



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

2015-16 INSPECTION OF  
COURT CUSTODY CENTRES

108

DECEMBER 2016

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accountable public sector*

## **2015-16 Inspection of Court Custody Centres**

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December 2016

ISSN 1445-3134 (Print)  
ISSN 2204-4140 (Electronic)

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# Inspector's Overview

COURT CUSTODY CONTRACTORS ARE PROVIDING A GOOD SERVICE BUT THE CONTRACTS NEED STRONGER MONITORING

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## COURT CUSTODY SERVICES HAVE BEEN OUTSOURCED BUT THE STATE RETAINS THE RISK

This report examines the infrastructure, operations and management of Western Australia's court custody centres and the secure unit at Fiona Stanley Hospital ('FSH'). These are all 'day-stay' facilities where people are held in custody for the purposes of court proceedings or health services.

Although court custody centres and the FSH secure unit are not places of long-term custody, it is important not to under-estimate the risks and challenges. Many people in court custody centres have been recently charged by the police, and are awaiting a bail hearing. Others have been serving time in prison or in a youth detention centre, either on remand or after being convicted of an offence. Most will be anxious about their upcoming cases and concerned about family members, and some will be under the influence of drugs or alcohol. This can be a volatile mix.

The services discussed in this report have been outsourced. However, the state retains the paramount duty of care to people in custody and ultimate responsibility for service delivery. Simply put, it has *bought in* a service but cannot contract *out* of its responsibilities.

It follows that the relevant government agencies (the Department of Corrective Services (DCS) and the Department of the Attorney General (DotAG)) must monitor and manage the contracts effectively.

## TWO CONTRACTS AND A NEW CONTRACTOR

Services at the District Court Building ('DCB') and the Central Law Courts are governed by the 'DCB Contract'. The contractor is Western Liberty Group ('WLG'), but it has sub-contracted court security and custodial services to G4S Custodial Services ('G4S'). The DCB Contract runs for 25 years, from 2008 to 2033.

Services at the state's other 20 court custody centres and the FSH secure unit are governed by the Court Security and Custodial Services Contract ('CSCS Contract'). The CSCS contract also governs prisoner transport services.

The CSCS and DCB Contracts were both entered under the authority of the *Court Security and Custodial Services Act 1999*. The DCS Commissioner, as the responsible CEO for that Act, is the principal to both contracts.

The CSCS contract runs for five years at a time, with the prospect of renewals. Serco has been the contractor since 2011, when it took over from G4S. However, after a process of competitive re-tendering, a new contractor, Broadspectrum, will take over in 2017. The change of contractor adds extra significance to our findings and recommendations.

## OUR KEY FINDINGS

We found that:

- G4S has delivered a high quality service at the District Court and Central Law Courts
- Serco has delivered a high quality of service at other court custody centres

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- Serco has delivered a high quality of service at the FSH secure unit
- DotAG and DCS are not providing adequate on-site monitoring of the DCB Contract
- DCS is not providing adequate on-site monitoring of the CSCS Contract
- the Northbridge Magistrates Court is not being used as intended.

### G4S HAS DELIVERED A HIGH QUALITY SERVICE UNDER THE DCB CONTRACT

There is no doubt that the long term nature of the DCB Contract has given stability and a capacity for the contractor to build, consolidate and improve its services. We found the District Court and CLC court custody centres were operating effectively. There was a high level of satisfaction with G4S services, G4S officers were managing people in custody well, and the company's relationships with stakeholders had been strengthened.

### SERCO IS LEAVING THE CSCS CONTRACT IN GOOD SHAPE

Serco was delivering a high quality service at court custody centres. It had embedded good practices at all new facilities, including the courts in Kalgoorlie, Kununurra and Carnarvon, and the FSH secure unit, and had responded well to previous recommendations.

Serco also deserve credit and appreciation for taking on new roles. In 2013, Banksia Hill Detention Centre was in crisis. At short notice, Serco took over juvenile transport and court custody services at Perth Children's Court from DCS. It managed this smoothly, professionally and effectively.

In late 2015 and early 2016, when we formally inspected the court custody centres, staff culture and morale was good. Staff were positive, professional, and engaged with their jobs. However, in recent months, they have become anxious about their prospects of employment, and the likely conditions of employment, when Broadpectrum take over.

As Serco are about to exit the CSCS contract, it is also appropriate to make some more general observations, based both on the fieldwork for this report and our other activities. First and foremost, it has implemented significant improvements across the Contract, especially in relation to duty of care to people in custody, staff professionalism, and improved procedures. Serco has also met some challenging service delivery targets, including 24 hour police lockup clearances in regional WA.

Serco suffered a number of escapes in 2013–2014 but has paid a high price for these, financially and reputationally. Obviously, escapes are not acceptable. But the simple fact is that they will occur from time to time, from public as well as private providers. In the last couple of months, there have been escapes from police at Fremantle Police Station and from DCS staff at FSH. And some of the escapes from Serco reflected system-wide weaknesses not just contractor failings. The key point is that Serco responded proactively and positively, and worked well with DCS. The result is that the risks of escape have been reduced.

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### THE NORTHBRIDGE MAGISTRATES COURT IS NOT BEING OPERATED AS INTENDED

The new Perth Police Complex in Northbridge was commissioned at the end of May 2013. It contains a very well-appointed Magistrates Court that was funded and designed on the basis that it would be used seven days a week to process overnight arrests. The aim was to minimise the costs and risks of transferring people to other courts.

However, it has never operated as intended. Initially it operated only on Saturdays. Now it operates on Saturdays and Sundays. The reasons given to us were financial and logistical. However, no actual costings or data were provided.

We agree with the Public Administration Committee that ‘it is inefficient to have the Magistrate’s Court at the Northbridge Police Complex functional but not operating seven days per week’ (Standing Committee on Public Administration 2016, 62–63). There are also significant risks in conducting additional transfers of people from the Perth Police Complex to other courts.

### STATE AGENCIES DO NOT ALWAYS AGREE ON WHO IS RESPONSIBLE FOR WHAT

The contractual and oversight arrangements are not straightforward:

- the DCS Commissioner is the principal to both the DCB and CSCS contracts
- DotAG is the key beneficiary of court custody services under both contracts
- WA Police (‘WAPOL’) are also primary beneficiaries, especially of prisoner transport and court custody components of the CSCS contract
- DCS is responsible for managing and monitoring court custody services that fall under the CSCS Contract
- although DCS is principal to the DCB contract, it has delegated contract management to DotAG.

It is obviously important for all the parties to agree on who is responsible for what. In 2013 I called for some uncertainties with respect to ‘responsibilities, governance and accountability’ (OICS 2013, viii) to be resolved, but unfortunately, problems still remain. These include:

- DCS and DotAG agree that DCB contract monitoring needs to be improved but disagree on who should do it (see below)
- we have recommended that arrangements for supervising people in the dock at the Northbridge Magistrates Court should be reviewed. DCS says this is a matter for WAPOL and Serco. But WAPOL consider it is a matter for them to work out with DCS, not the contractor.

It is not for us to resolve these differences but the parties need to address the issues and our recommendations.

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### CONTRACT MONITORING IS INADEQUATE

If the state is to uphold its duty of care, cover its risks, and ensure that standards are maintained, it must adequately monitor its contractors' performance. We concluded that monitoring was inadequate in both contracts.

#### The CSCS Contract

DCS had cut its contract monitoring team by more than half since 2012–2013. In addition, the scope of the monitors' work had expanded. Previously, they only had responsibility for overseeing services delivered by private contractors (Acacia Prison, Wandoo Reintegration Facility, and CSCS). Since late 2015, they have also been expected to monitor all 15 publicly-operated custodial facilities.

The inevitable result was that on-site monitoring had dropped off, especially at regional sites. Most regional sites reported that it had been 12 months or more since they had last been visited by a monitoring officer. That is not adequate.

DCS agreed that on-site monitoring should be improved (recommendation 1) and said it had already actioned this. However, records of monitoring visits conducted in 2016 and of the 2017 schedule suggest that regional courts can still only expect a visit every 18 months.

The advent of any new contractor, however good, will bring additional risk. I therefore urge DCS to add extra visits over the first two years of the new contract.

#### DCB Contract

DCS is principal to the DCB Contract but has delegated contract management to DotAG. The arrangement was not working well:

- DCS monitors no longer had a regular presence
- DotAG provided virtually no on-site monitoring of contractor performance and relied on G4S to self-report on contractual compliance and performance and on 'internal networks' to alert them to any risks.

DCS and DotAG have both accepted that monitoring needs to be improved but neither has accepted responsibility. DotAG say it is for DCS, but DCS say it is for DotAG.

I don't mind who does it but I do mind that it is not being done. DotAG and DCS both face budget constraints, but they must agree on a division of labour. The state must also make sure it has provided sufficient funding. It saves money by outsourcing but must invest some of these savings in contract oversight.

### TRANSITIONING TO A NEW CSCS CONTRACTOR

On 16 June 2015, the Minister for Corrective Services announced that the Government would re-tender the CSCS Contract. On 31 August 2016, Broadpectrum Australia was named as the preferred respondent. Transition is scheduled for the end of March 2017.

The change of contractor was not unexpected given the negative publicity surrounding the escapes and concerns about contract costs. The new contract is expected to deliver both cost savings and additional services.

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It seems very likely that Broadspectrum, a subsidiary of Ferrovial, will sub-contract aspects of the contract and will leverage off the experience of Amey, another Ferrovial subsidiary. Amey currently deliver prisoner transport in the UK in partnership with a separate company called GEO (under the badge 'GEOAmey').

The CSCS Contract is high risk as well as high value. It is therefore essential to ensure:

- a paramount focus on duty of care to people in custody as well as safety, security and efficiency
- a smooth transition from now until March 2017. This will require strong communication between DCS, Serco and Broadspectrum, including accurate and timely advice to existing staff about their employment status, terms and conditions under the new contract
- robust contract management and regular monitoring, especially during transition and the first two years of the contract.

Neil Morgan  
Inspector  
1 December 2016

## LIST OF RECOMMENDATIONS

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**Recommendation 1:**

The Department of Corrective Services should improve the on-site monitoring system in place for the Court Security and Custodial Services Contract, including regular visits to all metropolitan and regional sites.

**Recommendation 2:**

Serco should establish a senior officer or deputy manager position to support Client Service Managers.

**Recommendation 3:**

The Department of Corrective Services should ensure that prisons provide timely confirmation of authority to release.

**Recommendation 4:**

The Department of the Attorney General should operate the Northbridge Magistrates Court at the Perth Police Complex seven days a week as originally intended.

**Recommendation 5:**

Western Australia Police and Serco should review arrangements for supervising people in custody in the dock at Northbridge Magistrates Court.

**Recommendation 6:**

Serco should provide relief at regional court custody centres to cover for staff who have undertaken overnight hospital sits.

**Recommendation 7:**

The Department of the Attorney General and the Department of Corrective Services should improve the on-site monitoring system for the District Court Building and Central Law Courts Contract.

**Recommendation 8:**

The Department of Corrective Services and Serco should ensure that the use of restraints on persons in custody who are undergoing medical treatment in a hospital is based on individual risk assessments and not applied as a blanket practice.

# Chapter 1

## INTRODUCTION

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- 1.1 This report relates to an inspection of court custody centres throughout Western Australia by the Office of the Inspector of Custodial Services ('the Office'). Under section 19 of the *Inspector of Custodial Services Act 2003* (WA), the Office is required to inspect each court custody centre and prescribed lock-up at least once every three years.
- 1.2 All court custody centres in the state are managed by a private contractor as provided for in section 18 of the *Court Security and Custodial Services Act 1999* (WA) ('the Act'). The majority of sites are managed by Serco Australia ('Serco') under the Court Security and Custodial Services Contract ('the CSCS Contract'). The only exceptions are the Central Law Courts and the District Court Building in Perth, which are managed by Western Liberty Group and sub-contractor G4S Custodial Services ('G4S') under a separate contract ('the DCB Contract').
- 1.3 A court custody centre is defined in section 3 of the Act as a part of the court's premises where persons in custody are detained. There are a variety of reasons why persons making a court appearance may be in custody. They may already be a sentenced prisoner, they may have been remanded in custody, or they may have been arrested and charged with an offence by police. Following their court appearance (and depending on the outcome), they will either be released, or transferred to a prison or police lock-up. Persons in custody are never held in a court custody centre overnight.
- 1.4 All metropolitan courts have a custody centre with a varying number of cells, depending on the size of the site. However, many of the regional court sites do not have a custody centre. Instead, persons in custody are held in the local police lock-up and only transferred into the custody of the contractor for the duration of their court appearance.
- 1.5 In Albany and Kalgoorlie, the police lock-ups have been prescribed under regulation 5 of the *Court Security and Custodial Services Regulations 1999* (WA) to facilitate contractor management of those facilities. This allows these 'prescribed lock-ups' to be managed by the contractor during court sitting hours, and handed back to the police at all other times. The Carnarvon police lock-up is also prescribed under the same regulation, but at present the contractor plays no role in managing the lock-up.

## PREVIOUS INSPECTIONS

- 1.6 Over the past 15 years, the Office has taken a variety of approaches to the inspection of court custody centres. The earliest inspections examined metropolitan court custody centres and regional court custody centres separately (OICS 2001; OICS 2003). Other inspections considered court custody services within the wider context of the other services provided under the contract (OICS 2006; OICS 2007) with the Office publishing a comprehensive thematic review on this topic in 2010 (OICS 2010a). The Office has also conducted separate inspections of the court custody centres and services provided at the Central Law Courts and the District Court Building in Perth under the DCB Contract (OICS 2008; OICS 2010b).
- 1.7 The most recent previous inspection of court custody centres took place in 2012–2013 (OICS 2013). That inspection focused on the operation of court custody centres

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throughout the state. Other services provided under the CSCS Contract (such as prisoner transport, medical escorts and funeral escorts) were considered only to the extent that they impacted on court custody services.

- 1.8 The 2012–2013 inspection found that the treatment of people in custody in court custody centres across the state was generally good. However, the Office was concerned about the staff culture at a small number of sites. The inspection report also expressed a view that Serco's operating instructions did not provide adequate guidance on how to manage incidents of self-harm, which led to inconsistent practice between sites. The inspection team observed one incident of self-harm by a person in custody where the response from Serco staff was considered substandard and irresponsible. By contrast, G4S had detailed procedures relating to self-harm and staff were trained appropriately to respond to such incidents.
- 1.9 The quality of infrastructure (cells, passageways, docks, control rooms) varied enormously from site to site. Some of the court buildings were relatively new and in good condition, but others were outdated and rundown, in need of upgrading or replacement. Only a select few had adequate amenities for contractor staff.
- 1.10 Timely prisoner transport was an ongoing challenge for Serco and the Department of Corrective Services. The inspection noted a high number of late deliveries to court, which could be attributed to both contractor practices and prison practices. This was impacting on the operation of the custody centres and the running of the courts.

## 2015–2016 INSPECTION

- 1.11 This was the fifth inspection of court custody centres undertaken by the Office, although as discussed above those inspections have taken several different guises. This inspection adopted a similar approach to the 2012–2013 inspection in scope and methodology.

### Scope

- 1.12 The 2015–2016 inspection examined all court sites in Western Australia at which people in custody were managed by a contractor. This included the following sites managed by G4S:

- District Court Building
- Central Law Courts

- 1.13 The remaining inspected sites were managed by Serco:

#### **Metropolitan**

- Armadale Court
- Fremantle Court
- Joondalup Court
- Mandurah Court
- Midland Court
- Northbridge Magistrates Court

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- Perth Children's Court
- Rockingham Court
- Supreme Court of Western Australia

### **Regional**

- Albany Court
- Broome Court
- Bunbury Court
- Carnarvon Court
- Geraldton Court
- Kalgoorlie Court
- Kununurra Court
- South Hedland Court

- 1.14 Under the CSCS Contract, Serco also provides court security services at the State Administrative Tribunal and the Family Court of Western Australia. However, these sites were not included in the inspection because there is no management of people in custody.
- 1.15 Prisoner transport was not a primary focus of this inspection, except where it impacted on the operation of court custody centres. The Office's position on prisoner transport services was most recently articulated in a submission to the Inquiry into the Transport of Persons in Custody conducted by the Western Australian Parliament's Standing Committee on Public Administration (OICS 2015).
- 1.16 In addition to court custody centres, this inspection included the secure unit at Fiona Stanley Hospital, also managed under the CSCS Contract by Serco. The unit is a secure, purpose-built area located in the hospital building, in which persons in custody are held while they are awaiting treatment as hospital outpatients. There is no other site like it in Western Australia and many aspects of its operation are unique. However, as a service provided under the CSCS Contract it fits best within this report. The secure unit is discussed separately in Chapter 6.

### **Methodology**

- 1.17 The fieldwork for the inspection was conducted between September 2015 and January 2016. Members of the inspection team visited each site and inspected the facilities. Site visits also included discussions with contractor staff, court staff, police officers, prison officers, legal representatives, and people in custody. The inspection team also met with management-level representatives from the Department of Corrective Services, the Department of the Attorney General, Serco, Western Liberty Group and G4S.
- 1.18 Prior to visiting each court site, a survey was distributed to contractor staff, providing an opportunity for them to confidentially express their views on working conditions and environment. Around 65 per cent of contractor staff completed the survey.

# Chapter 2

## COURT SECURITY AND CUSTODIAL SERVICES CONTRACT

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- 2.1 The majority of court custody centres in Western Australia are managed by Serco under the Court Security and Custodial Services Contract ('the CSCS Contract'). This chapter outlines the history of the contract, and analyses arrangements for contract management and monitoring of contractor performance by the Department.

### HISTORY OF THE CONTRACT

- 2.2 The provision of court custody and court security services was first contracted out in 2000. Prior to that, the Office of the Sheriff of Western Australia (part of the Department of Justice at that time) was responsible for the custody of persons appearing before the court and all matters relating to court security. In addition, the Western Australian Police Service and the prison service (also part of the Department of Justice at that time) had some operational responsibility for courtroom security in certain locations (OICS 2001, 6).
- 2.3 In January 2000, the CSCS Contract was awarded to the Corrections Corporation of Australia – which later changed its name to Australian Integration Management Services (AIMS) Corporation – for a five year period, with two extension options of three years each. Service delivery began on 31 July 2000. In 2005, the first option to extend the contract was exercised, taking it through to 2008. In 2007, the contract was novated from AIMS to Global Solutions Limited and the final three year extension option was exercised, taking the contract through to 2011.
- 2.4 In January 2008, the death of Aboriginal elder Mr Ward in the back of a prison van placed the contractor and the Department of Corrective Services (DCS) under intense scrutiny, with a coronial inquest ultimately finding both parties had contributed to the death.
- 2.5 In May 2008, Global Solutions Limited was acquired by Group4Securicor, an international security solutions group, and in January 2009 began operating as G4S Custodial Services. In 2010, the CSCS Contract was publicly tendered and the successful respondent was Serco. G4S continued to provide services until the termination of the contract on 30 July 2011. Serco commenced service delivery on 31 July 2011 with the initial term running to 30 June 2016, and two extension options of up to five years in total.
- 2.6 In the first eight months of 2013–2014, there was a spate of escapes from Serco custody, including:
- the escape of two prisoners from a secure vehicle at Geraldton airport
  - four separate incidents of prisoners escaping while attending hospital
  - the escape of one juvenile detainee from court
  - the escape of one prisoner from court
- 2.7 Given that this report focuses on court custody services, it is worth noting that the majority of these incidents related to custodial transport services. The two escapes from court occurred from the courtroom dock and the persons in custody were recaptured without leaving the court building.

- 2.8 Serco and DCS were subject to considerable media attention as a result of these incidents. DCS introduced stricter policies regarding the escorting of prisoners, and Serco focused on tighter procedures and more staff training. No more escapes occurred for the remainder of that financial year. This trend continued with no escapes recorded under the CSCS Contract for the 2014–2015 financial year.
- 2.9 On 16 June 2015, the Minister for Corrective Services announced that the Government did not intend to exercise the extension option, and the CSCS Contract would be re-tendered.

#### CONTRACT STRUCTURE AND GOVERNANCE

- 2.10 When the CSCS Contract was originally established, the responsible agency was the Department of Justice. This made sense because the contract provided services to courts and prisons, and the Department of Justice administered both.
- 2.11 Following an independent inquiry (Mahoney 2005), in 2006, the Department of Justice separated to form the DCS and the Department of the Attorney General (DotAG). This meant courts and prisons were administered by two separate departments, and introduced a new complexity to the administration of the Act and the management of the CSCS Contract.
- 2.12 Initially, the Director General of DotAG was responsible for administration of the Act, with contract management functions delegated to DCS. In 2008, the Commissioner of DCS took over administration of the Act and is now the principal of the CSCS Contract. In many respects, this change simplified contract governance and accountability because the contract management team had always been part of DCS. However, DotAG remains the key user of court security and court custody services. Poor contractor performance in these areas will impact on DotAG, not on DCS. Yet DCS retains all responsibility for contract management and monitoring of service delivery. Previous inspection reports have noted tension between the differing expectations of DotAG and DCS, with concerns that this contributed to a less effective system of contract management and monitoring (OICS 2010a, 68–72; OICS 2013, 42).
- 2.13 These concerns were less evident during the 2015–2016 inspection. This was not attributable to any change in the structure of contract management, but rather to the fact that relationships between DCS, DotAG and the contractor had matured. The underlying problem remains: the enabling legislation did not contemplate the possibility of two departments, with the result that the contractor is not monitored by the agency that is receiving the service. Governance is further complicated by the fact that the CSCS Contract provides services to a third agency, the Western Australia Police. In theory, it would be best for each of the three agencies to have responsibility for managing and monitoring those services that they receive under the CSCS Contract. In reality, however, this would likely lead to a confusing dispersal of responsibility and authority.

- 2.14 The re-tendering of the CSCS Contract in 2016 provides an opportunity to address this longstanding issue by restructuring the contract or perhaps even creating several smaller contracts. However, indications are that the CSCS Contract will remain fundamentally unchanged.

#### CONTRACT MANAGEMENT AND MONITORING

- 2.15 Service provision by the contractor is overseen by the contract management team in DCS. The CSCS Contract sets out key performance indicators and an abatement regime that imposes financial penalties for specified events or performance failures. The contractor is required to self-monitor and report on any such performance failures. In addition, DCS has a team of monitoring officers responsible for monitoring the contractor's performance.
- 2.16 Since the last inspection, the monitoring arrangements within DCS had changed significantly. Starting in early-2013, there had been a gradual depletion of resources in the monitoring team. In response to budgetary pressures, DCS identified an opportunity to cut staffing numbers and increase efficiency within the monitoring team. Numbers were further reduced when several monitoring officers accepted voluntary severances and left the department in 2014 and 2015. Having started with 13 full-time equivalent positions, the monitoring team had been reduced to just six by the commencement of this inspection in September 2015.
- 2.17 The level of on-site monitoring had dropped accordingly. Daily operational reviews of court custody centres conducted by the monitoring team decreased by more than 55 per cent (DCS 2014, 10; DCS 2015, 15). Although the monitoring officers maintained a regular presence at metropolitan sites, monitoring of regional sites was very limited. Most regional sites reported that it had been 12 months or more since they had last been visited by a monitoring officer.
- 2.18 Historically, the monitoring team was part of the contract management directorate of DCS, and was only responsible for monitoring services delivered by the private contractors (court security and custodial services, Acacia Prison, and more recently Wandoo Reintegration Facility). However, in the second half of 2015, the monitoring team was moved out of the contract management directorate, and into the operational support division, which has responsibility for maintaining professional standards across the department. The scope of the monitoring team was expanded to include all publicly-operated custodial facilities and services (and potentially even community corrections offices).
- 2.19 While the Office supports this expansion, it is clear that additional resources will be needed. It seems overly ambitious to expect the monitoring team to manage a vastly increased scope when it has struggled with its existing workload. At the very least, the team must have sufficient capacity to visit each court custody centre (including regional sites) on a regular basis.

- 2.20 The 2013 inspection report observed that DCS was not at that time monitoring the Serco Escort and Recording System (SERS), the database introduced by Serco in 2012 to record all events relating to the management of people in custody. This was seen as a missed opportunity to enhance the monitoring of the CSCS Contract. Positively, DCS eventually obtained access to live data feeds and reports from SERS in July 2014, and this now plays a key role in the monitoring and management of the contract.
- 2.21 However, desktop auditing of records cannot replace physical visits to court custody centres. The earliest inspection of court custody centres in 2001 was critical of the fact that monitoring was largely restricted to auditing of paper records, and recommended the implementation of field-based monitoring (OICS 2001, 22–23, Recommendation 5). It was only after this that a more thorough monitoring system with regular site visits was established.
- 2.22 The thematic review conducted by the Office after the death of Mr Ward also emphasised the importance of a comprehensive monitoring system, and outlined in some detail the expected features of such a system. This included, among other things, at least two visits per year to each regional site (OICS 2010a, 70–72, Recommendation 20).
- 2.23 The importance of a robust monitoring system cannot be overstated. The state may contract in services, but it retains its duty of care to people in custody. Close monitoring of the contractor’s performance is key to ensuring appropriate standards are maintained, and the state’s duty of care is upheld. This is particularly so at a time when further privatisation of custodial services is under active consideration, and the re-tendering of the CSCS Contract brings the possibility of a new contractor.

*Recommendation 1:*

*The Department of Corrective Services should improve the on-site monitoring system in place for the Court Security and Custodial Services Contract, including regular visits to all metropolitan and regional sites.*

## OVERVIEW OF SERVICES

- 2.24 The inspection team visited 17 sites managed by Serco over the course of the inspection, from Kununurra to Albany. The geographic spread of sites and the disparate nature of facilities highlighted the challenge of managing and operating this contract. While many of the sites were characterised by their difference from each other, there were nevertheless a number of common themes that could be drawn from the inspection.

### Infrastructure and equipment

- 2.25 The standard of the infrastructure at each court custody centre varied throughout the state. Since the 2012–2013 inspection, three new courthouses had opened in Kalgoorlie, Carnarvon and Kununurra, providing greatly improved facilities for those sites. Some of the older centres were in poor condition and in need of refurbishment.
- 2.26 During the inspection, custody cells in all centres provided access to fresh water and a toilet, and received sufficient air flow. The majority of cells were clean and well maintained – the walls appeared freshly painted and in good condition. In certain parts

of the Supreme Court building, rising damp had damaged the walls, and there was also paint peeling from walls in the custody centre at Perth Children's Court. It was surprisingly rare to find graffiti scratched into the cell walls or windows, with the notable exception of Perth Children's Court where it is an endemic problem.

- 2.27 The cell floors typically showed more signs of wear and ingrained dirt that would only be resolved by resurfacing. Cleaning is contracted out at each courthouse, and this includes cleaning of cells. At a small number of sites, custody staff complained that cells were not cleaned adequately.
- 2.28 The 2013 inspection report expressed some concern about cell capacity at various sites, recommending a review of capacity requirements across the state and investment in infrastructure where necessary (OICS 2013, 20, Recommendation 9). The 2015–2016 inspection found that, apart from the three new courthouses, there had only been minor capital works at a few other sites, none of which had increased cell capacity.
- 2.29 Cell occupancy pressures remained an intermittent problem at some sites, although the inspection team was satisfied that periods of high demand were well-managed by staff at each centre. Demand is certainly growing, but the problem could be far worse if not for the efforts of both DCS and DotAG to promote more use of video link facilities at prisons to facilitate court appearances. In 2014–2015, warrants to attend at court increased by around eight per cent, while warrants to appear via video link increased by over 32 per cent (DCS 2015, 5).
- 2.30 The previous inspection found that most sites do not provide adequate break areas or secure places for custody staff to store their belongings (OICS 2013, 21). This remained the case in 2015–2016. At some centres, the control room doubles as a kitchen and break room. At other centres, Serco staff share break rooms with court staff with varying success. It works well at some sites, such as Albany, where the relationship between Serco staff and court staff is strong. However, at many other sites, Serco staff and court staff continue to see themselves as two separate workforces and are less comfortable about sharing staff amenities. Interestingly, none of the three new courthouses provided separate break rooms for contractor staff, envisaging instead that these facilities would be shared with court staff. Although there had been no change to infrastructure at most sites, the staff survey indicated improved satisfaction with staff facilities – in 2012–2013 only 50 per cent of staff rated staff facilities as satisfactory or better; in 2015–2016 that had increased to 75 per cent.
- 2.31 The 2013 inspection report commented on the varying levels of surveillance camera coverage at different courts, citing Rockingham as possessing an impressive surveillance system. It was recommended that DotAG should identify centres 'where the lack of camera coverage poses significant security risks to staff, people in custody and the public' and 'prioritise and allocate capital works funding accordingly' (OICS 2013, 22, Recommendation 9). Since then, there have been some minor upgrades to the camera systems at one or two sites, but the situation at most sites remains unchanged. DotAG's response to the recommendation disagreed with the idea that lack of closed-circuit

television (CCTV) coverage posed significant security risks to staff, people in custody and the public; arguing that ‘supervision in court custody is predicated on the presence of security staff, with CCTV as supporting technology’ (OICS 2013, 50).

- 2.32 DotAG undertakes comprehensive security audits at all courts at least once every two years, and the items discussed above (cell capacity, staff amenities and camera coverage) are all included in the courts standard design brief. In many cases, particularly at some of the older court buildings, the problems cannot be resolved without major capital investment. Overall, the Office accepts that DotAG has an ongoing risk assessment process that prioritises infrastructure needs at court custody centres, and addresses them where it is cost-effective to do so.
- 2.33 The previous inspection found a shortage of radios and earpieces, meaning that not all Serco officers had access to their own radio when they were working. This was the most common concern identified in the staff survey at that time. The inspection report noted that working without a radio meant that staff could not communicate with other members of the team, and this could place them in a vulnerable or dangerous position. The Office recommended that Serco ‘provide radios with full reception and earpieces to every staff member’ (OICS 2013, 23, Recommendation 10). Shortly after that inspection in 2013, Serco replaced or upgraded all radios, and purchased a significant number of new earpieces. However, at the time of the 2015–2016 inspection, radios were again a concern.
- 2.34 Survey results indicated that satisfaction with radios had improved – 63 per cent of respondents thought radios were less than satisfactory in 2012–2013 compared to 46 per cent in 2015–2016. But this was still the most poorly rated item in the survey. The inspection team found that radios at several sites were unreliable and frequently needed repairing. Repairs and replacements were generally dealt with promptly, although this tended to take longer for some of the more remote regional sites. Sometimes (and particularly at times of high workload and peak resourcing) there were not enough radios for every staff member at some sites. In those situations, staff working in small groups (such as a two-officer custody team or officers operating a security checkpoint) remained in communication with the rest of the team via one radio. Earpieces were also not available to all staff at all sites. At one or two sites, radio reception was a persistent concern. Some sites had upgraded to digital radios, and this had reportedly improved reception markedly.

#### Human resources

- 2.35 During the previous inspection, staffing levels at court custody centres were a source of concern for staff. The inspection report concluded that ‘some sites lacked sufficient staffing numbers to safely deliver court custody and court security services’ (OICS 2013, 28). In addition, Serco had introduced a different staffing model after taking over the contract in 2011, requiring staff to be multi-skilled and undertake multiple roles to meet operational demands. In 2012–2013, many staff remained resistant to this idea, and the staff survey indicated that only 44 per cent of staff were satisfied with staffing levels.

- 2.36 In the intervening three years, Serco had recruited consistently and short staffing was far less evident. Most sites had a stable core of permanent staff. Vacancies, temporary absences or peaks in service demand were covered using staff from the pool of casual staff maintained by Serco. Importantly, the concept of multitasking had been universally embraced by staff and local managers. The staff survey indicated that satisfaction with staffing levels had risen significantly to 72 per cent.
- 2.37 The supervisor of each site, known as the Client Service Manager ('CSM'), plays a crucial role in the operation of the centre. The CSM is responsible for coordinating all court security and custody services at their site, and assigning tasks throughout the day to make best use of resources. Ideally, the CSM is not involved in routine security or custody tasks, allowing them to focus on providing guidance, direction and professional development to other staff. However, as in 2012–2013, it was still the case that CSMs at some sites were occasionally filling operational roles. This undermined their ability to effectively manage the site.
- 2.38 There was no official senior officer or deputy manager position in place at the time of the inspection. However, there was a recognised need for an extra layer in the hierarchy. Almost every site had an officer working informally as second-in-command, providing support to the CSM and acting in the role when the CSM was absent. This was also the case in 2012–2013. There were a variety of problems with the informal arrangements, including lack of transparency, perceptions of favouritism, and lack of appropriate remuneration for staff. Serco had plans to run a formal selection process and establish the new position officially, but this had not yet taken place at the time of the 2015–2016 inspection. The Office believes that creating a senior officer position would provide valuable support for CSMs and other staff, and provide more of a career path for staff.

*Recommendation 2:*

*Serco should establish a senior officer or deputy manager position to support Client Service Managers.*

**Staff culture and morale**

- 2.39 The previous inspection report raised concerns about staff culture at a small number of sites. The inspection team had observed bullying, harassment and conflict between Serco staff at certain sites, which reflected a lack of professionalism and inadequate leadership (OICS 2013, 26). Positively, Serco senior management had taken steps to address these problems, including implementing performance management plans and appointing new staff. The 2015–2016 inspection found a much improved situation. There were no longer any sites that caused serious concern. Overall, the inspection team observed a greater level of staff engagement and cohesion across all sites. Inevitably, some sites were less harmonious than others, but conflict was rare. Importantly, the inspection team was confident that operational service delivery was not compromised at any site.

- 2.40 The overall improvement in staff culture and morale was reflected in the staff survey. Every item in the survey was rated more positively in 2015–2016 than in 2012–2013. Perceptions of personal safety were higher – 87 per cent of respondents mostly or always felt safe, up from 73 per cent in 2012–2013. Survey respondents showed strong support for Serco procedures in all areas. Significantly, 77 per cent answered that procedures for protecting the welfare of people in custody were good or very good (up from 65 per cent in 2012–2013), and no respondents felt that these procedures were less than satisfactory.
- 2.41 The survey indicated very strong working relationships with colleagues, court staff, police and prison staff, with less than one per cent of respondents rating relationships as less than satisfactory in any of these categories. This was equally evident during our inspection from discussions with court staff, prison staff and police. Almost without exception, stakeholders reported a good working relationship with the local Serco team, viewing them as competent and professional.
- 2.42 Serco conducts its own annual survey of staff to measure staff engagement, not just in Western Australia but worldwide. The results of Serco’s 2015 survey were similarly positive, indicating a significantly more engaged workforce for the CSCS Contract than in previous years.
- 2.43 This was something of a vindication for Serco senior management, who had worked hard to improve performance and re-engage staff after the spate of escapes in 2013–2014. There had been a particular focus on refresher training to reconnect staff with their duties and obligations, and senior managers had made special efforts to increase contact and visibility at sites throughout the state.
- 2.44 This too was reflected in the staff survey results, which showed higher satisfaction with support from management. In 2012–2013, only six per cent of respondents felt that support from management was excellent. In 2015–2016, this had increased to 20 per cent. Similarly, in 2012–2013, 44 per cent felt that support from management was poor or very poor. In 2015–2016, this had decreased to only 16 per cent.

### Training

- 2.45 Training for Serco staff begins with a six-week initial course consisting of both classroom training and work placements. Employees are then required to complete a Certificate III in Correctional Practice within their first 12 months of employment. CSMs are required to complete a Certificate IV in Correctional Practice.
- 2.46 Most staff were satisfied with their training, with 80 per cent of survey respondents stating that they had received enough training to successfully do their job. The previous inspection report noted that some CSMs were more proactive than others about initiating training at the local level. The report advocated for regular scenario-based training to become standard practice at all sites (OICS, 2013, 27).
- 2.47 In September 2015, Serco had introduced a more structured program of on-site training, known as the Operational Excellence Team Development Program. This program had been developed by a CSM at one of the regional sites and was mapped against Serco’s

operational instructions. This was potentially a very valuable initiative, and had been recognised at Serco's national and global awards. However, at the time of the inspection, it was too early to assess success or outcomes.

- 2.48 The spate of escapes in 2013–2014 had prompted Serco to launch a program of refresher training aimed at improving operational compliance and restoring the confidence of staff. This was known as Project Refresh. There was no doubt that it had contributed to the improved staff culture and morale found during this inspection. Associated with this was the introduction of an online media streaming site, known as T-Stream that made training videos and communications available to staff at Serco sites around the state.
- 2.49 The 2012–2013 inspection identified that many staff felt apprehensive about managing juvenile detainees, even though this was included in the initial training course. The report recommended that Serco provide additional training for relevant employees to appropriately manage juveniles in custody (OICS 2013, 27, Recommendation 14). Serco addressed this recommendation by developing a training package around juvenile custodial management and making it available on T-Stream from April 2015. The previous inspection report also expressed a view that Serco's operating instructions did not provide adequate guidance on how to manage incidents of self-harm, which led to inconsistent practice between sites. Since then, Serco had updated operational instructions on at-risk management and delivered one-on-one refresher training on self-harm to all staff.

#### Welfare of people in custody

- 2.50 The inspection findings were very positive regarding the welfare of people in custody. Serco staff displayed decent and respectful treatment of people in custody, and the inspection team observed many examples of special attention being given to those who had been identified as particularly vulnerable or volatile. Feedback from people in custody was favourable, with no complaints raised about the conduct of Serco staff. Several detainees spoken to during the inspection praised Serco staff for looking after them while they were in custody and helping them through a difficult experience. At many sites, particularly in regional areas, Serco staff were familiar with regular detainees, and took advantage of their established rapport to assist in managing them effectively when they re-entered custody.
- 2.51 In 2012, Serco had introduced six new microwavable meal options to serve to people in custody, which represented a nutritional step up from the traditional meat pies and sausage rolls. The 2013 inspection report raised concerns that one court custody site was refusing to serve the new meals (OICS 2013, 23, Recommendation 11). In 2015–2016, this anomaly had been addressed and all sites were now consistently offering the same choice of meals.
- 2.52 In-cell televisions can be a useful tool for settling people in custody and alleviating boredom while they are awaiting their court appearance. The 2013 inspection report observed that some sites only had the capacity to receive the now-defunct analogue television signal, and recommended that all sites be upgraded to the digital television

network (OICS 2013, 24, Recommendation 12). DotAG advised that all in-cell televisions are now connected to the digital network, and this is now included in the courts standard design brief.

- 2.53 In 2012–2013, the Office was concerned by the fact that blankets were not routinely provided by Serco to people in custody. One of the more common complaints from people in custody was about the temperature in court custody cells, with air-conditioning and concrete construction combining to make the cells uncomfortably cold. The 2013 inspection report recommended that blankets should be provided to people in custody at all sites upon request (OICS 2013, 24–25, Recommendation 13). Since then, Serco’s policy has been amended to ensure that blankets are now available at all sites.

# Chapter 3

## METROPOLITAN COURTS

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3.1 The following metropolitan sites were included in this inspection:

- Armadale Court
- Fremantle Court
- Joondalup Court
- Mandurah Court
- Midland Court
- Northbridge Magistrates Court
- Perth Children's Court
- Rockingham Court
- Supreme Court of Western Australia

3.2 Note that the District Court Building and Central Law Courts are managed under a separate contract discussed in Chapter Five. For the most part, this chapter deals with metropolitan court custody centres in general terms, but there is some specific discussion of issues at the Northbridge Magistrates Court and Perth Children's Court.

### HUMAN RESOURCES

3.3 During the 2012–2013 inspection, staff at metropolitan court custody centres expressed extreme frustration and concern about low staffing levels at their sites. Much of this stemmed from resistance to the multitasking that Serco was trying to incorporate into the staffing model at the time, but the inspection concluded that some sites were genuinely understaffed (OICS 2013, 29).

3.4 In 2015–2016, staffing levels were no longer a major concern at metropolitan sites. As discussed in the previous chapter, staff had embraced the multitasking staffing model, which had improved their perceptions of staffing levels. In addition, the workforce at each site was generally more stable and staff turnover had decreased. Local managers reported that they were usually able to access additional staff from the employment pool upon request, which allowed them to plan for anticipated busy days in court. When staff from the employment pool were not available, Serco had persisted with the practice of assigning transport drivers to remain at a court custody centre after delivering people in custody, to provide additional resources for the day. This was an imperfect solution, however, because the busy times for transport at the beginning and end of the day correspond with the busy times for court custody centres. When transport drivers were available in the middle of the day, there was generally less need for additional resources in the court custody centres.

3.5 Workload at each court custody centre continued to fluctuate on a daily basis in response to variables such as the number and type of courts running, and the number of overnight arrests. Court listings provided staff with an indication of expected workload, but the number of arrestees delivered by police on any given day could not be predicted. Although this was an ongoing challenge, the inspection found that all metropolitan sites were managing workloads effectively.

### TRANSPORT OPERATIONS

- 3.6 One of the key elements of the CSCS Contract is timely delivery of people in custody from prison to court. Transporting people in custody from multiple prisons to multiple courts spread throughout the wider metropolitan area is a complex logistical task.
- 3.7 Under the CSCS Contract, Schedule 6, 7.1, a person in custody must be delivered to their court location 30 minutes before the time stated on their warrant, which typically falls between 8.30 am and 9.30 am. 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.
- 3.8 The previous inspection report expressed concern that prison practices, particularly at Hakea Prison which houses the majority of those remanded in custody, were delaying the departure of transport vehicles in the morning, resulting in late arrivals to court. The report recommended that DCS ‘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’ (OICS 2013, 30, Recommendation 15). Serco and DCS confirmed that they have been coordinating regular meetings to allow identification and early resolution of issues that impact on scheduling and deliveries. They claim significant improvements, particularly at Hakea Prison, but acknowledge that difficulties remain because of the number of individuals to be moved in short time frames and the physical restraints of the prison facilities.
- 3.9 The previous inspection also raised concerns about people in custody waiting in cells for extended periods following their court appearance. This was particularly evident at some of the outer metropolitan sites, which were typically not cleared by a transport vehicle until the end of the day. The inspection report recommended Serco ‘review current transport operations and implement an enhanced transport plan to prevent unnecessary waiting times for people in custody’ (OICS 2013, 31, Recommendation 16). The 2015–2016 inspection found that Serco had reviewed this area, and had made changes to the structure of resources and rosters. Serco advised that this was an ongoing focus, and acknowledged it remained one of the more challenging aspects of the CSCS Contract because of competing service demands, unpredictability of court proceedings, and finite transportation resources.
- 3.10 Since 2013, a new issue had emerged that affected the contractor’s ability to release people from custody in a timely manner. When an individual comes to court from prison, and the court does not impose a custody order, Serco staff cannot release that person until they have checked with the prison to ensure that there is no return order or outstanding warrant. This should already have been identified before the individual ever left prison, but the process is a fail-safe intended to eliminate any unauthorised releases. Policy governing the process for confirming authority to release had become increasingly strict over the years. Formerly, it was sufficient to simply obtain verbal confirmation from the Movements Officer at the relevant prison. Then it became necessary to get written

## METROPOLITAN COURTS

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confirmation by email. Most recently, the responsibility for confirming authority to release had been escalated to the Principal Officer, who sits at a much higher level in the prison hierarchy than the Movements Officer. The problem with this is that the Principal Officer has many more competing priorities and daily responsibilities. The result had been that written confirmations of authority to release were delayed all too frequently, sometimes for several hours. This issue was evident throughout the state, but was more pronounced in the metropolitan area where the largest and busiest prisons are located. This was particularly concerning because it meant that people who would otherwise have been released from custody instead spent more time in a court custody cell. DCS was focused on avoiding unauthorised releases, but the current process arguably creates a real risk of people being unlawfully detained.

*Recommendation 3:*

*The Department of Corrective Services should ensure that prisons provide timely confirmation of authority to release.*



*Figure 1: A cell in the court custody centre at Armadale*



*Figure 2: A cell in the court custody centre at Fremantle*

#### **NORTHBRIDGE MAGISTRATES COURT**

- 3.11 The East Perth Watch House was decommissioned on 31 May 2013, and replaced by the new Perth Police Complex in Northbridge. A new Magistrates Court was included within the complex to deal with all overnight arrests in the metropolitan area. The original intention was to centralise all first court appearances at one location, and minimise the need to transfer people in custody to other metropolitan courts each day. The court was to operate seven days a week to minimise the time that any individual would spend in custody awaiting a court hearing. It was undoubtedly a more efficient model for police, DotAG, DCS and Serco. However, when the complex opened, the court was only running one day a week on Saturday. Serco was funded to provide court security using the money that had previously been allocated to the running of Saturday court at the East Perth Watch House. There had been no financial provision for any extra services to be provided by the contractor.
- 3.12 It took more than 12 months for DCS to source additional funding and for the various parties to negotiate the commencement of court each Sunday. At the time of this inspection, the court was still operating only on weekends, and remained idle from Monday to Friday. The costs of extending the operation of the court were seen as prohibitive – both for DCS to fund extra service provision under the CSCS Contract, and for DotAG to provide a magistrate to staff the court. There are, however, considerable

costs associated with not running the court every day. It means that every weekday the contractor is being paid to transport people in custody from the Perth Police Complex to other metropolitan courts. Beyond the financial costs, every transport movement involves a security risk, and a risk to the safety and wellbeing of people in custody who are often in a vulnerable or volatile state. Removing them from their cell and placing them in a secure transport vehicle can be unsettling, and has the potential to prompt acts of aggression or self-harm. These factors need to be taken into consideration in any decisions about the future operation of the court. The Office's view is that extending the sitting days of the Northbridge Magistrates Court would bring many benefits.

*Recommendation 4:*

*The Department of the Attorney General should operate the Northbridge Magistrates Court at the Perth Police Complex seven days a week as originally intended.*

- 3.13 During the design of the complex, it was envisaged that court security and custodial services would be provided by a contractor. The layout of the lock-up and courtroom infrastructure reflects this. It is set-up for the police to hand over custody of detainees in the hallway between the lock-up and the court. The contractor would then monitor and manage the detainees in the holding cells, escort them into the dock and supervise them while in court.
- 3.14 However, as mentioned above, only court security services had been funded. Serco provided a court orderly, gallery guard, perimeter guard and four transport drivers who doubled as dock guards. The police maintained control of the holding cells and handed over custody of detainees only as they entered the courtroom dock. This arrangement was less than ideal because there was little or no opportunity for police to provide Serco staff with any information about the person in custody, and certainly no opportunity for Serco to conduct a risk assessment. Essentially, Serco were taking custody of a person with no knowledge of their behaviour prior to entering the dock. This created unacceptable risks for all involved.
- 3.15 It was difficult to see what was gained by passing custody from police to Serco. The police officers waited outside the dock door during the court appearance and could just as easily have been supervising the dock. It would perhaps be simpler and safer for the police officers to retain custody of that person and remain with them in the dock during the court appearance. The more ideal solution, and certainly the approach favoured by police, would be to run the facility as originally intended, with the contractor managing the court holding cells and taking formal handover of people in custody from police.

*Recommendation 5:*

*Western Australia Police and Serco should review arrangements for supervising people in custody in the dock at Northbridge Magistrates Court.*

### PERTH CHILDREN'S COURT

- 3.16 At the time of the last inspection, the Perth Children's Court custody centre was managed by Youth Custodial Officers from Banksia Hill Detention Centre ('Banksia Hill'). The inspection made positive findings about the way the court custody centre was run by youth custodial staff, and in particular the genuine care shown for the welfare of young people in custody (OICS 2013, 10).
- 3.17 However, the riot at Banksia Hill in January 2013 highlighted severe staffing shortages at the detention centre, and DCS eventually made the decision to recall all youth custodial staff to Banksia Hill. In October 2013, the custody centre at Perth Children's Court was handed over to Serco for an initial period of six months. This agreement was subsequently extended indefinitely in April 2014. Court security was already managed by Serco under the CSCS Contract.
- 3.18 The 2015–2016 inspection found that, despite the change of operator, a good standard of service had been maintained. Serco staff, like the Youth Custodial Officers before them, showed genuine care for young people in custody. Practices and procedures gave appropriate recognition to the vulnerability of young people, and staff displayed good rapport with young people. Feedback from court staff was extremely positive. They reported a great working relationship with Serco and a strong sense of mutual respect was evident.
- 3.19 During the last inspection, young people in custody were provided with sandwiches for lunch prepared by prisoners at East Perth Watch House. This was typically not sufficient to sustain a growing adolescent for the day, and the inspection report recommended that DCS provide 'fresh, nutritious options to detainees at Perth Children' Court for morning and afternoon tea' (OICS 2013, 10, Recommendation 2). In 2015–2016, food for young people in the custody centre was supplied by Banksia Hill. Sandwiches were provided for morning tea and lunch, along with fruit and juice boxes. This was certainly an improvement, but Serco staff still observed that it was sometimes not enough.
- 3.20 There were six cells in the custody centre. One had been repainted recently, but the others had an extensive amount of graffiti scratched into painted surfaces. Large sections of peeling paint were evident in one cell and one non-contact interview room. There was a clear need for a more regular painting schedule.
- 3.21 The previous inspection identified serious shortcomings with the non-contact interview rooms. There were only two available, with each designed to accommodate up to three detainee interviews at one time. This completely compromised the confidentiality of client-lawyer interviews, and the inspection report recommended that DotAG refurbish the interview rooms to address the problem (OICS 2013, 9–10, Recommendation 1). By 2015, plans had been drawn up and funding secured to redesign the area and provide five individually separated interview rooms. Budget constraints and competing priorities meant that the project was delayed, and it was not until June of 2016 that work was completed.



*Figure 3: Graffiti in a cell at Perth Children's Court*

3.22 The previous inspection report raised concerns about the management of adults in custody at Perth Children's Court. Adults who are accused of committing a crime before they reached the age of 18 can still have their case heard in children's court. In some cases, decades may have passed since the offence was committed, meaning that the custody centre is required to manage a middle-aged person alongside juveniles. Obviously, adults and juveniles in custody must be strictly segregated, and this placed extra pressure on the centre. The inspection report recommended that 'the courts should examine alternative processes for adults to appear at other courts specifically designed to hold adults in custody' (OICS 2013, 10, Recommendation 3). DotAG responded that it was for the court to determine the appropriate way to deal with such cases. In 2015–2016, there had been no change and adults continued to appear at Perth Children's Court and spent time in the custody centre on a regular basis.

# Chapter 4

## REGIONAL COURTS

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4.1 The following regional sites were included in this inspection:

- Albany Court
- Broome Court
- Bunbury Court
- Carnarvon Court
- Geraldton Court
- Kalgoorlie Court
- Kununurra Court
- South Hedland Court

4.2 Several significant capital works projects had been completed since the 2012–2013 inspection. The courthouses at Carnarvon, Kalgoorlie and Kununurra had all been replaced by completely new facilities.

## HUMAN RESOURCES

4.3 Staff members based at regional court custody centres provide not just court security and custody services, but also all other services under the CSCS Contract within that region. This can include supervision of people in custody in hospital, transport to medical appointments, funeral escorts, and regional prison transfers. 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.

4.4 A small number of the regional sites were short of permanent staff and relied upon temporary staff and secondees. However, most sites had a stable and settled team. Relationships with stakeholders such as local police, courts and prisons were generally good. Even at sites where stakeholder relationships were historically strained, there were noticeable signs of improvement. Tension between Serco and stakeholders, particularly police, often stemmed from disagreements about the level of service that should be provided by the contractor. In some cases, police had an expectation that Serco would provide services that were not included in the CSCS Contract. In fact, even where the relationship with local police was strong, police were invariably keen for more service from the contractor (see further discussion below).

### Hospital sits

4.5 When a person in custody is admitted to hospital, they must remain under the supervision of two prison officers or two Serco officers. This is known as a hospital sit. Coverage of hospital sits was a persistent problem in the regions, and a common complaint during the inspection.

4.6 Because there are no spare resources in the regions, in the event of an overnight hospital sit, any Serco officer will have already worked a full day shift at the court custody centre. Then after spending the night on the hospital sit, they may even have to work the following day, effectively a triple shift. Serco officers were concerned about the level of

## REGIONAL COURTS

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fatigue they experienced in such situations, and the likely impact on their work performance. In any custodial environment, staff fatigue presents very real risks to the security of the centre, the safety of people in custody, and the safety of staff.

- 4.7 These are exceptional rather than everyday circumstances. If the hospital sit lasts longer than one night, Serco will send relief officers from the employment pool in Perth to take over. It is usually only the first night that regional staff are required to cover. In these situations, Serco should provide relief officers not just for the hospital sit, but also to cover the following day shift for the local staff who worked the previous night shift.

### *Recommendation 6:*

*Serco should provide relief at regional court custody centres to cover for staff who have undertaken overnight hospital sits.*

## TRANSPORT OPERATIONS

- 4.8 In regional areas where Serco runs transport services under the CSCS Contract, the secure transport vehicles are based at the court custody centre sally port. Transport logistics are managed locally by the Client Service Manager, giving them control over when people in custody are transferred between the court and the local prison. This means that people in custody are usually cleared from regional court custody centres promptly after their court appearance.
- 4.9 In locations like Carnarvon, South Hedland and Kununurra, there is no local prison, with the nearest prison being several hundred kilometres away. Transport arrangements vary in these locations. In Carnarvon, the transport vehicle was used only to transfer people in custody from the lock-up to the local airport, a journey of no more than one kilometre. For South Hedland, transport services are facilitated by a separate team of Serco officers based in a small office outside Roebourne Regional Prison. There are vehicles based at both South Hedland and Roebourne. In Kununurra, no transport services were provided at the time of the inspection.

## COMPARISON OF OPERATING MODELS

- 4.10 Regional sites operated under a variety of different custody models. Only Bunbury and Broome had a true custody centre that operated as an independent facility. The remaining sites managed custody in conjunction with co-located police lock-ups.

### Lock-ups

- 4.11 People in custody for the purposes of court proceedings at Albany, Carnarvon, Geraldton, Kalgoorlie, Kununurra, and South Hedland were held in police lock-ups instead of court custody centres. The courthouses were 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 could be efficiently escorted to court directly from the lock-up cells.

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*Figure 4: A cell in the court custody centre at Geraldton*



*Figure 5: A cell in the court custody centre at Kalgoorlie*

- 4.12 This means there is a division of responsibility for individuals attending court. With the exception of Albany and Kalgoorlie, 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 for security within the courtrooms and surrounding precinct. At Albany and Kalgoorlie, Serco staff are also responsible for managing the lock-up during the day when court is sitting.

#### Relationship with regional police

- 4.13 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. Importantly, auxiliary officers were often assigned to managing people in custody in lock-ups. However, most regional police stations had struggled to recruit and retain auxiliary officers, meaning that frontline police officers were managing the lock-ups.
- 4.14 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. While the police manage individuals in the lock-up, escorting them to and from court is a service provided by Serco under the CSCS Contract. This arrangement results in constant handovers 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, as is the case in Albany and Kalgoorlie. This would significantly reduce the number of handovers and paperwork, and would free up police to be available for other duties.

# Chapter 5

## CENTRAL LAW COURTS AND DISTRICT COURT BUILDING

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- 5.1 The Central Law Courts (CLC) and the District Court Building, located opposite each other on Hay Street in Perth, differ from all other facilities examined in this report in that they are managed by a different contractor under a separate contract (the DCB Contract). Although the court security and court custody services delivered are broadly similar to those included in the CSCS Contract, the administrative and contractual arrangements for the DCB Contract are quite distinct.

### CONTRACT STRUCTURE AND GOVERNANCE

- 5.2 In 2005, Western Liberty Group (WLG) was awarded the contract for designing, constructing, financing and operating the new District Court Building, as well as refurbishing the court custody centre in the adjacent CLC. Under the DCB Contract, WLG has responsibility for operating and providing a range of services in both buildings for a term of 25 years, starting from the opening of the District Court complex in June 2008. WLG sub-contracted court security and custodial services to G4S Custodial Services (G4S), meaning there is no direct contractual relationship between G4S and the state.
- 5.3 The Commissioner of DCS is the principal of the DCB Contract despite the fact that DotAG is the exclusive client of the services. Although somewhat counterintuitive, this is necessary because of the Commissioner's responsibility for administration of the *Court Security and Custodial Services Act 1999* (WA). However, contract administration has been delegated to DotAG.

### CONTRACT MANAGEMENT AND MONITORING

- 5.4 The contract manager for the DCB Contract sits within DotAG. At the time of the inspection, budget limitations meant that there were no other staff, apart from the contract manager, dedicated to contract management. Consequently, on-site monitoring of contractor performance was largely non-existent. The Court Risk Assessment Directorate, formerly the Court Security Directorate, had oversight of court operations throughout the state, and attended the District Court Building and CLC on a regular basis. However, their visits were for the specific purpose of assessing and managing risk, and it was not generally their role to monitor contractual compliance. During the inspection, the one officer who maintained close daily monitoring of G4S operations was on an extended period of leave and had not been replaced.
- 5.5 There was a period when DCS took some responsibility for monitoring the performance of G4S at the District Court and CLC. This arose from a realisation that, as principal to the DCB Contract, the DCS Commissioner had responsibility for the wellbeing of people in custody at the District Court and CLC. The 2010 inspection report noted that the Commissioner 'understandably requires direct assurance about contractor compliance with duty of care and wellbeing requirements' (OICS 2010b, 17). At that time, a team of DCS monitors was deployed to both sites along with all other sites where court security and custodial services were delivered. However, the 2015–2016 inspection found that it had been some years since the DCS monitors had a regular presence at the two sites.

- 5.6 The Custodial Services Support System (C3S) database was a potentially valuable contract management tool. C3S was developed by DotAG and is used by G4S to record all information relating to the management of people in custody. Records of all movements and management information were available to DotAG for review and assessment against key performance indicators. In the past, oversight of the DCB Contract was augmented by close daily monitoring of C3S. The 2013 inspection report singled this out as a strength of the DotAG monitoring system (OICS 2013, 19). But even this had fallen away because of the shortage of resources in the contract management team.
- 5.7 As a result, DotAG was reliant on G4S to self-report on contractual compliance and performance. Although robust contractor reporting mechanisms were in place, and the relationship between G4S and DotAG was open and honest, this lack of monitoring was concerning. As noted earlier in this report in relation to the CSCS Contract, the state retains a duty of care to people in custody, and the responsible agency must ensure that appropriate standards are being maintained.

*Recommendation 7:*

*The Department of the Attorney General and the Department of Corrective Services should improve the on-site monitoring system for the District Court Building and Central Law Courts Contract.*

## OVERVIEW OF SERVICES

### Infrastructure and equipment

- 5.8 The District Court and CLC custody centres are significantly larger and busier than any other site in the state. Most of the outer suburban and regional custody centres have two to four cells. In contrast, there are 26 cells in the District Court custody centre, and an additional nine 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.
- 5.9 Staff in the master control room managed vehicle and pedestrian movements, security, incident responses and duress alarm responses throughout the centres. There are around 600 cameras covering all internal and external areas of the building, including under vehicle surveillance in the sally ports. Doors are controlled electronically by master control, enhancing security by restricting access to keys.
- 5.10 G4S officers use C3S to facilitate the management of people in custody, recording movements, provision of meals, and all other 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. During the previous inspection, several of the touch screens located around the centre were beginning to malfunction and some had been out of operation for months.

Since that inspection, DotAG had replaced all screens and the system appeared to be functioning reliably.

#### Human resources

- 5.11 There were generally 90–100 G4S officers working throughout the combined centres. Starting in 2014, there had been a significant increase in court usage at the District Court and CLC, and G4S had initially struggled to cover the additional resources required. However, a concerted recruitment drive had addressed the issue and at the time of the inspection G4S was comfortably covering all resource requirements.
- 5.12 There was a team leader for each centre, with an operations coordinator overseeing all daily operations across both sites. The contract manager from G4S was based at the District Court Building, and maintained a reporting relationship with the G4S hierarchy, as well as the WLG operations manager and ultimately the contract manager at DotAG. Feedback from all parties was that working relationships were strong, and communication was open and effective.
- 5.13 During the previous inspection, G4S management was attempting to introduce a multitasking staffing model. This meant that staff working in some positions, such as escorting people in custody, would take on other roles when not required. Previously, staff had been largely confined to the same role, and had tended to work exclusively in one centre or the other. Multitasking was seen as a more efficient way to manage resources, but staff were resistant to the change. The inspection report supported the move towards multitasking, and recognised the value of broadening the skill base of officers and expanding their experience of both sites (OICS 2013, 12–13, Recommendation 4). In 2015–2016, multitasking was generally accepted by staff. Apart from certain specialist positions such as master control, staff rotated regularly between roles and sites. A number of staff now viewed this as a positive.

#### Training

- 5.14 As with Serco staff under the CSCS Contract, G4S officers are required to complete a Certificate III in Correctional Practice and supervisors are required to complete a Certificate IV in Correctional Practice. Quality assurance, compliance and training was a stated focus for G4S management. There was a senior officer devoted to training and a training database was maintained. The inspection team heard about a recent promotion of de-escalation techniques, driven by the training senior officer. This included circulating lessons learned from incidents. Positive feedback was provided by G4S staff about their initial training, and the recent focus on de-escalation techniques.

#### Welfare of people in custody

- 5.15 The inspection found that the treatment of people in custody by G4S staff was of a high standard. The observations of the inspection team and feedback from stakeholders indicated that people in custody were treated with respect and decency. G4S staff displayed a good rapport with people in custody, and escorted movements through each centre were managed with efficiency and confidence.

- 5.16 An external contractor supplied cold meat and salad rolls for people in custody, and G4S generally ordered enough to offer a second serving to those who wanted it. Anyone remaining in the centre past 6.00 pm was also offered a frozen meal. This was important because late departures from the custody centres were still quite common, and meals were not always available to prisoners on return to prison.
- 5.17 Clearance of the custody centres by secure transport vehicles was the responsibility of Serco under the CSCS Contract. The previous inspection report expressed concern about long waiting times experienced by some people in custody after their court appearance. Individuals remanded in custody by the court in the morning sometimes waited until the evening before they were transported to prison. The 2013 inspection report observed that this ‘creates unnecessary anxiety and hostility’ and recommended that ‘G4S/WLG and the transport provider Serco work together to establish a more streamlined transport schedule for transferring people from the District Court Building to prison’ (OICS 2013, 18, Recommendation 8).
- 5.18 The Office accepts that genuine attempts had been made to resolve this issue, and there had undoubtedly been improvements. There had been significant and ongoing consultation involving relevant stakeholders from DotAG, DCS, Serco and G4S aimed at improving the process for transferring custody between the two contractors, and expediting the transport of people between court and prison. There was evidence that courts were sitting until later in the day, and this was reflected in pick-up times. A review of the collection notifications received by Serco from G4S after the last person in custody had concluded court showed that for around 70 per cent of sitting days in May and June 2016, notifications were sent after 5.00 pm. As a result, Serco was picking up people from the District Court Building and CLC after 5.30 pm on around two-thirds of court sitting days. This inevitably led to later arrivals at prison, which was challenging for prison staff to manage.

## Chapter 6

### FIONA STANLEY HOSPITAL SECURE UNIT

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- 6.1 The CSCS Contract also included operation of the secure unit at Fiona Stanley Hospital. The unit, a secure, purpose-built area located in the hospital building, holds prisoners while they are awaiting treatment as hospital outpatients. The unit aims to increase the efficiency and security of prisoner medical escorts by concentrating medical services at a single location. It replaced a facility at Royal Perth Hospital which had opened in September 2008.
- 6.2 The secure Fiona Stanley Hospital unit commenced operation in March 2015, with a three day transition period between Royal Perth Hospital services ending and its own services commencing. There is no other site like it in Western Australia and many aspects of its operation are unique. The Office first visited the operations in June 2015.

### INFRASTRUCTURE AND EQUIPMENT

- 6.3 The specially designed facilities at the centre were of an excellent standard. The sally port was big enough for all vehicles except the Inter-Prison vehicle. To facilitate escorts from this truck, the truck has to stop behind the gate of the adjacent secure staff car park, where prisoners disembark, and are double-cuffed (which involves having their hands cuffed, and then also being handcuffed to a Serco officer) before being escorted into the sally port. This process was observed to be suitable and well-managed.
- 6.4 The strip search room was large and clean. It was uncluttered and fit for purpose. Strip searches were appropriately only performed based on specific intelligence or suspicion. All prisoners undergo general searches as per contract requirements upon arrival as part of the reception process. The observed search met required standards.
- 6.5 The facility consists of both outpatient and inpatient facilities, although the latter has never been used. The outpatient hall has five cells of varying sizes, with two larger cells and three smaller ones. The cells were well-equipped with video and audio surveillance, cell calls, television screens, and toilet facilities. Facilities were clean. Direct physical observation of cell interiors was not available to the control room, which relied completely on CCTV. Hospital security was notified of every escort departing from the secure facility. There was always one officer in the outpatient hall when there were prisoners in-cell.
- 6.6 The facility also had three consult/treatment rooms. Those were rarely used, as hospital staff was still electing to examine and treat the great majority of prisoners elsewhere in the main hospital. This was also the case at Royal Perth Hospital, where secure consult rooms had been available but staff would not use them. At the moment the rooms are a mostly wasted resource and consideration should be given to how these could be more productively used.
- 6.7 The unused inpatient wing was very impressive. However, it had not been commissioned and was not in use. There were four cells, fitted out with hospital beds with en suites and all the technology typically found in a hospital room. They essentially duplicated a hospital room inside a secure envelope. These cells were checked by Serco staff twice a day, even though they were not used. As with the outpatient treatment rooms within the secure area, this was a waste of public resources and consideration should be given to how the rooms could be used.

FIONA STANLEY HOSPITAL SECURE UNIT

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*Figures 6 and 7: The new secure facility at Fiona Stanley Hospital*



Figure 8: The new secure facility at Fiona Stanley Hospital

- 6.8 There were two control rooms next door to each other to manage the secure facility. Each was identical to the other, but one looked into the inpatient facility and the other into the outpatient facility. If the inpatients facility was ever used, the inpatients control room would need to operate 24 hours a day – it was presently functioning as an office for the unit manager.

#### SERVICES

- 6.9 The secure unit did not have rigid opening hours, but generally operated between 8.00 am and 4.00 pm. The unit's manager reported having a good capacity to schedule workloads for each day, as the scheduling of appointments was well communicated and processes adhered to by all involved. Bookings were checked 12–24 hours prior to the day. Every person in custody who comes to the secure unit was then subject to a risk assessment by the team, and a cell allocation determined. This is appropriate security practice.
- 6.10 Fiona Stanley enjoyed a clear advantage over the old Royal Perth Hospital facility, in that movements take place along wide service corridors and in service lifts away from public areas. Prisoner movements around the hospital were conducted with all prisoners placed in a wheelchair, double shackled, and secured to the chair frame.
- 6.11 The Office has previously raised its concern with the routine cuffing and shackling of prisoners in health care settings, which has not been based on individual risk assessments. Further discomfort and indignity should not be forced on prisoners who are ill and

potentially in pain. The Office’s thematic review of prisoner transport found at Royal Perth Hospital that ‘[a]ll prisoners there are treated virtually as high-security escorts, being cuffed, shackled, and chained to a wheelchair while attending their appointments. They feel acutely embarrassed in such a condition when being pushed through crowded public waiting areas’ (OICS 2010a, 46). This resulted in a recommendation that ‘in relation to the Secure Facility at Royal Perth Hospital ... restraint arrangements should be reviewed to reduce unnecessary and undignified use of wheelchairs for some classes of prisoners’ (OICS 2010a, 46, Recommendation 16). The Office reiterates this view and advocates that all such restraints should be based on individual need and risk assessments and not blanket practice.

*Recommendation 8:*

*The Department of Corrective Services and Serco should ensure that the use of restraints on persons in custody who are undergoing medical treatment in a hospital is based on individual risk assessments and not applied as a blanket practice.*

- 6.12 Meals for people in custody were provided by the hospital. The centre manager ordered meals as required. Special diets were also catered for as needed. People in custody were always offered a meal during their stay at the centre and before returning to prison, even if it is not a standard meal time. This is good practice, as often with medical procedures prisoners may have had restricted food intake and so it is important and decent practice that they are offered the chance to eat as soon as they are able.
- 6.13 Once a prisoner’s appointment had been completed their return to prison was dependent on other transport movements and priorities for that day. Sometimes a vehicle could arrive to pick a prisoner up after 20 minutes, at other times it could take a few hours. Depending on the procedure the prisoner has undergone this may be both unsuitable and undesirable.
- 6.14 There were no stakeholder meetings between Serco and representatives from the hospital. While there were no issues in this regard presented to the Office, good practice would dictate that some regular structured communication should occur. Support from Serco head office was reported to be good.

**STAFFING**

- 6.15 The secure unit was staffed by a manager plus six permanent staff. When necessary, the manager arranges for additional pool officers to work at the unit depending on the number of prisoners scheduled to attend and the types of appointments booked for the day. As a result, there were regularly three or four additional officers on site. No issues had been experienced in securing the additional staff when requested.
- 6.16 Staff turnover at the centre had been very low so the team was quite stable. Many staff had moved to Fiona Stanley from the Royal Perth Hospital site, meaning most staff had worked together for between two and five years. This had led to a good understanding of the work requirements and good service delivery by Serco officers.

- 6.17 Observations throughout the on-site inspection showed Serco escort officers demonstrated a high level of interpersonal communication skill, quickly establishing rapport with prisoners which allowed them to settle the prisoner prior to placement in holding cells. Serco officers also treated them with respect and courtesy during their movement around the hospital, and during their appointments and procedures.
- 6.18 One issue that required ongoing management was the fact that there was only one permanent female officer on site. If more than one female prisoner is scheduled to visit the centre on any day, the manager must request female officers from the pool to facilitate service delivery.

# Chapter 7

## CONCLUSION

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- 7.1 Overall, Serco's performance in the area of court custody under the CSCS Contract had improved since the previous inspection. Staff culture and morale at sites across the state was greatly improved, and stakeholder relations were generally strong. New facilities at Kalgoorlie, Kununurra and Carnarvon, and a new service at Perth Children's Court had been incorporated successfully into the wider Serco operation. The secure unit at Fiona Stanley Hospital was also operating well as a unique site. The inspection found that people in custody were treated with decency and respect by Serco officers, with appropriate attention paid to their welfare while in custody.
- 7.2 Similarly, G4S had consolidated performance under the DCB Contract and was delivering services at a high standard. The District Court and CLC court custody centres were operating effectively and G4S officers were managing people in custody well. Relationships with stakeholders had been further strengthened and satisfaction with the service was high.
- 7.3 Governance remained complicated for both contracts, but the relationships between the various parties had matured, and conflicting expectations were less evident. There was a common theme of depletion of monitoring resources across both contracts. When public services are outsourced to private contractors, the state has an obligation to ensure close monitoring. In the face of budgetary pressures, it is understandably tempting to cut these services. However, even when the working relationship with the contractor is strong and performance is at a high standard, the state cannot afford to relax its oversight of the contract because it may not always be so. And if contractor performance does at some stage decline and risks materialise, it will be too late then to divert resources back into monitoring and oversight.

# Appendix 1

## REFERENCE LIST

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## Appendix 2

### ACRONYMS

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C3S	Custodial Services Support System
CCTV	Closed-circuit television
CLC	Central Law Courts
CRAD	Court Risk Assessment Directorate
CSCS	Court Security and Custodial Services
CSM	Client Service Manager
DCB Contract	District Court Building and Central Law Courts Contract
DCS	Department of Corrective Services
DotAG	Department of the Attorney General
FSH	Fiona Stanley Hospital
OICS	Office of the Inspector of Custodial Services
SERS	Serco Escort and Recording System
TOMS	Total Offender Management Solution – the custodial database of DCS
WAPOL	Western Australia Police
WLG	Western Liberty Group

## Appendix 3

### RESPONSE TO RECOMMENDATIONS

Recommendation	Response/Level of Acceptance
1. The Department of Corrective Services should improve the on-site monitoring system in place for the Court Security and Custodial Services Contract, including regular visits to all metropolitan and regional sites.	<p><b>Department of Corrective Services</b></p> <p><b>Supported – existing Departmental initiative</b></p> <p>Operating Procedures and Standards directorate have a schedule of regular monitoring of the Court Security and Custodial Services contract which includes both metropolitan and regional locations.</p> <p><b>Serco</b></p> <p><b>Noted</b></p> <p>The recommendation is one that is outside the influence or control of Serco. However, Serco do receive a schedule of DCS Monitors observations on a regular basis as well as the compliance report following site compliance visits which are used by Serco to improve our delivery of the service where applicable.</p>
2. Serco should establish a senior officer or deputy manager position to support Client Service Managers.	<p><b>Serco</b></p> <p><b>Supported</b></p> <p>During 2014, Serco established as part of negotiations for the new Enterprise Bargaining Agreement that the concept of implementing Deputy Managers would provide for additional support for site managers and secure stable operational management where substantive managers were away from their posts. The circumstances and conditions for the appointment of Deputies was agreed in principle in July 2014 and embodied within the drafted new agreement which progressed through voting and approval stages between January 2015 and September 2015. The agreement was approved by Fair Work Australia on 19 October and a commencement date of 26 October 2015 set.</p> <p>Serco advertised internally for Deputy CSM applications at all sites on 9 February 2016 and following a selection process, appointments were made in early July at all sites with the exception of two.</p> <p>At Carnarvon, the staff member who had previously informally undertaken the 2IC role left employment due to needing to relocate away from Carnarvon and a review of the remaining applications did not result in the sourcing of a suitable candidate. At the time of writing, Serco is in the process of setting recruitment numbers for the next initial training course set to commence in late 2016 and the recruitment of a suitable Deputy CSM at Carnarvon will be taken into account when advertising externally. Until a candidate can be sourced, the local CSM works with the regional operations management team to cover any planned CSM absences, with other regional sites such as Geraldton and Albany assisting with the secondment of existing managers to ensure continued service delivery.</p>

## RESPONSE TO RECOMMENDATIONS

Recommendation	Response/Level of Acceptance
	<p>At the time of writing, interviews have been completed for the Broome Deputy CSM and a suitable candidate has been identified. Pending final checks and processes, an appointment will be made imminently.</p> <p>A Deputy CSM induction course which will assist in further developing newly appointed deputies is planned to take place in November 2016 and cover subjects such as reporting, PIC management, risk assessments, suicide and self-harm management, compliance, people management and administration. Subject matter experts from reporting, operations, HR and business services will present at the course to enable transfers of knowledge to the new class of manager.</p> <p><b>Department of Corrective Services</b></p> <p>Staffing arrangements is a matter for Serco to address.</p>
<p>3. The Department of Corrective Services should ensure that prisons provide timely confirmation of authority to release.</p>	<p><b>Department of Corrective Services</b></p> <p><b>Supported – existing Departmental initiative</b></p> <p>PD82 Appendix 1 Prisoner Movements section 9.8 contains the procedures for releasing prisoner from court. Upon the contractor being advised by the court that all matters have been attended to, they are to seek approval for release from the prison. A Prisoner Release Checklist has been developed to prevent unlawful releases, as prisoners may have outstanding warrants relating to separate matters.</p> <p><b>Serco</b></p> <p><b>Noted</b></p> <p>The recommendation is one that is outside the influence or control of Serco. However the recommendation is supported by Serco.</p>
<p>4. The Department of the Attorney General should operate the Northbridge Magistrates Court at the Perth Police Complex seven days a week as originally intended.</p>	<p><b>Department of the Attorney General</b></p> <p><b>Agreed in part</b></p> <p>The Department agrees that it may be desirable to operate the Northbridge Magistrates Court as originally intended. However, it needs further investigations as to whether to do so would be effective in light of the number of cases and the additional cost of providing Court Security and Custodial Services. It is also noted that without the necessary additional judicial resources it is not possible for the Court to operate for 7 days a week.</p> <p>The Department will continue to evaluate (in conjunction with the Department of Corrective Services) whether operating the Court on a 7 day basis is a cost effective means of dealing with Persons in Custody.</p> <p><b>Department of Corrective Services</b></p> <p>The operation of the Northbridge Magistrates Court is a matter for the Department of the Attorney General.</p>

## RESPONSE TO RECOMMENDATIONS

Recommendation	Response/Level of Acceptance
	<p><b>Serco</b></p> <p><b>Noted</b></p> <p>The recommendation is one that is outside the influence or control of Serco.</p>
<p>5. Western Australia Police and Serco should review arrangements for supervising people in custody in the dock at Northbridge Magistrates Court.</p>	<p><b>Western Australia Police</b></p> <p>It would be preferable for the discussion to be between the Western Australia Police and the Department of Corrective Services, in conjunction with their contractor. It is our position that these interactions ought to be conducted with the contract principal.</p> <p><b>Serco</b></p> <p><b>Noted</b></p> <p>Serco deliver Services to the WA Police in accordance with those specified by the Principal. Any changes to these arrangements need to be agreed between the Principal and the WA Police. Serco are happy to engage in discussions with the State to vary the services provided.</p> <p>In respect to the management of persons in custody in the dock the report finding states that ‘there was little or no opportunity for police to provide Serco staff with any information about the person in custody, and certainly no opportunity for Serco to conduct a risk assessment. Essentially, Serco were taking custody of a person with no knowledge of their behaviour prior to entering the dock. This created unacceptable risks for all involved’.</p> <p>In accordance with the CSCS Contract, typically there is to be one Dock Guard for each PIC, except in cases of multiple PICs in the one dock where it may be possible to reduce the number of dock guards, a minimum of two dock guards shall be deployed in these circumstances.</p> <p>The dock at Northbridge Magistrates Court is the only fully secured dock within the CSCS Contract and therefore the risks to be managed are the risk of assault to the dock guard and the risk of self-harm. PICs from overnight arrests can be unpredictable and to manage this risk Serco typically engages two dock guards for the one PIC. First appearance at court is normally swift and therefore the time spent in the dock is not prolonged.</p> <p>Where a PIC has been non-compliant in the lock-up prior to their court appearance WA Police staff would communicate this to Serco staff on site and there have been occasions when WA Police staff have also provided a presence in the dock for certain PICs.</p> <p>Additionally, WA Police staff outside the dock are in hearing distance and see through the viewing panel in the dock door. They are able to provide immediate assistance in the event of an incident in the dock.</p>

RESPONSE TO RECOMMENDATIONS

Recommendation	Response/Level of Acceptance
	<p><b>Department of Corrective Services</b></p> <p>The arrangement for supervising people in custody in the dock at Northbridge Magistrates Court is a matter for the Western Australia Police and Serco.</p>
<p>6. Serco should provide relief at regional court custody centres to cover for staff who have undertaken overnight hospital sits.</p>	<p><b>Serco</b></p> <p><b>Supported</b></p> <p>Hospital sits can be scheduled and unscheduled. For scheduled hospital sits Serco are provided with advanced notification and are therefore better able to deploy resources from Perth to facilitate cover for the sit. Unscheduled hospital sits are unpredictable and can arise at any time. Serco has a contractual obligation to take over supervision of the PIC within three hours of notification of an unscheduled hospital sit. As identified in the report there are finite resources in the regions and due to logistical issues, i.e. availability of flights from Perth to regional areas, it is not always possible to provide relief for the first night. In such situations a number of options are available to manage the risk of fatigue, including on occasion asking DCS to continue with the sit until the next morning.</p> <p>A review of all first night hospital sits in the regions covering the period of the inspection (September 2015 to January 2016) and a more recent period (June 2016 to August 2016) confirms that no officers undertaking the night shift continued to work the next day after the sit had concluded.</p> <p>During the period of the audit there were instances where on a small number of occasions staff conducted the first night sit without a rest break from their previous shift (six times over 153 days in the period). Management action was taken and this has reduced further with the second period reviewed showing only one time over 92 days in the period.</p> <p><b>Department of Corrective Services</b></p> <p>Staffing arrangements is a matter for Serco to address.</p>

## RESPONSE TO RECOMMENDATIONS

Recommendation	Response/Level of Acceptance
<p>7. The Department of the Attorney General and the Department of Corrective Services should improve the on-site monitoring system for the District Court Building and Central Law Courts Contract.</p>	<p><b>Department of the Attorney General</b></p> <p><b>Agreed</b></p> <p>The responsibility to monitor the CBD Courts Contract rests with DCS. DotAG notes the reduction of DCS monitors from 13 to 6, and acknowledges the need for increased monitoring of CS&amp;CS services. The Contractors Report is reviewed and analysed by the Facilities Management Committee, which is chaired by the judiciary. The Committee has the opportunity to challenge any aspect of the report and seek remedial action if required.</p> <p>DotAG is confident its internal network of judicial officers, Associates, Judicial Support Officers, Court Managers and Registry Managers is sufficiently aware of the level of CS&amp;CS services they should expect, and able to advise Court Risk Assessment should an appropriate level of services not be delivered. This provides an opportunity for the matters to be raised with the Contract Manager.</p> <p>The Inspector notes that Court Risk Assessment Directorate has a regular presence in both sites. These courts represent the largest throughput of people who present a higher level of risk. The CRAD presence is daily and for a considerable period each day. Where CS&amp;CS services are observed to be less than desirable, CRAD officers refer the issue to the relevant contract manager for them to initiate remedial action or to initiate the abatement regime.</p> <p>The Department will continue to participate in the CBD Courts Contract governance arrangements.</p> <p><b>Department of Corrective Services</b></p> <p><b>Supported in Principle</b></p> <p>Whilst the Commissioner of Corrective Services is the principal of the contract for the District Court Building, contract administration has been delegated to the Department of the Attorney General with a dedicated contract manager that sits within that Department.</p> <p>The Department's Operating Procedures and Standards directorate do monitor the transport and handover function performed by Serco at that site, but do not monitor the court security function performed by G4S, due to there being no reporting agreements in place.</p> <p>The Department concurs that improvement is necessary.</p> <p><b>Serco</b></p> <p><b>Noted</b></p> <p>The recommendation is one that is outside the CS&amp;CS Contract.</p>

RESPONSE TO RECOMMENDATIONS

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Recommendation	Response/Level of Acceptance
<p>8. The Department of Corrective Services and Serco should ensure that the use of restraints on persons in custody who are undergoing medical treatment in a hospital is based on individual risk assessments and not applied as a blanket practice.</p>	<p><b>Department of Corrective Services</b></p> <p><b>Supported in part</b></p> <p>The use of restraints on persons in custody undergoing external escort for medical treatment is delegated to the Superintendent and not Serco, in accordance with Policy Directive 82 and Assistant Commissioner Custodial Order 26/2014. The Superintendent has the discretion to approve external escorts without the use of restraints in a number of circumstances.</p> <p><b>Serco</b></p> <p><b>Not Supported</b></p> <p>Serco adopts a standardised approach to the movement of PICs in unsecured environments with the primary objective of protecting the community. It is Serco's view that the standardised approach provides the most secure and less obtrusive way of escorting a PIC within the hospital. However, Serco has, since 2014 conducted risk assessments for all PICS attending hospitals, whether for out-patient or in-patient purposes. Based on the risk assessment the standardised approach may be modified up or down and this is documented within the risk assessment form.</p>

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## Appendix 4

### ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS FROM PREVIOUS INSPECTION

Recommendation No.	Recommendations Report No. 87, <i>Court Custody Centres' Inspection 2012/13</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
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.			•		
2.	The Department of Corrective Services provides fresh, nutritious options to detainees at Perth Children's Court for morning and afternoon tea.			•		
3.	Pursuant to the <i>Children's Court of Western Australia Act 1988</i> , the courts should examine alternative processes for adults to appear at other courts specifically designed to hold adults in custody.		•			
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.			•		
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.			•		
6.	G4S introduce further training to prepare staff for medical emergencies and to educate staff in mental health awareness.			•		
7.	G4S undertake initial interviews at District Court Building and Central Law Courts in a private area away from other people in custody.			•		
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.			•		

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE  
2012 RECOMMENDATIONS

Recommendation No.	Recommendations Report No. 87, Court Custody Centres' Inspection 2012/13	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
9.	<p>The Department of the Attorney General undertake an audit of CS&amp;CS sites to identify:</p> <p>(a) Sites that are experiencing cell occupancy pressures;</p> <p>(b) Locations that are lacking sufficient areas for custody staff to take breaks; and</p> <p>(c) Custody centres where the lack of camera coverage poses significant security risks to staff, people in custody and the public.</p> <p>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.</p>			•		
10.	Serco provide radios with full reception and earpieces to every staff member at each CS&CS site.			•		
11.	People in custody at Fremantle court custody centre are provided with the same nutritious meals that the individuals at the other sites receive.			•		
12.	The Department of the Attorney General implement or upgrade the televisions in all cells to the digital network.			•		
13.	Blankets should be provided to people in custody at all CS&CS sites upon request.			•		
14.	Serco provide additional training for relevant employees to appropriately manage juveniles in custody. Regular refresher training should be provided.			•		
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.			•		

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE  
2012 RECOMMENDATIONS

Recommendation No.	Recommendations Report No. 87, <i>Court Custody Centres' Inspection 2012/13</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
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.			•		
17.	The Department of the Attorney General consider implementing better climate control options for the cells in the custody centre.			•		
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.		•			
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.			•		
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.			•		
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.			•		

# Appendix 5

## THE INSPECTION TEAM

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Neil Morgan	Inspector
Natalie Gibson	Director Operations
Lauren Netto	Principal Inspections and Research Officer
Kieran Artelaris	Inspections and Research Officer
Cliff Holdom	Inspections and Research Officer
Susan Stuart	Inspections and Research Officer
Michelle Higgins	Inspections and Research Officer
Amanda Coghlan	Inspections and Research Officer
Charlie Staples	Inspections and Research Officer
Christine Wyatt	Acting Inspections and Research Officer
Sarah Burns	Senior Audit and Research Officer
Julie Nightingale	Acting Review Support Officer

# Appendix 6

## KEY DATES

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Formal notification of announced inspection	24 August 2015
Start of on-site phase	18 September 2015
Completion of on-site phase	30 January 2016
Draft Report sent to affected parties	11 August 2016
Draft Report returned by affected parties	30 September 2016
Declaration of Prepared Report	1 December 2016

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



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