

The Inspector's Overview

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

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.ⁱ 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',ⁱⁱ a view I fully endorse.

The Committee also criticised the absence of systematic external oversight processes for police lockups.ⁱⁱⁱ 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.^{iv} 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'.^v 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.^{vi}

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.'^{vii} This position was supported by all witnesses and submissions to the Inquiry.

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

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.'^{viii} 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).

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

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

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