Chapter 6

## REGIONAL CONTRACTOR MANAGED SITES

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### INTRODUCTION

- 6.1 For this inspection, the following Serco managed sites were inspected: Albany, Broome, Bunbury, Carnarvon, Geraldton, Kalgoorlie, Kununurra and South Hedland.

### HUMAN RESOURCES

- 6.2 Staff members based at the Serco regional sites supply all the Court Custody and Court Security (CS&CS) services within that region, meaning that the centre must have sufficient staff to also cover hospital sits, transport for medical appointments, funerals, regional prison transfers and other transport services. Sites that ran smoothly seemed to have built strong cooperative relationships with the local prison movements section who manage prisoner appointments. In these instances, the Prison Movements Officer would avoid scheduling medical appointments on particular days when the full complement of Serco staff are required to work at the court. This avoids creating excessive peaks and troughs in Serco's rostering arrangements, and will assist to provide Serco staff with an evenly distributed workload throughout the week. It also ensures sufficient staff are available on quieter court days to undertake prisoner movements and medical appointments.
- 6.3 Some sites did not appear to be working as closely with their local prison and were therefore less able to facilitate secondary services when the court custody centre was busy. These sites were experiencing extreme workload peaks that could be alleviated by adopting similar relationships with the local Prison Movements Officers to assist with scheduling the workload.
- 6.4 Officers at one regional site told the inspection team of occasions when they would regularly work a full day shift in the court custody centre, then a night hospital sit and sometimes even an additional day shift in the custody centre the following day. Staff working double and triple shifts expressed general feelings of fatigue, leading to decreases in performance. The same regional staff were frequently on-call over the weekends in case of emergency hospital sits, restricting their personal time and placing significant pressure on employees.
- 6.5 Serco officers are generally recruited from the local area, however, staff from the employment pool can be temporarily assigned to a regional site to provide extra support when required. Serco also offer secondment opportunities to provide additional coverage. Seconded employees and pool staff, particularly those from Perth, seem to enjoy working in the regions however they have found the transport and accommodation arrangements can be a significant deterrent. Seconded staff who have stayed in accommodation close to town and the courthouse, told the inspection team that they enjoyed their secondment. Other staff who stayed in accommodation away from town and left with no transportation to get to and from work, felt that secondments were more of a punishment than a learning experience.<sup>30</sup> Accommodating regional secondees close to the courthouse could eliminate this negative perception. Alternatively taxi vouchers or site vehicles could make the chore of getting to work and running errands easier for secondees.

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30 Seconded officers at Kalgoorlie and Broome told inspection staff that they receive cab charges to travel from the airport to their hotel, but not from their hotel to work every day. They also told inspection staff that they were not provided with cab charges or a site vehicle to attend hospital sits or other external work locations.

### TRANSPORT OPERATIONS

- 6.6 In regional areas the court custody centre sally ports are the vehicle home bases. The logistics are managed locally by the CSM, so when enough people have finished court, they can be taken to the prison early. Having the transport located at the court custody centre is also convenient for cell management, particularly at sites that experience overcrowding and segregation issues. During the inspection, one regional site was expecting high numbers of people in custody for the day. The CSM negotiated with the Magistrate to allow for half of the prisoners to be seen in court after lunch, so they could remain at the prison for the morning. At lunch time, the vehicle dropped the remandees back to the prison and picked up the afternoon prisoners and transported them to court. This flexibility is only relevant if the court custody centre is located close to a prison.
- 6.7 As there is no local prison in Carnarvon and Kununurra, remanded individuals must return to the lock-up to wait for their flight to arrive before they can be flown to prison. Depending on flight times, individuals may stay overnight in these lock-ups. Adult males who are remanded overnight or who are attending an overnight trial at Bunbury Court can spend the night at Bunbury Regional Prison. Unfortunately women must undertake the drive back to Bandyup Women's Prison in Perth, because the police do not have the resources to accept them and Bunbury Regional Prison does not have the facilities to accommodate women overnight. This equates to more than four hours of travel each day to attend court, and places unnecessary stress on women during vulnerable times.

*Recommendation 18:*

*The Department of Corrective Services constructs a secure area in Bunbury Regional Prison for females to stay if remanded overnight or on trial at Bunbury Court.*

# Chapter 7

## LOCK-UPS

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### INTRODUCTION

- 7.1 People in custody for the purposes of court proceedings at Albany, Carnarvon, Geraldton and South Hedland are held in lock-ups instead of court custody centres. The courthouses are located directly adjacent to the police stations, eliminating the need for two separate centres to hold individuals. Due to the close proximity to the court, people can be efficiently escorted to court directly from the lock-up cells. This means there is a division of responsibility for individuals attending court. With the exception of Albany, police officers locally manage security in the lock-ups at all times, with Serco staff responsible for escorting the individuals from the lock-up to court and the security within the courtrooms and surrounding precinct. (At Albany, Serco staff are responsible for managing the lock-up during the days when court is sitting.)
- 7.2 According to the *Court Security and Custodial Service Regulations 1999* (the CSCS Regulations) Carnarvon, Kalgoorlie and Albany are prescribed lock-ups. Under section 12 of the *Court Security and Custodial Services Act 1999*, this means that the Department of Corrective Services (DCS) is responsible for the management, control and security of these lock-ups and they therefore can be inspected under the *Inspector of Custodial Services Act 2003*.
- 7.3 Geraldton and South Hedland lock-ups are non-prescribed lock-ups and are completely managed by the police. DCS has no management authority at Geraldton and South Hedland and this Office is not permitted to inspect these facilities. However, because the police work closely with Serco, who are contracted to provide court security and escort people to the court room, this Office visited these sites and observed Serco's escorting procedures and the handover processes between the police and Serco (see Table 2 below).
- 7.4 Kununurra lock-up previously operated under a similar model to Geraldton and South Hedland, but at the time of the inspection, the Kununurra courthouse had closed indefinitely. A temporary courthouse at an alternative site was established while a new courthouse is being constructed. The temporary courthouse will be operational for two years and, because it is no longer positioned adjacent to the police lock-up, the court custody centre is managed by Serco.

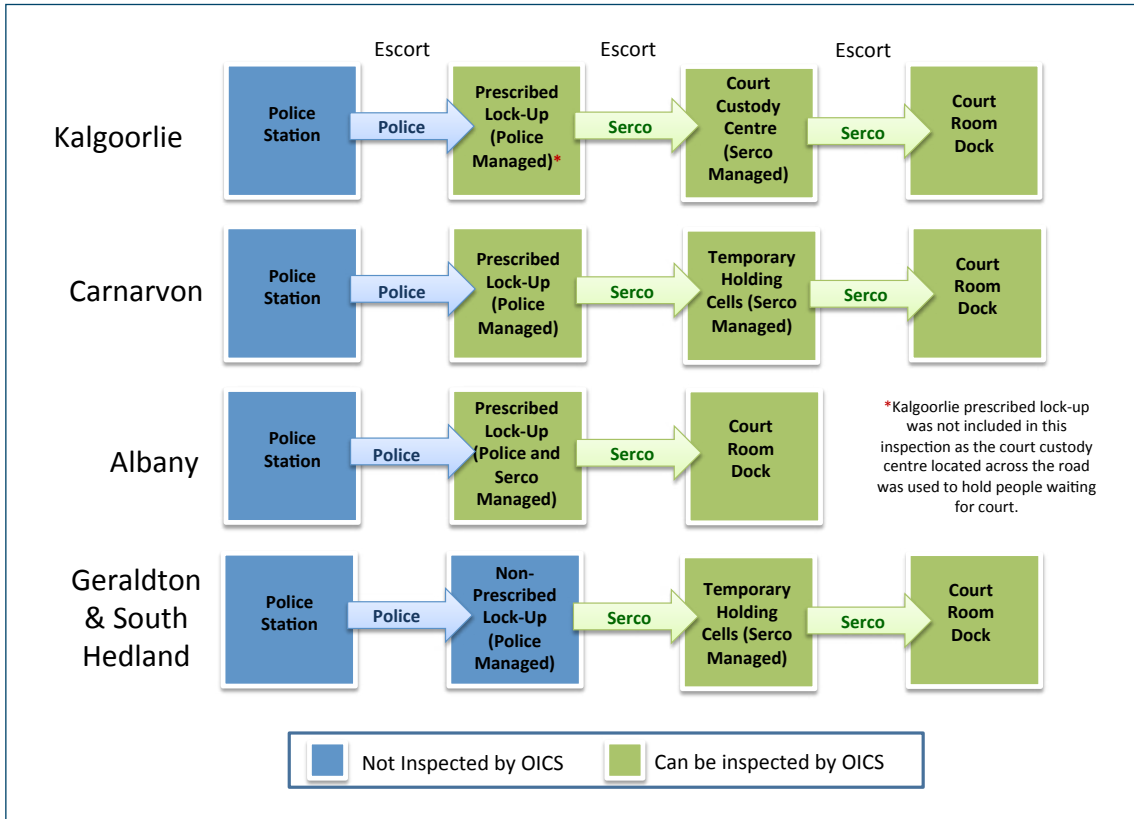


Table 2: Management of overnight arrestees due to appear in court

**THE POLICE, THE DEPARTMENT OF CORRECTIVE SERVICES AND THE CONTRACTOR**

7.5 Police auxiliary officers were originally introduced into the Western Australian Police to provide support and conduct administrative duties that do not require full policing powers.<sup>31</sup> At the rare locations where auxiliary officers were employed, they were often assigned to manage the lock-ups. At one inspection site, the sole auxiliary officer managing the lock-up that day was voluntarily ending his employment and was not being replaced in the near future. The Officer in Charge (OIC) of the police station confirmed to the inspection team that the police were struggling to employ auxiliary officers due to strong competition from the mining sector and the absence of regional allowances. The OIC had no choice but to assign front line police officers to manage the lock-up.

7.6 The police regularly have other duties to fulfil and lock-up management obligations are sometimes pushed to the side. When police officers managing the lock-up attend to other matters, court appearances sometimes become negatively affected. The inspection team heard from one Magistrate who had noticed that people from the lock-up often arrived late for their appearance. During one of the site visits, the inspection team also met with a legal representative who claimed she was waiting for more than 20 minutes in the non-contact interview room for police to retrieve her client from the lock-up. In this instance, Serco staff were willing to retrieve the person, but were unable to do so due

31 <http://www.police.wa.gov.au/Aboutus/Policeauxiliaryofficers/tabid/1700/Default.aspx>

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to legal and contractual restraints. The legal representative commented that waiting for clients was a regular occurrence at that site, particularly if the police officer managing the lock-up is unable to be located.

- 7.7 While the police manage individuals in the lock-up, escorting them to and from court is a service provided by Serco under the CS&CS contract. This arrangement results in constant hand overs between police and Serco throughout the day, and consequently, a great deal of paperwork for both parties. Discussions with the police and Serco officers indicated that the system would run more efficiently if Serco had complete management of the person throughout the day, similar to the Albany lock-up model discussed in paragraph 7.11. This would significantly reduce the number of hand overs and the excessive amount of paperwork and would free up police to be available for other duties. The discussions also revealed that, since Serco are already on-site providing other court services, the additional task of managing the lock-up would require minimal additional resourcing and would also avoid the unnecessary doubling-up on paperwork.

#### **KALGOORLIE PRESCRIBED LOCK-UP**

- 7.8 Kalgoorlie was originally prescribed to facilitate the placement of prisoners on inter-prison coach transfers between Eastern Goldfields Regional Prison and Perth. It was assumed that there would be limited room in Eastern Goldfields Regional Prison to host both the incoming and outgoing prisoners on the evening that the changeover occurred. The lock-up was to be used to accommodate for the overflow. To this Office's knowledge this arrangement was never used for this purpose and as a result the lock-up was not included in this inspection. However the Serco managed court custody centre at Kalgoorlie, located across the road from the police station, was included in the inspection as it is the official centre in Kalgoorlie for holding detainees waiting for court.

#### **CARNARVON PRESCRIBED LOCK-UP**

- 7.9 Carnarvon was classified as a prescribed lock-up because it was previously one of the main stopover points for prisoner long-distance transfers between Geraldton and Roebourne prisons. The arrangement allowed contract staff to manage people in the Carnarvon lock-up overnight while in transit. Nowadays, long distance transfers are predominately conducted by air, therefore there is no need to use Carnarvon as overnight stopover hubs.
- 7.10 With no local prison in the Carnarvon area, prisoners are regularly flown from Greenough Regional Prison to Carnarvon for their court appearance and stay overnight in the lock-up. During the inspection, the police told the inspection team that holding prisoners overnight was an unacceptable and unaccounted expense in the police budget, particularly given that the Commissioner for the DCS is legally in charge of the lock-up.<sup>32</sup> The police also told the inspection team that they have restricted control over the scheduling of prisoners. As a result they are often forced to remove police officers from front line duties and assign them to manage prisoners overnight in the lock-up, often costing the police considerable amounts of overtime. The police are also expected

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32 *CSCS Act 1999 (WA)*.

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to provide the meals and additional bedding required to host the prisoners. Debate regarding the ownership of prescribed police lock-ups, at both Carnarvon and other locations, is an unresolved issue that requires addressing. To reduce further conflicts and misunderstandings, DCS and the police need to officially agree upon the responsibilities and financial obligations at each prescribed lock-up.

*Recommendation 19:*

*That the Department of Corrective Services and Carnarvon Police agree upon the official responsibilities and financial obligations of Carnarvon lock-up and produce a local agreement and contract amendment reflecting these conditions.*

**ALBANY PRESCRIBED LOCK-UP**

- 7.11 The Albany lock-up is a unique centre, unlike any other in Western Australia. Albany lock-up was prescribed under the CS&CS Regulations so the contractor could manage individuals throughout the day while freeing up the police to undertake other duties. During the inspection, the contractor (Serco) were still taking over management of the lock-up throughout the day and returning operational control of the lock-up back to the police at the end of the day.
- 7.12 Despite this process being accounted for in the CS&CS contract, there is no formal memorandum of understanding between Albany police and Serco outlining the details of this relationship. Both parties loosely base their agreement on the broad requirements in the CS&CS contract and an old Local Service Agreement (LSA) that existed between the OIC of Albany Police Station and one of the previous CS&CS contractors. According to the out-dated LSA and the CS&CS contract, the contractor should only take over management of the lock-up during ‘court opening times’.<sup>33</sup> Both parties were applying their own interpretation to this part of the agreement.
- 7.13 The Police interpreted ‘court opening times’ to mean the opening of the court registry office, essentially weekdays from 9.00 am until 5.00 pm. Serco, however, interpreted ‘court opening times’ to mean anytime that the Magistrate is sitting, implying that Serco will not manage the lock-up at times when the Magistrate is away attending regional courts. Recently confusion has arisen because the Magistrate, while away on regional circuit, has requested to see people in custody via video link in Albany. Individuals are still required to be escorted to the courtroom for this, but because the Magistrate is physically not present, Serco felt that the police should still manage the people while in the lock-up.

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33 *Local Service Agreement between OIC Albany Police Station and the AIMS Corporation Supervisor Albany (October 2005).*

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*Recommendation 20:*

*That the Department of Corrective Services and Albany Police produce a formal partnership agreement outlining the management conditions of the lock-up and include specific details of when the contractor should take over management of the centre.*

**KUNUNURRA NON-PRESCRIBED LOCK-UP**

- 7.14 When the new Kununurra lock-up opens adjacent to the current police station, it is anticipated that lock-up will be used again to hold people waiting to appear in court. Similar to Carnarvon with no local prison in the Kununurra area, the Kununurra lock-up will likely be used once again to hold individuals scheduled to appear in court overnight. Similar agreements should be established between the Department of Corrective Services and police at Kununurra and any future sites where people attending court may be expected to spend the night. On the back of these agreements, an opportunity may also arise whereby Bunbury police may be in position to accommodate females overnight (see paragraph 6.7).

# Chapter 8

## CS&CS CONTRACT MANAGEMENT AND MONITORING

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### KEY PERFORMANCE INDICATORS

- 8.1 This latest CS&CS contract saw a number of changes that were introduced to enhance service delivery. DCS partnered with DotAG and the Western Australian Police to develop the objectives, governance and service design.<sup>34</sup> The contract incorporated new Key Performance Indicators (KPIs) with a corresponding abatement regime intended to encourage the contractor to deliver a high level of service and to ensure compliance against contractual obligations.
- 8.2 A self-monitoring and reporting method was introduced whereby the contractor was expected to inform DCS any time a KPI was breached. A secondary reporting mechanism was incorporated to allow other outside parties to report any observed breaches.<sup>35</sup> As an additional measure, monitoring officers from DCS were tasked with visiting each site to conduct process reviews and audits of the contractor's performance.
- 8.3 There were a few issues identified with the process review reports. Reports from early 2012 revealed that the recommendations made by monitors were often inconsistent with the KPIs in the CS&CS contract. The inconsistencies suggested that perhaps the monitors were not working to a template structured around the current CS&CS contract and were rather identifying discrepancies against Serco's own procedures contained in their operating instructions (some of which were also out of date). Some process reviews evaluated Serco based on the old numeric staffing models from the previous contract (that were still incorrectly listed in the operating instructions), rather than evaluating Serco based on the current CS&CS requirements. The process reviews of security at the court custody centre were also quite brief, particularly when compared with the in-depth security assessments conducted at similar times by DotAG's Court Security Directorate.
- 8.4 As referred to in paragraph 4.17 of this report, during the course of the inspection the team observed a potential breach of the KPI 'Failure to prevent a Person in Custody from inflicting self-harm'.<sup>36</sup> This Office reported the event in writing to both the contractor and the Commissioner of DCS who replied claiming that the contractor 'acted in accordance with the relevant Operating Instruction' because staff made an assessment of the situation and provided full details of the incident to the relevant client agencies.<sup>37</sup> However, the contract requires compliance with KPIs, not compliance with Operating Instructions. Put another way, the focus should be on the prevention of incidents such as self-harm, rather than on compliance with procedures. It was concerning that DCS appeared to be assessing the contractor's performance by reference to the contractor's own procedures. The response did not refer to the KPI to prevent self-harm, nor did it touch upon the concerns regarding the individual's welfare or the actions expected of the contractors in event of self-harm.

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34 DCS CSCS Annual Report 2011/12.

35 CSCS Contract, Schedule 2: Key Performance Indicators, KPI Monitoring and Reporting Methods, [3.1]–[3.2]. (June 2011).

36 Schedule 2 Key Performance Indicators, Service Failure 9.8 Referring to incident described in part 4.15 of this report.

37 Letter received from the Commissioner of the Department of Corrective Services, dated 24 April 2013.



*Recommendation 21:*

*The Department of Corrective Services ensures that Serco are monitored according to the Court Security and Custodial Services contract and the Key Performance Indicators stipulated in that contract, not Serco's Operating Instructions.*

#### MONITORING OF THE CS&CS CONTRACT

- 8.5 In 2011–2012, two process reviews were completed by monitors at each site meaning that Serco's performance was reviewed intermittently rather than consistently throughout the year. The visits were useful for capturing process breaches or for reviewing procedures that may have been performed unsatisfactorily over a significant period of time. However, the monitoring process cannot capture one-off failures, such as individuals not receiving a meal, unless it occurred during the process review period. It is highly likely that many of the minor incidents and breaches occur at times when monitors are not on-site.
- 8.6 While it is useful for monitors to visit regularly and observe how the sites are running, there is an opportunity for DCS to enhance their monitoring process and oversee Serco's regular operations by reviewing the daily events at each site. In 2012, Serco introduced their in-house computerised program called Serco Escort and Recording System (SERS). Any events involving a person in custody is entered into SERS at each site. These events could include meal provisions, welfare checks, movements, searches, cell assignments, risk assessments and incidents.
- 8.7 The SERS program collects similar information to the C3S software used by G4S at the District Court Building and Central Law Courts. Each day, the staff from DotAG download and review the daily C3S reports to identify any service failures that have not otherwise been reported. The C3S system easily detects minor breaches or anomalies that can be addressed to improve service delivery. DCS undertake no comparable assessment of SERS data, which appears to be unmonitored. This method of electronically monitoring of the contractor at the District Court Building and Central Law Courts is both accurate and cost effective, and would be particularly useful to replicate for sites covered in the CS&CS contract.

#### MEASURING THE CONTRACTOR'S PERFORMANCE

- 8.8 As an additional performance measure, client agencies and external service providers are requested to complete a quarterly customer satisfaction survey. The survey asks stakeholders to rate the contractor's performance with regards to service delivery, flexibility and relationship management.<sup>38</sup>
- 8.9 At the time of the inspection, the robustness of the survey methodology was questionable. The questions were confusing, the scale of responses were not mutually exclusive, there were some questions missing responses and the overall sample size was too low to allow comparison against each quarter. The survey, if tightened up, could be a useful tool for providing feedback to the contractor, but is simply not robust enough, at present, to be used for a performance tool.

38 CSCS Contract, *Key Performance Indicators*, Schedule 2, 11.1 (June 2011).

#### OWNERSHIP OF THE CS&CS CONTRACT

- 8.10 In 2005, recommendations from the *Inquiry into the Management of Offenders in Custody and in the Community* led to the split of the Ministry of Justice into the DotAG and DCS. As a result, responsibility for the CS&CS contract was delegated to DCS.
- 8.11 DotAG is the key client receiving court services under the CS&CS contract, however DotAG has little control over the contractor's service delivery or the management of the contract. At each local site Serco employees are representing the public face of the court, so it is not surprising for DotAG to expect complete professionalism from the contractor. However, this contract management function is performed by DCS, and it is the DCS Commissioner who has legal responsibility for the centres.
- 8.12 Given the court staff are permanently located at each site, they are the primary stakeholder in view of any breaches of the contractual KPIs. Court staff are key witnesses for issues that are not serious enough to be reported as a critical incidents. At times, court services may also suffer if the contractor's performance falls below expectations. For example, if the site is short on staff, people are delivered late to court, a person in custody feels mistreated or the professional courtesy of employees is unsatisfactory. However there is little a Magistrate or other court staff can do to manage such situations except report any failings or concerns back to DCS. Discussions with court staff revealed that without any strong evidence to prove such allegations, DCS are reluctant to take action against the contractor. This has led to a feeling, by some, of a lack of responsiveness from the monitoring agency.
- 8.13 While DCS specialise in custodial management, there are other elements of the CS&CS contract that focus solely on servicing the court such as the court orderly, the perimeter guard and the gallery guard. These services have very little association with people in custody, and are more about servicing court users than about custodial management. It is therefore questionable why DCS, an agency wholly focused on custodial management, is involved in managing the contract for providing court services. There is potential for DotAG, the key client agency receiving services from the contract, to play a more significant role in the management of court custody services provided at each courthouse.
- 8.14 The difficulties associated with the 'ownership' and oversight of the contract have persisted for too long without definitive resolution. It is time the key agencies, and in particular DCS as the organisation currently responsible, undertake a comprehensive analysis of contract management arrangements. Key to this has to be the provision of the service that provides efficient, timely, safe services that ensures the safety of the public, those in custody and all staff involved in the court system. Numerous issues raised throughout this report would suggest that the present arrangements continue to present blockages to attaining the best outcomes possible from the contracted services.

# Appendix 1

## STAKEHOLDER RESPONSES TO RECOMMENDATIONS

### Recommendation 1.

The Department of the Attorney General refurbish the non-contact interview rooms at Perth Children's Court to provide appropriate privacy for detainees to meet with their lawyers.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
N/A The design of Court Custody Centres is a matter for the Department of the Attorney General.	<b>Agreed in Part Risk Low*</b> The Department agrees that privacy in the NCIRs is an issue at Perth Children's Court. The court is included in the DotAG 10 year Capital Investment Plan for a major refurbishment/rebuild, but this will be subject to the availability of funding and priorities for capital works determined by Government. In the meantime, DotAG believes that privacy can be improved by more effective procedural controls. Court Security Directorate will work with DCS to establish appropriate practices to facilitate the intent of the recommendation.	No response required
G4S	WESTERN LIBERTY GROUP	POLICE
No response required	No response required	No response required

### Recommendation 2.

The Department of Corrective Services provides fresh, nutritious options to detainees at Perth Children's Court for morning and afternoon tea.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<b>Supported</b> The provision of food to the Perth Children's Court is now undertaken by Banksia Hill Detention Centre. This service commenced in April 2013 and offers more nutritious and fresh options to detainees.	<b>Noted</b> This is a matter for DCS. DotAG does not have a position on the issue.	No response required
G4S	WESTERN LIBERTY GROUP	POLICE
No response required	No response required	No response required

## STAKEHOLDER RESPONSES TO RECOMMENDATIONS

### Recommendation 3.

Pursuant to the *Children's Court of Western Australia Act 1988*, the courts should examine alternative processes for adults to appear at other courts specifically designed to hold adults in custody.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
N/A This is for consideration of the President of the Children's Court.	<b>Noted</b> This will be brought to the attention of the President of the Children's Court.	No response required
G4S	WESTERN LIBERTY GROUP	POLICE
No response required	No response required	No response required

### Recommendation 4.

G4S introduce a multi-tasking model and cross train officers to work in all areas of both District Court Building and Central Law Courts. G4S should regularly rotate staff to allow for adequate experience across all areas of court custody and court security positions.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
N/A The Court Security and Custodial Services (CS&CS) contract scope excludes CBD courts (Central Law Courts and District Court Building). The monitoring functions for the CS&CS contract are delivered through a range of contractual mechanisms and independently through the establishment of the DCS monitoring function. As such the DCS monitors scope does not cover the CBD courts. This is a matter for G4S and the Department of the Attorney General in line with the delegations from the Principal to the Executive Director of Court and Tribunal Services.	<b>Noted</b> The tasking and management of staff is a matter for WLG/G4S. Monitoring the effectiveness and efficiency of the staffing model is the role of DCS as the principal for the CS & CS Contract.	No response required

STAKEHOLDER RESPONSES TO RECOMMENDATIONS

**Recommendation 4. (CONTD.)**

G4S	WESTERN LIBERTY GROUP	POLICE
<p><b>Partially Agree Risk Low*</b>                      All G4S officers are currently trained as CSCS officers with the skills and knowledge to be able to work in both Security and Custody roles at both the District Court Building and Central Law Courts, as well as in the CSCS role. G4S rosters reflect staff rotation in these roles on a daily basis. Certain positions however require specialist training for example Master Control and these roles attract a higher level of remuneration. G4S have in place a training gap matrix which identifies skill gaps and schedules training updates for all staff.</p>	<p>No response required</p>	<p>No response required</p>

**Recommendation 5.**

G4S work with staff at District Court Building and Central Law Courts to develop and implement safe, risk assessment-based escorting and introduce adequate risk assessment training to all staff.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>N/A</b>                      The day to day operations are subject to G4S control, such as conduct and training. All procedures are subject to a risk assessment. This is a matter for G4S and the Department of the Attorney General in line with the delegations from the Principal to the Executive Director of Court and Tribunal Services.</p>	<p><b>Agreed Risk Low*</b>                      The agreed procedure in the CBD courts is for all escorts to be subjected to a risk assessment. The precise arrangement of each escort is then determined based on that assessment. The day to day application of the procedure is a matter for G4S operational and local management to supervise. Monitoring the effectiveness of G4S training and the conduct of the escort procedure is the responsibility of DCS.                      The conduct of the secure escort procedure is also assessed during operational reviews undertaken by Court Security.</p>	<p>No response required</p>

STAKEHOLDER RESPONSES TO RECOMMENDATIONS

**Recommendation 5. (CONTD.)**

G4S	WESTERN LIBERTY GROUP	POLICE
<p><b>Partially Agree Risk Low*</b> G4S have implemented a new Policy and Procedure for Risk Based Escorts and have submitted this to DotAG for endorsement. G4S have robust systems, processes, policies and risk assessment training which are already in place for all staff. Once the new procedure has been endorsed by DotAG all staff will be trained in this procedure.</p>	No response required	No response required

**Recommendation 6.**

G4S introduce further training to prepare staff for medical emergencies and to educate staff in mental health awareness.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p>N/A The Department expects that G4S employees are provided additional training to prepare staff for medical emergencies and educate staff in mental health awareness.</p>	<p><b>Noted</b> Monitoring the content and effectiveness of training is the responsibility of DCS.  DotAG is satisfied that G4S has responded appropriately to medical situations that have occurred in the DCB and CLC buildings.</p>	No response required
G4S	WESTERN LIBERTY GROUP	POLICE
<p><b>Partially Agree Risk Low*</b> All G4S officers are trained in Senior First Aid and Advanced CPR to be able to deal with medical emergencies. G4S staff deal with medical emergencies including mental health issues on a daily basis and to date these have been appropriately managed. Mental health training is currently provided to all staff and this is updated regularly.</p>	No response required	No response required

STAKEHOLDER RESPONSES TO RECOMMENDATIONS

**Recommendation 7.**

G4S undertake initial interviews at District Court Building and Central Law Courts in a private area away from other people in custody.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>N/A</b> This is for consideration of G4S and the Department of the Attorney General.</p>	<p><b>Agreed Risk Low*</b> This already occurs at CLC and DCB. The interview referred to by the Inspector is of a general and limited nature. Its purpose is to confirm that the health and personal circumstances of the PIC have not materially changed during the movement to court, and to speed the process of access to legal advice. On completion of this initial check, the PIC is moved further into custody and formally processed. Processing includes an interview with appropriate privacy.</p>	<p>No response required</p>
G4S	WESTERN LIBERTY GROUP	POLICE
<p><b>Disagree/Risk Low*</b> G4S already conduct a general introduction interview with each Prisoner in the Sally Ports when they arrive. All prisoner interviews are conducted in designated interview rooms to maintain their dignity and privacy.</p>	<p>No response required</p>	<p>No response required</p>

## STAKEHOLDER RESPONSES TO RECOMMENDATIONS

### Recommendation 8.

G4S/Western Liberty Group and the transport provider Serco work together to establish a more streamlined transport schedule for transferring people from the District Court Building to prison.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>Supported in Principle</b> The Court Security and Custodial Services contract requires the contractor to clear court custody centres 60 minutes after the last court ceases. The review identified that waiting times on occasion had exceeded this requirement. The Principal, through the respective delegates/contract managers, will progress a joint process for streamlining transport schedules.</p>	<p><b>Noted</b> This is a matter for DCS, WLG/G4S and Serco.</p>	<p><b>Supported</b> Serco has already engaged with Western Liberty Group and G4S on transfer of risk and will continue to engage to review the process of transferring people from the DCB to prison.  Serco meets with DotAG fortnightly to discuss service delivery and address any matters of concern. This matter will form part of our ongoing discussions.  A recent review of transport routes has resulted in an operating model agreed with the State to drive greater efficiency and reduce waiting times in court.</p>
G4S	WESTERN LIBERTY GROUP	POLICE
<p><b>Disagree/Risk High to G4S*</b> G4S meet their service requirement in this area and also provide ongoing information to WLG, DotAG and Serco regarding transport issues in line with contractual requirements. G4S view this as a Contract Management issue between Serco and DOCS.</p>	<p><b>Agree in Part</b> Western Liberty Group (WLG) report on late pickups to prison as part of the joint CBD Courts Board Meeting which includes a representative from the Contract Management Branch of the Department for Corrective Services. Western Liberty Group (WLG) agrees with the inspections team's observations that transport priorities and delays have the potential to increased anxiety.</p>	<p>No response required</p>



STAKEHOLDER RESPONSES TO RECOMMENDATIONS

**Recommendation 9.**

The Department of the Attorney General undertake an audit of CS&CS sites to identify:

- (a) Sites that are experiencing cell occupancy pressures;
- (b) Locations that are lacking sufficient areas for custody staff to take breaks; and
- (c) Custody centres where the lack of camera coverage poses significant security risks to staff, people in custody and the public.

Based on the audit results, the Department of the Attorney General should prioritise and allocate capital works funding accordingly and factor the audit findings into standard design briefs for new courthouses.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p>N/A</p> <p>This is a matter for the Department of the Attorney General.</p>	<p>The response has four parts:</p> <p><b>(a) Agreed Risk Low*</b></p> <p>Efficient clearance from court custody centres is included in the requirements of the CS&amp;CS contract.</p> <p>Court Security Directorate undertakes comprehensive security audits at all courts at least once each 2 years. These audits include an assessment of the security pressures on all facets of the facility including cell occupancy. It should be noted that cell occupancy pressure is not consistent at any court and is affected by issues such as location, timing, and the nature of offences currently before the court. The Courts Standard Design Brief has minimum cell requirements which are reviewed during the scoping, design and planning phases of major works and take into account current and future requirements.</p> <p>Locations where cell occupancy pressure can be relieved with minimal capital investment are dealt with on a case by case basis. Since 2010, improvements have been achieved at Perth Children's, Karratha and Roebourne Courts.</p>	<p><b>Noted</b></p>

STAKEHOLDER RESPONSES TO RECOMMENDATIONS

Recommendation 9. (CONTD.)

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
	<p><b>(b) Agreed in Part Risk Low*</b>            See response above. Staff amenity is included in the Courts Standard Design Brief. The major works at Kalgoorlie, Kununurra, and Carnarvon include these areas. At locations where staff amenity is an issue, Court Security works with local court and security staff to develop a workable solution. In older locations it is not always possible to achieve a good solution without significant capital investment.</p> <p><b>(c) Agreed in Part Risk Low*</b>            CCTV technology at each court is reviewed during security audits undertaken by Court Security Directorate. Since 2010 this has resulted in improvements to CCTV coverage at 14 courts. Requirements for contemporary CCTV technology are detailed in the Courts Standard Design Brief and will be included at Kalgoorlie, Kununurra and Carnarvon. The Department does not agree that where CCTV coverage is not as comprehensive as suggested, that this poses significant security risks to staff, people in custody and the public. Supervision in court custody is predicated on the presence of security staff, with CCTV as supporting technology.</p> <p><b>(d) Agreed in Part Risk Low*</b>            The issues identified by the Inspector are included in the Courts Standard Design Brief which forms the basis for the design and planning of all major capital works and security enhancements short of major works. The Department considers these requirements when</p>	

## STAKEHOLDER RESPONSES TO RECOMMENDATIONS

### Recommendation 9. (CONTD.)

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
	developing and prioritising the 10 Year Capital Investment Plan. The plan is subject to the availability of funding and priorities for capital works determined by Government. Locations that can be improved without significant capital investment are included in the security enhancements effort of Court Security Directorate and prioritised based on the degree of risk.	
<b>G4S</b>	<b>WESTERN LIBERTY GROUP</b>	<b>POLICE</b>
No response required	No response required	No response required

### Recommendation 10.

Serco provide radios with full reception and earpieces to every staff member at each CS&CS site.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<b>N/A</b> This is a matter for Serco.	<b>Noted</b> DotAG has been advised that the issues with the new radios have been resolved.	<b>Supported</b> Implement new and adjusted radios with new frequency required – Complete.  Issue personal earpieces for staff to use with site radios – Complete.  Install signal repeaters at the two sites to overcome residual signal issues due to the frequency change. – Complete.  As issues arise investigate and correct.
<b>G4S</b>	<b>WESTERN LIBERTY GROUP</b>	<b>POLICE</b>
No response required	No response required	No response required

## STAKEHOLDER RESPONSES TO RECOMMENDATIONS

### Recommendation 11.

People in custody at Fremantle court custody centre are provided with the same nutritious meals that the individuals at the other sites receive.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<b>Supported</b> The Department supports this recommendation and can confirm that the recommendation was actioned by the Contractor in June 2013.	<b>Noted</b> DotAG has been informed that this now provided.	<b>Supported</b> Resolved OSH issues raised by site staff. Carried out a site risk assessment and implemented meals according to procedures – Complete.
G4S	WESTERN LIBERTY GROUP	POLICE
No response required	No response required	No response required

### Recommendation 12.

The Department of the Attorney General implement or upgrade the televisions in all cells to the digital network.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<b>N/A</b> This is a matter for the Department of the Attorney General.	<b>Agreed Risk Low</b> This has been completed. In cell TV is included in the Courts Standard Design Brief.	<b>Noted</b>
G4S	WESTERN LIBERTY GROUP	POLICE
No response required	No response required	No response required

STAKEHOLDER RESPONSES TO RECOMMENDATIONS

**Recommendation 13.**

Blankets should be provided to people in custody at all CS&CS sites upon request.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>Supported</b> The Department is currently liaising with both the Contractor and the Court Security Directorate of DotAG, who bears the responsibility of the sites, in relation to this issue. In the meantime the Department is identifying the number of blankets required and arranging for their distribution. Arrangements are also currently underway for the periodic cleaning of the blankets.</p>	<p><b>Noted</b> DotAG understands that DCS and Serco are now progressing this matter.</p>	<p><b>Supported</b> Serco is working with Department of Corrective Services to agree laundering systems for Metro/Regional areas.  Serco to agree stock numbers and provide stock to sites as approved.  Develop issuing, collection and laundering procedures and implement.</p>
<p><b>G4S</b> No response required</p>	<p><b>WESTERN LIBERTY GROUP</b> No response required</p>	<p><b>POLICE</b> No response required</p>

**Recommendation 14.**

Serco provide additional training for relevant employees to appropriately manage juveniles in custody. Regular refresher training should be provided.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>N/A</b> The Department expects that Serco employees are provided additional training to appropriately manage juveniles in their custody.</p>	<p><b>Noted</b> This is a matter for DCS and Serco.</p>	<p><b>Supported</b> Serco trainer to attend juvenile training provided by DCS – Complete.  Serco to develop awareness package for Serco staff regarding juveniles and disseminate for site Managers to deliver to operational officers.</p>
<p><b>G4S</b> No response required</p>	<p><b>WESTERN LIBERTY GROUP</b> No response required</p>	<p><b>POLICE</b> No response required</p>

STAKEHOLDER RESPONSES TO RECOMMENDATIONS

**Recommendation 15.**

The Department of Corrective Services work in partnership with the prisons and Serco to implement a strategy aimed at streamlining the morning routine of preparing prisoners for court and ensuring prisoners arrive to court at the contractually stated time.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>Supported</b> This is constantly under review to identify more effective/ efficient processes at the main sites i.e. Bandyup and Hakea Prisons. It is acknowledged that it is a shared problem which requires greater partnerships with the service provider and the prisons. The Court Security and Custodial Services Board has commissioned the 'turnaround project' as a multi-agency review of Prison to Court movements within the Perth Metropolitan area. Members of the project team were appointed from the CSCS Contract Management Team, the contractor (SERCO), Adult Custodial and the Department of the Attorney General. The ultimate aim being to agree on and implement changes across Adult Custodial and Serco operations to achieve the intended outcome.</p>	<p><b>Noted</b> This is a matter for DCS and Serco.</p>	<p><b>Supported</b> Joint project with DCS to be agreed – Complete.  Turnaround Project issued with TOR – Complete.  Conduct site visits and list recommendations – Complete.  Project team review and formulation of recommendations actions to Turnaround joint DCS and Serco Board – WIP.  Implement approved recommendations</p>
G4S	WESTERN LIBERTY GROUP	POLICE
No response required	No response required	No response required

STAKEHOLDER RESPONSES TO RECOMMENDATIONS

**Recommendation 16.**

Serco review current transport operations and implement an enhanced transport plan to prevent unnecessary waiting times for people in custody at outer metro courts who are waiting to be returned to prison.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>Supported in Principle</b> Refer to response to Recommendation 8.</p>	<p><b>Noted</b> This is a matter for Serco.</p>	<p><b>Supported</b> Transport resources bolstered – Complete.  Roster implemented to provide additional afternoon crews – Complete.  Additional vehicles allocated – Complete.  Control room review – WIP.  Implement new structure – WIP.</p>
<p><b>G4S</b> No response required</p>	<p><b>WESTERN LIBERTY GROUP</b> No response required</p>	<p><b>POLICE</b> No response required</p>

**Recommendation 17.**

The Department of the Attorney General consider implementing better climate control options for the cells in the custody centre.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>N/A</b> This is a matter for the Department of the Attorney General.</p>	<p><b>Agreed in Part Risk Low</b> While this recommendation refers to the Supreme Court it also has relevance to Recommendation 13. Climate control is included in the Courts Standard Design Brief and the provision of blankets to persons in custody has been addressed in the DotAG response to Recommendation 13. An upgrade to facilities where climate control is problematic is addressed on a case by case basis.</p>	<p><b>Noted</b></p>
<p><b>G4S</b> No response required</p>	<p><b>WESTERN LIBERTY GROUP</b> No response required</p>	<p><b>POLICE</b> No response required</p>

## STAKEHOLDER RESPONSES TO RECOMMENDATIONS

### Recommendation 18.

The Department of Corrective Services constructs a secure area in Bunbury Regional Prison for females to stay if remanded overnight or on trial at Bunbury Court.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>Not Supported</b></p> <p>The current process is managed appropriately through the Court Security and Custodial Services contract. Lodging a female prisoner in isolation at Bunbury is not preferable when it is possible to affect a transfer to a female prison and access special services.</p>	<p><b>Noted</b></p> <p>This is a matter for DCS.</p>	<p><b>Noted</b></p>
<p><b>G4S</b></p> <p>No response required</p>	<p><b>WESTERN LIBERTY GROUP</b></p> <p>No response required</p>	<p><b>POLICE</b></p> <p>No response required</p>

### Recommendation 19.

That the Department of Corrective Services and Carnarvon Police agree upon the official responsibilities and financial obligations of Carnarvon lock-up and produce a local agreement and contract amendment reflecting these conditions.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>Supported in Principle</b></p> <p>The Department will work collaboratively with Police and the Contractor to determine agreements.</p>	<p><b>Noted</b></p> <p>This is a matter for DCS and WAPOL.</p>	<p><b>Noted</b></p>
<p><b>G4S</b></p> <p>No response required</p>	<p><b>WESTERN LIBERTY GROUP</b></p> <p>No response required</p>	<p><b>POLICE</b></p> <p><b>Agreed</b></p> <p>The Western Australia Police will progress consultation with the Department of Corrective Services to negotiate a Memorandum of Understanding.</p>



## STAKEHOLDER RESPONSES TO RECOMMENDATIONS

### Recommendation 20.

That the Department of Corrective Services and Albany Police produce a formal partnership agreement outlining the management conditions of the lock-up and include specific details of when the contractor should take over management of the centre.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>Supported in Principle</b> The Department will work collaboratively with Police and the Contractor to determine agreements.</p>	<p><b>Noted</b> This is a matter for DCS and WAPOL.</p>	<p><b>Noted</b></p>
G4S	WESTERN LIBERTY GROUP	POLICE
<p>No response required</p>	<p>No response required</p>	<p><b>Agreed</b> The Western Australia Police will progress consultation with the Department of Corrective Services to negotiate a Memorandum of Understanding.</p>

STAKEHOLDER RESPONSES TO RECOMMENDATIONS

**Recommendation 21.**

The Department of Corrective Services ensures that Serco are monitored according to the Court Security and Custodial Services contract and the Key Performance Indicators stipulated in that contract, not Serco's Operating Instructions.

DEPARTMENT OF CORRECTIVE SERVICES	DEPARTMENT OF THE ATTORNEY GENERAL	SERCO
<p><b>Not Supported**</b></p> <p>The Department notes that this recommendation relates solely to Court Security and Custodial Services contract. The Department manages this contract in line with Schedule 2 Paragraph 3.</p>	<p><b>Noted</b></p> <p>The monitoring of the Contract Performance is a matter for DCS</p> <p>The Inspector notes that C3S is used in the CBD Courts and is interrogated by DotAG and the contract manager. Data from C3S provides DotAG with information to better understand the nature of its business.</p> <p>The Inspector is however mistaken in relation to the SERS program. SERS is operational in most CS&amp;CS sites serviced by Serco. The data in SERS is limited and does not provide the level of detail currently able to be analysed in C3S. In any event at the time of this response (October 2013) DotAG remains without access to the SERS portal and is unable to access or extract data for the purposes of analysis.</p>	<p><b>Noted</b></p>
G4S	WESTERN LIBERTY GROUP	POLICE
No response required	No response required	No response required

\* The risk level identified is the self-assessed risk of the stakeholder. This Office does not assess risks levels against recommendations.

\*\* While this Office acknowledges that paragraph 3 of schedule 2 requires the contractor to report on the delivery of services in the endorsed Operating Manual, we would expect that the Operating Manual reflect the KPIs stipulated in the CS&CS contract.

## Appendix 2

### THE INSPECTION TEAM

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Andrew Harvey	Deputy Inspector
Christopher Davers	Director Operations
Natalie Gibson	Director Operations
Amanda Coghlan	Inspections and Research Officer
Kieran Artelaris	Inspections and Research Officer
Matt Merefield	Inspections and Research Officer
Stephanie McFarlane	Inspections and Research Officer
Cliff Holdom	Inspections and Research Officer
Charles Staples	Inspections and Research Officer
Emma Mitting	Research Officer
Joseph Wallam	Community Liaison Officer
Brittany Wagenaar	Work Experience Intern

## Appendix 3

### KEY DATES

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Formal notification of announced inspection	4 September 2012
Commencement of on-site phase	2 November 2012
Completion of on-site phase	28 March 2013
Inspection debriefs	w/c 27 May 2013
Draft report sent to stakeholders	5 September 2013
Draft report returned from stakeholders	7 October 2013
Declaration of prepared report	4 December 2013

*Inspection of prisons, court custody centres, prescribed lock-ups,  
juvenile detention centres and review of custodial services in Western Australia.*



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

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