



**Report of an Announced Inspection of
Non-Metropolitan Court Custody Centres
July 2003**



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES
WESTERN AUSTRALIA

Cover photo: A concrete tunnel links the cells at the lock-up to the courthouse in Carnarvon.

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Court Custody Centres**

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The Inspector's Overview

THE COURT SECURITY AND CUSTODIAL SERVICES CONTRACT REMAINS UNDER STRESS

This is the third of our initial inspections of aspects of the Court Security and Custodial Services Contract.

The first, relating to Adult Prisoner Transport Services, was published in November 2001, and the second, relating to Metropolitan Court Custody Centres, in April 2002. In each of these we noted with some regret and concern that the parties – the Department of Justice and AIMS – were not really pulling together or working in an effective partnership to optimise the benefits of the Contract.

This third inspection, relating to the Regional Court Custody Centres and thus completing the round of inspections of this Service, shows the same pattern of inadequate partnering. This is epitomised by the fact that the Department has explicitly now adopted the objective of 'repositioning' the Contract. The Department has advised that this will probably involve an expansion of some services – for example, court security and court custody at the Mandurah Court and court security in the Busselton and Karratha Courts – as well as the reduction of others, such as juvenile services in the metropolitan area and transportation to and from minimum-security prisons. However, the emphasis and the communication in the course of discussions have very much been focused on the reduction aspects. Thus, 'repositioning' is seen very much as a code word for cancelling parts of the Contract and returning some of the services to the public sector.

If there is one sure way of prejudicing the quality of service delivery, it is to bring this degree of uncertainty into the assumptions upon which the Contract has proceeded. The people on the ground, the ones actually doing the work, not unnaturally become dismayed and demoralised as to their employment prospects. We observed this for ourselves during the inspection.

The time really has come for these commercial uncertainties to be resolved. Some of the proposals are puzzling, notably the suggestion that fleet ownership and management should become a responsibility of the State, rather than AIMS. This appears to be transferring risk back to the State for no tangible countervailing benefit. The current situation where the parties seem to disagree on such a wide range of issues is inimical to the public interest.

Whether the Contract continues in whole or in part, however, there are and will be some outstanding issues. This report describes and documents that the facilities for prisoners are sub-standard and raise duty of care issues in all of the Regional Court Custody centres, except Bunbury and Geraldton. In two Court Custody centres – Albany and Kalgoorlie – the transportation vehicles, parked within the court complex, have quite often to be used as holding cells. This is totally unacceptable, and the Departmental response that there are plans to upgrade these facilities does not meet the case. These upgrades always take considerably longer than the nominal schedule would indicate, and in the meantime some better temporary arrangement – for example, the installation of some kind of demountable structure – should have been explored.

THE THE COURT SECURITY AND CUSTODIAL SERVICES CONTRACT REMAINS UNDER STRESS

Some of the recommended refurbishments go to absolutely core issues, namely security and safety. I refer in particular to the sally port arrangements in most of the centres, posing escape risks, and the lack of direct or CCTV visibility in others, raising duty of care and self-harm issues. The Department of Justice's responses to these matters have been somewhat disappointing, potentially exposing it to adverse criticism if these potential contingencies come to pass.

Another important matter is that the facilities for the AIMS staff are sub-standard at most of the centres. This factor bears upon the repositioning argument, for it is doubtful whether a public sector employee – whether of the Department of Justice or the WA Police Service – would tolerate the kinds of workplace disadvantage that AIMS personnel absorb with relative goodwill and considerable resilience. That comment leads to the broader observation that the overall attitude of the AIMS staff seems to be improving, and certainly we encountered a more extensive degree of client approval than on our previous inspections.

The situation where the Contract covers services that overlap with WA Police Service functions is highly confusing. This was most notable at the Carnarvon lockup where a degree of Jesuitical sophistry would be necessary to determine reliably whose duty and responsibility was what at which time of what day during the week. There also seemed to be some confusion at Geraldton. The foreshadowed repositioning will remove this confusion by taking these functions away from AIMS, though it is at this stage not clear who will take on these responsibilities.

Although it is none of my direct jurisdiction to comment on the quality of police cells, what inevitably emerges (for example at Albany and South Hedland) is that they are of such a poor standard that, basically, they should never be utilised for prisoners. That point is made simply to highlight that it is absolutely necessary that the standard of Court Custodial facilities be brought up to a level that meets duty of care and decency standards. A refurbishment of many of the Regional facilities would seem to be a matter of some urgency, within the context of overall Governmental priorities and responsibilities.

Richard Harding
Inspector of Custodial Services

17th December 2003

Chapter 1

THE INSPECTION AND REPORT IN CONTEXT

COMPLETING THE INSPECTIONS OF CONTRACTED SERVICES

- 1.1 This Report assesses the delivery of services in regional court custody centres under the Contract for the Provision of Court Security and Custodial Services ('the Contract'). The Contract was signed on 17 January 2000 between the Department of Justice ('the Department') and AIMS Corporation¹ ('the Contractor'), with the provision of services commencing on 31 July 2000 when the Contractor took over operation of the existing court custody centres at seven regional locations.
- 1.2 It is the third and final report in a series assessing the services provided under the Contract. The first provided an examination of prisoner transport services² and the second reported on the performance of the seven court custody centres detaining adult persons in custody in the metropolitan area.³ Both reports extensively canvassed the history of the Contract, the relationship between the Department and the Contractor, the extent to which the stated objectives of the Contract were being achieved, and other issues outside the direct delivery of services to persons in custody. The report on metropolitan court custody centres also outlined the purpose of these centres in the justice process and the context in which they are used. For this reason an analysis of these issues will not be repeated in this Report and the preceding reports will provide useful references for these purposes.⁴
- 1.3 Regional court custody centres play an important role in their local communities, and generally service a wide geographical area and clients with diverse needs. The core purpose of the centres is to provide secure containment facilities for persons in custody prior and subsequent to their appearance before a court. They should be differentiated from police lock-ups, which hold individuals following arrest before being transferred to a court custody centre or prison. In regional areas the centres can vary to some extent in terms of the other functions that they perform and their staffing arrangements. This will be examined in Chapter 2. The custody centres assessed in this Inspection were:
- Albany
 - Broome
 - Bunbury
 - Carnarvon
 - Geraldton
 - Kalgoorlie
 - South Hedland
- 1.4 The Contractor also provides security services generally within the court complex and within the court itself during criminal proceedings. In addition some support services are part

¹ At the time of signing the Contractor was Corrections Corporation of Australia, later taken over by AIMS Corporation.

² *Report of an Announced Inspection of Adult Prisoner Transport Services*, Report No.3, November 2001.

³ *Report of an Announced Inspection of Metropolitan Court Custody Centres*, Report No. 7, April 2002.

⁴ Both reports can be found on the Inspector's website: www.custodialinspector.wa.gov.au

of contracted services, primarily that of court orderly. These services were only inspected peripherally during the course of this Inspection.

- 1.5 Despite contracting out the provision of services within the centres, the Department of Justice maintains ultimate ownership of the facilities as well as responsibility for the duty of care of persons held in custody. The legislation that enabled the Department to contract out court custody services, the Court Security and Custodial Services Act 1999 ('the Act'), provides in section 9 that the Department's Chief Executive Officer (CEO) is responsible for the custody centres themselves, and in section 10 that the CEO is 'responsible for the security, control, safety, care and welfare' of persons in the custody of the Contractor.
- 1.6 While the Department cannot abrogate its ultimate responsibility for persons in custody, it can delegate responsibility for aspects of operation. This has been achieved through the Contract, with day-to-day delivery of on-site services being the obligation of the Contractor, which includes a contractual obligation for the wellbeing of persons in custody. The provision of services to a specified standard is the responsibility of the Contractor, but is also monitored by the Department through visits by on-site monitors and a dedicated Contract Management Branch based in head office. The meeting of duty of care obligations and service delivery standards at each location is examined in Chapter 2.
- 1.7 In addition to on-site service performance, a number of issues of a more systemic nature were evident throughout the Inspection. These strategic matters include staffing arrangements, staff training, facilities and infrastructure, and issues relating to resources and management. These matters are examined in Chapter 3.

INSPECTION METHODOLOGY

- 1.8 The Office of the Inspector of Custodial Services ('the Office') has established a consistent methodology for its inspections process since its commencement three years ago. The methodology generally involves an ongoing series of liaison site visits over a period of time to ensure the Office maintains knowledge of ongoing performance and issues. Upon the commencement of the formal inspection period, a written and verbal submission is received from relevant parties, documents are requested and analysed, and site visits are planned. The location itself is then subject to formal inspection, and interviews are conducted with staff, prisoners and other parties with an interest in the service.
- 1.9 The nature and location of regional court custody centres meant that, while the framework for the inspection methodology remained the same, the process was somewhat modified to accommodate the practical problems of inspecting services provided in disparate locations in somewhat diverse conditions.
- 1.10 Liaison visits were conducted to each court custody location; however, these were necessarily limited in number by distance. The centres were generally visited when liaison officers attended prisons at nearby locations, with the official Inspection visits being conducted

between 23 June and 21 July 2003. To supplement information from these visits, note was taken of reports provided by the Department of Justice monitoring services that had commenced spasmodic visits to regional centres in the preceding 18 months.⁵ These were used to indicate possible issues of interest to the Office that may require further investigation during the official Inspection.

- 1.11 The Department and AIMS Corporation provided formal written submissions regarding service delivery. Each was supplemented by verbal presentations. A further briefing was provided by the Department's Contract Management Branch, which is responsible for ensuring the delivery of services as contractually required, and included an outline of the future direction of court security and custodial services in Western Australia. This issue is briefly discussed further in Chapters 3 and 4.
- 1.12 The formal Inspection process involved site visits by Inspections Officers to each court custody centre.⁶ Service delivery at each location was observed and interviews conducted with Contractor staff, court custody centre supervisors, persons held in custody, court services staff (primarily the Magistrates and Clerk of Courts) and other client agencies such as Western Australian Police Service (WAPS) personnel.

THE REPORT

- 1.13 The assessment of the delivery of contracted services is the focus of the report that follows. Chapter 2 outlines the general contractual requirements of regional court custody centres. It goes on to provide a detailed description of each of the seven regional court custody centres, its functions, staffing arrangements and operational environment.
- 1.14 As with the Inspection of metropolitan court custody centres, this Inspection found that the majority of the regional centres shared common issues that need to be explored and discussed in a collective way. Chapter 3 examines the issues identified as common across the centres during the Inspection process, in the context of the Contract generally and with reference to the seven regional court custody centres. The matters considered include:
 - arrangements;
 - Training and professional development;
 - Custody centre facilities and infrastructure; and
 - Contract management and resourcing issues.
- 1.15 The final Chapter provides a summary of the findings of the performance of the Contract and looks ahead to explore the future of court custody centre services. This includes recommendations for improved service delivery that are addressed to both the Department of Justice and the Contractor.

⁵ Recommendation 5 of the *Report of an Announced Inspection of Metropolitan Court Custody Centres* was accepted by the Department of Justice and resulted in the commencement of on-site monitoring of all court custody centres. Previously, the Department had relied upon desk audit monitoring only.

⁶ The Inspection Team involved at each location is listed at Appendix I.

Chapter 2

REGIONAL COURT CUSTODY CENTRES

CUSTODY CENTRE FACILITIES AND SERVICES

- 2.1 The service requirements for security and custodial services management for court custody centre locations are contained in Schedule 2 of the Contract. Requirements applicable to all services are incorporated into Part 5.
- 2.2 In general terms, court security services ‘include the procedures, technology, personnel and architectural features needed to ensure the safety of people and property within court premises and to protect the integrity of the judicial process’.⁷ They include in-court security, perimeter security and any other duty as per a judicial direction. Clause 2.3.2 provides for the general requirements of security services applicable to all centres and includes 15 broad services.
- 2.3 The general description of services for court custody centres ‘includes the detention, security, welfare and movement, within a court custody centre and court premises, of prisoners and young offenders and includes the internal and external security of a court custody centre’.⁸ General service requirements applying to all centres are listed in clause 3.3.2 of Schedule 2, and incorporate matters such as safety, security, reception and discharge of persons in custody, medical emergency management, prisoner property management, searching, visits supervision, bail facilitation, prisoner meals and custodial management.
- 2.4 The Contract for providing the services has been determined (following a dispute between the parties that was resolved through arbitration) as a ‘costs-plus’ contract that provides for the Contractor to provide the contracted services for remuneration by the Department consisting of:
- All direct and indirect costs actually and reasonably incurred;
 - The Contractor’s margin of these costs (currently 1.5 per cent); and
 - The performance-linked fee (PLF) earned through performance (up to 4.5 per cent of costs).
- 2.5 While a breakdown of contract costs attributed solely to regional court custody centres could not be provided, the overall court security and custody centre contract costs for each year of the Contract to date have been:⁹
- Year 1 \$16,170,010
 - Year 2 \$17,409,990
 - Year 3 (projected) \$17,910,848 (if maximum PLF is achieved)
- 2.6 As explored in the Report on metropolitan court custody centres, it is difficult to ascertain whether the services have been provided less expensively than they were when delivered by WAPS, prison officers and juvenile corrections officers. This is partly due to the lack of record keeping with regard to demand for services prior to the Contract. There is no doubting, however, that the Contract has allowed public officers to return to the core duties for which

⁷ *Court Security and Custodial Services Contract*, January 2000, Schedule 2, clause 2.1.

⁸ *ibid.*, Schedule 2, clause 3.1.

⁹ Note that there was some difference in the figures provided by the Department and AIMS Corporation in regards to Contract costs. Those utilised were provided by the Department of Justice.

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they are employed, and to that extent it provides value and achieves a stated contractual objective.

- 2.7 Each of the seven regional court custody centres delivers the contracted general services in the context of its local environment, facilities and community. The following sections of this Chapter provide a description of each custody centre, the services it delivers and the environment in which it operates.

CUSTODY CENTRE LOCATIONS

Albany

- 2.8 Albany Court Custody Centre is located within the heritage-listed Albany Court Complex in Albany's town centre, with the local police station close by. The current facility is totally inadequate for the services it provides for criminal proceedings of the Local, District and Supreme Courts. The custody centre consists of only one holding cell that is able to hold up to five persons at one time. This arrangement means it is impossible for staff to appropriately accommodate the different classes of prisoners (juveniles, women, men, medical segregation and protection class) in separate areas, as required by Section 30 of the Act.¹⁰
- 2.9 Access to the cell is from the verandah or from a small space between the courtrooms and the cell. The issue of inadequate custody infrastructure is discussed further in Chapter 3.
- 2.10 Prisoners are delivered to the rear of the court complex through a metal-framed, metal sheet-clad gate. Prisoners alight from the vehicle into the open environment behind the custody centre. A recently installed reinforced steel mesh 'cage' has been attached around the cell door to act as a kind of airlock. This enables the prisoner to be released from handcuffs within the cage rather than in the open courtyard area or inside a locked cell. This measure was taken after many months of staff raising safety concerns.¹¹ The Department has recognised that there are deficiencies in the physical design of the area impacting on good process and security. A commitment has been made to rectify these shortcomings subject to 'budgetary constraints'.¹²

¹⁰ This issue was discussed at length in the *Report of an Announced Inspection of Metropolitan Court Custody Centres*, Report No.7, April 2002, at 2.57–2.59.

¹¹ One escape has occurred from the sally port area of the custody centre since the commencement of the Contract on 6 September 2001.

¹² The Department has requested that "specific references to security be removed from the final report to allow the Department time to address these matters". The Inspector has decided not to comply with this request, for two reasons. The first is that nothing is said about security at any of the locations that is not self-evident to anyone who makes even the most cursory observation of the areas, so there is no element of revealing what is not already known or readily discoverable. In the case of Albany, for example, any pedestrians passing along the street adjoining the entry to the back of the courthouse could look over the metal fence and observe the situation for themselves. To refer to such a matter in general terms is totally different from referring, say, to perimeter fence deficiencies or electronic monitoring gaps. Where such issues have arisen, they have been the subject of confidential reports to the Minister and/or the Department. The second reason is much more fundamental: this Office reports to Parliament, and that body is – subject to the confidentiality criterion discussed above, entitled to be informed about the risks involved in a core governmental activity and the priorities in managing those risks. This Office would be in default of its own statutory remit if it permitted these issues to slide by.

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- 2.11 There is no appropriate prisoner reception area available for the searching and processing of prisoners. Searching is conducted on the verandah outside the cell door, and the processing of paperwork for the hand over of prisoners is completed on a small table under the verandah. Strip-searching procedures are compromised due to the lack of an appropriate venue, which offer no provision for confidentiality or security.
- 2.12 Conditions under which AIMS staff work are sub-standard. The main staff offices consist of one room in a small and cramped detached building at the rear of the open area behind the Courthouse. The building also functions as a storage space for court records. The room functioning as an office consists of one desk and five chairs and is the only space available for staff to do paperwork, debrief, eat lunch and store records. Any prisoner property that requires storing is kept in this office in a locked filing cabinet.
- 2.13 Prisoner amenities are extremely limited. Prisoners, Magistrates and court staff all use the single toilet available in the complex, located in the open courtyard area. This is not only a concern for prisoners' care and wellbeing, but also for public safety and security. There are no interview rooms for lawyers to privately consult with clients, so all discussions take place in the holding room between the cell and the courtroom. Discussions can be heard in both the cell and the courtroom.
- 2.14 Over the three years of operation under AIMS, Albany Court Custody has had the lowest volume of persons in custody detained there. In the first year, 432 persons were processed through the centre; in year two this rose to 523; and in the first ten months of the third service year 429 persons had been detained.¹³ An analysis provided by the Contractor indicates that overall this represents approximately four per cent of total persons in custody in all contracted court custody centres.
- 2.15 Levels of reportable and critical incidents¹⁴ for Albany Court Custody are at a level slightly higher than the flow of persons in custody through the centre would indicate. Albany contributes to approximately six per cent of critical incidents and 14 per cent of reportable incidents from regional sites.¹⁵
- 2.16 On the day of the official Inspection of the Albany Court Custody Centre, six staff were present on site to provide the range of services required for that court sitting day – i.e., court custody, court orderly, dock guard, perimeter security and prisoner transportation services. Staff shifted between roles as required, and each appeared confident in whatever capacity they were utilised. Staff were observed to interact with persons held in custody with respect, and appropriately dealt with requests by them throughout the day.
- 2.17 No female staff member was available on site on this particular day due to the only female staff

¹³ Department of Justice, *Presentation to the Inspector of Custodial Services for the Inspection of Regional Court Custody Centres*, June 2003.

¹⁴ 'Critical Incident' and 'Reportable Incident' are defined in the Contract at clause 1.1, located alphabetically.

¹⁵ AIMS Corporation, *Report for the Inspector of Custodial Services into Regional Sites of the Court Security and Custodial Services Contract: Contract Overview*, June 2003, Appendix 3.

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member being on leave. This created some problems when a female defendant was remanded in custody to appear again the next day. This meant she had to be transported to Albany Regional Prison for the night, but staff were unable to follow correct searching procedures before transportation. On this occasion AIMS staff were able to promptly access a female police officer to assist them. Despite the obviously constructive working relationship between the local WAPS and AIMS, a female police officer may not always be available when required. It is essential that staffing arrangements provide for a female AIMS officer to be available whenever courts are in session.

- 2.18 On this particular day there was an error in paperwork provided to AIMS staff that indicated more persons in custody were due at the custody centre than in fact arrived. The process of resolving the discrepancy between the court papers and those who were actually received from the prison was time consuming and was perhaps indicative of AIMS' reliance in Albany on other agencies to provide accurate information. This is especially the case because the centre does not have direct access to the Department's TOMS (IT) system that would inform the staff of details about prisoners expected from the local prison.¹⁶ To obtain the information staff must sometimes contact head office and request information.
- 2.19 Another incident on this day demonstrated the need for a review of procedures in the case of emergency medical assistance being required by a person being held in custody. An asthmatic prisoner felt the onset of an attack, but the AIMS Supervisor did not have authority to permit a Ventolin inhaler to be provided. A series of telephone calls ensued to grant permission for the Supervisor to handle the situation as he saw fit – hardly appropriate in the case of an emergency. Supervisors should be given more authority in emergency medical situations.¹⁷
- 2.20 Those AIMS staff who performed duties in the District and Magistrate's Courts did so confidently and competently. This impression was confirmed in an interview with the Clerk of Courts.

Broome

- 2.21 The Broome Court Custody Centre is located on Hamersley Street in Broome, across the road from the police station/lockup. While courtrooms are located in the same building as the custody centre, Magistrate's Court hearings are generally conducted in the old heritage-listed courthouse approximately 150 metres away. Because of the distance and the open conditions under which prisoners must walk to the courthouse, prisoners are restrained upon leaving the custody centre cells until they reach a portico outside the court. The separate entry for defendants is not used, resulting in the handcuffed defendants being brought through the main entrance. This can create issues regarding the presumption of innocence if they are seen by

¹⁶ In its response, AIMS stated that they do have access to TOMS. However, the on-site staff were clear that it was not *direct* access.

¹⁷ While supervisors have the authority to provide medication (including Ventolin) if the person in custody brings it with them to the centre, they are not permitted to use discretion in emergency situations where no medication has accompanied the person.

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jurors, can lead to confrontation with witnesses, and in some instances can be a security issue as they move through the public area.

- 2.22 The custody centre consists of two cells, each with its own toilet that affords minimal privacy. On busy court days, this is an inadequate number of cells, both in terms of ability to segregate different categories of prisoners and in terms of the sheer volume of prisoners since the cells can become very overcrowded.
- 2.23 The centre has a secure reception area, a reception desk and an adequate area for securing any property that persons in custody may be holding when received into the centre. A storeroom in the custody centre doubles as a room for strip-searching prisoners as well as a lawyers' interview room. Such a space is not appropriate for either use. Facilities and office space for AIMS staff are located in the police station, where the transport vehicles are also kept. The present arrangements appear to meet the needs of staff.
- 2.24 Staffing at Broome is operated through a balance of permanent staff (four), permanent flexi-time (two) and casual staff (three), the latter primarily being utilised to undertake the fortnightly transport run to Kununurra. While some permanent staff also wish to undertake the run, management need to ensure that casuals maintain sufficient hours so that they will stay with the job. The issue of maintaining casual staff is examined further in Chapter 3.
- 2.25 One positive aspect of the staffing arrangements at Broome is that they have managed to secure the employment of an Aboriginal staff member – a rarity in AIMS recruitment, even in more remote areas of the State where interaction with Aboriginal persons in custody is high. AIMS needs to concentrate its recruitment in both regional and metropolitan areas on this important task. The level of female staffing at the centre – one supervisor, one permanent flexi-time and one casual – can adequately accommodate the needs of female persons held in custody or transported in AIMS vehicles.
- 2.26 Interviews with various clients and stakeholders were conducted, including the Clerk of Courts, lawyers, persons in custody and the local WAPS. The statements indicated overall that, while the working relationships with AIMS staff were positive and staff were performing duties to a good standard, some staff changes had arguably had a negative impact on the stability of services.
- 2.27 Broome ranks in the mid-range of regional court custody centres in terms of volumes of persons managed in custody. In the first year of operation 786 persons were processed, in the second year 624, and in the first ten months of the third operational year 704.¹⁸ Over the duration of the Contract, Broome Court Custody Centre has managed approximately six per cent of the total number of persons held in custody in Western Australia.
- 2.28 The level of critical incidents at Broome is perhaps slightly higher than its ranking in terms of prisoner volume would indicate, with the same comment for reportable incidents. In the

¹⁸ Op.cit., at note 13, p. 12.

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three-year duration of the Contract, the site has been responsible for 12 per cent of critical incidents and 13 per cent of reportable incidents from regional locations.

Bunbury

- 2.29 The Bunbury Court Custody Centre consists of four cells on the floor below the courtrooms in the main court complex located in Wittenoom Street. The cells allow for adequate and appropriate separation of persons in custody by group categories. Each cell contains an inbuilt concrete seat capable of accommodating five persons. Separate male and female toilet facilities are available within the centre, and separate facilities exist for staff use.
- 2.30 The cells do not have closed circuit television (CCTV) monitoring capabilities, but are generally safe in that there are no obvious anchor points; in addition, they are located near to the staff administrative office. One of the cells is more isolated than the others, however, so this is used only for protection management.
- 2.31 Operational staff perform administrative paperwork in the small office within the actual court custody centre. The office also contains a safe used to secure the property of persons brought into custody. The supervisor has a separate office located in an adjoining Department of Justice building that allows him to perform his management tasks appropriately.
- 2.32 Strip-searches are conducted in a vacant cell, which affords privacy if the centre is not busy enough to have all cells in multiple occupation. A more appropriate venue would be preferable. There are also two purpose-built non-contact interview rooms to accommodate lawyer interviews with clients.
- 2.33 Public access to the custody centre is not sufficiently secured, as members of the public can approach the passageway leading to the centre without being monitored. Again, the Department conceded these deficiencies to the Inspector and the potential impact on the good running of the centre, and committed to rectifying deficiencies as budgetary constraints permitted.
- 2.34 There are two holding cells on the floor above the court custody centre and immediately outside the two most frequently used courts. Direct access to the cells is available from the custody centre. The design and proportions of the cells are similar to those of the main custody cells and provide an appropriate secure area to hold persons in custody immediately prior to their entry to the courtroom.
- 2.35 The centre contains a secure sally port accessible from the rear of the court building. There is an issue in that there is no ability to remotely monitor the rear of the sally port, hence jeopardising safety and security of the centre. When a vehicle arrives at the door, the driver buzzes to the main custody centre office and identifies himself or herself verbally. Staff inside the centre have no method of reliably verifying the identity of the vehicle or driver until the sally port roller door is actually opened.
- 2.36 The client agencies interviewed for the Inspection process were all satisfied with the service

being provided by AIMS in Bunbury. The services provided in court were all stated to be satisfactory. The centre has a total staff of 11 – two permanent full-time (including the supervisor), five permanent flexi-time and four casuals. There are two female staff members (neither a full-time worker) and no Aboriginal persons on staff.

- 2.37 Bunbury accounts for eight per cent of all persons managed in court custody centres in WA, with 924 persons being held in the first operational year, 1006 in the second and 886 in the first ten months of the third.¹⁹ Bunbury maintains a proportionately low number of critical and reportable incidents, accounting for 12 per cent of the former and only three per cent of the latter.

Carnarvon

- 2.38 The services provided by AIMS in Carnarvon differ substantially to those of most other regional centres in that the custody centre is essentially located within the WAPS lock-up. The main cells, reception area, property storage and strip-search area are within the lock-up facilities. Persons waiting to appear in court are held in the lock-up under WAPS supervision, and then transferred into AIMS custody prior to their appearance in court. They are moved via a tunnel from the police station to the Courthouse across the block. All prisoners are then held in a small holding cell located at the courthouse end of the tunnel.
- 2.39 The Contractor's staff assume full operation and responsibility for the WAPS lock-up (and its prisoners) two nights each week (currently Tuesday and Wednesday nights) in order to supervise prisoners in transit between various prison facilities and areas in the far north of the State who are due to appear in courts, are being relocated between prisons, or require temporary placement for a visit or other personal reason.
- 2.40 The Inspection found the situation of responsibility for persons being held in custody chaotic, especially on Tuesdays and Wednesdays. Interviews with a number of different sources during the Inspection described a situation where AIMS were supervising not only prisoners on transfer but also those arrested by police and placed directly in the cells following arrest. While police cannot stop performing their duties just because they do not have control of the lock-up, it was alleged that there was some 'dumping' of persons on AIMS, as arrests on warrants tended to occur on these days rather than at other times during the week.²⁰ The issue of whether AIMS staff in Carnarvon have received sufficient additional training to ensure proper duty of care and the ability to supervise prisoners for extended periods is also of concern.²¹ Training issues are discussed further in Chapter 3.
- 2.41 Conditions within the lock-up itself are unacceptable. Despite being informed that extensive

¹⁹ Ibid.

²⁰ In its response to a draft of this Report (dated 28 October 2003), WAPS advised the Inspector that it was 'unaware of any practice, policy or understanding that results in an increase in arrests being affected during the periods when AIMS staff are managing the lock-up'. Nevertheless, this Office should put on the record what appear to have been carefully considered observations by our informants.

²¹ Under the terms of the proposed 'repositioned' Contract, the Department has indicated it will no longer require AIMS to provide services at the Carnarvon lock-up.

cleaning efforts had been made prior to the Inspection, the environment remained well below minimum conditions for both those being held in custody and for staff. Such conditions would not be tolerated in a metropolitan (and predominantly Caucasian) location. The Inspection assessment is that, while the cells may be able to hold persons in safe and secure custody, they are unable to provide an environment to guarantee prisoner care and wellbeing.²²

- 2.42 Two stark examples of the quality of facilities were given to Inspection staff, both involving instances when cell doors could not be opened because of key malfunctions. In one case the door had to be removed with the use of an Allen key and in the other oxy-acetylene equipment had to be bought in. This raises considerable concerns, particularly with the cell in the underground tunnel, as in the case of a fire or medical emergency it would be life-threatening.
- 2.43 AIMS staff amenities at the site are also poor. A demountable has been provided, approximately 50 metres from the lock-up entrance, that acts as both office space and a lunch/amenities room. The building is neither large enough nor fitted out properly for either purpose. It was reported to Inspections officers that all staff on roster during those nights (Tuesdays and Wednesdays) for which AIMS has responsibility for the lock-up, tend to remain in the office rather than in the lock-up itself. Duty of care requirements would indicate that at least one member of staff should be present in the lock-up at all times.
- 2.44 There are numerous hanging points evident in all cells, and consequently it is essential that staff be capable of maintaining constant vision of all cells. While CCTV is provided, two cells do not contain cameras and the constantly roving nature of the vision provided by the system does not allow for adequate monitoring throughout the night. No recording is made of the monitoring system. This is another reason why a member of staff should always be present in the lock-up.
- 2.45 The sally port where transport vehicles are loaded and unloaded does not provide a secure environment. The area is completely open, presenting easy opportunity for escapes. An urgent review of the area needs to occur with the view to making it fit for its purpose.²³
- 2.46 Ten AIMS officers staffed Carnarvon at the time of the Inspection: three permanent full-time (all male), three permanent flexi-time (all male), two casuals (one male and one female) and two male trainees. The gender balance is of some concern, as the single casual female staff member may often not be available when female persons are brought into custody. It is also of concern on the nights that AIMS controls the lock-up, as a female trustee prisoner is often in residence and a situation can therefore arise where she may be left alone with an all-male staff.

²² In its response, the WAPS recognised the limits of the current Carnarvon facility and stated that the site has been placed in its 'highest priority group' on a ten-year forward capital investment plan for complete replacement. The timing of the project is subject to Government approval and priorities.

²³ In its response, the WAPS advised the Inspector that it is 'currently actioning additional minor works to improve the security of the Sally Port area.'

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For a remote regional location, the complement of Indigenous staffing is low, with only one casual Aboriginal staff member.

- 2.47 The site handles the second-lowest volume of persons held in custody in regional locations under the Contract. The first service year provided services to 638 persons, the second to 536, and the first ten months of the third to 345, representing approximately four per cent of total persons held in custody under the Contract.²⁴ Carnarvon is over-represented in critical and reportable incidents in regional court custody centres. It accounts for 13 per cent of all regional critical incidents, and eight per cent of all reportable incidents. An analysis of why this site is over-represented should be undertaken and the issues addressed.

Geraldton

- 2.48 The court custody services provided at Geraldton Court differ from those provided in other regional centres. All persons being held pending court appearances are received and held by WAPS in the lock-up that adjoins the court. WAPS perform all processing and searching of persons upon arrival at the centre, while AIMS manage the property of persons received. When it is necessary for the prisoner to appear in court, WAPS transfers responsibility for the individual to AIMS, who will place the prisoner in a holding room adjacent to the courtrooms. Once the court appearance is over, the prisoner is escorted back to the lock-up and transferred back to WAPS custody. The transfer of responsibility of prisoners from WAPS to AIMS staff and back again for the duration of court appearances is performed through a formal handing over of paperwork in the form of a temporary transfer of custody form.
- 2.49 In addition to providing two staff to work in the custody/holding area, AIMS are also contracted to provide perimeter security, court orderly duties and dock guards. On the day of the Inspection, AIMS were under-staffed and Department of Justice prison officers had transported prisoners to court from the local area prison and WAPS officers provided escorts for prisoners from the lock-up to the court holding area. While all parties indicated this was not a regular occurrence, it is the routine way in which immediate shortages of Contractor's staff are managed.
- 2.50 The lock-up facilities were relatively new, clean, functional and fit for purpose; that is, for the short-term management of persons in custody to appear in court. There are sufficient cells (six plus a safe cell) to enable separation of different categories of prisoner as required under the Contract. Access to cells and prisoner amenities were also sufficient within the lock-up. The actual custody centre/holding cell facilities, however, are not equipped to hold persons for any length of time. There is no reception area or search area and minimal capacity for lawyers to interview clients. There are no toilet or refreshment facilities, so if a delay is experienced in moving persons into court from the holding area, they must be escorted back to the lock-up.
- 2.51 Due to the shared nature of custody of persons appearing in court at Geraldton, one issue for

²⁴ Op. Cit. at note 13, p. 16.

the site is the identification of persons at risk. As the only paperwork passed on is the temporary transfer of custody form, AIMS are usually not alerted to any at-risk issues individuals may have. This is of concern, as some persons are held in the holding area for some time and could attempt self-harm. The Department of Justice, AIMS and WAPS must resolve this issue.

- 2.52 Staff at Geraldton presented as confident and competent in their contracted duties. Stakeholders all stated their satisfaction with the services provided. It was noted that this site is one of the few that has not experienced issues surrounding inadequate perimeter guard services and searches of the public attending court. The difficulties experienced at other sites are discussed further in Chapter 3 in relation to staff issues and training. Amenities for AIMS staff are appropriate for the duties they perform and include a dedicated meals room, a feature absent from most other sites.
- 2.53 Eight staff provided the service at the time of the Inspection – two full-time (including the supervisor), three permanent flexi-time and three casuals. At the time of the Inspection only one staff member was female and there were no Indigenous members of staff. The level of staffing is adequate in times when there is only a demand for regular services, but is strained when additional Contract services are required. For example, during the Inspection an ongoing hospital bed-sit duty was absorbing four AIMS staff every 24 hours (two shifts of two officers), leaving the regular court custody centre short-staffed and WAPS and Departmental staff filling gaps in service. AIMS needs to examine a method to cope with these demands at this location.
- 2.54 Geraldton is the second-busiest court custody centre location in regional Western Australia, servicing 1,028 persons in custody in the first service year, 952 in the second, and 885 in the first ten months of the third contract year.²⁵ This represents eight per cent of the total court custody centre services provided by AIMS in WA and is on a par with the smaller metropolitan court centres.
- 2.55 On face value, the Geraldton Court Custody Centre appears to have a low proportion of critical and reportable incidents. However, when it is taken into consideration that the primary responsibility for custody rests with the WAPS in the lock-up, the centre actually represents a relatively large proportion of incidents. The site accounts for eight per cent of critical incidents and ten per cent of reportable incidents.

Kalgoorlie

- 2.56 Kalgoorlie Court Custody Centre is the busiest regional centre in Western Australia, holding more than 1.6 times as many persons as any other centre. Despite this, the centre has only two holding cells and falls woefully short of the required custody centre space and amenities required for such status. The standard practice is to utilise one of the cells for men and the other for women. This often leads to overcrowding: for example, the male cell will routinely

²⁵ Ibid.

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hold 20 prisoners, but this figure has reached up to 30. The situation is unacceptable and must be addressed in the short term.



One of only two cells at the Kalgoorlie custody centre that will have to accommodate up to 30 people.

- 2.57 This situation leaves no space available for separation based on age, medical status (such as at-risk prisoners) or protection status. Where there is a pressing need to separate, persons are left inside the transport vehicles, a practice with serious safety and duty of care implications. Juveniles are catered for, however, being held pending appearance in court in a separate area on the other side of the court complex.
- 2.58 The condition of the cells themselves is as clean and hygienic as can be expected in an environment that forces use to absolute capacity on a regular basis. The cells are bare with no access to television viewing or other diversion from the boredom that often brews in custody centres. Both cells contain blind spots, creating problems for the direct supervision of persons in custody, and there are no CCTV facilities to assist staff in this regard.
- 2.59 The centre also lacks other basic features required of a court custody centre: there is no secure reception area, no reception desk, no appropriately private place to conduct strip-searches, no appropriate interview rooms for legal consultations,²⁶ no protection cell facility and no properly secured storage place for the private property of persons held in custody. The sally port area is, however, secure.

²⁶ The single room that is available is not contained within the court custody centre and is situated next door to the court. This results in conversations being heard in both the Magistrate's Court and District Court.

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- 2.60 AIMS office space within the complex is situated in a room recently converted for the purpose. The facility is too small to be comfortably utilised by three or four persons to perform administrative duties. Court staff have offered use of their lunchroom to enable AIMS staff to have lunch breaks in a more suitable environment. The supervisor has a separate office located in the police station opposite the Courthouse. As the only computer for staff is located there, it can sometimes take the supervisor away from duties within the Courthouse if she has to utilise computer records or applications throughout the day. It was reported to Inspections staff that a trade-off for this office space has been the request for AIMS to perform escorts between the police station and the court custody centre – a task that is not covered under the terms of the Contract. The local supervisor should not be put in a position where there is pressure to agree to an arrangement that is not contractually authorised.
- 2.61 At the time of the Inspection nine staff were servicing the needs of the Kalgoorlie Court comprising only one full-time officer (the supervisor), three permanent flexi-time officers and five casuals. A full-time officer had recently resigned and there had been some problems in attracting applicants for the position. As the busiest regional court custody centre, as well as being responsible for long-distance transport over a wide area of the State, the number of staff seemed quite inadequate. Even the full complement of ten staff places strain on the current staffing arrangements.
- 2.62 Kalgoorlie had a good representation of female staff to appropriately deliver services to women held in custody. There have also been active efforts to recruit Aboriginal staff; however, only one Aboriginal officer was currently employed.
- 2.63 Six of the staff at the centre had only commenced employment with AIMS within the past five months, and this was placing some strain on services (in terms of making allowances for learning on the job) as well as pressure on the supervisor who is responsible for new recruit training. Training issues are discussed further in Chapter 3. Staff rotate through different roles within the contracted services, which results in a multi-skilled workforce.
- 2.64 Client agencies reported positively about the services provided by Kalgoorlie AIMS. A new supervisor had taken over responsibility for the site some four months ago. Prior to this, some clients had concerns about the service, but it seemed that the issues had been worked through and resolved to the satisfaction of both parties. The main ongoing issue related to times of AIMS staff shortages when services had to be supplemented by Department of Justice staff or WAPS.
- 2.65 As stated above, Kalgoorlie is the busiest regional court custody centre by some margin, providing custody for 1,711 persons in its first year, 1,752 in the second and 1,145 in the first ten months of year three. This accounts for 13 per cent of all persons held in custody by AIMS throughout WA, a higher number than the metropolitan centres of Midland, Joondalup, Rockingham and Armadale.
- 2.66 Kalgoorlie overwhelmingly provides the bulk of critical and reportable incidents of all

regional court custody centres. The poor and crowded cell conditions do not assist in this regard, another reason why facilities need urgent review. Forty-five per cent of all critical incidents from regional court custody locations occur in Kalgoorlie, with 25 per cent of all reportable incidents occurring at the location.

South Hedland

- 2.67 The South Hedland Court is incorporated into the Regional Justice Centre, which commenced operation in mid-2000. The court, custody centre and police lock-up are co-located there, and access between the police station and court custody area is facilitated by an enclosed wire mesh raceway.
- 2.68 Considering the newness of the Regional Justice Centre, the planning for facilities within the court custody centre is disappointing, and its operation relies overly on the supplementary facilities of the police lock-up and court building itself. The custody centre has only two holding cells, no CCTV monitoring, no secure reception area or appropriate reception desk, no searching area and no safe cell. The sally port for the arrival and departure of transport vehicles, extra cells if prisoner separation is required, and even toilet facilities for persons in custody are all contained in the lock-up. Interview facilities for lawyers are located only in the main court building, and access to persons in custody is limited by staffing constraints.²⁷
- 2.69 Persons to be released from custody are transferred from AIMS custody to the police lock-up for release by the police. Persons in custody interviewed during the Inspection had sometimes experienced long delays in being transferred to police custody after hearings, mainly when the court list was long.
- 2.70 Lack of private lawyer interview rooms is of particular concern, and this issue was raised during the Inspection by AIMS staff, persons in custody, court staff and lawyers. The limited access to any appropriate facility was exacerbated by the allegation from some parties interviewed for the Inspection that a direction had come from AIMS head office in Perth that only one lawyer at a time should be permitted to interview their client in the custody area. This usually takes place in the corridor area outside the cells. The limiting of access by an accused person to his or her counsel is unacceptable, and should not occur.
- 2.71 Persons in custody are provided with bottled drinking water upon admission to the holding cells. The lack of toilet facilities in the centre is a major issue and is especially problematic on busy court days, when delays for escorts back to the police lock-up for access to toilets can be lengthy. This is an unacceptable situation and must be addressed immediately.
- 2.72 The office for AIMS staff consists of a demountable placed outside the police station and to which there is no direct access from the court. This lack of access between the custody centre, demountable office and front of the court building was an issue for staff in trying to perform their duties. The main concern revolved around the inability to have quick access in

²⁷ In its response to the draft of this Report (28 October 2003), AIMS Corporation stated that 'the majority' of lawyers refuse to use the interview rooms. A reason for this was not provided.

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emergencies. The problem does not seem to be insurmountable and requires some communication between AIMS, the Department and the local court.

- 2.73 At the time of the Inspection AIMS staff at South Hedland consisted of three permanent full-time officers (including the supervisor), one permanent flexi-time officer and one casual staff member. A second casual officer was due to commence in the coming weeks. Client agencies interviewed stated that, while the services had still been provided with the lower staffing levels, it was evident that this was causing some stress to the staff. This was particularly the case on the days that staff were required to travel to Newman to undertake prisoner clearances from lock-ups.²⁸
- 2.74 The persons collected from Newman are generally transported back to South Hedland and accommodated overnight in the police lock-up. While the Inspectorate has no jurisdiction over WAPS lock-ups, it would be remiss for the Inspector not to comment on the extremely poor state of the station generally and the cells in particular. The conditions under which persons in custody are held overnight do not meet minimum conditions for the holding of prisoners in any way.
- 2.75 South Hedland ranks fourth among the regional court custody centres in terms of volumes of persons held in custody. In the first year of operation 932 persons were held in custody, 800 in the second year, and 535 in the first ten months of the third year. According to data provided by AIMS this represents approximately six per cent of persons managed in custody under the Contract.
- 2.76 South Hedland contributes to the total number of critical and reportable incidents at regional court custody centres proportionately with its service provision. Approximately four per cent of critical incidents and eight per cent of reportable incidents from regional centres occur at the site.

Summary

- 2.77 This Chapter has aimed to provide an impression of the infrastructure, facilities and staffing arrangements at each regional court custody centre under the operation of the Contractor.
- 2.78 It has also tried to highlight the different operational arrangements and duties expected of staff at each centre and explore the relationship between the Contractor, the client agencies and in many cases with the police service that supplement and support the provision of services in the regions.
- 2.79 With the exception of Bunbury and Geraldton, the facilities at the custody centres do not generally meet the minimum standards expected of cells utilised to hold persons in custody, even for the relatively short periods of time experienced. This issue is explored further in depth in Chapter 3.

²⁸ Since the time of the Inspection new arrangements had been agreed between the Department and AIMS with regards to escorts and clearances within the region that may alleviate some of these problems.

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- 2.80 The levels of critical and reportable incidents vary at each centre, with Kalgoorlie in particular providing a large proportion of reports. Generally, staff seem to handle such incidents professionally.
- 2.81 The general response from client agencies regarding the services provided by AIMS Corporation is very positive and reflects the good relationships developed between the parties and levels of communication that exist within each location, perhaps encouraged by the smaller nature of the regional communities and local knowledge that the Contractor's employees have.
- 2.82 Also important to clients was the increased flexibility reported to have been gained through the Contract. AIMS staff are prepared to be adaptable to the needs of the court and, as most are multi-skilled in all areas of service delivery, it is possible to restructure the team on hand to cover the duties required.

Chapter 3

THE ISSUES EXPLORED

- 3.1 AIMS staff at regional locations are generally delivering services as contracted to a level that is satisfying the needs of client agencies. There are, however, issues that if addressed would result in an improved level of service. And while the needs of clients are being met, those of persons in custody and of AIMS staff themselves (as employees) are not necessarily being met in the same successful way.
- 3.2 This Chapter examines the main issues that are hindering the full delivery of best practice services to persons held in custody, which require the attention of AIMS Corporation and/or the Department of Justice. It also highlights a number of good or improved practices that are enhancing service delivery. The issues can be classified into three main categories:
- Facilities and infrastructure;
 - Staff and training; and
 - Resources and management.

FACILITIES AND INFRASTRUCTURE

- 3.3 The Department of Justice owns all the court custody centre facilities from which AIMS Corporation operates. As described in Chapter 2, many facilities are co-located with WAPS lock-ups, and in some regional towns facilities belonging to that organisation are also utilised by the Contractor. In either case, the Contractor has no control over the facilities themselves and little input into forward planning for renovation or replacement of facilities.
- 3.4 Clause 20 of the Contract deals generally with the use of the State-owned court custody centres by the Contractor, and states specifically that the facilities ‘will remain in the ownership and control and risk of the State’.²⁹ The Department also retains responsibility for ‘all Preventative Maintenance and Breakdown Maintenance and Minor Improvement Works in the State Facilities’.³⁰ The main responsibility falling onto the shoulders of the Contractor is for the facilities to be kept in a clean and hygienic state.³¹

Cell Capacity

- 3.5 Court custody centre cells are designed to hold persons in short-term custody during the hours that a court sits and that they may be required for attendance. Taking into consideration that parts of the day will be spent actually attending court, a person should rarely be required to spend more than six hours in a court custody centre cell.
- 3.6 As outlined in Chapter 2, the situation in some regional centres is not simply the standard court custody centre service; persons are held overnight in transit at some locations (in WAPS lock-up cells). In other cases, persons are held in lock-ups pending court appearances and only held in custody holding cells for short periods immediately prior to entering the courtroom. For this reason the Inspection of facilities at regional centres was more complex

²⁹ Clause 20.1 (b).

³⁰ Clause 20.2 (a)

³¹ Court Security and Custodial Services Contract, Schedule 2, Part 3, paragraph 3.3.2(v).

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and involved a wider scope than has occurred in metropolitan centres.

- 3.7 While the facilities provided across the seven centres vary considerably in age and the environments in which they are located, the majority of centres were not fit for purpose and require expansion in terms of the cell capacity they provide. This was true of all centres with the exception of Bunbury and the WAPS cells in Geraldton (although the custody centre holding cells themselves were wanting in many respects).
- 3.8 The inability of AIMS to separate persons held in custody, as required by both the Act and the Contract, is a central concern. Section 30 of the Act provides for four circumstances in which a person must be kept separately from others: persons of different genders, young offenders should not be held with adults, intoxicated detainees should not be kept with others, and a person held under the Mental Health Act should be separately confined. Most centres do not have the capacity to meet this requirement and therefore breach the Act and the Contract, and compromise duty of care should an incident occur.
- 3.9 It was reported and observed at Albany and Kalgoorlie that AIMS staff were utilising transport vehicles as makeshift cells. This is inappropriate but seemingly unavoidable. The Department and the Contractor must explore alternative options jointly.
- 3.10 The Department acknowledges the problem it faces at many of the sites, stating in its submission to the Inspector that 'there is only limited cell capacity to provide for the segregation of prisoners under protection and this must be achieved through careful management'.³² Regardless of the care taken in managing the populations at most sites, it is not possible to cater for the groups as legislatively and contractually required in a safe and secure environment.
- 3.11 In addition to the inability to separate persons in custody, the number and size of cells available at some sites require excessive and unsafe numbers of persons to be held in each. This is of particular concern at the busy centre of Kalgoorlie, and also on occasion at Broome and Albany.

Amenities and Services

- 3.12 There are serious issues regarding the lack of appropriate amenities available within cells and the court custody centres generally. None of the cells provided in-built access to drinking water and very few had toilets within the cells. At South Hedland there are no toilets for persons in custody at all, which causes problems for staff and prisoners, especially on days with long court lists. An officer has to take the prisoner back to the police cells to use a toilet. This is a basic amenity that must be available. At Albany, there is only one toilet in the whole court complex, and that must be utilised by staff, judiciary and persons in custody. This is also unacceptable.

³² Written Submission to Office of the Inspector of Custodial Services: Announced Inspection of Regional Court Custody Centres, Department of Justice, June 2003, p. 14.

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- 3.13 Appropriate interview rooms for use by legal counsel is also a major problem. In some cases the problem is causing delays in court proceedings, as cases often cannot be heard when a prisoner has not had the opportunity to speak to his lawyer. If a room is available it has often been created out of a storeroom or some other unsuitable room and is in a location that provides little privacy. This is not acceptable. Prisoners, AIMS staff and court staff at South Hedland, Kalgoorlie, Broome and Albany highlighted the issue as needing urgent attention.
- 3.14 Disability plans were not available at most sites and require the urgent attention of AIMS Corporation. The issue of access to court facilities by people with disabilities was raised particularly during the Inspection at Kalgoorlie, as the whole court complex has extremely limited disability access, and those in wheelchairs cannot reach courts on the second level.
- 3.15 Facilities for AIMS staff are also very poor and do not facilitate the performance of necessary administrative tasks or in some cases appropriate direct access to the custody centre. The poor quality of premises was particularly evident at Albany, Bunbury and Carnarvon, while inappropriate location was an issue at Kalgoorlie, South Hedland, Broome and Carnarvon. Staff at all sites felt to some extent that the facilities provided did not reflect that proper value was put on their work. In addition to actual office space, there are inadequate facilities within the centres for processing persons in custody, such as reception desks, searching rooms and property storage.

Safety and Security

- 3.16 The inadequacy of facilities generates specific safety and security concerns at some locations. The lack of secure sally ports has been brought to the attention of the Department as a security issue at Albany (where there has been one escape), Broome, Carnarvon and South Hedland. At Albany the security of the receival area has been supplemented by the installation of a wire cage, described at paragraph 2.10. However, the situation still poses serious security risks. AIMS has submitted a written proposal as to how security could be upgraded at Carnarvon, but the complex operational situation has meant that the Department has passed on responsibility to WAPS.³³
- 3.17 Once prisoners are received there are also inadequate secure reception facilities, which would also afford the confidentiality required. Bunbury and Broome are the only centres with dedicated secure facilities. Lack of appropriate searching facilities also poses some security risks as it limits AIMS



A wire cage was recently installed at Albany custody centre in a bid to improve security and safety.

³³ Note the WAPS response, detailed at footnote 20.

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staff's ability to conduct strip-searches. There are no facilities for this function at Albany, Broome, Bunbury, Kalgoorlie and South Hedland. Searches in Carnarvon and Geraldton can only be conducted in the WAPS lock-up and not in the custody centre.

- 3.18 Finally, the ability for staff to properly monitor persons held in custody cells is hindered by the lack of CCTV at Broome, Bunbury, Geraldton and South Hedland. In the case of Carnarvon, the CCTV provided does not provide the visual capacity required to maintain proper observation of persons held in custody overnight.

Capital Works Planning

- 3.19 The Department is aware of most of the shortfalls in court custody facilities, but has plans to initiate capital works at only two sites – Albany and Kalgoorlie. Albany is scheduled to receive a new court complex, with the first new stage to supposedly be completed in December 2004. This timeframe seems unduly optimistic. It is a complex building incorporating courts, court custody centre and police lock-up facilities, and at the time of the Inspection the plans had not been 'signed off' by all the necessary parties. The complex in total is not scheduled for completion until mid-2005. For these reasons, it is recommended that urgent interim arrangements be put into place with regard to court custody facilities.
- 3.20 Capital works at Kalgoorlie have been placed in the Department's forward estimates, with completion not anticipated until sometime in 2008. As of July 2003, funding approval had not yet been given for the project, estimated to cost \$3.3 million. Local Departmental staff stated they were dissatisfied with the level of consultation about the project, and there was no real sense of confidence that the upgrade of the facilities would occur within the proposed time frames.

Conclusion

- 3.21 The majority of the issues raised here fall upon the Department to address, as they go to its ultimate duty of care responsibility to those held in custody and impact upon the ability of the Contractor to discharge its part in meeting that duty. In many instances duty of care is compromised directly as a result of inadequate holding facilities. For these reasons it is essential that facility improvements be implemented at all sites as a matter of urgency, or the Department risks compromising the security, safety and duty of care to persons in custody, staff and the public. Despite the plans for upgrading facilities at Albany and Kalgoorlie, changes need to be made immediately at those locations, as the expected benefits of the new buildings will not eventuate until too far into the future.

STAFF AND TRAINING

Staff, Retention and Human Resources

- 3.22 The Contractor utilises a mixture of staffing arrangements, comprising permanent full-time, permanent flexi-time (working a minimum of 30 hours per week) and casual staff. The aim of this arrangement is to allow for minimal staffing levels when court is not in session and maximise staff during the busiest times. This system works to varying degrees of success at the different locations. While most centres reported relatively acceptable court sitting-hour to staff-resource-hour ratios,³⁴ a couple of client agencies commented that they felt too many staff were on duty at the wrong times. Both AIMS and the Department should monitor this on an ongoing basis.
- 3.23 Many of the more remote regional sites have difficulty with the retention of staff (particularly casuals). This is often due to the competing wages offered in other industries in those areas, such as mining. Two centres raised this as a particular issue: at Kalgoorlie, where AIMS had an unfilled staff member position and, despite advertising, had received no applications, and at Geraldton. Strategies to address the issue need to be developed.
- 3.24 The use of casual staff has benefits in terms of flexibility, but it becomes a careful balancing act for supervisors to ensure these employees are given enough working hours to retain their services.³⁵ Some locations reported a high turnover of casuals because they could not be provided with an adequate number of working hours. A few sites reported a frequency of staff shortages – due mainly to a lack of casual pool capacity or ability to attract casuals into work. The inability to attract casuals is also problematic when an unscheduled event occurs at short notice, such as an emergency hospital transport or guard or a funeral. During the Inspection it was found that WAPS or prison service staff were supplementing the service.
- 3.25 The final issue having a major impact on staff recruitment and retention is ongoing speculation about the future of the Contract.³⁶ A few centres reported losing staff as a result of the rumoured uncertainty of the Contract. The Department needs to make a decision, communicate the outcome with the Contractor and all court custody locations, and be definite about the prospect (or not) of there being future employment with the service. If this is not done the future quality of the service will be jeopardised by high turnover and an inability to recruit.
- 3.26 The need to recruit Aboriginal staff, especially in more remote regional areas where a high percentage of persons being held in custody are Aboriginal, needs to be a priority. Similarly, some sites, as discussed in Chapter 2, require more female staff to ensure appropriate staffing

³⁴ See comments in Chapter 2 in relation to the ratios at each court custody centre.

³⁵ This problem was recognised by AIMS Corporation in its written submission to the Inspector for the purposes of this Inspection: *Report for the Inspector of Custodial Services into Regional Sites of the Court Security and Custodial Services Contract, Contract Overview*, June 2003, p. 17.

³⁶ The issue of repositioning is discussed in more detail in Chapter 4.

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levels to service the needs of women being held in custody. The incident at Albany Court Custody Centre, described at paragraph 2.18, exemplified the issues.

- 3.27 The Inspection highlighted the absolute importance of the role of the supervisor in regional centres. Reliance on their decision-making capacity is high. Client agencies at three locations in particular commented on the impact that the choice of supervisor had had at their site – one positively to a recent change and two negatively to the lack of initiative or influence that the supervisor was having on the standard of service. There is considerable pressure placed on the role and this should be recognised appropriately through ongoing training and support. At several locations, however, supervisors thought that this had improved over time.
- 3.28 The multi-skilling of staff at regional centres was reported across all sites as a positive factor, and seemed to act as an incentive for staff to remain in their positions as it enhanced job satisfaction. The majority of employees within the centres also reported working in a good team environment, where they can rely on each other and feel confident.

Training and Professional Development

- 3.29 Clause 12.2 of the Contract requires AIMS to provide training to its staff. The specifics of this training are set out in Schedule 2, Part 5, clause 5.7. The sections detail the need for training plans to be provided to the Department specifying financial resources allocated, outcomes, personnel who will conduct the training, accreditation of training, evaluation processes and evidence that the training provided meets National Competency Standards.³⁷ This training must be ongoing, not one-off.³⁸
- 3.30 The Contractor's bid for the Contract stipulated that all staff would be trained to achieve the accredited Certificate III in Correctional Practice, and all supervisors would achieve Certificate IV. Three years into the Contract this has not occurred, with only five regional staff being trained to Certificate III and no Certificate IV level supervisors. This is of concern to the Inspector and to AIMS staff, many of whom stated they felt let down by the promise of attaining a recognised certification for their skills. As discussed further below, the responsibility placed on supervisors to oversee the training of staff in regional areas makes it all the more imperative that they themselves have achieved the relevant accreditation. The Contractor has been remiss in not pursuing this goal, as has the Department for not insisting on the bidding promise being met.
- 3.31 Prior to the Inspection, training had recently undergone some changes; however, staff at the majority of sites were not really aware of many of these, and the comments made about training related to their experiences to date. Staff at all but one site were dissatisfied with both the initial training received and the access to ongoing training. Some comments reflected the perceived disparity between initial training received in the regions versus that received in the

³⁷ Paragraph 5.7.1(d).

³⁸ Paragraph 5.7.4.

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metropolitan area.

- 3.32 Regional recruits undertake long-distance, workbook-based training under the guidance of the site supervisor, combined with shadowing of rostered staff. This places a lot of responsibility on supervisors and assumes that they themselves possess an acceptable knowledge standard to undertake this role. There is no ready mechanism other than the supervisor to provide assistance if difficulties are being experienced. More organised and immediate supports need to be worked into the system. The system is attuned to self-paced learning, and if the trainees' learning experiences have not been based on such theoretical constructs it may prove difficult for them. Once the books have been completed, they are sent to Perth for assessment by the Corporation's Human Resource Manager. The system is supposed to be geared towards staff attaining accreditation, and the Inspector will monitor progress towards this.
- 3.33 Structured ongoing training had largely been neglected until the recently introduced system of 'training grabs', with the exception of refresher first aid and restraints training offered intermittently. These 'grabs' really amount to opportunities to refresh operational knowledge rather than develop or gain new skills. Again, the supervisor has the primary role in ensuring these are completed, and the quality of the outcomes will rely heavily on the quality of the individual supervisors at each regional location.
- 3.34 Staff at all sites recently undertook 'verbal judo' instruction - basically methods in verbal conflict resolution. All were very enthusiastic about the course and felt more of this type of training should be provided. Some staff were concerned that they had missed out due to rostering conflicts. AIMS must ensure all staff complete the course.
- 3.35 Training at each site should also be related to the particular custody centre's site manuals. The training is, in fact, generic to the general service, with the localised component provided through the shadowing. The main problem at the time of the Inspection was that after three years of operation most sites still did not have manuals that had gained Department approval. This is not acceptable.
- 3.36 AIMS has committed to providing an average of 40 hours training per employee per year, regardless of their employment status (that is, full-time, part-time or casual). Training hours to date provided by the Contractor reflected poor access at many regional sites; for example, Kalgoorlie receiving only ten hours per employee and Carnarvon 13.5 hours.
- 3.37 Supervisor training has improved greatly since the Inspection of metropolitan court custody centres two years ago. Bi-annual conferences are now conducted for all supervisors, with regional supervisors having been provided an additional day for some new systems training. This needs to be maintained, and was positively received by supervisors.
- 3.38 Both the Department and staff were disappointed with the inadequate training received regarding the operation and use of the Department's computerised record management

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system – TOMS. The system records important information, such as prisoners at risk of self-harm and those who are a danger to others. Both parties must address this jointly.

Conclusions

- 3.39 There have been recent moves to improve the quality of initial training and access to ongoing knowledge refreshers by AIMS, but this is yet to translate to increased confidence in the field that staff are better prepared for their roles or that the value of their services is being reflected through a commitment to proper professional development. AIMS must ensure both requirements are being met, and the Department has a duty to oversee that the commitments made with regards to training standards are being met.

SYSTEMS AND MANAGEMENT

- 3.40 The Contractor and the Department have obligations under the Contract to maintain records, communication systems and share information. This enables the Contractor to be accountable for the delivery of services and for the Department to ensure Contract obligations are fulfilled and to maintain its duty of care to persons held in custody. The need for both to have good systems and structures in place for this relationship management is examined from a number of aspects in this section.

Managing Distance: AIMS Head Office Interaction with Regional Sites

- 3.41 The Inspection of metropolitan court custody centres reported a distinct lack of interaction between centres and head office, which was causing some resentment from staff.³⁹ This most recent Inspection of regional centres found the situation much improved, and this is all the more encouraging considering the physical distances that have to be overcome between AIMS Perth office and many of the sites. Supervisors at the majority of regional court custody centres reported having good support from head office and the ability to readily access management when required. The appointment of a dedicated Regional Coordinator, who works from the Perth office and is a part of AIMS' management group, is the key to the improved interaction. This gives the supervisors a direct point of contact and ensures that there is an individual in the organisation with direct responsibility and ownership of operations and outcomes in regional locations.
- 3.42 Actual visits to regional sites by AIMS management are also important, as they allow for those in decision-making positions to see the reality of service delivery for those at the 'coalface' and to engage in interaction with staff. It also allows for staff to feel more valued. In the first year of operation, management visits to regional sites were rare; however, this has improved since the middle of 2002. Management has made a total of 57 site visits to all regional centres,

³⁹ *Report of an Announced Inspection of Metropolitan Court Custody Centres*, Report No. 7, April 2002, paragraphs 2.32–2.39.

with Geraldton and South Hedland receiving only four visits each since the inception of the Contract. Visits need to be sustained and be occurring on a very regular basis.

Department of Justice Contract Management

- 3.43 Deficiencies in the Departmental Contract Management were also identified in the metropolitan court custody centre report.⁴⁰ The performance has significantly improved since this time, despite direct monitoring of the service being difficult due to distance. A dedicated Contract Management branch within the Department conducts audits on site, and at these times Contract Monitors (who are active daily in the metropolitan area) also attend the regional site to conduct monitoring tests with regards to quality of service delivery. While the visits are irregular, they are an improvement on the purely desk-bound audits found previously. The system must be developed to ensure more regular attendance.
- 3.44 Monitoring of the performance at regional sites is done on an ongoing basis through self-reporting requirements and information sharing with the Contractor regarding resource hours and a series of other reportable data, including staff time sheets, offender tasking and incident reports. Monthly reports are compiled, based on the data received. Under the terms of the Contract, AIMS is obligated to provide and share information online with the Department to enable this ongoing monitoring.
- 3.45 Data are also collected against a number of criteria that make up the performance-linked fee payment. The Contractor must meet specified targets in 19 key areas to secure a portion of their fees. Ten per cent of the fee is apportioned to customer service incentive measured by a survey. To date, the Department has not completed this survey, yet the fee has been paid annually. This was to be remedied in 2003, with the first survey scheduled to be conducted in July.
- 3.46 Since January 2003 the Clerk of Courts at each regional location has also been asked to play a greater role in the ongoing monitoring of Contractor performance. The primary method for this input has been through client management group meetings. Their involvement means that on-site observation is increased. Clerks have not received specific training for this role, although those at most sites reported having been allocated time within their weekly schedule to complete tasks required by this new role. Clerks should be given appropriate training on the requirements of the Contract and record-keeping requirements.

Record Keeping

- 3.47 As outlined above, records and information sharing form a central part of the accountability and monitoring processes of the contracted service. While AIMS Corporation has improved its systems through IT technologies, there remain some concerns about gaps in basic record keeping that allow information to remain untapped and unaccountable.

⁴⁰ Ibid., paragraphs 2.40–2.50.

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- 3.48 On occasion the reverse situation is also true, where AIMS falls victim to the inefficient sharing and use of information from Department agencies and WAPS. This was witnessed at Albany Court Custody Centre, where wrong information was provided to the Contractor with regards to the number of persons being delivered to them from custody. Resolving this problem occupied a considerable amount of time of one staff member, and was not unique to this site or this one occasion.
- 3.49 Conversely, AIMS employees have not been adequately trained in the use of the TOMS database so as to be able to enter information reliably and promptly on the system – for example, information relevant to risk. This is due to lack of training of AIMS employees – something that should be done in partnership by the Department of Justice and AIMS. At some regional locations staff do not have access to the system at all. This includes important information regarding behaviours while at custody centres that may potentially lead to the harm of prisoners or others. The system would also allow AIMS staff to access important information about persons they receive from prisons. This must be addressed.
- 3.50 On-site records at many regional centres were not up to scratch. The keeping of written records for visitors, searches of prisoners, searches of the court complexes and of the public entering court complexes were poor at the majority of sites. Such information is an important source of accountability and also shows that the Contractor is performing the required services properly. There should be standard recording requirements across all sites, in a format that is enforced and monitored by AIMS' Regional Coordinator.
- 3.51 Finally, the Contract requires that there should be reporting of all critical and reportable incidents. This involves incidents being reported initially by telephone within one hour, and then followed up by a written interim report. Currently these are being provided in hard copy by AIMS to the Department within a set time frame. The Department has reported that AIMS have not been able to meet these requirements.

Chapter 4

INSPECTION FINDINGS AND THE FUTURE

THE FUTURE FOR COURT CUSTODY CENTRE SERVICES

- 4.1 The first term of the Contract for the provision of Court Security and Custodial Services expires on 30 July 2005. The Contract provides for a renewal at the option of the Department; however, at the time of the writing of this Report the Department was actively examining alternative options for the delivery of the contracted services – a process that has been titled ‘repositioning’. The reasons behind the apparent decision not to continue with the full Contract are numerous and complex, and it is not the purpose of this Report to examine this issue in detail.
- 4.2 The Department and the Contractor have not enjoyed a particularly positive relationship from the outset, with arbitration over a number of key fundamental issues dragging out over the first two years of operation.⁴¹ While some of these issues have related to the quality of services provided, they have predominantly related to cost effectiveness and the achievement of key objectives of contracting, both of which the Department believe have not been achieved.
- 4.3 It has not been a secret that the Department has been looking at alternatives for service delivery. Recent developments have seen the Department request AIMS to re-tender for a redefined set of services – removing some that are currently provided while adding services at new specified locations and under a number of new terms. If a new agreement cannot be reached, the Department ‘will begin to implement a strategy to reposition the services’⁴² that would include the resumption of certain aspects of service delivery. This in itself has created problems for service delivery, as has been alluded to in this Report. Staff retention and morale are the two main issues that are impacted. A decision must be made regarding the future of the Contract, and this outcome communicated clearly with the Contractor and its staff as to the outcome of ‘repositioning’ and the prospect for future employment. This would be only fair, especially in light of the positive client feedback received during this Inspection of the regional custody centres and in light of the need for services to continue to be delivered.

SUMMARY OF FINDINGS

- 4.4 Court custody centre services are generally being delivered to an acceptable standard across the seven regional custody centre sites. This is an especially worthy achievement at the centres that have been highlighted as having particular infrastructure and amenity deficiencies. In many cases, client agencies interviewed during the Inspection process were unequivocal in their feedback that the delivery of the services under the Contract were far superior to those provided prior to the Contract’s commencement. This achievement by staff at these sites, particularly the remote ones, should be recognised.

⁴¹ It should be noted that arbitration is continuing on a number of new issues, and this continues to hinder positive relationship management to some extent.

⁴² Department of Justice, *Response to the Draft Report on Regional Court Custody Centres*, 28 October 2003, Attachment 1.

- 4.5 This generally good level of service delivery is also an achievement, considering the frequency of negative comments from staff about the initial and ongoing training received to support them in performing their duties. A number of new training initiatives were instigated by AIMS Corporation during the course of the Inspection (notably, workbooks for new trainees and ‘training grabs’ for ongoing refreshers). Both AIMS Corporation and the Department have a responsibility to monitor and evaluate the new training methods to ensure suitability for meeting the needs of staff. The Inspector will certainly do so.
- 4.6 Staff diversity is essential in regional locations, and the Inspection found that most sites have problems with regards to the number of female staff members and the employment of Aboriginal persons. AIMS needs to develop and implement plans for attracting an appropriately diverse staffing base that ensures these members of staff are available when required. This should also include a retention plan.
- 4.7 The seven regional court custody centres have a wide diversity in the quality of facilities, infrastructure and amenities available at each. On the whole, however, most centres require extensive renovation and in some cases total replacement in order to ensure that legislative, contractual and duty of care obligations can be fulfilled. Facilities at all centres must be reviewed as a matter of priority and steps taken as soon as possible to rectify the shortcomings revealed. This is even so at centres with capital works plans already authorised, as the time between now and the works being completed necessitates interim measures to be taken to alleviate sub-standard operational conditions.
- 4.8 A number of positive changes were observed during this Inspection in both AIMS Perth office involvement and interaction with its operational sites and also with the Department’s monitoring and auditing processes. Such improvements need to be maintained to ensure that service quality continues to improve and that new issues can be identified at the earliest possible stage. Attention needs to be particularly directed at preparing and supporting Clerks of Courts for their increased role in daily Contract monitoring and also in the record-keeping requirements to ensure accuracy and consistency across sites for the purpose of accountability.

Recommendations

1. The Department assess all regional court custody facilities for capital works requirements and a plan be produced so all centres will be able to provide the required environment to ensure that the duty of care owed to persons in custody, staff and the public can be met. The assessment should include:

- Security of sally ports;
- Staff amenities and work space;
- Cell quantity, size and amenity; and
- Facilities for legal and other visits.

(Paragraphs 3.3–3.25)

2. The cessation of the use of prisoner transport vehicles as makeshift cells at court custody centres.

(Paragraph 3.9)

3. The Contractor to develop specific strategies for regional recruitment, staff retention and employee diversity (especially with regards to Aboriginal and women employees).

(Paragraphs 3.26–3.32)

4. The Contractor to develop a comprehensive training plan, encompassing recruit training and ongoing professional development, that will ensure all staff achieve recognised accreditation. The Department should take a more active monitoring role in training received by the Contractor's regional employees to ensure that the standards promised in the Contract are adhered to.

(Paragraphs 3.29–3.42)

5. The Department and the Contractor should agree on protocols for the provision of emergency medical treatment at court custody centres that provide supervisors with more autonomous authority to act with immediacy.

(Paragraph 2.19)

6. The Department continue to increase regularity of on-site monitoring of regional court custody centres and to ensure that appropriate training and resource are provided to Clerks of Court to perform the ongoing role expected of them in overseeing contracted service delivery.

(Paragraphs 3.43–3.46)

7. The Contractor establish and enforce the use of standardised record keeping instruments across all regional court custody centres and to monitor the reporting procedures at all sites to ensure all necessary incidents are reported appropriately.

(Paragraphs 3.47–3.51)

Appendix 1

THE INSPECTION TEAM

An Inspection of each regional court custody centre facility was conducted by at least two of the following staff members during the course of the review:

Professor Richard Harding	Inspector
Robert Stacey	Director of Operations
Peter Upton-Davis	Senior Inspections Officer
Lynn Atkinson	Manager Research and Publications
Jocelyn Jones	Senior Research Officer
Natalie Gibson	Inspections Officer
Kerri Bishop	Inspections Officer

Appendix 2

RESPONSES OF THE DEPARTMENT AND AIMS TO THE RECOMMENDATIONS

1. The Department assess all regional court custody facilities for capital works requirements and a plan be produced so all centres will be able to provide the required environment to ensure that the duty of care owed to persons in custody, staff and the public can be met.

The assessment should include:

- Security of sally ports,
- Cell quantity, size and amenity, and
- Staff amenities and work space,
- Facilities for legal and other visits.

DEPARTMENT RESPONSE

Significant investment in facilities has been undertaken and this will continue. The Department has prepared a Concept Approval Form for 'Courts Custodial Facilities Upgrade' which seeks capital funding for \$750,000 in 2007/08, \$750,000 in 2008/09 and \$820,000 in 2009/2010, a total of \$2,320,000. The program of works, together with cost estimates will be used to prepare the capital works program.

The plan for the redevelopment of the Kalgoorlie Court complex has been finalised and Phase 1 of construction is due for completion by December 2004.

The Department notes the Inspector's comments in relation to some regional court custody centres that are relatively new and not due for capital works.

AIMS RESPONSE

No comment.

2. The cessation of the use of prisoner transport vehicles as makeshift cells at court custody centres.

DEPARTMENT RESPONSE

Do not agree. Prisoner transport vehicles are used at Albany and Kalgoorlie Court Custody Centres as a temporary measure. This practice will not be required when new infrastructure is in place. The Department agrees that the use of transport vehicles is not ideal and will limit this to where no other facilities are available.

AIMS RESPONSE

AIMS Corporation will cooperate with the Department in attempting to identify alternatives but our ability to do so unilaterally is limited.

RESPONSES OF THE DEPARTMENT AND AIMS TO THE
RECOMMENDATIONS

3. The Contractor to develop specific strategies for regional recruitment, staff retention and employee diversity (especially with regards to Aboriginal and women employees).

DEPARTMENT RESPONSE

Agree. It is the responsibility of AIMS to ensure employee diversity. The Department acknowledges that recruitment and retention in regional areas present distinct challenges and will endeavour to share its knowledge and experience with the Contractor on these matters.

AIMS RESPONSE

Partially agree. Observations made in the Report are not reflected by data analysis or our exit interview processes. However, AIMS Corporation is continually improving recruitment and retention processes with a focus on employment of people who are traditionally disadvantaged, being women or Aboriginal people. The appointment of the Indigenous Liaison Coordinator is an example of AIMS Corporation's efforts in this regard. A review of existing policies will occur to ensure that the strategies in place translate into sustainable increases in these groups.

4. The Contractor to develop a comprehensive training plan, encompassing recruit training and ongoing professional development, that will ensure all staff achieve recognised accreditation. The Department should take a more active monitoring role in training received by the Contractor's regional employees to ensure that the standards promised in the Contract are adhered to.

DEPARTMENT RESPONSE

The Department will continue to take an active role in monitoring training and has incorporated this factor in its compliance schedule.

AIMS RESPONSE

A review of employees who have not attended 'Verbal Judo' training in the regional areas will occur and a strategy to deliver this program will be implemented.

A comprehensive training plan is presented each year to the Department of Justice as part of budget negotiations and is implemented on officer hours and entry-level training. Our training records reflect regular and ongoing training has been delivered at regional locations through training 'grabs' and external providers.

The Departmental trainer has advised that she will notify CSCS when she travels to regional centres. This outcome will facilitate greater access to training. Additionally, TOMS training

RESPONSES OF THE DEPARTMENT AND AIMS TO THE
RECOMMENDATIONS

could be included in the supervisors' conference if we are not able to facilitate it through regional Departmental training.

- 5. The Department and the Contractor should agree on protocols for the provision of emergency medical treatment at court custody centres that provide Supervisors with more autonomous authority to act with immediacy.**

DEPARTMENT RESPONSE

Do not agree. All AIMS staff are trained in first aid. However, this does not include authority to dispense medication. Supervisors have the authority to seek medical attention for any prisoner in their custody.

Guidelines and training in this area will be jointly reviewed by DOJ and AIMS to ensure that supervisors understand the processes for dealing with medical emergencies.

AIMS RESPONSE

Agree.

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- 6. The Department continue to increase regularity of on-site monitoring of regional court custody centres and to ensure that appropriate training and resource are provided to Clerks of Court to perform the ongoing role expected of them in overseeing contracted service delivery.**

DEPARTMENT RESPONSE

Do not agree. The Department has increased the frequency of its regular on-site monitoring of regional court custody centres. The need for further increases in monitoring levels will form part of the ongoing performance evaluation.

It is not the intended role of Clerks of the Court in regional areas to police the service delivery of AIMS. Clerks of the Court are skilled in recognising problems in the court environment and their observations will be used to supplement the information obtained through on-site monitoring visits.

AIMS RESPONSE

No comment.

RESPONSES OF THE DEPARTMENT AND AIMS TO THE
RECOMMENDATIONS

7. The Contractor establish and enforce the use of standardised record keeping instruments across all regional court custody centres and to monitor the reporting procedures at all sites to ensure all necessary incidents are reported appropriately.

DEPARTMENT RESPONSE

The Department agrees that record keeping should be standardised.

AIMS RESPONSE

AIMS Corporation has a quality accredited system for record keeping that includes standard practices and forms. This system is a key focus of internal audits.



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