

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

**INQUIRY INTO THE TRANSPORT OF PERSONS IN CUSTODY
IN WESTERN AUSTRALIA**

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 17 JUNE 2015**

SESSION TWO

Members

Hon Liz Behjat (Chairman)
Hon Darren West (Deputy Chairman)
Hon Nigel Hallett
Hon Jacqui Boydell
Hon Amber-Jade Sanderson

Hearing commenced at 10.15 am**Mr GEORGE TILBURY****President, Western Australian Police Union of Workers, sworn and examined:****Mrs JANE BAKER****Research Officer, Western Australian Police Union of Workers, sworn and examined:**

The CHAIRMAN: We just need to do a few preliminaries. You have appeared before an inquiry before, so you know exactly what we need to do with swearing and things, but firstly, let me just introduce the committee to you. I am Liz Behjat and I represent the North Metropolitan Region. My colleague Hon Amber-Jade Sanderson represents the East Metropolitan Region. The Deputy Chair of the committee, Hon Darren West, represents the Agricultural Region. The advisory officer is Dr Julia Lawrinson. My colleague from the South West Region is Hon Nigel Hallett. Missing from her chair at the moment is Hon Jacqui Boydell from the Mining and Pastoral Region. She has just had to leave the room but she will be back shortly. On behalf of the committee, welcome to today's meeting. We are just going to ask you first to take either the oath or the affirmation. You are both being sworn in today.

[Witnesses took the oath.]

The CHAIRMAN: You will have both signed a document entitled "Information for Witnesses". Have you both read and understood that document?

The Witnesses: Yes.

The CHAIRMAN: The proceedings are being recorded by Hansard and a transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphones and try to talk into them and ensure that you do not cover them with papers or make too much noise near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. That is the formalities out of the way.

Thank you, Jane and George, for your submission to the inquiry. It was quite a fulsome submission and gave us some very interesting food for thought and information. We just want to ask you some questions surrounding that. You will have seen obviously yesterday the Minister for Corrective Services made an announcement in the house with regard to the actual current contract, but I think the sorts of questions we have for you, I do not think will be impacted on by that statement too much, but we will see how we go with these questions. Did you have an opening statement you want to make?

Mr Tilbury: Yes, I do.

The CHAIRMAN: Please do, then.

Mr Tilbury: Firstly, I would like to thank the committee for the opportunity to address you on this very important issue. As a result of the inquiry, our research officer undertook an extensive survey of our members to garner their thoughts on the transport of persons in custody and how it could be improved. We have distilled this information and have made eight recommendations to improve the

situation for officers and those in custody. A detailed report was submitted to the committee, but I would like to touch on some of these recommendations briefly.

The time in which Serco and/or the Department of Corrective Services clears lock-ups needs to be reviewed. WAPU believes prisoners in lock-ups should be collected as soon as possible before the 24-hour stipulation in the contract. This includes juveniles, who should not be kept in police station cells for longer than necessary. We also recommend that all police stations in WA should be service collection points for Serco. As it stands, Eucla, Kununurra, Karratha, Collie, Busselton, Balgo, Derby and Rockingham are excluded as collection points. On the topic of juveniles, it was a view amongst many of our members that an agency other than WA Police should transport juveniles. We recommend that future contracts need to cater for juveniles to be transported from every station in the state. Further, it is imperative that the red tape surrounding the paperwork for juveniles in the metropolitan area be reviewed. The issue of supervision in police lock-ups has been one which has not changed since our submission to the “In Safe Custody” inquiry nearly two years ago. We believe the Department of Corrective Services should have total responsibility for all persons within its custody before, during and after court appearances. This will ensure our members are out on the frontline where they are most needed and the community wants them.

[10.20 am]

In relation to the court security and custodial services contract, we recommend that the Department of Finance’s review of the contract should be made public; that current Serco staffing levels should be reviewed; that transportation of all regional prisoners should be included in the contract; that Serco’s hours of operation be expanded; and that timeliness and service delivery are addressed. We also recommend that the Serco customer satisfaction survey, which is encompassed in the contract, be reviewed and revamped. WAPU does not understand why Serco receives a customer-satisfaction fee each quarter when it barely manages to achieve a base-level of performance satisfaction. Lastly, we strongly recommend, other than for the initial arrest, that police officers are not involved in the transport of persons in custody, with alternatives, such as the expansion of police auxiliary officers, to be explored. Thank you.

The CHAIRMAN: Thank you for that. You have answered my first question in general on the view of your members regarding the desirability of prison transport delivered by a contract, so I do not quite need to ask that question, George. Undertaking a survey I thought was an exceptional thing to have done to inform everybody in this space as to what needs to happen. Of course, with what has happened, it does not necessarily mean for future contracts with either Serco or anyone who is in that space—that is, anyone in this space but police is really what your whole submission is down to in that, so we can sort of continue on that.

Hon NIGEL HALLETT: Just one question out of your statement, which was good, George, is: Why are those towns excluded? What is the rationale behind that?

Mr Tilbury: We would like to know the answer to that very question, particularly when you have the likes of Rockingham, which is a metropolitan location, which often results in persons in custody with police—the police officers having to convey them to the court or take them to Perth watch house to be held overnight, and then send another vehicle to Perth, often during peak-hour traffic, to bring that person back to the courthouse. We just cannot fathom why that occurs.

The CHAIRMAN: To make their appearance in Rockingham —

Mr Tilbury: In the Magistrates Court.

The CHAIRMAN: — that they could be using at the watch house.

Mr Tilbury: The way it currently stands, if a person is arrested in a particular magisterial district, the preference is that they appear in that location.

The CHAIRMAN: In your submission you make reference to the memorandums of understanding that have been signed between WAPOL and DCS or Serco. Can you explain what effect these MOUs have had on the operational level for your members?

Mr Tilbury: It has had quite a substantial impact. One of the major considerations is that there is no provision for continuous custodial care, so what we quite often see is that a prisoner in the custody of Serco, particularly in regional WA, in some locations will be taken to appear before the court and in situations where the court is co-located with a police station, those prisoners will effectively be dumped on the local police officers, who are then forced to take a vehicle off the road to babysit them during the course of the court proceedings, whilst those Serco officers are off doing something else within the town site.

The CHAIRMAN: It was put to us that in this circumstance, too, in particular in remote locations where you obviously do not have very many uniformed officers on the ground, that the prosecuting sergeant could actually be the person who is in charge of the custody of the prisoner. So they are doing that and then all of a sudden they swap over, which seems to be quite an inefficient way of running things. It would seem a more timely way and more efficient thing if Serco or whoever brought that person to the appearance, actually stayed with that person and was responsible, and then took them back from whence they came. That would seem a commonsense way of doing things.

Mr Tilbury: Yes, we totally agree. It is also an issue with resourcing; it is taking police officers away from their primary function that they should be doing, when quite often, as you gave in that previous example, you have got Serco officers who are effectively doing nothing once they relinquish that responsibility during the course of the court proceedings. You are right; police prosecutors often have to fulfil that role, which, from our perspective, places them and the person in custody at risk.

The CHAIRMAN: Does that also mean that in those locations when the Serco people deliver someone to the court there is a handover done? Is there a search procedure that is undertaken at that time, and then once they are handed back again, another search procedure? Presumably if they remained in the custody of the Serco person, then the necessity to undertake invasive searches of people would be negated as well.

Mr Tilbury: We agree. There is a duplication of services in relation to handovers. Every time a handover is conducted from one party to another you have to go through that entire process, which includes the searching, the handing over of the documents, the property and everything else that is entailed with that particular process.

Hon NIGEL HALLETT: How could that be streamlined, George?

Mr Tilbury: From our perspective, we would actually like to see one provider have a one-stop-shop process in relation to the transportation of prisoners.

Hon DARREN WEST: Can you just run us through the procedure? We have heard similar evidence from other witnesses, but can you just run us through the procedure? If a person is in your custody and they need to be transferred and they need to be handed over to either Serco or DCS, what procedure do you need to go through? You have just mentioned that there is a search—can you elaborate a little bit more on that, and then property and paperwork? For instance, how many of your officers does it take to go through that procedure and what resources exactly are tied up?

Mr Tilbury: Time, place and circumstance would dictate how many officers are involved. That often comes down to the demeanour of the person in custody. So if they are cooperative, you would always have a minimum of two police officers or police auxiliary officers for safety reasons, but if they are a violent prisoner, then obviously there will be more. When a person comes into custody, police go through the process of putting everything onto the current custody system, which includes things such as their condition when they come in, if they have got any medical issues or

concerns that need to be addressed, the clothing that they are wearing, any property that they have at the time, their demeanour, their charges—all the standard things that you would do when someone comes into custody. Now, when it comes time for that person to be handed over—so in that case they cannot be given bail for whatever reason; they are held in custody either to appear before court or to be then taken to a prison—there is a process that is undertaken whereby a handover statement is actually prepared, which is self-generated from the custody system that the police officers have, which details everything that was manually inputted by the particular officer or officers who have been responsible for the oversight of that particular individual. That handover statement includes all the items of property that are being handed over, the condition of that person, any background information, any warnings that may be apparent about that particular individual, and that handover has to take place between either police officers or police auxiliary officers and either Serco or DCS staff. They actually go through that and make sure that everything is correct, so they have to check off that all the property that is listed is there, ask any questions about medications, medical condition, demeanour of the person. Once they are satisfied that all of that is in order, then they will sign that particular individual and then take them into their custody to then take them to wherever they are going.

Hon DARREN WEST: So there are several man-hours, or person-hours as we call them now, into that, because that has been a fairly extensive explanation. I know that every case is different because, fortunately, we are all different, but could I have a rough indication of what on average for that might be? Could it be a couple of hours or half an hour?

Mr Tilbury: It depends what stage you are going to. If you are talking about another service provider actually arriving at a lock-up, for example—if you wanted to start it from that point—you would obviously have to get the person out of the cell, make sure that you get their property, make sure that everything else is in order before you actually print the paperwork and then go through it and then release them. So in those terms you could probably be looking at an easy transition, anywhere in the order of 20 to 30 minutes, and that would be a quick one.

[10.30 am]

Hon AMBER-JADE SANDERSON: I am still not understanding the one-stop-shop scenario, because obviously the provider, but each department has to manage the risk each time they take on a prisoner, so they want to satisfy themselves that they had done that. So even without Serco, for example, if it was done by police auxiliary officers and DCS, how would that scenario change?

Mr Tilbury: Every agency or provider has their own policies and procedures that they need to satisfy, and they do not always align. They obviously need to meet certain criteria, have certain standards and be satisfied that everything is in order prior to actually handing over that person and all the accompanying property and paperwork.

Hon DARREN WEST: I put it to you that there is a handover from you to the provider and then there is often a handover to another provider and then back again in some cases.

Mr Tilbury: Yes, it is a very inefficient process.

The CHAIRMAN: Let us talk about some of the interaction between stakeholders. Schedule 2 of the current contract refers to a customer-satisfaction survey—and we note from your submission—and schedule 2 says that the contractor's performance will be subjected to regular measurements through customer-satisfaction reviews—that is, customer-satisfaction surveys—based on the achievement of specific service objectives. That survey is undertaken quarterly and assesses the relationship Serco has with its client agencies based on overall service delivery and flexibility and relation management. The contract stipulates that representatives of WA Police may participate in the survey. There seems to be some confusion surrounding this survey—who actually conducts it and who does participate. I think, from your submission, that 90 per cent of your officers were not

even aware that this survey exists, which would seem to indicate that they have not been asked to participate. What do you want to tell us about that?

Mr Tilbury: From our perspective there needs to be interaction and involvement from all stakeholders in this process. I think one of the biggest downfalls of this current arrangement is that the practical effects on policing have not adequately been taken into account when this contract has been devised.

The CHAIRMAN: Regional transportation is obviously of great concern to all of us, and specifically in this committee room three of our members are regional members. We notice in your survey that 40 per cent of your members suggest that regional lock-ups are not being cleared within 24 hours, and that is what you said in your opening statement as well, but it is a requirement under the contract that that happens, and other committee members have commented that Serco staff do not pick up prisoners until the end of the timeframe allowed. Do you think that the timeframe itself is unrealistic, and how do these delays impact on your members?

Mr Tilbury: We do not believe that Serco has sufficient resourcing to adequately meet the timeframes, particularly with the geographical size of Western Australia. That in itself provides challenges. What we are finding is that police officers are effectively in the fallback position where, when Serco do not meet their obligations, police officers then have to be responsible for custodial care, and that has an impact on frontline resourcing because, particularly in regional areas where you do not have a great deal of police officers, particularly in some locations, then they are effectively taken off the road or unable to perform the primary task of looking after the community.

The CHAIRMAN: My next questions were going to be asking about regional transportation for juveniles, but I think that again you have made that very clear in your submission and in your opening statement. Is anything further you might want to add about the handling of juveniles?

Mr Tilbury: Not with that one.

The CHAIRMAN: It would seem to me—I think this has been the flavour of what other witnesses have said to us during the course of this inquiry and their submissions—that there needs to be a better whole-of-government approach in relation to this matter, where if you look at Police itself, over the current year there has been a move to get your sworn officers back out there on the frontline where they need to be, and Police have changed all of their administrative processes to have unsworn officers conducting processes that were previously done by sworn officers. The natural progression there in this space to me would seem again getting the frontline officers out there and someone else should be involved in the entire transportation of prisoners, and that leaves the police doing what the police do best, and that is policing. Is that fair enough to sum up?

Mr Tilbury: We agree. One issue I did raise in my opening statement is: do not discount the fact that police auxiliary officers could have an expanded role in that space. There are quite often difficulties, particularly when a person in custody is with WA Police and then you need another provider to come in. They need to be familiar with some of the processes, and this is what we referred to earlier. It makes it difficult at times, when you have a number of handovers between different agencies. If that could be streamlined, actually having them looked after and then released from police custody, and whether it be just a transport arrangement from police custody to a location, to then be handed over to another provider, and that was conducted by police auxiliary officers, we believe that would be a cost-effective method and is worthy of exploring.

The CHAIRMAN: We have talked about juvenile transport and regional transport. One of the areas that I do not think we have really talked about—and whether there are any differences or not—is whether there are issues that your members have in relation to transport of female prisoners as opposed to male?

Mr Tilbury: They have not raised any particular issues, but depending on the individual and the circumstances, where possible you would try and have a female police officer, but again in regional

WA that can prove very difficult and challenging at times. But when the situation does dictate that a particular officer should be involved, then WA Police try to do the best they can with what they have got.

The CHAIRMAN: For instance, in your search procedures that you conduct at a handover, say we were bringing a woman to make an appearance and Serco or DCS have a female officer accompanying that prisoner, but where they go to there are only male officers present, but at the handover the search needs to be conducted by WAPOL, is that search then conducted by a man?

Mr Tilbury: No, they will not actually physically touch an individual. No, that does not occur. What you would do is get the person to remove the outer layers of clothing. So if they were in a shirt, for example, and skirt or pants, then that is as far as you would go, but you would get the individual to turn out their pockets and do those sorts of things so you can have a visual check. But, where possible, you would get a female officer prior to actually taking them into the custodial environment, for the safety of them and the officers involved. But in that instance, police officers, if there was no other female police officer available, would utilise the services of that third party effectively and make sure that they were satisfied that a thorough search had been conducted in that instance, but sometimes it is not always practicable.

The CHAIRMAN: And that is just an ad hoc arrangement?

Mr Tilbury: Yes; and police officers can direct someone to assist them in a particular circumstance. But if it was a situation where it was life-threatening and there was no other alternative, then a male officer would conduct the search.

Hon NIGEL HALLETT: George, I just want to get your views. What has come through committee is, say, bringing someone down from Broome on a Friday, they get imprisoned here for the weekend and flown back on a Monday. How can that get cut out? The cost of that is enormous. How can that get improved?

Mr Tilbury: We think apart from the initial outlay, greater use of video-conferencing facilities would be a cost-effective measure to reduce the number of people transported, and we think that needs to be further explored in a number of locations. Even if a person is in regional WA, you do have a lot of bigger centres where it is probably more practical and cost-effective to actually retain them within that region rather than bringing them to Perth, if that is a viable alternative.

The CHAIRMAN: You have mentioned and your submission mentions quite consistently staffing levels. Can you just elaborate on instances where that is impacting on police? Is it a matter of the contract not requiring minimum staffing levels or a matter of Serco being either not able to or not filling those roles?

Mr Tilbury: Probably the biggest resource impacting example I have given is in regional WA where Serco will bring someone to a court that is co-located with a police station and then effectively dump that person on police whilst they go about doing other duties. That is the biggest impact. When situations arise, either delays in timing with Serco arriving to collect a prisoner for transportation or that very instance, my members are being told, "It's not part of our contract." And to be quite frank, they are sick and tired of that excuse.

[10.40 am]

Hon AMBER-JADE SANDERSON: There are a couple of quotes from your members about their experience in dealing with it. I just want to try and get a sense of how regular it is. One of them is that they always refuse to pick up any remands from Southern Cross, quoting staffing issues. Does that regularly happen, where they refuse to come out in certain areas because they have not got the staff but the contract requires them to?

Mr Tilbury: In regional WA that is a regular occurrence.

Hon AMBER-JADE SANDERSON: And so police then have to leave the station and take this —

Mr Tilbury: Police officers are regularly doing escorts throughout the state with prisoners to take them to another location, and sometimes there might be arrangements where you will have a halfway meet, for example. So when it is not a significant distance, you may have a police vehicle from a regional centre drive down to Perth and then Perth watch house will actually send someone to a halfway meet point, for example, to do the prisoner changeover.

Hon AMBER-JADE SANDERSON: What kind of point would that be—a petrol station or service station?

Mr Tilbury: It is usually a public place, and service stations are probably the most regular locations within regional WA.

Hon DARREN WEST: Of course, your members have another important role, which is catching them when they escape. Clearly it is a risk at any time. Is there a dedicated group of your members that are called on or is that the duty of general officers wherever the location may be, so it is an extra drain on the resource?

Mr Tilbury: We are all aware of a number of notable instances where escapes have occurred, and the impact on police officers is significant. When that occurs, the first available, most local response is the officers that attend. This has not only state but federal implications, because some of these escapes obviously occurred from immigration detention centres, and they are predominantly located in regional Western Australia where police resources are limited. So in these particular instances, that was another issue that I was going to raise, there is no provision in the contract for WA Police to be reimbursed by Serco for the costs incurred as a result of these searches. Now, that is significant. Our understanding is that within the last 12 to 18 months the instances that we are all aware of have cost hundreds of thousands of dollars. I can say that that money has been reimbursed to WA Police, both through the state and the federal environments, and that has only occurred as a result of public lobbying and outcry over what has actually happened, because what needs to be remembered is that when these prisoners escape, it is not only a significant impact on the resources of police but it also puts the community at risk.

The CHAIRMAN: Members, any other questions? That brings us to the end of our questions. George and Jane, thank you very much for coming today. It has been very useful and it will help us in our deliberations on this matter. Again, thank you very much for the submission. Tell George you need a pay rise!

Mrs Baker: That is now recorded and on the *Hansard*!

Mr Tilbury: It will be on *Hansard* forever!

The CHAIRMAN: Might I say I have never met Jane before, George!

Mr Tilbury: No conflict of interest!

The CHAIRMAN: Thank you very much.

Mr Tilbury: Thank you.

Hearing concluded at 10.43 am
