



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

## **ANNUAL REPORT 2009/10**

Contract for the Provision of  
Court Security and Custodial Services

This Report covers the operation of the  
Contract for the Provision of Court Security and Custodial Services

30 September 2010



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

## **Contract for the Provision of Court Security and Custodial Services**

Annual Report 2009/10

### **TO THE MINISTER**

Hon Christian Porter BA (Hons) BEc LLB MSc MLA  
Minister for Corrective Services

In accordance with section 45 of the *Court Security and Custodial Services Act 1999*, I hereby submit for your information and presentation to Parliament the 2009/10 Annual Report of the Contract for the Provision of Court Security and Custodial Services.

Under section 45 of the Act, the Chief Executive Officer of the agency principally assisting the Minister for Corrective Services, is required to prepare a report on services provided by the Contractor for the 12 months ending 30 September each year.

This report presents an overview of services provided under the Contract by G4S Custodial Services (G4S).

Compliance information and statistical information in the report are presented for a contract year, which operated from 31 July 2009 to 30 July 2010.

A handwritten signature in black ink, appearing to read 'Ian Johnson', written over a horizontal line.

Ian Johnson  
COMMISSIONER  
DEPARTMENT OF CORRECTIVE SERVICES

30 September 2010

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## **2. FOREWORD AND COMMISSIONER'S MESSAGE**

Following the Coronial Inquest in May 2009 into the death of Mr Ward, 2009/10 proved to be a watershed for the Department of Corrective Services in relation to the Contract for the Provision of Court Security and Custodial Services and, in particular, custodial transport.

During 2008 and 2009, this tragic event led to a rethink of how custodial transport services were delivered. A number of the initiatives considered during that time are now starting to realise benefits.

Western Australia hosted the National Custodial Transport Forum - the first of its kind - during August 2008, which led to an agreement by the Corrective Services Administrator's Council (CSAC) to establish national standards for custodial transport. Endorsement was given 'in principle' by all Ministers in Perth in 2009 to the development of the changes to the Standard Guidelines for Corrections in Australia (2004). These transport standards were officially endorsed by the Corrective Services Ministers of all Australian jurisdictions, at the Corrective Services Ministers' Conference recently held in Canberra.

It is pleasing that the Western Australian Department of Corrective Services took the lead role in developing these standards, as was their subsequent endorsement into the Standard Guidelines for Corrections in Australia.

Furthermore, to improve the standard of custodial transport in Western Australia, the Department of Corrective Services has implemented its own custodial transport guidelines which equal or exceed the newly created national standards.

It is also pleasing that during the past 12 months the Department, in conjunction with G4S Custodial Services, has introduced the use of coaches and aircraft for the movement of persons in custody and has made significant progress with the replacement of the custodial transport fleet of vehicles. These changes have greatly improved the safe, secure and humane manner in which prisoners are moved in Western Australia.

The Department is continuing to examine ways of reducing the need for prisoner transport. Work completed during the past 12 months, in conjunction with the Department of the Attorney General, has seen an 80% increase in the use of audio-visual technologies for court appearances. The increase in the use of audio-visual technology highlights the need to constantly test alternatives. In the past, audio-visual technologies produced a poor quality interaction but recent advancements have seen the quality improve significantly, as well as a reduction in costs. The next challenge in this area is to move the audio-visual technologies from an ISDN based system to IP, creating the opportunity for further enhancements including multi-networking.

With the Contract due to expire at the end of this service year and no further extension options available, the Department has re-evaluated the service design and governance, performance objectives, and sourcing of the services provided. As a result, the Department of Corrective Services has recently tendered for a service provider to deliver the services from 31 July 2011.

It is also important to note that the stewardship of the Contract has changed during the past 12 months. Mr John Hughes from G4S Custodial Services resigned as General Manager of the Contract for the Provision of Court Security and Custodial Services in April 2010 to take up an

opportunity in another field. Furthermore, the Department of Corrective Services is currently recruiting a new Contract Manager for the Contract for the Provision of Court Security and Custodial Services following the promotion of Mr Brian Lawrence to another position in the Department in July 2010. Both men were instrumental in the changes that have occurred in the delivery of services since 2008 but have left the provision of service in a sound position as we move forward.

All involved in the provision of court security and custodial services continue to remember Mr Ward as we conduct our core business, and to view this tragedy as an ongoing reminder of our obligation and commitment to continuously improving our service.

Ian Johnson  
COMMISSIONER  
DEPARTMENT OF CORRECTIVE SERVICES

### 3. EXECUTIVE SUMMARY

As a result of the Coronial Inquest into the death of a person in custody in 2008, the Department of Corrective Services implemented a number of new initiatives directed at improving and ensuring the safe, secure and humane transportation of persons in custody.

In addition to replacing the custodial transport fleet, which is due for completion in December 2010, the Department has introduced other modes of transport for the movement of persons in custody. These include the use of aircraft and chartered coaches that deliver more safe and humane methods of transport when travelling over long distances - for reasons such as clearances from remote police stations, and the transfer of prisoners between prisons.

The Department has also introduced vehicle specifications and transport guidelines in line with those developed for the Standard Guidelines for Corrections in Australia. These Departmental guidelines, in many instances, exceed the standards set by the national guidelines.

These are significant improvements, and they reinforce the Department's commitment to providing innovative changes to the transportation of persons in custody.

Monitoring of the services provided by G4S Custodial Services under the Contract for the Provision of Court Security and Custodial Services has also increased during the past service year. The Department has appointed three additional Monitoring Officers and a Manager responsible for monitoring. This has led to greater scrutiny of the service and allowed the Department to identify issues in a timely manner, and seek prompt remedy from the Contractor when issues arise.

The demand for service continues to be the other major focus for the management of the Contract for the Provision of Court Security and Custodial Services. The increased demand for custodial transport by WA Police, and an increase in the number of *ad-hoc* courts in regional areas, is a direct result of the Government's 'Frontline Policing' policy. This policy has impacted on the cost of providing court security and custodial services under the Contract.

Most regional courts operate 6 days per week with Justices of the Peace sitting on days that Magistrates are on circuit. In addition, most regional courts operated on 9 of the 11 public holidays to ensure arrestees are dealt with by a court as soon after arrest as possible. This has led to an increase in the cost of providing court services. Furthermore, those appearing before these additional courts require movement to and from the regional locations in a timely manner. This has resulted in the introduction of an agreement with WA Police to move persons from police custody to a regional prison within 48 hours. While the use of aircraft has made this possible, the cost of the Contract has also increased in order to meet this expectation.

In previous annual reports, the development of reliable data was identified as being paramount to managing the Contract and, while significant progress has occurred in the collection and analysis of data, further improvements are needed particularly as the current Contract draws to its conclusion and a new Contract will commence in July 2011. Of prime importance for a Contract that provides services to three government agencies is the development of a common identifier to enable the recording of movement and information from WA Police, through courts and into prisons.

As this Report is being tabled, the Department is currently tendering for a service provider to provide court security and custodial services beyond 31 July, 2011. The current Contract with

G4S Custodial Services expires on 30 July 2011 and no further extension of the Contract is available.

Key areas of focus for the Contract Management Team during the service year 2009/10 were:

1. Developing and implementing new modes of transport.
2. Developing standards for the delivery of duty of care.
3. Reviewing all G4S procedures.
4. Increasing the monitoring presence in the regions.
5. Containing 'budget creep' given the increased demand for services.

Major achievements for the year include:

- Implementing air charters for the northern inter-prison transfer of persons in custody.
- Implementing air services for movement from police lock-ups in the Kimberley.
- Implementing coach service transport to Kalgoorlie and Albany, and return service.
- Ensuring delivery of the custodial transport fleet, on time.
- Increasing monitoring services.
- Implementing the recommendations resulting from the Coronial Inquest into the death of Mr Ward.

The Contract Management Team is dedicated in its efforts to develop and implement continuous improvements to the management, monitoring and operation of the Contract for the Provision of Court Security and Custodial Services and continues to meet these challenges with a positive and forward-thinking approach.

The 2010/11 contract year heralds a period of transition and presents many opportunities to use lessons learned to develop a more focused service for future service years.

#### **4. BACKGROUND – HISTORY OF CONTRACT**

In January 2000, the then WA Department of Justice entered into a five year Contract for the Provision of Court Security and Custodial Services, including two further three year options, with the Corrections Corporation of Australia (CCA). CCA began delivering the required services on 31 July 2000. The company later changed its name to Australian Integration Management Services (AIMS) Corporation.

In 2005, at the end of the first five years of the Contract, the first option to extend the Contract for three years was exercised, thus taking the Contract through to 2008. During the period of this first option, the then Department of Justice was split into two separate Departments - the Department of Corrective Services and the Department of the Attorney General – with effect from 1 February 2006. The change created a complex service delivery and contract management structure with services delivered to both Departments and, indeed, a third agency, the WA Police.

Through a notation under the *Court Security and Custodial Services Act 1999*, in the Notice of Administration of Departments, Authority, Statutes and Notes, the Director General of the Department of the Attorney General had responsibility for the administration of the *Court Security and Custodial Services Act 1999*. Contract Management functions were undertaken by the Department of Corrective Services through a formal delegation by the Director General of the Department of the Attorney General.

In practice, the Department of Corrective Services provided overall contract management, while both the Department of Corrective Services (particularly Custody Transport) and the Department of the Attorney General (particularly Court Security and Court Custody) provided the management of the Contract's operations and services. The WA Police, while having no contract management role, is also a client agency making use of the custody movement services provided under the Contract.

In 2008, however, the Government Department responsible for assisting the Minister for Corrective Services in the administration of the *Court Services and Custodial Services Act 1999*, changed from the Department of the Attorney General to the Department of Corrective Services. As such, the Principal to the Court Security and Custodial Services Contract is now the Commissioner Corrective Services.

In the previous year, 2007, the Contract was novated to Global Solutions Limited (GSL). The State also chose to exercise the second and final three year option, and extended the Contract to 2011. In May 2008, Global Solutions Limited (GSL) was acquired by Group4Securicor, an international security solutions group. Although there was a change in ownership, the entity remains the same, as does the current management structure and contract.

In January 2009, the Contractor, Global Solutions Limited (GSL) changed its name to G4S Custodial Services (G4S) to reflect the aforementioned change in ownership.

The Department is currently tendering for a service provider to provide court security and custodial services beyond 31 July, 2011. The current Contract with G4S Custodial Services expires on 30 July 2011 and no further extension of the Contract is available.

## **5. ACHIEVEMENTS AND ACTIVITIES 2009/10**

### **1) Inter-Prison Transport**

#### **a. Coach Transport**

In July 2009, the Department of Corrective Services entered into contracts with Adams Coachlines and Greyhound Australia for the provision of standard coaches to facilitate the inter-prison movement of prisoners between Perth metropolitan prisons and regional prisons to the north, east and south of Western Australia.

The coaches provide a greater level of comfort and address a number of duty of care concerns, including access to ablutions during the movement of prisoners over long journeys.

Given that the coaches used have no specific additional security measures, additional strategies were established, including a detailed risk assessment of each prisoner moved on a coach. The initial contracts were for a 12 month trial period, during which the Department of Corrective Services evaluated the services both for suitability and value for money for the State.

In February 2010, the Department suspended the contract with Greyhound Australia for the provision of standard coaches used on the inter-prison movement of prisoners between Perth metropolitan prisons and regional prisons to the north of the State, as the Department commenced a trial of air services for this route.

In July 2010, the Department of Corrective Services awarded the contracts for the provision of standard coaches to facilitate the inter-prison movement of prisoners between Perth metropolitan prisons and regional prisons to the east and south of Western Australia, to the Australian Transit Group. The change of provider was made on the basis of a competitive tender process, and not on performance, as the Department was very satisfied with the quality of service delivered by the previous provider.

#### **b. Air Transport**

In August 2009, the Department of Corrective Services withdrew from service several vehicles in the Custodial Transport Fleet, as they were no longer suitable for the purposes required of them. In addition, the Department introduced a number of duty of care provisions in relation to the modes of transport used to move persons in custody. As a result, the Kimberley region posed a unique problem with regard to the distances over which persons in custody required prisoner movement.

The following guidelines were established:

##### *i) General*

- A person in custody shall not be transported in a vehicle without a toilet for greater than 2 hours.
- A person in custody shall not be transported in a vehicle without the opportunity to alight from the vehicle for greater than 4 hours.
- A person in custody shall not be transported in a vehicle for greater than 8 hours in one day.
- The Contract Manager may approve variations to the above to take into consideration the vast geographic regions of Western Australia and that, at times, it may not be possible to comply with the 4 hour and 8 hour requirements.

ii) *Bus and Coach*

Bus and coach transport should be used in the following circumstances:

- Where the total road travel required in a single day is greater than 8 hours.
- Where the road travel required on any one leg would result in a person in custody being in a vehicle for greater than 4 hours.
- Where the number of persons requiring movement is likely to be greater than 14 persons in custody.
- Where coach travel is more cost effective than air travel.

iii) *Air Services*

Air services should be used in the following circumstances:

- Where the total road travel required in a single day is greater than 8 hours.
- Where the road travel required on any one leg would result in a person in custody being in a vehicle for greater than 4 hours.
- Where air travel is the only means of conducting the escort due to climatic conditions.
- Where air travel is a more cost effective option than road.
- Where urgency prevents the use of road travel.

In October 2009, the Department of Corrective Services entered into a contract with Broome Air Services to provide a 7 seater aircraft and crew, at call, for the movement of persons in custody between the East Kimberley, North Pilbara, and Broome Regional Prison. The service will conduct approximately 145 flights in a 12 month period at a cost of \$840,000.

Data to date shows on a per movement basis the cost is \$1800 per movement, and this compares to a cost of \$1477 per movement using the previous truck-based system. While marginally more expensive, from a whole of Government view, the additional benefits are acquired in the provision of a more responsive service to WA Police, and a reduction in the time that Police have to hold prisoners in lock-ups. The Department is currently re-tendering this contract, as it expires 6 October 2010.

In February 2010, the Commissioner for Corrective Services determined that the Carnarvon Lock-Up did not satisfactorily meet requirements for the provision of duty of care to persons in custody for whom he was responsible. As a result, the Department identified alternatives to the use of coaches for the inter-prison movement of prisoners between Perth metropolitan prisons and regional prisons to the north, as the coach service required an overnight stop at Carnarvon Lock-Up.

Given the extreme distance between Greenough and Roebourne Regional Prisons, the Department determined that, taking into account the safety and welfare of the prisoners moved, an air service would be the most appropriate mode of transport.

The Department entered into a contract with Skipper's Aviation to provide a fast service between Perth and Broome via Geraldton and Karratha. This contract expires in November 2010 and prior to entering into future arrangements, the Department assessed the cost of the service for value for money. The Department also considered that in response to Government funding in the May 2010 Budget for a new Justice Complex in Carnarvon, WA Police have indicated a reluctance to upgrade or repair the current lock-up and the Department has made a determination to continue to provide these escorts by aircraft. Data to date shows the average cost per movement by aircraft is comparable to the average cost per movement by

coach and the Department completed a full evaluation and will re-tender the Contract to take services through to July 2011.

### **c. Custodial Transport Fleet**

The Department of Corrective Services has received thirty (30) out of forty (40) new vehicles for the Custodial Transport Fleet. In addition, the Department has purchased two (2) Volkswagen Crafter vehicles for use in the South West of the State, and a small coach to provide inter-prison movement between Perth and Bunbury. The Department anticipates having a fully refurbished fleet of new vehicles by the end of December 2010.

## **2) Response to the Ward Enquiry**

As a result of the Coronial Inquiry into the death of Mr Ward, a series of recommendations were made. With regard to the Department of Corrective Services, these Coronial recommendations included:

- the replacement of the existing vehicle fleet with secure vehicles that ensure safety and humaneness in transporting persons in custody;
- ensuring there is an ongoing strategy and budget to confirm the timely replacement of secure vehicles;
- the Department ensuring that Contractor policies are subject to ongoing review; and,
- ensuring there are sufficient Contract Monitors to review these operations.

The Department has made significant progress in addressing the recommendations of the Coronial Inquest. This has included the replacement of the secure vehicle fleet, with all vehicles to be replaced by 31 December 2010.

The Department has also recruited and appointed additional staff to monitor services, and robust processes have been established to ensure the ongoing review of the procedures of the Contractor, G4S Custodial Services.

All recommendations made towards the Department have been implemented as at 30 July 2010.

In addition to addressing the recommendations of the Coronial Inquest, the Department implemented significant remedial actions immediately following the death of Mr Ward. The Department has continued to implement improvements over and above those suggested as a result of the Coronial Inquest.

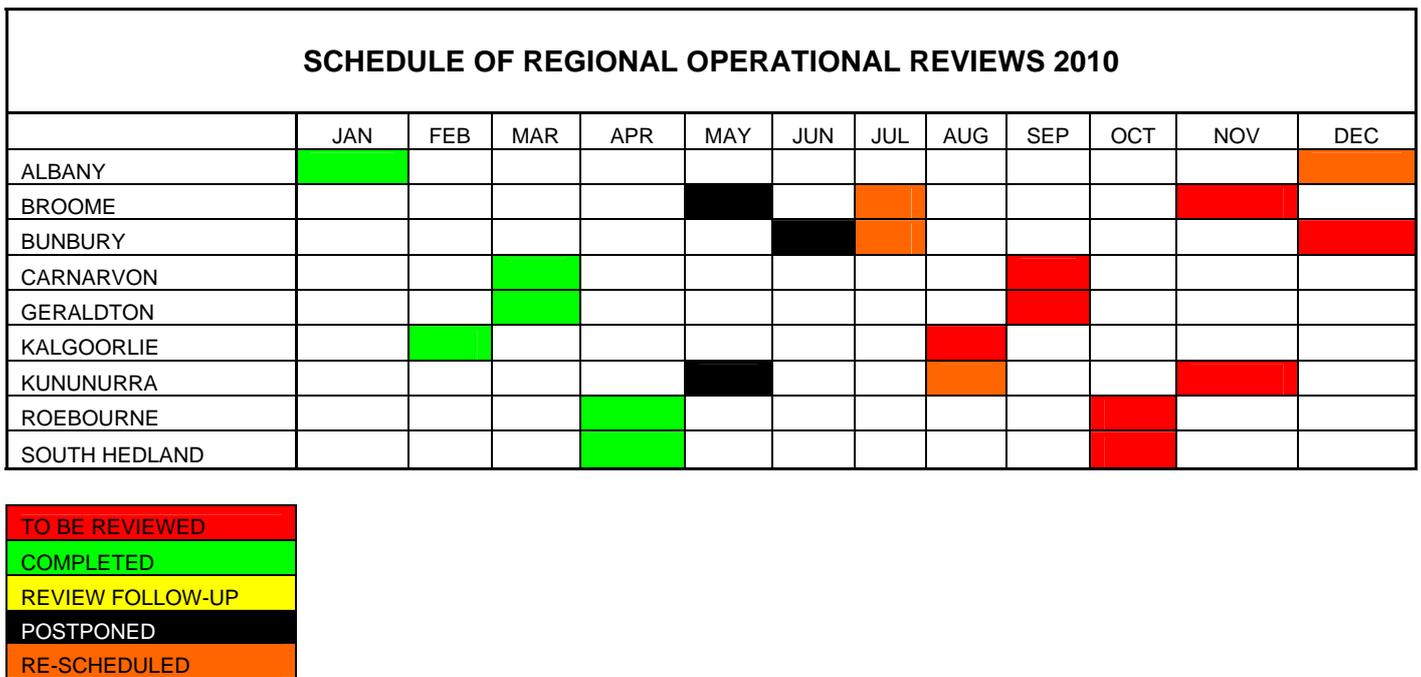
## **3) Monitoring**

The tenth service year of the Contract for the Provision of Court Security and Custodial Services saw an increase in monitoring activity following the appointment of additional Monitoring Officers in November 2009. This Team has, in turn, substantially increased overall monitoring activity across both courts and transport.

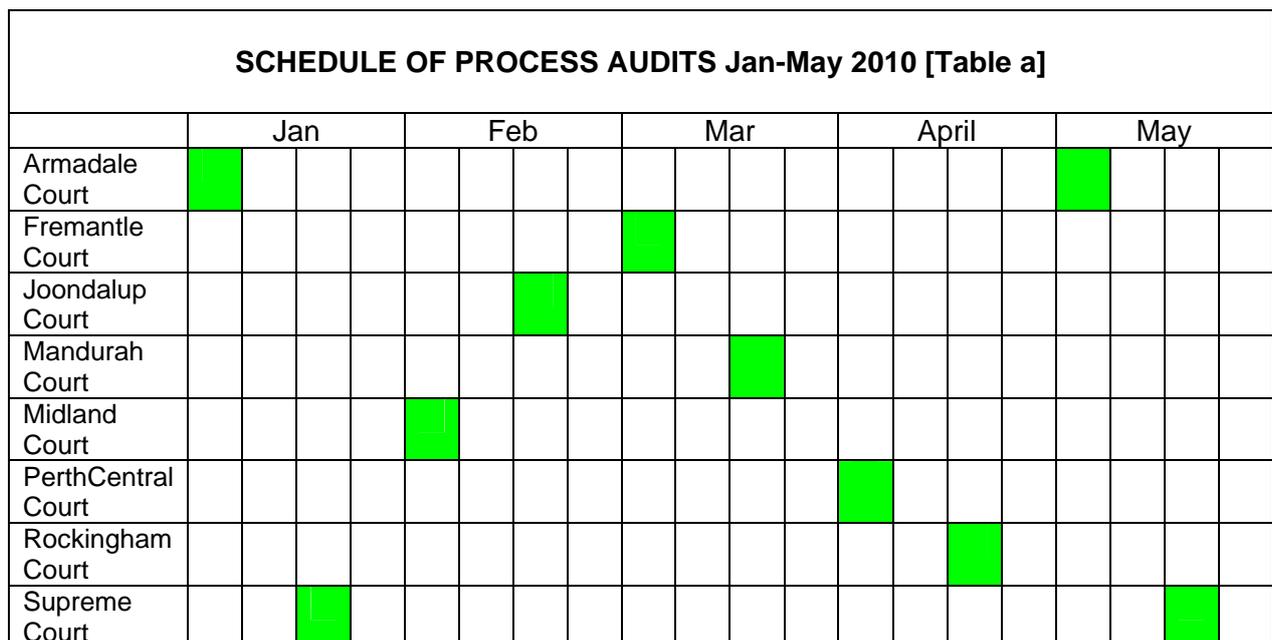
The monitoring role has also expanded, undertaking responsibility for monitoring the court custody and court security services in addition to transport services. In 2010, with the appointment of additional Monitors, the Monitoring Team will take responsibility for monitoring court custody and court security at the District and Central Law Courts which is provided under a different contract.

The Department amended the Monitoring Plan to include Daily Compliance Tests and full Process Audits for all services provided by the Contractor, and a Schedule of Process Audits and Regional Operational Reviews were developed. The Schedule allows for a minimum of two Operational Reviews at each regional location, and three Process Audits at each metropolitan court per year, in addition to daily monitoring of transport in the metropolitan area.

**Figure 1: Schedule of Operational Reviews 2010**



**Figure 2: Table (a) Schedule of Process Audits January-May 2010**



**Figure 3: Table (b) Schedule of Process Audits June-December 2010**

| SCHEDULE OF PROCESS AUDITS Jun-Dec 2010 [Table b] |     |  |  |     |  |  |     |  |  |      |  |  |     |  |  |     |  |  |     |  |  |  |  |  |  |  |  |  |
|---|-----|--|--|-----|--|--|-----|--|--|------|--|--|-----|--|--|-----|--|--|-----|--|--|--|--|--|--|--|--|--|
|   | Jun |  |  | Jul |  |  | Aug |  |  | Sept |  |  | Oct |  |  | Nov |  |  | Dec |  |  |  |  |  |  |  |  |  |
| Armadale Court                                    |     |  |  |     |  |  |     |  |  |      |  |  |     |  |  |     |  |  |     |  |  |  |  |  |  |  |  |  |
| Fremantle Court                                   |     |  |  |     |  |  |     |  |  |      |  |  |     |  |  |     |  |  |     |  |  |  |  |  |  |  |  |  |
| Joondalup Court                                   |     |  |  |     |  |  |     |  |  |      |  |  |     |  |  |     |  |  |     |  |  |  |  |  |  |  |  |  |
| Mandurah Court                                    |     |  |  |     |  |  |     |  |  |      |  |  |     |  |  |     |  |  |     |  |  |  |  |  |  |  |  |  |
| Midland Court                                     |     |  |  |     |  |  |     |  |  |      |  |  |     |  |  |     |  |  |     |  |  |  |  |  |  |  |  |  |
| PerthCentral Court                                |     |  |  |     |  |  |     |  |  |      |  |  |     |  |  |     |  |  |     |  |  |  |  |  |  |  |  |  |
| Rockingham Court                                  |     |  |  |     |  |  |     |  |  |      |  |  |     |  |  |     |  |  |     |  |  |  |  |  |  |  |  |  |
| Supreme Court                                     |     |  |  |     |  |  |     |  |  |      |  |  |     |  |  |     |  |  |     |  |  |  |  |  |  |  |  |  |

**4) Clarification of Service Requirements**

**a. Reducing Unnecessary Prisoner Movement**

The Department of Corrective Services has formed a joint working group with the Department of the Attorney General to develop strategies fore reducing unnecessary prisoner movements. The working group has examined a range of State-wide issues relating to prisoner movements, including the movement to and from court, and the movement between prisons.

The initial primary focus was increasing the use of audio-visual technology for court appearances and has resulted in an increase from 30% of prisoner court appearances being held using AV to 60% at the end of July.

Whilst the use of AV for prisoner court appearances has increased, some other impacts have eventuated from this which the joint working group is identifying and attempting to provide solutions.

The working group is also looking to establish a Prisoner Movement Directorate to deliver strategic improvement in the movement of persons in custody and to manage the day to day coordination of this movement in conjunction with other agencies outside the Department. The outcomes would result in:

- a reduction in prisoner movements;
- a reduction in costs related to prisoner movement;
- a reduction in associated risk to those being moved; and,
- a reduction in risk to the community of persons outside a secure environment.

## **b. Contractor Guidelines**

Under the Contract for the Provision of Court Security and Custodial Services, the current contracted service provider, G4S Custodial Services, is responsible for providing the following three services:

- Court security services.
- Court custodial services.
- Prisoner movement services.

To assist the Contractor with these service requirements, the Department of Corrective Services is developing sixteen specific guidelines to clarify the expectations regarding the services to be delivered. They are not intended to be a fully comprehensive or all-inclusive service requirement but rather as a general overview and *aide-memoir*. Each guideline covers one aspect of the required service with reference to authorising legislation. The guidelines are listed as below, and shall be completed by the conclusion of 2010.

- Custodial Transport – Fleet Management Guidelines
- Custodial Transport – Chartered Coach Services Guidelines
- Custodial Transport – Department of Corrective Services Coach Services Guidelines
- Custodial Transport – Kimberley Air Services Guidelines
- Custodial Transport – Inter-Prison Transport North – Air Services Guidelines
- Custodial Transport – Court to Prison Guidelines
- Custodial Transport – Prison to Court Guidelines
- Custodial Transport – Inter-Prison Transfer Guidelines
- Custodial Transport – Hospital Sit Guidelines
- Custodial Transport – Funerals and Visiting Gravely Ill Persons Guidelines
- Custodial Transport – Medical Appointment Guidelines
- Custodial Transport – Miscellaneous Transport Guidelines
- Court Custodial Services Guidelines
- Court Security Services Guidelines
- Lock-up Management Services Guidelines
- Royal Perth Hospital Secure Outpatient Facility Guidelines

The Contractor is expected to refer to the guidelines as a general aid when drafting its own procedures.

## **5) Office of the Inspector of Custodial Services (OIC) Review**

In October 2008, the Department of Corrective Services was advised of the forthcoming Announced Inspection of Activities under the *Court Security and Custodial Services Act 1999*. The scope of this inspection included:

- Metropolitan court custody centre services operated by the Contractor under the Contract for the Provision of Court Security and Custodial Services.
- The new District Court Centre services operated by the Western Liberty Group under contract.
- Juvenile court custody and transport services.
- Regional court custody services operated by the Contractor.
- Custody services provided at the Royal Perth Hospital Secure Outpatients' Unit.
- Custodial Transport services provided by both the Contractor and the Department.
- Departmental management and monitoring of the contracted services.

In July 2010, the Inspector of Custodial Services released its Report into Court Security and Custodial Services. The Report followed a thematic review of the services conducted between January and April 2009. Unfortunately, the Report was extremely outdated and did not reflect the achievements made in the previous 18-24 months. Nonetheless, the Department continues to review the Report to identify those aspects where opportunities exist for continuous improvement.

**6) Prisoner Transport Model**

In August 2008, the Department of Corrective Services commissioned an external organisation to undertake a study, and report on, the most appropriate means by which to move persons in custody. The Department received the final report in February 2010.

The Department is currently refining the guidelines to incorporate the recommendations of the report. The Department is also utilising the Report to provide guidance in the development of re-tendering services for custodial transport beyond July 2011 when the existing Contract expires.

**7) Royal Perth Hospital Secure Facility**

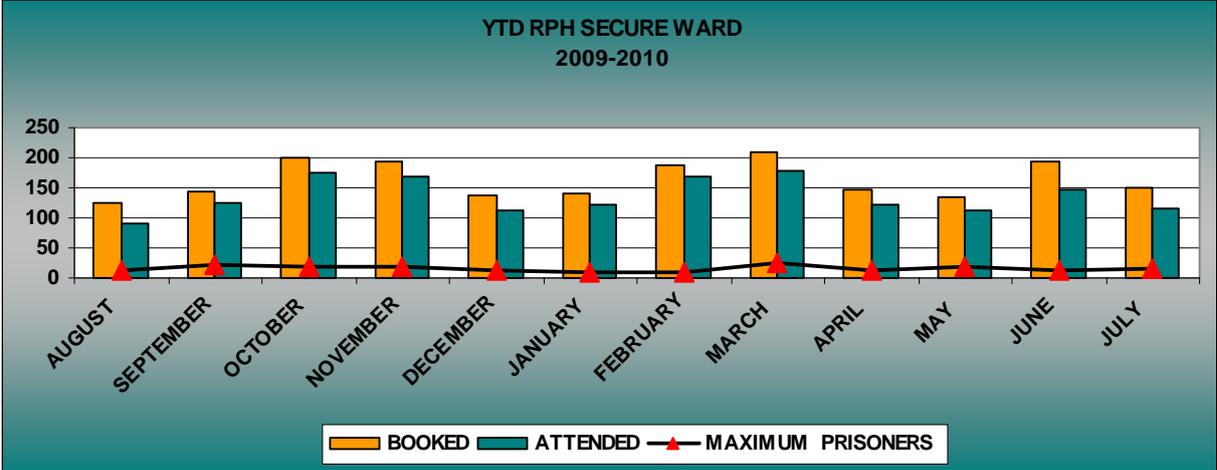
In March 2009, the Department of Corrective Services commissioned an external organisation to undertake a Value for Money Review of the Secure Outpatients’ Facility at Royal Perth Hospital. The Department received the final report in July 2009. During 2010, the Department reviewed services and processes to improve the value for money aspect of the facility.

Some of the key findings included:

- The facility at Royal Perth Hospital does enhance public safety;
- The facility’s costs are largely fixed and high in comparison to the variable costs of direct escorts, but the facility will become more cost effective as staged escorts increase; and,
- Opportunities exist to increase demand for the facility, making its operational costs more acceptable.

The Report therefore highlighted significant qualitative benefits of the facility but, because the facility was under-utilised, it demonstrated there was scope to improve the value for money aspect. The Department has undertaken, and continues to undertake, initiatives that will ensure the facility is better occupied.

Royal Perth Hospital Secure Facility bookings have increased by 69.5%, and the attendance increased by 65.9%, on the previous contract service year. This can be attributed to the efficiencies achieved through the centralisation of the prison medical booking system.



## **8) Police**

The Government's 'Frontline Policing' policy has had a significant impact on the delivery of court security and custodial services, as WA Police withdraw from custody and transport responsibilities.

Most regional courts operated 6 days per week (including 9 of 11 public holidays) as Magistrate Courts presided over by either a Magistrate or, on a number of occasions, by a Justice of the Peace. The additional courts are a result of Police making greater use of Justices of the Peace in country areas to facilitate the remanding of persons in custody rather than waiting on a Magistrate's circuit.

As a result, there is an increase in the demand for transport services to move persons from Police lock-ups to prisons following these additional courts. Previously, arrangements were determined and funded around the Magistrate's Circuit.

The Department and WA Police have agreed that the movement of persons remanded in custody to a prison, would occur as soon as possible (but no greater than 48 hours), to reflect the Government's priority (Frontline Policing) for police services.

The significant increase in the use of Justices of the Peace for additional regional and country courts has therefore increased the cost of the Contract in both the provision of court services and custodial transport during 2009/10.

## **9) Demand Model**

In 2009, the Department of Corrective Services developed a Demand Model to more accurately identify the level of service requirements. While the primary purpose of the Demand Model was to establish a realistic budget setting framework, it also provided the Department with considerable information in regard to the services provided, and where actual demand exceeds predicted demand. The Department has used the Demand Model, and monitoring process, to identify areas where the Contractor could improve performance in both delivery of services and in the area of financial management.

In March 2010, the Department commissioned auditors to undertake an audit of the financial arrangements of the Contractor, G4S Custodial Services, to:

- ensure that the Contractor had adequate controls in place to demonstrate that only funded services are provided: and,
- report whether the invoices provided by G4S Custodial Services reflect the actual services provided.

The Department of Corrective Services received the final Report in July 2010. The Department requested G4S Custodial Services to address the 8 recommendations of the Report and establish appropriate controls. A follow-up audit is scheduled for November 2010.

## **6. CONTRACT COMPLIANCE**

### **1) Court Custody and Court Security**

#### **a. Description of Service**

The Contract for the Provision of Court Security and Custodial Services provides for court security and court custodial services at major metropolitan and regional courts throughout Western Australia and in designated jurisdictions.

Court security is the provision of security services (excluding custody). Generally, it consists of the provision of court orderlies, gallery guards, perimeter security to external premises and internal security of public areas within major courts.

Court custody is the provision of security services within the court custody centre and the secure circulation paths leading to and from court rooms. This includes dock guards in court rooms for the management of persons in custody, and the management of custody centres where one forms part of a court complex.

#### **b. Number of Service Hours Provided**

In 2009/10, 308,000 resource hours were used in providing court related services. This represents an increase of 13% in resource hours during the year.

The increase in resource hours is attributed to additional courts (predominantly in regional areas) presided over by Justices of the Peace while Magistrates are on circuit. It also relates to additional Magistrate Courts on Saturdays and public holidays to provide for arrests and remands. In 2009/10, all major regional courts operated on 9 public holidays while, in previous years, courts did not sit on public holidays.

These additional court sessions are driven by the Government's "Frontline Policing" policy and the intent of WA Police to withdraw from custody and custodial transport matters.

This service year 2009/10, 157,500 hours related to the provision of court custody services and 150,500 hours related to court security services.

#### **Total Expenditure – Courts**

The cost of providing court custody and security services in 2009/10 totalled \$9,850,000, plus a contribution of \$3,950,000 towards the Contractor's overheads and fees in relation to providing services. This constitutes a total of \$13,800,000.

This compares to a total cost of \$13,450,000 in 2008/09 and represents a 2.6% increase.

### **2) Custody Movement Services**

#### **a. Description of Service**

The provision of custody movement services includes the movement of all persons in custody between lock-ups, courts, court custody centres, prisons, remand centres, and other locations for approved purposes as determined by the client agencies.

## b. Number of Service Hours Provided

In 2009/10, 274,000 resource hours were used in providing custody movement services. This is an increase of 15.7% and is due primarily to an increase in the demand for services by WA Police. This is a direct result of the Government's "Frontline Policing" policy which has resulted in WA Police reducing their involvement custodial transport; with the expectation the Contractor will fill the resulting void.

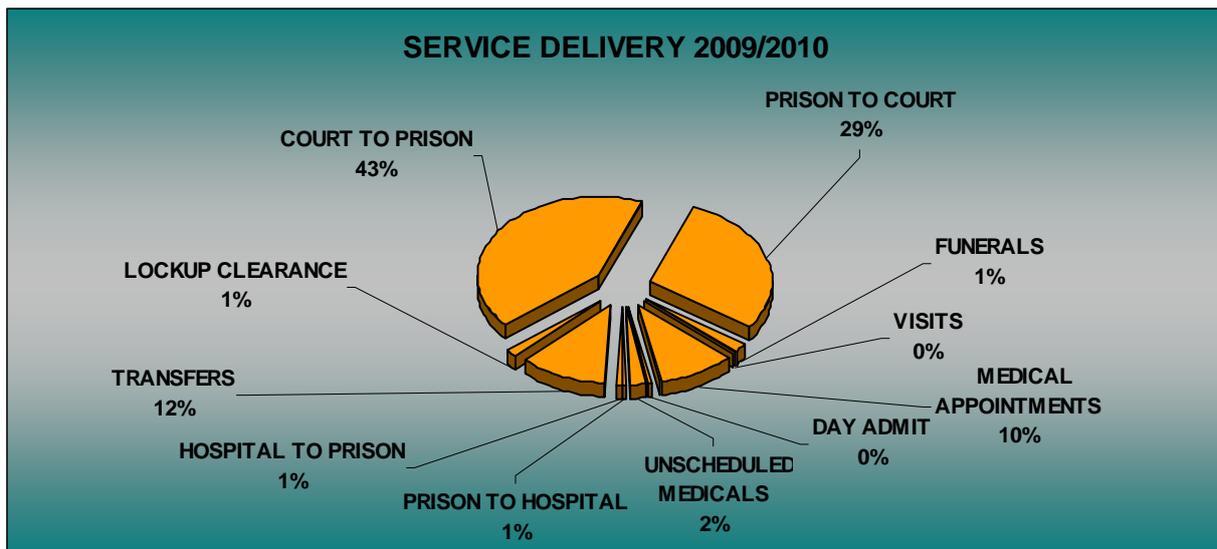
Of the overall resource hours used to provide custodial transport, 216,000 hours relate to prisoner movement services to both the Department of Corrective Services and WA Police. The remaining 58,000 hours relate to static escorts in response to guarding prisoners in hospital.

The actual number of movements performed is recorded in Table 1 below.

**Table 1: Number of Individual Custody Movements Performed**

| SERVICES               | 2009/10 | VARIANCE +/- | COMMENTS   |
|------------------------|---------|--------------|--|
| Court to Prison        | 13,697  | -18.37%      | Movement between court and prison accounts for 66% of all movements  |
| Prison to Court        | 9,595   | -21.66%      | The increased use of AV has resulted in a decrease in the movement of individuals, mostly between Hakea Prison and Perth Courts.   |
| Funerals               | 485     | 16.31%       | This is a significant increase on last year's figures, with most of these funerals occurring in regional areas.  |
| Visit to Ill Relative  | 53      | 17.78%       | This is only an increase of 9 additional visits, with most occurring in the metropolitan area.   |
| Medical Appointments   | 3,364   | 16.85%       | Following the opening of the Royal Perth Hospital Secure Outpatients' Facility, scheduled and unscheduled medical appointments have increased due to the improved facilitation of services.  |
| Day Admits             | 151     | 36.04%       |  |
| Unscheduled Medicals   | 610     | 2.52%        |  |
| Prison to Hospital     | 235     | 2.17%        |  |
| Hospital to Prison     | 229     | -6.15%       |  |
| Inter-Prison Transfers | 6,842   | -17.67%      | The decrease can be attributed to the great use of AV for Court Appearances.   |
| Lockup Clearance       | 436     | 20.44%       | With the introduction of the chartered flights, particularly in the East Kimberley and Eastern Goldfields regions, there has been a significant increase in the number of lockup clearances performed by the Contractor on behalf of Police. |

In total, 35,700 persons in custody were moved during the service year, 2009/10. This represents an overall 15.4% decrease in services delivered. The decline is related to greater use of audio-visual technology for court appearances, thus reducing the number of prisoners moved between prisons and courts, as well as inter-prison transfers.



### Total Expenditure – Custody Movement Services

The cost of providing custody movement services in 2009/10 totalled \$11,191,000 plus a contribution of \$3,713,000 towards G4S Custodial Service's overhead costs and contract fees. This provides a total of \$14,904,000. In comparison to the previous year, 2008/09, this represents a cost increase of 23% and reflects both the increase in resource hours and changes to the manner in which the Contract moves persons in custody.

### 3) Overview of Contract

#### a. Performance Linked Fee

G4S Custodial Services will receive 80% of the Performance Linked Fee, having failed to meet all the performance criteria of the Contract for the Provision of Court Security and Custodial Services during the service year. The available Performance Linked Fee for 2009/10 was \$1,173,000 of which G4S Custodial Services received \$938,000.

The areas where G4S Custodial Services failed to meet performance standards included 12 failures to report incidents affecting service delivery, and 3 breaches of legislation in relation to providing adequate duty of care or security of a person in custody.

During the year, the Department of Corrective Services also adjusted the 2008/09 Performance Linked Fee by \$100,000 in relation to a death in custody that occurred in January 2008.

#### b. Abatements

G4S Custodial Services were abated \$25,000 in response to an escape from custody of a juvenile at Geraldton Court in January 2009.

#### b. Other Financial Impacts

- i. The Department of Corrective Services engaged external auditors to review the operations of G4S Custodial Services in February 2010. This was to identify whether the costs charged by G4S Custodial Services reflected those services actually

provided to the Government, and whether G4S Custodial Services had sufficient controls in place to manage costs.

The audit determined that the monies charged accurately reflected the services provided by the Contractor, however, it also found that G4S Custodial Services did not have sufficient controls in relation to resource hours, overtime, and travel, to ensure that costs were appropriately managed.

In response, the Department issued a Performance Improvement Request to G4S Custodial Services directing that it establish appropriate controls in the areas identified in the Report. The effect of these new controls appeared in invoices for July 2010, with costs reduced by 12% in that month. A follow up audit will occur in November 2010.

- ii. The Enterprise Bargaining Agreement between G4S Custodial Services and the Trade Workers' Union expired in July 2010 and, at the time of this report, the two parties had not reached agreement on a replacement instrument. Any new agreement that provides for wage rises, above that budgeted, could impact on the costs to the State in 2010/11.

**c. Total Expenditure**

**Table 2: Total Contract Price 2009/10**

| <b>Total Contract Price 2009/10 (Tenth Service Year)</b> |                             |
|--|-----------------------------|
| Cost of Services – Actual                                | \$ 27,382,000               |
| Administration Fee (1.5%)                                | \$ 391,000                  |
| Performance Linked Fee (4.5%)                            | \$ 1,173,000                |
| Performance Linked Fee Reduction                         | -\$ 235,000                 |
| Abatements (1 by escape)                                 | -\$ 25,000                  |
| Adjustment to 08/09 PLF                                  | -\$ 100,000                 |
| <b>Total Cost of CSCS Contract</b>                       | <b><u>\$ 28,586,000</u></b> |

**Cost of Service**

The cost of delivering services under the Contract for the Provision of Court Security and Custodial Services has increased significantly during the life of the Contract. In previous years, the major driver was increasing demand from client agencies for services, with the cost per hour relatively stable. In 2008/09, the removal of the District and Central Law Courts had a significant impact on the cost per hour. The removal of these services reduced the total hours of service provision provided, but had no impact on the cost of the Contractor's overheads. Furthermore, the cost of providing those services (which were metropolitan based and carried out mostly during business hours), were at the lower end of the cost scales.

In total, the cost of the service has increased from \$37.47 per hour to \$43.27 per hour (15.4%) over the 10-year life of the contract.

**Table 3: Cost of Service**

| Service Year |          | Court Security and Court Custody Hours | Custody Movement Hours | Contractor Administration and Overheads Hours | Total Service Delivery Hours | Cost (\$)    |
|--------------|----------|--|------------------------|---|------------------------------|--------------|
| 1            | 2000/01  | 293,720                                | 137,741                | n/a   | 431,461                      | \$16,170,010 |
| 2            | 2001/02  | 271,513                                | 126,037                | n/a   | 397,550                      | \$17,409,990 |
| 3            | 2002/03  | 299,031                                | 122,950                | n/a   | 421,981                      | \$17,852,587 |
| 4            | 2003/04  | 307,835                                | 116,047                | n/a   | 423,882                      | \$18,661,675 |
| 5            | 2004/05  | 333,687                                | 126,149                | n/a   | 459,836                      | \$20,971,714 |
| 6            | 2005/06  | 320,124                                | 164,034                | n/a   | 484,193                      | \$20,672,111 |
| 7            | 2006/07  | 313,877                                | 119,252                | n/a   | 433,129                      | \$22,186,912 |
| 8            | 2007/08  | 379,757                                | 185,316                | 51,857  | 608,363                      | \$24,023,419 |
| 9            | 2008/09  | 272,684                                | 236,447                | 75,403  | 584,534                      | \$25,459,632 |
| 10           | 2009/10* | 308,000                                | 274,000                | 78,000  | 660,000                      | \$28,586,000 |
| 11           | 2010/11* | 294,000                                | 263,000                | 70,000  | 627,000                      | \$25,705,000 |

\* 2009/10 and 2010/11 figures are rounded to the nearest 1000

\* 2010/11 figures are estimates based on the agreed budget.

## **7. MAJOR CHALLENGES 2010/11**

### **1) Maintaining Services**

As mentioned earlier in the Report, the Contract for the Provision of Court Security and Custodial Services is in its final year, therefore a re-tender process commenced during 2009/10, and the tender for future services is currently in the market.

A Contract in its final year poses significant challenges to those managing such a Contract. In particular, there is difficulty in maintaining the impetus to promote continuous improvement in the delivery of services, as well as being able to retain experienced staff.

In 2009/10 alone, the General Manager, Business Manager, and Transport Co-ordinator left the employ of the Contractor, and in developing the 2010/11 Budget, the Contractor highlighted an anticipated 25% staff turnover. During the first month of the 2010/11 Service Year, the contractor has already fallen behind desired staffing levels with a shortfall of staff in regional areas of 35% and overall 2.3%.

In delivering a service that needs to span the entire State of Western Australia, it is important to retain knowledge and experience as well as sufficient staff to provide the service required. With opportunities in other industry sectors of the Western Australian economy competing for workers, the effort to retain knowledgeable and experienced workers will be challenged. The Department is working with the Contractor to establish retention strategies, and to monitor the Contractor's Workforce Plan to ensure the ongoing provision of services at the required standards and levels.

### **2) Transition to New Contract**

A new arrangement for services is required to be in place by July 2011, when the existing Contract expires. The Department - together with other client agencies, the Department of the Attorney General and the WA Police - has commenced a process to consider future service delivery options and future service requirements. The Department currently has in the marketplace a request for tender for these services.

Contingent upon the outcome of the request for tender, the service delivery model and a new Contract will be finalised in early 2011.

Should the outcome of the tender process result in transference to a new provider, the transition process will commence in March 2011 to ensure a smooth changeover between providers.

### **3) Vehicle Fleet to be Fully Delivered by December 2010**

The Contract commenced in 2000 with a fleet of 38 vehicles, and the Department is currently replacing the Custodial Transport Fleet with 40 Isuzu based vehicles.

This includes the following types of vehicle:

- A fourteen seat long-haul, inter-prison vehicle with toilets;
- A twelve seat vehicle for metropolitan use;

- An eight seat 4x4 vehicle designed for use in the regional areas;
- An eight seat dual cab vehicle; and,
- An eight seat vehicle with toilet.

As at 31 July 2010, the Department has received 30 vehicles and will receive the remaining 10 vehicles prior to 31 December 2010. As the vehicles arrive, the Department is withdrawing from service the previous Mazda (fully withdrawn by September 2010) and Mercedes (fully withdrawn by December 2010) fleet vehicles. As of 31 July 2010, the Department had 4 Mazda and 8 Mercedes vehicles remaining in service.

During 2009/10, the Department also acquired 2 Volkswagen Crafter vehicles, described by the Office of the Inspector of Custodial Services (OICS) as being a superior model for prisoner transport, and a 27 seater coach. These additional vehicles will take the fleet to 43 vehicles by 31 December 2010.

The Department is also looking to purchase special purpose vehicles to transport medically ill, disabled and other prisoners with special needs.

#### **4) Strategies to Reduce Unnecessary Prisoner Movement**

The Department will continue the focus to reduce unnecessary prisoner movement by collecting relevant data, identifying strategies and managing impacts of new processes. A major component is through the analysis of data to identify the reasons that persons in custody are moved. In addition, strategic initiatives will be established to reduce prisoner movements to that which are essential.

The Department will also continue to promote the use of audio-visual links for court appearances in order to reduce the number of prisoners transported between regional and metropolitan locations for this purpose, with this comes the need to address external impacts such as the dislocation of persons in custody from their home territory and ensuring the use of AV does not impact on their access to justice.

These initiatives are being developed and carried out in conjunction with the Department of the Attorney General and Aboriginal Legal Service.

#### **5) Information and Data Sharing**

The Department of Corrective Services continues to have difficulty in obtaining meaningful data with regard to movement from the Total Offender Management (TOMS) systems. Problems are also being experienced due to the non-compatibility of information stored between the agencies of Corrective Services, Courts and WA Police systems.

As part of the re-tender process for Court Security and Custodial Services, the Department of Corrective Services – in conjunction with other agencies – is looking at improved data sharing by means of establishing a common identifier number for all persons in custody. This would allow greater accessibility, and compatibility, in the sharing of information and data across all relevant agencies.

#### **6) Re-Defining Service Delivery**

In identifying areas for continuous improvement, the Department of Corrective Services has determined that particular locations in Western Australia are not conducive to the provision of services through a contract arrangement. Primarily, the level of demand for service is

significantly low and therefore insufficient to maintain the workforce needed to deliver the required service.

The Department is, therefore, working with the Contractor, G4S Custodial Services, to identify ways to ensure that staff are retained in these areas, in a cost effective manner, to provide services.

Possible solutions include:

- retention payments; and,
- increasing District Allowances to match those currently being offered to public servants.

## **7) Carnarvon Air Transport**

In February 2010, the Commissioner for Corrective Services determined that the Police Lock-Up at Carnarvon was not suitable for housing persons for whom he has responsibility under both the *Prisons Act 1981* or the *Court Security and Custodial Services Act 1999*.

The Carnarvon Lock-Up is a gazetted lock-up under the *Court Security and Custodial Services Act 1999*, to enable the use of the lock-up as an overnight stay during escorts between Greenough and Roebourne Regional Prison. WA Police have advised that they are unlikely to upgrade the lock-up as funding has been provided for a new Justice Complex in Carnarvon.

The Department of Corrective Services, in turn, while willing to contribute some funds towards an upgrade, recognizes the upgrade is not entirely consistent with the capital works planning of WA Police.

It appears, therefore that the use of the Carnarvon Lock-Up to facilitate prisoner movements will remain suspended for the foreseeable future.

Nonetheless, a court service exists and therefore both transport and custody services are still required, Discussions are occurring between the department and WA Police to make minor upgrades to facilitate the safe and humane holding of persons in custody during court processes. The Department is also looking at greater use of small aircraft, similar to the service in Broome, to move persons in custody to and from Carnarvon for court purposes.

## **8. CONCLUSION**

During the tenth service year, G4S Custodial Services satisfactorily provided the services required by the State. The service year has provided significant challenges, particularly with changes to the modes of moving persons in custody via coaches and aircraft, as well as accommodating increases in both demand and responsiveness of the WA Police.

Matters concerning the cost of the Contract and the retention of sufficient staff to provide the required services remain the major challenges for the next service year.

With the Contract for the Provision of Court Security and Custodial Services now entering its eleventh service year, and due to expire in 2011, the Department of Corrective Services advertised a tender for the services on 25 August 2010,. It is anticipated that following the tender and evaluation process, the Government will announce the successful respondent in early 2011.

The challenge will then become the movement to a new contract which is significantly different to the current contract in services required, administration of the contract and potentially the provider of the services.

