



Government of **Western Australia**
Department of **Justice**
Corrective Services

Response to Review:

The Transport of Regional and Remote Prisoners

December 2022

Version 1.1 FINAL - Amended 17 Jan 2023

Response Overview

Introduction

On 31 May 2022, the Department of Justice (the Department) received notification that the Office of the Inspector of Custodial Services (OICS) would be conducting a review titled *The Transport of regional and remote prisoners* (the Regional Transport Review).

The purpose of the review was to examine the transportation of prisoners in regional and remote parts of Western Australian (WA) prisons and whether these transports were conducted in a safe, secure and humane manner.

The review did not include the transport of young people across regional and remote WA or the transport of prisoners within the Perth metropolitan area.

A draft copy of the report was provided for comment to the Department on the 15 November 2022 and contains 14 recommendations and key highlights.

The Department has reviewed the draft report and provides comments and responses to the recommendations as outlined below.

Appendix A contains further comments linked to sections in the report for the Inspector's attention and consideration.

Review Comments

Since the tragic death of Mr Ward in 2008 the Department has invested significant resources into improving its prisoner transport fleet to ensure the safety and welfare of prisoners during transportation, particularly in regional areas of Western Australia.

These improvements included replacing the entire prisoner transport fleet in 2010 with a new range of modern vehicles fitted with air-conditioning, remote temperature monitoring, duress alarms, CCTV, GPS and mobile satellite phones, molded seats and seat belts. Updates have also been made to policies and procedures through the introduction of the *Minimum Standards for Secure Escort Vehicles*. Changes to the approved modes of transport for inter-prison transfers ensure majority of long-distance transfers are now conducted by air.

In 2019, the Department commenced negotiations with Ventia (formerly Broadspectrum) to replace the 2010 fleet. The concept fleet will see the number of secure escort vehicles increase from 34 to 43. New security and safety features, not present in the current fleet, will also be included such as seatbelts designed with self-harm considerations, defibrillators and roof mounted solar panels to increase fuel efficiency.

The replacement fleet will be smaller and more discreet providing greater flexibility with more seating configurations and wheelchair access. A prototype vehicle has been developed and is undergoing testing.

Most prisoner transports are conducted by Ventia, the Department's approved service provider under the *Court Security and Custodial Services Act 1999* (the CS&CS Contract). The Department facilitates all remaining escorts which are primarily short-term and/or unscheduled escorts, such as medical appointments or emergencies.

The Department's CS&CS Contract Management Team and Ventia maintain a good working relationship and meet regularly to monitor service delivery of the contract. The

Contract Management Team maintains a comprehensive abatement regime for failures in service delivery in accordance with the specifications of the contract.

The Department's Operational Policy and Procedures Framework plays a pivotal role in developing, reviewing and delivery of the Commissioner's Operating Policies and Procedures (COPPs) in line with relevant legislation and operational requirements.

The policies undergo regular reviews and amendments to improve service delivery. Recent changes to policies relating to prisoner movements include the requirement and process for conducting and recording welfare checks during the transportation of a prisoner and the provision of comfort breaks. A range of pre-movement processes that consider the health, safety and wellbeing of prisoners during movements are also in place, including special considerations for vulnerable prisoners. Comparisons are made with Ventia's Standing Operating Procedures to ensure practices are consistent and in line with best practice.

All COPPs relating to prisoner movements are due for review in 2023. This review will consider the findings in the OICS report and improvements will be made where appropriate.

All decisions regarding the use of restraints are based on risk assessments conducted for the movement of individual prisoners. This includes a fitness to travel assessment, external movement risk assessments and Superintendent directed escorts.

The Department acknowledges there is a high frequency of prisoners being moved, particularly Aboriginal prisoners through inter-prison transfers to or from regional prisons, resulting in these prisoners living off Country. Individual circumstances and needs of the prisoners and the services and care they require are complex sometimes requiring them to be transferred to a prison where their needs can be met. A high volume of transfers is also self-initiated by prisoners to transfer to their preferred facility or to facilitate visits with their families.

Overall, the OICS report is positive and has commended the Department for its commitment and focus on prisoner welfare during the various stages of planning and undertaking prisoner movements. The report specifically states that *processes were embedded into practice and were observed to be functioning well. Department staff had a good understanding of the various processes involved in moving a prisoner and understood their specific role within these processes. Generally, the movement of prisoners was found to be efficient and actively considered the safety, security and humanity of prisoners and escorting staff.*

Gaps where practices are not clearly aligning with the policy intent will be reviewed and improvements that will benefit both staff and prisoners will be considered for implementation.

The Department will review the findings made in relation to Anna's experience and consideration will be given to amending policies and procedures where required to ensure the safe, respectful, and humane transport of prisoners.

The Department has supported 11 of the 14 recommendations made by OICS and has identified further actions that will be taken to implement these recommendations.

Response to Recommendations

1 Prepare Transfer Plans that outline potential responses for expressed self-harm intent or actual self-harm incidents, in accordance with COPP 12.4 – Prisoner Transfers.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

Corrective Services' Adult Male Prisons directorate and the Mental Health, Alcohol and Other Drugs branch will develop procedures for appropriately responding to incidents where a prisoner may express self-harm intent, or actual self-harm occurs during an escort.

The Transfer Plan will also be amended to capture this information and COPP 12.4 – Prisoner Transfer updated to reflect any procedural changes.

2 Amend COPP 12.4 – Prisoner Transfers to include consideration of deactivated ARMS alerts in the assessment of prisoners 'Of Self-harm Concern'.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

COPP 12.4 - Prisoner Transfers, section 3.1.13, calls for all prisoners to be assessed for self-harm prior to being transferred between prisons.

All prisoner movement checklists are being reviewed as part of the policy review of COPPs relating to movements in 2023. Consideration will be given to the need for *deactivated* ARMS alerts to be considered when assessing a prisoner's risk of self-harm as part of this review.

3 Develop policy that outlines procedures for informing prisoners of upcoming movements.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

Prisoner movements are minimised where feasible as any movement from a secure facility to an external, non-secure location carries risks that vary based on the circumstances of the movement.

The information shared with a prisoner relating to any movement (e.g., hospital, court, inter-prison) will always be subject to security considerations.

Where practicable and safe to do so, prisoners are advised of any transfer in advance, including the proposed facility and opportunities provided to inform their next of kin before the transfer occurs.

4 Develop processes for providing comfort breaks during long road journeys, which are equally applicable to both the Department and the CS&CS contractor.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

COPPs 12.3 - Conducting Escorts and 12.4 - Prisoner Transfers will be amended in 2023 to include the requirement for escorting staff to provide comfort breaks during long-distance escorts via road, which will be aligned with Ventia's Standing Operating Procedures.

5 Develop processes for conducting welfare checks throughout Department-led movements.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

COPP 12.4 – Prisoner Transfers was updated on 9 September 2022 to include procedures requiring escorting officers to conduct welfare checks during escorts.

COPPs 12.4 is scheduled for further review in 2023 to enhance the existing provisions and provide thorough guidance for escorting officers.

Following this review, the welfare check procedures will also be incorporated into related COPP 12.3 – Conducting Escorts.

6 Extend Ventia's inter-prison transfer flight to West Kimberley Regional Prison.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The current arrangement whereby prisoners are transferred between Broome and WKRP via road is consistent with the CS&CS Contract and presents a journey time of approximately two and a half hours.

Actioning of this recommendation would have significant logistical challenges as the standard inter-prison transfer flight provided by Ventia already makes two layovers between the originating and concluding destinations of Broome and Perth (being Karratha and Geraldton). Restrictions on pilot flight times and consideration of fatigue

management are already challenging in this arrangement and a third layover would not be feasible.

It should be noted that as part of the contract extension and variation, WKRP will start to receive movement services including medical escorts, hospital sits and funerals/compassionate leave escorts which will reduce the pressure on WKRP to facilitate these escorts.

7 Establish fatigue management policies for custodial officers undertaking long-distance escorts.

Level of Acceptance: Supported – Current practice / project
Responsible Division: Corporate Services
Responsible Directorate: Human Resources

Response:

The Department's Human Resources directorate is leading a review of fatigue management and will examine operational practices and procedures for long-distance escorts by road.

8 Revise medical escort security procedures to reduce the use of restraints to reflect the system of security classifications and approvals for external activities.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

Superintendents are required to consider all circumstances, risks, and the behaviour of prisoners when considering the use of restraints during an escort. These risks remain the same regardless of security classification e.g., an escape risk can equally apply to low, medium and maximum-security prisoners alike.

9 Ensure prisons apply restraints in accordance with *COPP 12.3 – Conducting Escorts* or justifies the use of addition restraints with and External Movement Risk Assessment.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

A Deputy Commissioners Broadcast will be distributed to all Superintendents (and the General Manager of Acacia Prison), reinforcing the appropriate application of restraints, in accordance with COPP 12.3, including the use of external movement risk assessments (EMRA) that document the necessity for additional restraints to maintain safety and security of the escort.

10 Review the use of leg restraints on flights for compliance against aviation regulations and departmental policy.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The Department's CS&CS Contract Management team will engage with Ventia to review the circumstances regarding the non-compliance of utilising two-points of restraints in the absence of an EMRA during escorts and determine actions to address and prevent non-compliance.

11 Conduct regular monitoring and compliance reviews of Ventia's movement services from regional locations.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

Corrective Services' Operational Compliance branch aims to attend each regional prison and nearby court locations every two years to conduct compliance monitoring activities. As part of the activities, both the Department's and Ventia's movement services at these locations are monitored.

Where on-site visits cannot occur and as the provider of the majority of prisoner movements on behalf of the Department, desktop reviews of Ventia escorts are undertaken via the review of Electronic Prisoner Escort Movement System logs.

It should be noted that compliance monitoring activities since 2020 have been impacted by COVID-19 travel restrictions and staff re-deployments to the COVID-19 Taskforce.

12 Investigate opportunities for implementing electronic occurrence books for Department-led transports.

Level of Acceptance: Supported in Principle
Responsible Division: Corporate Services
Responsible Directorate: Knowledge, Information and Technology

Response:

The Department's Long-Term Custodial Technology Strategy (LTCTS) is overseeing the assessment and implementation of modern technology solutions throughout the custodial estate, and the transition of occurrence books from paper-based records to electronic logs will be considered.

13 Conduct regular internal reviews for compliance against the Department's COPP 12.1 – 12.5 on the coordination and delivery of prisoner transports.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

Corrective Services' Operational Compliance branch will monitor Department-led escorts during site visits where possible noting a significant portion of Department escorts are unscheduled.

14 Review the circumstances of Anna's experience, and the finding we have identified, and take actions to ensure the dignity and welfare of prisoners are protected in Department-led transports.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The findings of Anna's experience will be considered and COPPs amended where appropriate relating to safe, humane prisoner transport.