

# The Inspector's Overview

## TRANSPORTING YOUNG PEOPLE FROM REGIONAL WESTERN AUSTRALIA: SOME POSITIVE DEVELOPMENTS AND FURTHER OPPORTUNITIES

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This report examines the arrangements for transporting arrested children from regional Western Australia. Naturally, it falls to the police to transfer children from the point of arrest to the nearest regional lockup. Traditionally, however, the police have been responsible for far more than this, including transporting those children who have been remanded in custody or sentenced to detention from the regions to the Rangeview Remand Centre in Perth and also, if required, transferring them from Perth to regional courts and back. Previous reports by this Office have raised concerns about these arrangements, including the use of unsuitable vehicles, and have made recommendations for review.<sup>i</sup> The police shared similar concerns and were also concerned that such work was taking them away from core frontline functions.

In November 2010, WA Police and the Department of Corrective Services (DCS) began a 12-month trial during which DCS has taken over responsibility transporting children from regional lockups to Perth and, if required, back to regional courts. This report, which is based on document reviews, interviews and fieldwork, provides an independent evaluation of this trial. Our findings are generally positive and give strong support to DCS continuing to undertake such transports.

### OPERATIONAL PERFORMANCE

The Service Level Agreement governing the trial set an expectation that escorts from 'country' areas (defined as places within a 450km radius of Perth) would be completed within 12 hours of official notification being received by DCS. Escorts from 'regional' areas (places outside the 450km radius) were expected to be completed within 24 hours of official notification. Given the size of the State and the logistics that may be involved, these can be challenging targets. However, some lockups are in relatively poor condition and the experience is clearly oppressive, distressing and isolating for many children.<sup>ii</sup> It is obviously important, therefore, to ensure that children are not kept in regional lockups for any longer than is absolutely necessary.

We found that from November 2010 to March 2011, 74 per cent of regional transports and 70 per cent of country transports were being completed within the target timeframes.<sup>iii</sup> This is a creditable achievement, especially in the first few months of the trial,<sup>iv</sup> but there is also room for improvement. In terms of country locations, we were surprised to find that only 60 per cent of transfers from Bunbury, just two hours from Perth, had been completed within the 12 hour target and in one case that a transfer had taken more than 24 hours. This meant that the young people in question were kept in a lockup even though they were only two hours from Perth. Other examples from country areas have come to our attention

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i Office of the Inspector of Custodial Services (OICS), *Thematic Review of Custodial Transport Services*, Report No. 43 (May 2007), Recommendation 38. See also Recommendations 14 and 39.

ii See paragraphs 3.26 – 3.37.

iii It is important to examine performance in terms of the number of cases where the target was met, and not on the basis of 'average time' taken for escorts from a particular place. For example, on average it took around nine hours for transfers from Bunbury to Perth (well under 12 hours), but some 40 per cent of cases actually took well over 12 hours.

iv We do not have comparative data to compare DCS performance with WA Police performance.

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subsequently.<sup>v</sup> It is difficult to comprehend this situation.

We found that children in regional areas are very likely to spend at least one night in a police lockup after a request for transport was made. The position is particularly acute in Kununurra where almost three quarters of them spent at least two nights in the lockup after their initial court appearance.<sup>vi</sup> Young people arrested on the weekend often have to spend a night or two in custody before their initial court appearance, so some will have spent three or four nights in custody before being transported. Given the size of the State it is very difficult to prevent this under the current arrangements for transfers. Youth custodial officers based in Perth, not officers based in the regions, are responsible for the transfers, so they must therefore first fly to the regional centre to escort the child to Perth.

### YOUNG PEOPLE'S EXPERIENCES

Overall, the young people interviewed for the purposes of this review were very positive about the experience of being transported by DCS staff, giving this a rating of 7.5 out of 10. They were positive about both the mode of transport and their treatment by staff. They were less positive about their experiences of being transported by the police and gave a very low rating to their experience in a lockup (just 3.3 out of 10). Their concerns about the lockup covered a whole range of matters, including the quality of food and bedding, the condition of the lockups, the threatening tone of graffiti, the inability to mix with others, lack of access to exercise, isolation from family and lack of access to lawyers.

### OPPORTUNITIES FOR IMPROVEMENT

There are only three recommendations in this report. The first, which is agreed by all the parties and was already the subject of action, is that DCS should continue to be responsible for transporting young people between country and regional areas and the Perth based detention centres. This report should give Parliament and the public some confidence that this is an improvement on previous arrangements.

A number of important initiatives are currently being pursued to reduce the number of occasions on which children need to be transported to Perth. The most notable of these are the regional youth justice strategies which aim to reduce offending and to enhance the opportunities for magistrates to grant conditional bail to young people rather than remanding them in custody. The President of the Children's Court is also pursuing whatever options lie within the control of the courts.

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v As this report was being finalised we became aware of a case at Bunbury where the Magistrate had remanded a young woman in custody on the express basis that she was to be transferred that day to Rangeview Remand Centre where she could access legal advice and apply for supervised bail. The Magistrate was taken by surprise when, contrary to her express wishes, the young woman appeared before her again the following morning.

vi In one well-publicised case a 12-year old boy was reportedly incarcerated in Kununurra police lockup for some nine days: Banks A, 'Police lockup no place for a child', *The West Australian*, (1 June 2011) (<http://au.news.yahoo.com/thewest/opinion/post/-/blog/talkingpoint/post/39/comment>); ABC: 'Boy spends nine days in WA lockup', (<http://www.abc.net.au/news/stories/2011/05/28/3229628.htm>).

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However, some children will still need to be transported and we have made two recommendations to promote improvements. First, the overriding need is to reduce to an absolute minimum the time spent by children in police lockups. We have therefore recommended potential changes to the service model. The options suggested include using regionally based Youth Justice Services Officers (if necessary, providing them with additional training) to conduct escorts and also greater use of air charters and the Police Airwing.<sup>vii</sup> The President of the Children's Court has expressed his support for this recommendation<sup>viii</sup> and WA Police have also expressed in principle support. Unfortunately, DCS has not supported this recommendation but does say that it will continue to refine its service delivery. We will continue to monitor the extent of delays in transport and hope to be able to report on improvements in future reviews.

We have also recommended that there be a review of support services to children in police lockups so that the regime can be improved for those who must stay there overnight or for more than one night. The aim of this recommendation is to better meet the State's duty of care to those children. It is pleasing to see that this recommendation is supported by WA Police and the President of the Children's Court, although DCS expressed only partial support. The recommendation is obviously relevant to a number of other government agencies as well as DCS and the police but DCS has stated that it will take the recommendation to an interagency steering group. Again, we hope to be able to report in future that there have been material improvements in the services provided to children in regional lockups.

More generally, it is time for a concerted discussion involving community members as well as relevant government departments about how youth and children are best managed in custody in regional areas before being transported. Even when all the regional youth justice initiatives are fully operational, some children will still be held in custody and appropriate and consistent standards should be developed with respect to accommodation, care and support services.

Neil Morgan  
Inspector of Custodial Services

30 August 2011

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vii See Appendix 1. Under the Service Level Agreement, the police agreed to provide 'on a best endeavours basis, priority access to the WA Police Airwing for the transport of DCS staff and young people to areas from Perth to regional Western Australia and return.' Our figures suggested that the Airwing had only been utilised on five occasions over the review period, four times from Kununurra and once from Mount Magnet.

viii Personal communication with the Inspector, 11 August 2011.