



DEPARTMENT OF JUSTICE

# Annual Report

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



30 September 2005



DEPARTMENT OF JUSTICE

**CONTRACT FOR THE PROVISION OF  
COURT SECURITY AND CUSTODIAL SERVICES  
FOURTH SERVICE YEAR**

To the Hon John D'Orazio  
Minister for Justice

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 Annual Report of the Court Security and Custodial Services Contract for the service year ending 30 July 2005.

The report provides an overview of services provided under the contract by Australian Integration Management Services Corporation (AIMS Corporation).

Colin Murphy  
A/Director General

30 September 2005

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## EXECUTIVE SUMMARY

This past year can be described as one of reflection, recovery and renewal for the Court Security and Custodial Services (CS&CS) contract.

The year began in the wake of the June 2004 escape of nine prisoners from the Supreme Court — the culmination of a year of challenges for the Department of Justice in its management of the CS&CS contract, and one of uncertainty for AIMS Corporation.

The Supreme Court escape was the catalyst for immediate change within both the contract — by bringing to a head the turbulent five-year relationship between the Department and AIMS — and the Western Australian justice system. It signalled systemic deficiencies and flaws in the State's security and custodial operations.

The escape heralded the end of 'traditional' security and custodial practices which could no longer withstand the pressures of a socially and technologically advanced era and intense public scrutiny.

Several inquiries into the escape documented issues significant to both the Department and AIMS. The main inquiry by senior barrister, Richard Hooker, found serious breaches in security, which compromised community safety. The resulting reports subsequently served to unite the two organisations to repair the deficient system and reinstate public confidence as quickly as possible.

The appointment of a new AIMS Corporation general manager to the CS&CS contract in July 2004, and the Department's new heightened sense of responsibility for service standards, resulted in a collaborative approach to resolving service issues. Early in the year, both organisations undertook to reflect on what was wrong, rather than why it was wrong and work on developing remedial strategies.

All this led to an overall improvement in the level and quality of court security and custodial services delivered by AIMS this year. Specifically, AIMS:

- undertook an extra 10,102 prisoner movement service hours;
- provided some 35,954 extra service hours compared to last year;
- provided additional security services for a number of high profile and high security trials, including for the subsequent court appearances of the offenders involved in the Supreme Court escape; and
- managed an extra 415 prisoners in court custody centres.

Notably this year, AIMS reassessed its service delivery focus and operational practices under the contract and set about promoting a new recruitment and training campaign, enhancing risk assessment and security aspects and establishing a dedicated security support group.

An officer shortfall early in the year meant AIMS was unable to keep up with rising demand and service standards. The Department and AIMS addressed the issue by increasing funding for recruitment and training which saw some 60 new officers available by the end of the contract year. This helped to strengthen service resilience and response to peak demands.

Following receipt of the Hooker Report, the Department issued a default notice to AIMS in August 2004, requiring immediate action in a number of areas and formally alerting AIMS to the seriousness with which the Department viewed the breaches. At year end, AIMS had fully complied with the requirements of the default notice.

New court facilities completed this year throughout the State saw AIMS begin security and custody services at those locations. Despite some initial settling issues and an escape from the Mandurah courthouse, which was quickly contained, all services were operating efficiently at year end.

Smaller increases in demand for most prisoner transport services were noted this year, compared to the previous year. New escort procedures were introduced to assist prisoner movements, including the use of restraints, priority scheduling of medical appointments and a new funeral policy.

Responsibility for some prisoner movement services, particularly relating to juveniles, was transferred back to the Department after it was determined that the needs of juveniles in custody would be better managed under a total throughcare policy, rather than the new security regime.

The Department also took back responsibility for the management of the secure vehicle fleet this year, and will progressively replace the existing fleet with a higher standard of vehicle. The Request for Tender for the replacement program is currently being evaluated and is expected to be awarded early in the new year.

The Department continued to undertake regular service delivery reviews of the contract and seek ways to improve the efficiency of the service during the year.

In November 2004, the Department introduced a new operational review framework in place of the previous Court Security and Custodial Services Monitoring Plan. As well, a new governance framework developed this year, provides more streamlined reporting and issues management processes, particularly regarding contract management, monitoring and variations.

Risk management strategies were a key focus throughout the year, particularly when developing new policies and procedures. A new internal audit process monitoring the remedial strategies prompted by recommendations made by the Hooker inquiry found that most initiatives were completed or significantly progressed.

AIMS did suffer financial penalties again this year for breaches in service standards. It could have earned \$898,852 in performance-linked fees for the year, but instead current assessments result in penalties totalling \$201,233.

In September 2004, the coronial inquiry was held into the death of Charles Raymond Gamble in a secure vehicle on 6 May 2003. The inquiry deemed Mr Gamble's death as a death in custody and incurred a \$100,000 penalty for AIMS. It also made a number of recommendations which have since been actioned.

The decision on whether to renew the contract for court security and custodial services with AIMS was suspended following the Supreme Court escape. The prescribed notification date was varied from 30 July 2004 to 30 March 2005, to allow time to consider the findings of the Hooker inquiry and to give AIMS the opportunity to address its failings.

The Department is now much more proactive in following up and enforcing improvements required of AIMS to meet the obligations under the contract. Its service provision reviews recorded significant improvement in the year since the Supreme Court escape. This is attributed to revised policies and procedures by AIMS and extensive recruitment and improved training of the existing workforce.

After due consideration, it was agreed to invoke the first option to extend the contract for three years, based on the previous cost-plus contractual pricing arrangements. The three-year extension of the Court Security and Custodial Services contract was finalised on 30 July 2005.

Undoubtedly, some crucial issues were resolved this year in the structure and management of the contract and the decision was made to extend the contract for another three years. While it may not seem the most likely option given this contract's history, it was a decision based on sound principles and diligence and in view of a clear improvement in service delivery and focus.

It is with a renewed focus and understanding that the Department and AIMS move into the contract's sixth operational year, and a further three years. While it is acknowledged that the road ahead won't be without risk, there is a new stability to the contract and a more united approach to the delivery of court security and custodial services and overall management of the contract.

Colin Murphy  
A/DIRECTOR GENERAL  
DEPARTMENT OF JUSTICE

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## BACKGROUND

In January 2000, the Department of Justice entered into a five-year contract, with two three-year options, for the provision of court security and custodial services with the Corrections Corporation of Australia (CCA), under the provisions of the *Court Security and Custodial Services Act 1999* (the Act).

Subsequent to the execution of the contract, Sodexho Alliance, a French corporation with a 50% shareholding in CCA, acquired the 50% share holding held by Corrections Corporation of America. In December 2000, CCA was renamed Australian Integration Management Services Corporation (AIMS Corporation).

The Court Security and Custodial Services (CS&CS) contract was executed pursuant to section 18 of the Act and the full contract was tabled in both Houses of Parliament in compliance with statutory requirements.

In July 2005, the Department executed the first three-year option to extend the contract.

The contract's intention is to create an improved, integrated service that releases police and justice staff from non-core activities of court security and prisoner transport. It requires the contractor to provide in-court security and court custody services in all metropolitan courts and seven regional courts — Broome, South Hedland, Carnarvon, Geraldton, Kalgoorlie, Bunbury and Albany. The contract also includes the transporting and escorting of people in custody throughout the State.

The services are provided by a separate CS&CS business unit of AIMS Corporation. AIMS Corporation is also contracted by the Department to operate Acacia Prison.

The Department's CS&CS Contract Management branch (part of the Prisons directorate) manages the contract. Responsibility for day-to-day operational management issues may be delegated to other departmental officers as required.

In taking responsibility for the quality management of the service, the Department's contract management team undertakes formal monitoring and auditing of the service and monitoring of the AIMS Corporation operational management information systems.

The contract outcomes and guiding principles are included as appendices to this report.

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## CONTRACT OPERATIONS

### THE SERVICE

There was an overall improvement in the level and quality of court security and custodial services delivered by AIMS Corporation this year.

Following recommendations made in reports by the Inspector of Custodial Services and senior barrister Richard Hooker, prompted by the escape of nine prisoners from the Supreme Court custody centre in June 2004, AIMS reassessed its service delivery focus and operational practices under the court security and custodial services contract and subsequently increased staff numbers; improved its officer training program; enhanced risk assessment and security aspects of the contract; and established a dedicated security support group.

#### **Recruitment and training**

Early in the reporting year, AIMS' staff contingent was below the required level to deliver a quality service. Up to 80 new officers were estimated to be needed to strengthen AIMS' service response and the resilience of the services. AIMS subsequently ran three recruitment campaigns throughout the year to combat the low staff levels.

The Department of Justice continued support the recruitment and training of new officers beyond that required under the contract. This included an enhanced training program focussing on security awareness and more on-the-job training. At year end, AIMS had some 60 new court security and custodial services officers available.

#### **Security and risk assessment**

AIMS also assumed a new approach to service delivery this year, focussing on security, intelligence and risk management. It was developed in conjunction with the Department's security strategy, and includes:

- strengthening security processes and systems;
- reviewing intelligence and security capabilities;
- initiating a minor and major works program for structural and facility improvements to all major courts;
- upgrading audiovisual conferencing in the Supreme Court and Central Law Courts and Hakea and Casuarina Prisons together with a broader State-wide program; and
- significantly changing the management arrangements of the court security and custodial services contract.

#### **New security support group**

A new highly-trained AIMS security support group was established early in the year, specialising in managing high-risk prisoners and situations. Through its specialist training, the group plays a significant role in mitigating potential and identified risks.

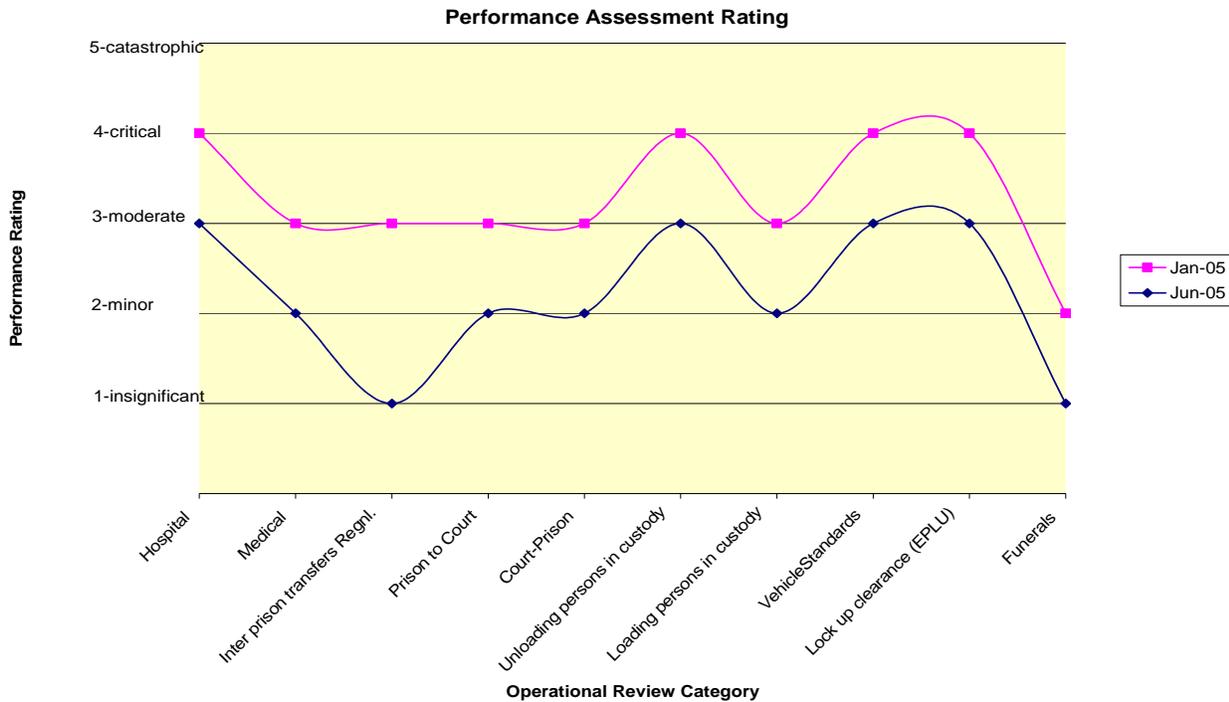
It also undertakes associated operational duties within custody centres; removes difficult prisoners from detention cells; and performs front-of-house security for high-risk trials. Its service scope was later expanded to include all prisoner escort duties such as funerals, medical escorts and hospital sits and visits to ill relatives.

The Department continued to undertake regular contract service delivery reviews throughout the year, and seek ways to improve the efficiency of the service. In November 2004, it introduced a new operational review framework for the contract in place of the previous *Court Security and Custodial Services Monitoring Plan*.

The new operational review framework adopts a more risk-based approach and provides structured, timely and regular feedback on the day-to-day delivery of services to ensure AIMS' contractual obligations and compliance are being met.

Graph 1 highlights AIMS' service delivery improvement between January and June 2005, using a series of review categories to gauge on the on-site provision of services. A performance assessment rating was used to grade service areas to show the level of action required by AIMS to address performance shortfalls.

**Graph 1: Performance assessment rating (January 2005 and June 2005)**



## SERVICE DIMENSION

AIMS delivered 459,836 service hours for 2004/05 — a significant increase of 35,954 hours (8.4%) over the previous year.

The number of prisoners moved this year was down almost 8% over the previous year, while the number of prisoner movement hours was up by 8%. This was due to the corresponding increase in courts demand, which takes precedence over other areas of service provision, subsequently impacting on driver transport services.

Table 1 shows the services provided in court security and custody and people in custody transported.

**Table 1: Service dimension 2001-2005**

	Year 1	Year 2	Year 3	Year 4	Year 5
Court security and court custody hours	293,720	271,513	299,031	307,835	333,687
Prisoner movement hours	137,741	126,037	122,950	116,047	126,149
<b>Total service delivery hours</b>	<b>431,461</b>	<b>397,550</b>	<b>421,981</b>	<b>423,882</b>	<b>459,836</b>
Prisoners in custody transported	43,149	58,641	54,650	58,925	54,567

*Notes:*

1. *'Prisoners in custody transported' is the number of individuals transported from one place to another, rather than the number of vehicle movements.*
2. *Data for August, September and October 2000 was not collected because AIMS Corporation did not have the appropriate information systems in place.*
3. *Year two does not include hospital sit hours.*
4. *Hospital sit hours for years three and four are included in court security and custody hours.*

## COURT SECURITY AND COURT CUSTODY

*Court security involves the provision of court orderlies in lower courts, gallery guards in superior courts and perimeter security to the external premises and internal public areas of a court.*

*Court custody involves the deployment of dock guards in both higher and lower courts and the management of court custody centres attached to courts.*

### DEMAND MANAGEMENT

Details of the services provided for court security and court custody are highlighted in Table 2, Table 3, Table 4 and Graph 2. There was an overall increase of 7% in court sitting hours which correlates with an 18.2% increase in security resourcing hours this year. There was a negligible increase in the number of people managed in court custody centres over the year.

Table 2 shows the total hours courts' criminal jurisdictions were presided over by a judicial officer, as recorded by courts, between August 2004 and July 2005. The court security resourcing hours are staff hours provided by AIMS, for court security.

**Table 2: Criminal court jurisdictions sitting hours and court security resourcing hours**

Month	Court sitting hours 2003/04	Court sitting hours 2004/05	Court security resourcing hours 2003/04	Court security resourcing hours 2004/05
August	2,896	3,360	12,276	13,606
September	2,868	3,079	12,536	13,961
October	3,216	2,750*	13,721	11,837
November	2,622	3,360	11,716	13,844
December	2,808	3,005	12,060	11,678
January	2,295	2,627	10,357	14,611
February	2,832	3,618	10,893	14,537
March	3,108	3,170	12,630	15,971
April	2,396	3,028	10,956	14,532
May	3,111	3,197	12,614	15,223
June	2,871	2,720	12,560	15,745
July	2,874	2,352	12,171	15,446
<b>Total</b>	<b>33,897</b>	<b>36,266</b>	<b>144,490</b>	<b>170,722</b>

Graph 2 demonstrates the correlation between staff hours and court sitting hours. A lower ratio value may indicate improved service efficiency. However, ratios can be distorted by demand for increased staff during high-risk and long-running trials.

**Graph 2: 2004/05 court security resource and sitting hours**

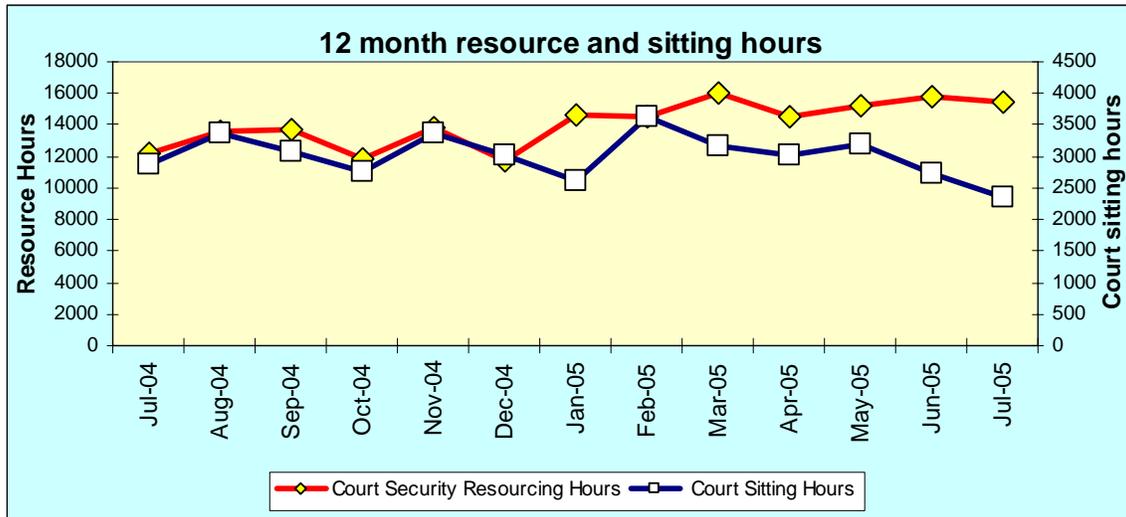


Table 3 shows the number of people managed in court custody centres between August 2004 and July 2005. The court custody resourcing hours are staff hours provided by AIMS.

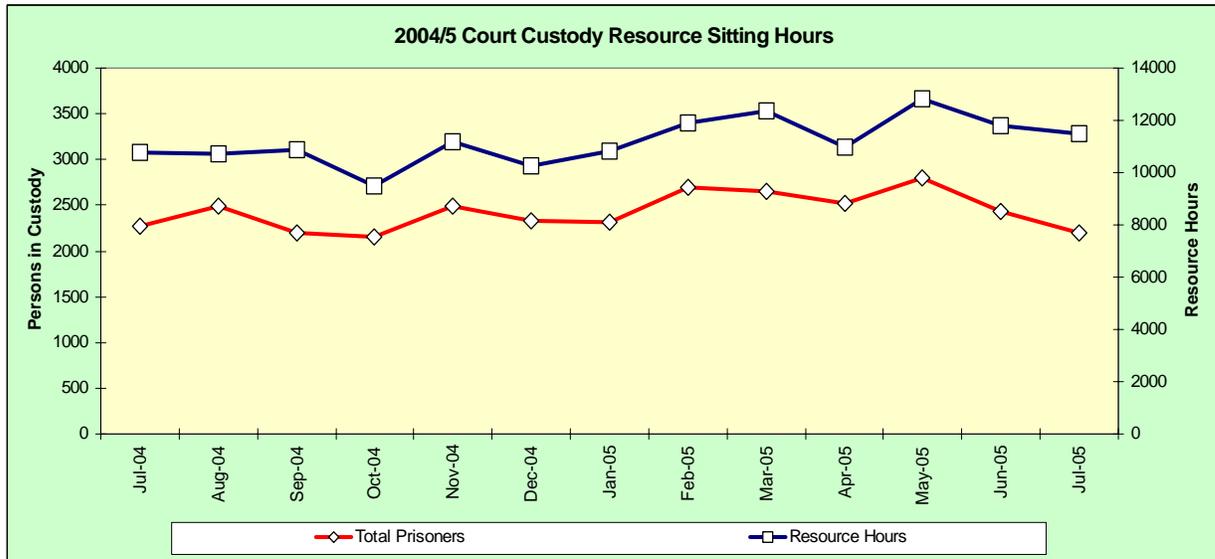
**Table 3: People managed in court custody centres and court resourcing hours**

Month	Number of people managed in court custody centres					Court custody resourcing hours	
	Adults 2003/04	Adults 2004/05	Juveniles 2003/04	Total 2003/04	Total 2004/05*	2003/04	2004/05
August	2,045	2,495	242	2,287	2,495	13,318	10,713
September	1,987	2,204	276	2,263	2,204	10,984	10,858
October	2,256	2,147	289	2,545	2,147	12,643	9,506
November	1,896	2,495	240	2,136	2,495	10,554	11,202
December	1,953	2,336	257	2,218	2,336	10,453	10,239
January	1,994	2,317	272	2,266	2,317	9,718	10,820
February	2,209	2,697	290	2,499	2,697	10,832	11,882
March	2,433	2,652	342	2,775	2,652	11,505	12,335
April	2,102	2,415	273	2,375	2,415	10,346	10,975
May	2,286	2,801	325	2,611	2,801	11,605	12,795
June	2,267	2,431	269	2,536	2,431	11,557	11,786
July	2,021	2,202	245	2,266	2,202	10,769	11,471
<b>Total</b>	<b>25,449</b>	<b>29,192</b>	<b>3,320</b>	<b>28,777</b>	<b>29,192</b>	<b>134,284</b>	<b>134,584</b>

*Note: Court custody resourcing hours are provided by AIMS*

It should be noted that the correlation between the number of defendants in custody and service delivery (staffing hours) does not necessarily provide a useful efficiency measure. Court custody service delivery hours are directly influenced by the order of court listings and by the static nature of some custodial functions required in court custody centres, as determined by safety and security requirements.

**Graph 3: 2004/05 court custody resource and sitting hours**



## IMPACT ON DEMAND

The refurbishment of the Supreme Court this year saw many of the higher court's matters relisted at Fremantle and Rockingham courthouses. High profile and resource intensive trials were also held in Albany, Carnarvon and more recently, in Busselton.

High-security escorts were provided for the subsequent court appearances of the offenders involved in the June 2004 Supreme Court escape.

## ENHANCEMENT OF SERVICES

The Department completed a new justice facility at Albany this year and upgraded court custody centres across the State.

AIMS began providing security and custodial services at the Mandurah courthouse in early 2005 and security services at the Busselton courthouse in May 2005. Initial operational and security issues were resolved quickly. AIMS also began providing secure access monitoring (magnetic body scanning) services at the Supreme Court and the Central Law Courts in late 2004.

Responsibility for juveniles in custody at the Perth Children's Court was returned to the Department in August 2004, in accordance with new juvenile throughcare policies that require specialist group workers to deal with young offenders. In August 2005, responsibility for adults in custody at the Perth Children's Court was also returned to the Department.

## FUTURE DEMAND

The level of demand for court security services this year was included in planning negotiations between AIMS and the Department, which in turn helped set the annual service budget.

Near the end of the reporting year, budget and actual expenditure trends began to be monitored weekly and analysed monthly in a report to the Minister for Justice. Budget issues are also governed by the Court Security and Custodial Services Management Board, which considers contract variations and general issues between the Department and AIMS. The board can vary future demand or seek alternative funding to limit cost over runs. Table 4 shows a breakdown of the expected demand against various courts.

**Table 4: Courts demand – metropolitan and regional**

<b>Courts demand – Metropolitan and regional</b>	
<b>Central Law Courts – total hours</b>	<b>135,856.00</b>
<b>Supreme Courts – total hours</b>	<b>52,436.00</b>
<b>All other courts</b>	
Perth Children's Court	6,296.00
Armadale	8,291.00
Fremantle	14,196.00
Joondalup	11,001.00
Mandurah	4,126.00
Midland	9,198.00
Rockingham	8,538.00
Albany	8,000.00
Broome	8,191.00
Bunbury	11,280.00
Busselton	876.00
Carnarvon	4,118.00
Geraldton	7,709.00
Kalgoorlie	11,337.00
Karratha	602.00
South Hedland	6,306.00
OTHER TOTAL	120,065.00
<b>GRAND TOTAL HOURS</b>	<b>308,357.00</b>

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## **HOOKER INQUIRY INTO THE SUPREME COURT ESCAPE**

*Less than a week after the escape of nine prisoners from the Supreme Court custody centre in June 2004, a full, independent inquiry was launched, led by senior barrister Richard Hooker.*

*The Department accepted the findings of the inquiry and acknowledged the seriousness of the escape and its impact on the community. It has since addressed the issues identified in the Hooker Report and developed a comprehensive strategic program to reduce custody and security risks in major courts across the State.*

*The program included:*

- *Applying contract sanctions against AIMS;*
- *Enhancing security and risk management;*
- *Improving court security and custody;*
- *Utilising audio visual conferencing;*
- *Implementing a court security and custodial services improvement program; and*
- *Incorporating the recommendations of the Office of the Inspector of Custodial Services.*

*The Department also requested its internal audit branch to follow up the recommendations and monitor the strategies. A review by the branch determined that:*

- *The strategies implemented by the Department were comprehensive and adequately addressed recommendations made in Mr Hooker's report.*
- *Most initiatives within the strategies have since been completed or significantly progressed; and*
- *Any outstanding activities and all ongoing activities from the strategic program were transferred to relevant business areas to ensure their completion and ongoing monitoring.*

## PRISONER TRANSPORT SERVICES

*AIMS Corporation provides transport services for people in custody to and from all prisons, detention centres and courts and to medical appointments, funerals and other approved locations. Prisoner transport services also include moving remand and sentenced prisoners from police lock-ups in regional and remote locations serviced by AIMS.*

*AIMS officers also escort and supervise prisoners attending hospital, funerals or visiting ill relatives.*

## DEMAND MANAGEMENT

There were smaller increases in demand for most services this year, compared to 2003/04. While a decrease of 13.39% was noted in prison-to-court movements this year, demand for inter-prison transfers grew by 7.7% after a decrease of 11.59% in 2003/04.

Although the number of movements has decreased, the number of escort hours has risen due to more officers being required for escorts, in accordance with new procedures that require at least two officers for most escorts. (See Table 1).

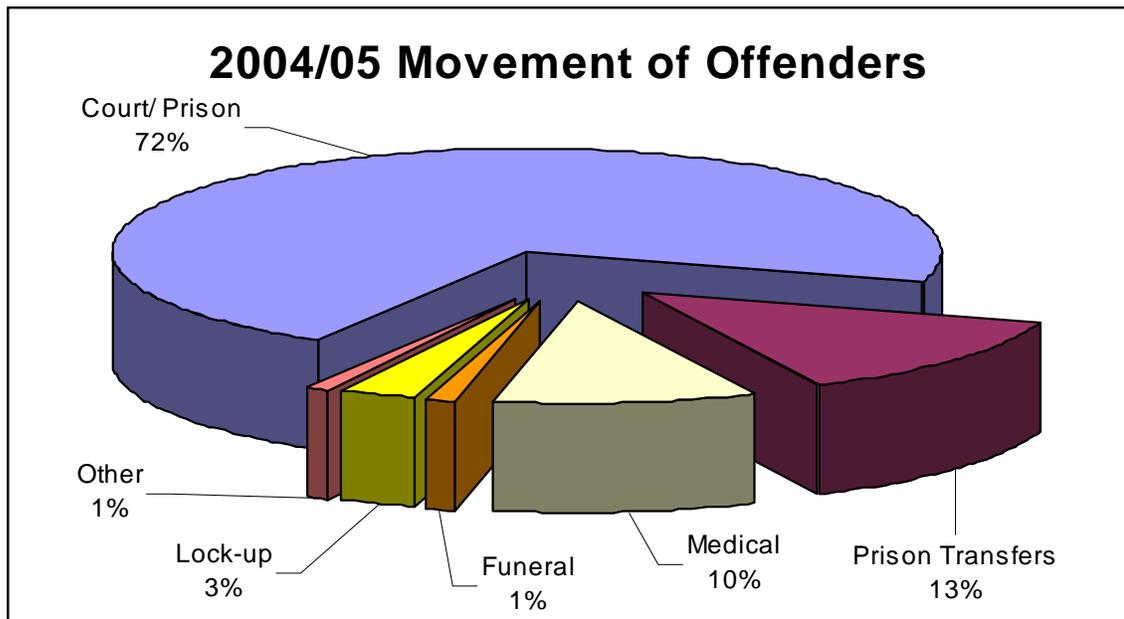
**Table 5: 2004/05 Service demand for movement of offenders**

<b>Service</b>	<b>Number of prisoner movements</b>	<b>Increase from 2003/2004</b>
Medical appointments	5,543	4.23%
Inter-prison transfers	7,347	7.7%
Prisons to court and return	38,931	-13.39%
Funerals	649	1.4%
Lock-up clearances	1,625	8%
Average hospital sit hours	147	8.1%

**Table 6: 2004/05 prisoner movements and resourcing hours by month**

Court / Prison	Service Year	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Total
	2004 / 2005	3681	3463	3184	3700	3577	3370	3505	3013	3369	3386	2436	2397	38931
2003 / 2004	3387	3495	3819	3343	3405	3574	3584	4298	3886	4055	3950	3349	44145	
Prison Transfers	2004 / 2005	677	553	543	593	630	530	700	644	645	627	610	595	7347
	2003 / 2004	573	610	617	559	498	526	534	591	594	556	634	530	6822
Medical Appt	2004 / 2005	522	539	501	547	504	486	421	388	437	448	393	357	5543
	2003 / 2004	450	446	490	439	433	405	407	439	434	444	487	445	5318
Funeral Escorts	2004 / 2005	76	54	65	60	53	44	77	34	41	92	27	26	649
	2003 / 2004	31	40	54	66	29	38	57	59	60	49	61	96	640
Lockup Transfers	2004 / 2005	94	144	110	118	151	110	143	179	115	68	258	137	1625
	2003 / 2004	143	141	184	131	125	186	121	147	126	181	151	119	1755
Other	2004 / 2005	14	9	16	5	27	18	51	306	18	8	0	0	472
	2003 / 2004	33	4	17	24	17	38	9	29	16	8	25	25	245

**Graph 4: 2004/05 service demand for movement of offenders**

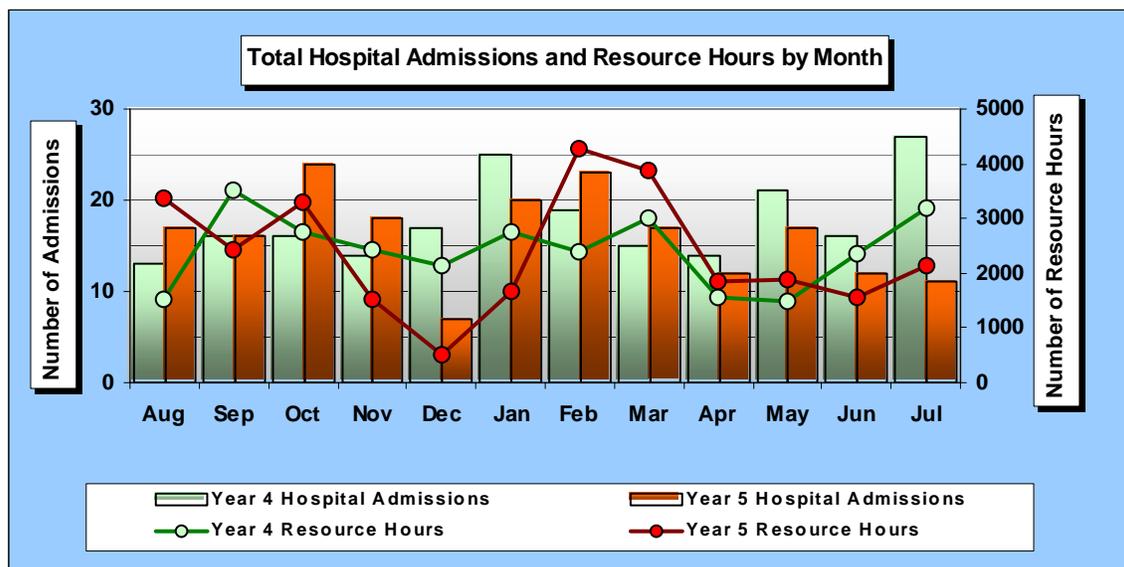


**Table 7: Number of hospital admissions, resource hours by month and average resource hours per incident of admission**

Month	Hospital admissions 2003/04	Hospital admissions 2004/05	Resource hours 2003/2004	Resource hours 2004/2005	Average resource hours per admission 2003/04	Average resource hours per admission 2004/05
August	13	17	1,531	3,383	118	282
September	16	15	3,497	2,433	219	162
October	16	24	2,739	3,300	171	137
November	14	18	2,423	1,531	173	85
December	17	7	2,134	515	126	74
January	25	20	2,767	1,674	111	84
February	19	23	2,383	4,271	125	186
March	15	17	3,022	3,894	201	229
April	14	12	1,552	1,854	111	154
May	21	17	1,469	1,868	70	110
June	16	12	2,346	1,545	146	129
July	27	11	3,198	2,121	118	193
<b>Total</b>	<b>213</b>	<b>193</b>	<b>29,061</b>	<b>28,389</b>	<b>136</b>	<b>147</b>

Note: Resourcing hours are taken from AIMS data (Source: Monthly Contractor Operational Report).

**Graph 5: Total hospital admissions and resource hours, by month**



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## **IMPACT ON DEMAND**

An increase in demand for services by courts significantly impacted on AIMS' ability to provide prisoner transport services. In particular, this led to a high rate of medical cancellations. The matter was resolved later in the year with more AIMS officers being recruited and trained, and courts returning to normal schedules.

Funerals also generated some high peak demands with up to twelve people in custody attending one funeral. The Department introduced a new policy to better manage the numbers and costs associated with funeral attendances.

## **ENHANCEMENT OF SERVICES**

New security strategies this year saw the introduction of new escort procedures, including: use of restraints; scheduling of medical appointments for prisoners using a triage system to prioritise more critical conditions and reduce appointment overlaps and cancellations; and a new funeral policy.

Responsibility for several prisoner movement services was transferred back to the Department throughout the year. These included the:

- Transport of juveniles within the metropolitan area and in custody at Perth Children's Court from 1 August 2004, in accordance with new throughcare policies for the management of juveniles in custody.
- transport and escort of adults in custody appearing at the Perth Children's Court or attending as guardians of juveniles appearing, from 1 August 2005.
- escorting of prisoners from metropolitan minimum-security facilities from June 2005. Metropolitan minimum-security prisons were resourced to undertake their own transport services, however, AIMS still performs prison to court and court to prison transfers.

## **FUTURE DEMAND**

The level of demand for transport services this year was included in planning negotiations between AIMS and the Department which helped set the annual service budget.

Near the end of the reporting year, budget and actual expenditure trends began to be monitored weekly and analysed monthly in a report to the Minister for Justice. Budget issues are governed by the Court Security and Custodial Services Management Board, which also considers contract variations and general issues between the Department and AIMS. The board can vary future demand or seek alternative funding to limit cost over runs.

Scheduled removal of people in custody from the East Perth and Kununurra lockups are included in the budget and there is provision for unscheduled requirements to cover other lockups throughout the State, such as Newman and Esperance.

Table 8 shows a breakdown of the expected demand for transport services in both the metropolitan and regional areas of the State, against identified transport categories.

**Table 8a: Projected transport demand 2005/06 – metropolitan and regional**

TRANSPORT DEMAND – METROPOLITAN								
	Acacia	Bandyup	Boronia	Casuarina	Hakea	Karnet	Woorlooloo	TOTAL
Hospital Sit Hours	4448	5214.45	0.00	14263.07	7975.05	0.00	0.00	31900.19
Medicals	734.09	394.36	0.00	646.15	769.27	0.00	0.00	2543.87
Prison/Court/Prison	4569.72	3646.11	249.22	3057.80	15569.20	252.24	450.85	27795.14
Funerals	51.25	20.85	0.00	23.45	41.69	0.00	0.00	137.24
Transfers	823.35	384.49	144.99	1391.66	2866.18	159.23	299.05	6068.95
TRANSPORT DEMAND – REGIONAL								
		Albany	Broome	Bunbury	Eastern Goldfields	Greenough	Roebourne	TOTAL
Hospital Sit Hours		1995.24	498.81	356.29	926.36	427.55	427.55	4631.81
Medicals		211.06	167.56	256.42	297.16	249.94	236.98	1419.13
Prison/Court/Prison		777.10	1338.21	1385.79	1372.20	685.72	629.84	6188.86
Funerals		9.55	80.78	20.85	58.20	45.17	91.21	305.76
Transfers		203.25	412.97	207.13	611.04	841.47	715.90	2991.75
Lockup Clearances		0.00	1303.62	0.00	962.38	0.00	0.00	2266.00

**Table 8b: Projected transport demand 2005/06 – Totals**

TRANSPORT DEMAND - TOTALS				
Hospital sits (hours)	Medicals	Funerals	Other prisoner movements	Totals
36,532	3,963.00	443.00	45,310.71	49,716.71

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## **GAMBLE INQUEST**

*The Coroner's inquiry into the death of prisoner Charles Raymond Gamble, who died in a secure vehicle while being transported from the East Perth Lockup to court was completed this year. The inquiry highlighted systemic deficiencies and flaws in AIMS' prisoner transport management systems — specifically, unsafe practice in the transportation of prisoners and AIMS' failure to pay sufficient attention to warnings that Mr Gamble was at risk.*

*The Coroner deemed the matter was a death in custody, as defined in the court security and custodial services contract and AIMS subsequently incurred a penalty of \$100,000.*

*Recommendations from the Coroner's inquiry have since been actioned, including:*

- *New policies and procedures to ensure the removal of footwear and other items that could be used to self-harm, from prisoners leaving East Perth Lockup;*
- *New management systems to ensure staff at East Perth Lockup perform their duties in an appropriate manner include regular management visits and an operational review framework covering security, compliance and duty of care;*
- *A comprehensive review of AIMS' entire State operations;*
- *Direct reporting of non-compliance and service deficiencies to AIMS and the Department's contract manager;*
- *Immediate management of issues regarded as a serious risk to security, compliance or duty of care;*
- *Follow up reviews, as required, to ensure compliance with practices and procedures;*
- *Assessment of the adequacy of closed-circuit television (CCTV) monitoring within AIMS transport vehicles, giving consideration to audio monitoring within the vehicle; and*
- *A replacement program for the CCTV cameras in secure vehicles to better scrutinise prisoners in vehicle cells.*

*A risk workshop to develop design criteria for a new prisoner transport fleet was held in late 2004.*

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## RESOURCES

### VEHICLES

Ownership of the secure vehicle fleet used for transporting prisoners was transferred back to the Department in December 2004. The move ensures the Department has access to secure vehicles to respond more efficiently to contingency and emergency situations, outside of its contractual obligations with AIMS. The transfer also facilitates the future secure vehicle replacement program.

At 31 August 2005, AIMS Corporation operated a fleet of 37 vehicles – 19 in the metropolitan area and 18 in the regions.

The reliability of the five-year old vehicle fleet decreased this year. Several inter-prison vehicles were off the road at various times, impacting on services in the metropolitan and regional areas. Some seven vehicles broke down and took an average of a week and a half to be repaired and returned to service. The severity of vehicle failures increased, indicating the fleet is nearing the end of its useful life.

With the secure vehicle fleet now the responsibility of the Department, a vehicle life extension and ongoing improvement program was introduced to address issues such as replacing padlocks and securing escape hatches to reduce ligature points. Upgrades to existing vehicle telecommunications and CCTV monitors and cameras were also undertaken to provide a clearer and wider view of prisoners when in transit.

The vehicle replacement program request for tender was issued in April 2005. Two responses were received and are currently being evaluated. Evaluation is expected to be completed by the end of 2005.

### STAFF

At 30 July 2005, AIMS had 265 permanent, permanent flexi-time and casual employees delivering the contract services. Of these, 59 were based in regional areas. At the same time last year, AIMS had 262 permanent, permanent flexi-time and casual employees, with 51 were based in regional areas.

Continued support by the Department for the recruitment and training of additional officers resulted in some 60 new officers being employed by year end. Funding provided by the Department contributed to an enhanced training program with more practical training and a bigger focus on security awareness. In addition, AIMS implemented an ongoing training regime that includes regular training ‘grabs’ (on-the-spot training).

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## CONTRACTUAL MATTERS

### CONTRACT MATERIAL BREACH

The Supreme Court escape in June 2004 indicated that AIMS Corporation had fallen well below the level of service required under the contract. The escape resulted in a strong response by the Department and saw the following measures implemented.

#### **Default notice**

The Department issued a default notice to AIMS in August 2004, advising that it had failed to comply with clause 2.1(a) and, in particular, had failed to meet the service requirements specified in Schedule 2 of the contract. AIMS had also failed to comply with clause 2.5(a) of the contract by failing to provide all reasonable information and assistance to the contract manager to enable a response to requests made by the Director General.

The default notice required AIMS to take steps to remedy the failure within five days of receipt of the notification. The Department required AIMS to:

- (a) demonstrate its ability to address the matters described above, in an effective and timely manner;
- (b) address matters raised after the Supreme Court escape and the subsequent inquiry into the Supreme Court escape of 10 June 2004;
- (c) describe measures it would implement to meet the service requirements under the contract; and
- (d) prepare an action plan, a timetable and a process for weekly updates on progress, within seven working days of the public release of the inquiry, for approval by the Department.

AIMS has since met the requirements under the default notice and was advised accordingly.

#### **Variation to notification period**

Under the contract, the Department is required to provide 12-months notice of its intent to extend the contract. Before the material breaches of contract described earlier, the Department was negotiating a proposal to extend the contract for a further three years.

However, following the escapes from the Supreme Court, a decision on a possible extension to the contract was suspended and the prescribed notification date was varied from 30 July 2004 to 30 March 2005, to allow the findings of the independent Hooker inquiry to be considered and to give AIMS the opportunity to address its failings.

Recent reviews of AIMS' service provision recorded significant improvement in the year since the Supreme Court escapes. This was the result of revised policies and procedures by AIMS, extensive recruitment and increased training of the existing workforce.

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After due consideration, it was agreed that the most effective strategy was to offer a three-year extension based on the current contractual pricing arrangements (ie. cost-plus as provided for in that contract). The formal three-year extension of the Court Security and Custodial Services contract was finalised on 30 July 2005.

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## **CONTRACT MANAGEMENT**

### **OPERATIONAL REVIEWS**

The Department merged its contract monitoring services with the contract management branch in July 2004. This resulted in better organisational processes and more transparent and efficient communication with AIMS and other key stakeholders. Monitoring of the contract is now aligned with the new operational review framework and the performance measures detailed in the contract.

A new *Court Security and Custodial Services Operational Review Plan* was developed to maintain standards and identify areas for improvement. Review analyses were divided into three key sections of security, compliance and duty of care, to ensure equal attention is given to all aspects of service provision.

The plan assesses the on-site provision of services using a series of review categories for transport and court services (see Graph 1, to ensure AIMS complies with legislative, policy and procedural requirements under the contract.

Operational reviews are based on a priority schedule of service provision, high-risk areas as identified through intelligence reports and previous audits and reviews and other reports. The schedule is updated regularly to incorporate new high-risk areas and those that will require a review based on a time lapse risk assessment since the previous review.

### **GOVERNANCE FRAMEWORK**

A new governance framework was developed in August 2005 to allow stakeholder input and feedback on the progress of the contract. It will be put forward for ratification at the next meeting of the Court Security and Custodial Services Board. Meeting forums (see Table 9), are designed to examine service provision matters by defining stakeholder roles and the structure of represented groups. This prevents agenda items being repeated in each forum and provides a clear path for matters requiring specific consideration.

The governance framework also ensures a focus on service delivery and services demand management. This guarantees strong representation of client agencies and a way to address variations to the contract and general issues between the Department and AIMS.

**Table 9: Governance framework and reporting schedule**

<b>TREND ANALYSIS – QUARTERLY</b>	
<b>COURT SECURITY AND CUSTODIAL SERVICES BOARD</b> Reviews contractor performance and issues of note.	
<b>DEMAND REPORTING – MONTHLY</b>	
<p><b>CLIENT AGENCY GROUP</b></p> <ul style="list-style-type: none"> <li>Examines and tables issues concerning level of service provided by the contractor.</li> </ul>	<p><b>CONTRACT MANAGEMENT GROUP</b></p> <ul style="list-style-type: none"> <li>Ensures effective management and provision of services under the CS&amp;CS contract.</li> <li>Focuses on matters of contractual compliance.</li> </ul>
<b>EXCEPTION REPORTING – WEEKLY</b>	
<b>CO-ORDINATION GROUP - TRANSPORT/COURTS</b> Examines ongoing operations of the service within the transport section of the contract.	

## VARIATION TO SERVICE DELIVERY

Throughout the contract period, the Department has made variations to services to ensure AIMS’ provision of service remained compliant with the changing demand.

In a bid to ensure compliance under the Act, requiring Parliament to be advised of any variations, the Department has implemented a regular reporting process of such action.

The following section provides a summary of services that have been varied.

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### **Contract additions through variations**

#### *Servicing of District and Supreme Courts at Rockingham and Fremantle*

It was agreed to re-list some Supreme Court hearings to Rockingham and Fremantle courts during the Supreme Court custody centre refurbishment.

#### *Servicing of Joondalup Court*

AIMS' services were expanded to District Courts operating at Joondalup.

#### *Servicing of the Mandurah Court and Custody Centre*

AIMS' service was expanded to Mandurah Court and Custody Centre, in October 2004.

#### *Servicing of Busselton Court*

AIMS service was expanded to Busselton Court, in May 2005.

#### *Transportation of people in custody from lockups to court*

The requirement to transport people in custody from lockups to court was included as part of the services before the start of the contract and relates to the movement of pre-court prisoners (overnight arrests) from the East Perth Lockup to the Central Law Courts.

### **Contract reductions through variations**

#### *Ownership of secure vehicles transferred to the Department*

The transfer of the secure vehicle fleet back to the Department reduced its dependency on AIMS, allowing it to better respond to contingency and emergency situations. The move also facilitated a secure vehicle replacement program to meet future requirements.

#### *Removal of custodial services at Perth Children's Court and transport services for juveniles in the metropolitan area*

The Department's new security regime was deemed inappropriate for the management of juveniles. It was felt that supervision of juveniles by the Department's group workers would provide a more consistent 'throughcare' service for young offenders, with staff who are specifically trained to deal with them.

#### *Removal of some transport service for prisoners held in minimum-security prisons*

The Department's desire for a less intrusive process in dealing with minimum-security prisoners led to varying the services under the contract. Metropolitan, minimum-security prisons are now resourced to provide their own transport services. AIMS is still required to perform prison-to-court-to-prison transfers.

### **Administrative changes**

#### *Variation to the notification period for contract extension*

Following the Supreme Court escape, a decision on the extension of the contract was suspended. The prescribed notification date was changed from 30 July 2004 to 30 March 2005, to allow the findings of the independent Hooker inquiry to be considered and give AIMS the opportunity to address its failings.

### *Removal of the need for a customer satisfaction survey*

Past experience indicated that the customer satisfaction survey was not a useful tool to evaluate AIMS' performance. Regular forums and daily interaction has proved a better mechanism for determining customer satisfaction. It is proposed that this requirement will be varied and replaced with an AIMS response measure, providing greater incentive for matters to be dealt with in a timely manner.

### *Variation to exclusion clauses*

It is proposed to align the contract with the Department's revised policy on high-security escorts. This involves categorising high-security escorts into three levels and allowing AIMS to perform those that are deemed suitable.

## **PERFORMANCE-LINKED FEE**

The contract acknowledges that incidents will occur and broadly classifies critical and reportable incidents.

**Critical incidents** — are of a higher risk category when the safety and wellbeing of a person in custody, member of the public or employee is threatened or, serious disruption to the service has occurred.

**Reportable incidents** — are in areas of minimal or reduced risk.

See Table 12 and Graph 6 for further details.

AIMS must report all incidents to the Department's contract manager in an agreed format and timeframe. Certain critical and reportable incidents have been identified as performance measures and can effect AIMS' performance-linked fee.

The performance-linked fee forms part of AIMS' total remuneration and is calculated and payable in accordance with the following principles:

- The maximum fee payable in any service year is 4.5% of the budget;
- The fee is calculated based on performance as stipulated in the contract; and
- The fee is paid in six monthly instalments as part of the monthly payment.

Performance measures for the performance-linked fee are calculated with reference to the associated risk. They are listed in Table 10.

**Table 10: Performance-linked fee**

Performance measure	Maximum allowable before PLF penalty applied	1 <sup>st</sup> year PLF	2 <sup>nd</sup> year PLF	3 <sup>rd</sup> year PLF	4 <sup>th</sup> year PLF	5 <sup>th</sup> year PLF
Death in custody	0	0	0	1	0	0
Escape	2	6	2	4	13	2
Self-harm	0	0	1	0	1	1
Assault upon a judicial officer	1	0	0	0	0	0
Loss of control	1	1	0	0	0	0
Unlawful release	0	5	2	4	1	1
Failure to accurately report contractually required information	2	3	1	0	2	0
Assault on a member of the public	2	0	0	0	0	0
Assault on client agency staff	2	1	0	0	0	0
Assault on a person in custody	1	2	0	0	0	0
Breach of legislation	4	0	2	0	0	0
Breach of a service requirement	5	37	4	3	1	0
Disruption to court proceedings	1	1	0	1	0	0
Traffic accident	1	0	0	0	0	0
Assault on a person in custody by a person in custody	1	0	0	0	0	0
Substantiated complaint	10	3	2	2	0	0
Untimely prisoner movements	900	171	75	46	2	0
Inappropriate use of powers	1	0	0	0	0	0
Loss of property of a person in custody	1	2	0	1	3	3

Note: PLF - Performance-linked fee.

## CONTRACT PAYMENTS

**Table 11: Payments to AIMS Corporation**

Service Year			Total Cost
First			\$16,170,010
Second			\$17,409,990
Third			\$17,852,587
Fourth			\$18,661,675
Fifth	<b>Item</b>	<b>Cost</b>	
	Contract	\$18,163,923	
	Quarterly review	\$ 1,154,499	
	Quarterly review	\$ 402,770	
	Quarterly review	\$ 253,287	
	Contractor's margin	\$ 299,617	
	PLF 1 <sup>st</sup> six months	\$ 299,795	
	PLF 2 <sup>nd</sup> six months	\$ 397,823	\$20,971,714

*Note* PLF refers to performance-linked fee.

## CONTRACTUAL REPORTING

### INCIDENTS

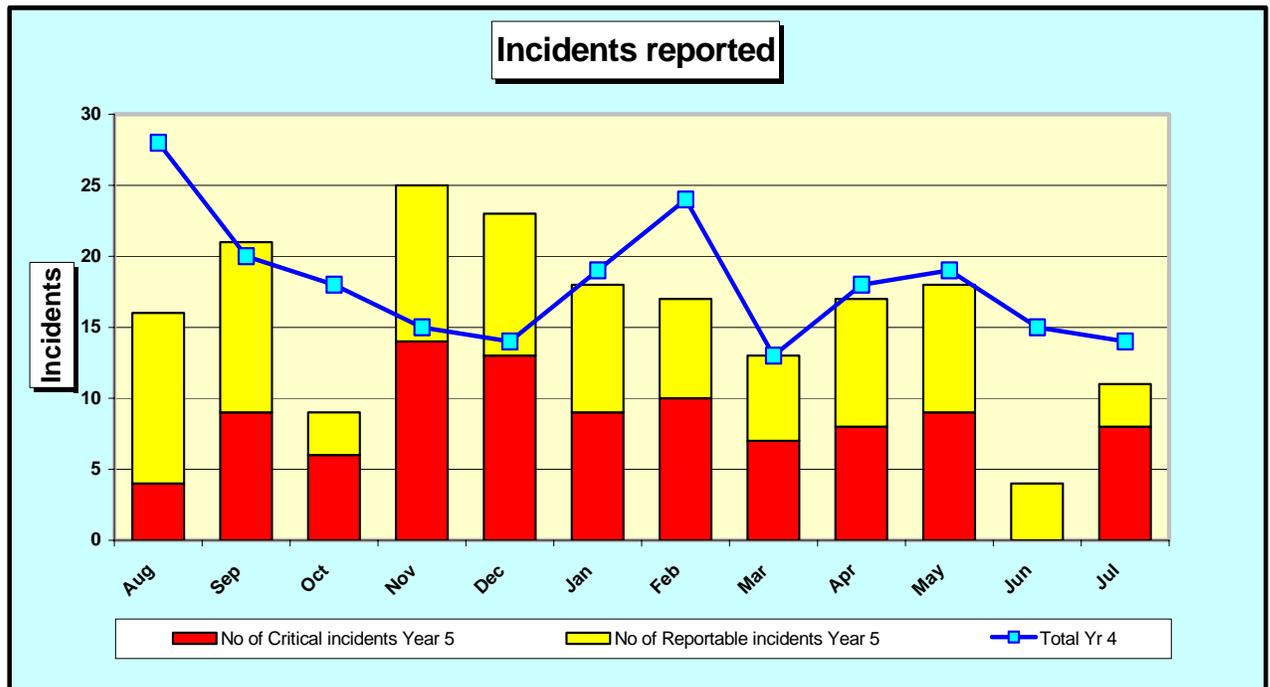
**Table 12: Incidents**

Critical Incidents	Service Year	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Total
	2004 / 2005	4	9	6	14	13	9	10	7	8	9	0	8	97
2003 / 2004	13	5	6	3	7	9	6	7	9	11	9	6	91	
Reportable Incidents	2004 / 2005	12	12	3	11	10	9	7	6	9	9	4	3	95
	2003 / 2004	15	15	12	12	7	10	18	6	9	8	6	8	126

**Table 12b: Total incidents reported – Year 1 to Year 5**

	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Incidents reported</b>	254	313	449	224	192

**Graph 6: Comparison of incidents reported**



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## Summary of critical incidents that impacted on performance measures

### *Loss of property of a person in custody*

- AIMS records indicated a \$100 shortfall on the total amount of property recorded for a prisoner being returned to the East Perth Lockup.
- While detention staff were processing and discharging people in custody, the property of one individual was handed to another in error, who took the property and left the building. When it was discovered that this had occurred, AIMS took steps to recover the property, without success.

### *Escapes*

- On 27 October 2004 at Mandurah courthouse, a prisoner was being escorted to the custody centre when a dock guard opened the door and pushed past the officer exiting the court. The police were notified immediately of the escape and the prisoner was recaptured within eight minutes.
- On 10 January 2005, a prisoner was escorted from the Broome detention centre to the court. The offender's parole was scheduled to be revoked and, while waiting to appear before the magistrate, the community corrections officer made comment to the prisoner about his parole status. The prisoner then escaped from the Court but was recaptured shortly after.

### *Untimely prisoner movements*

- On 13 November 2004, a Broome prisoner attended Derby for a funeral. However, the funeral time was changed and AIMS decided the prisoner should be returned to Broome. The prisoner did get to not attend the funeral that he had approval to attend.

## CONTRACT COMPLIANCE

Significant gains were made in contract compliance this year, despite the Supreme Court escapes of June 2004. A contract compliance schedule was developed and monitored daily and supported by better communication methods. The Department played a key role in maintaining standards and identifying areas where improvements could be made.

This included AIMS meeting a number of requirements such as public and products liability insurance and workers compensation renewals; submission of monthly reports to the Department; draft annual budgets; risk management operational and equipment reviews; advice on variations to its assets register; and reviews of its occupational safety and health policy statement and emergency plans.

Table 13 shows the overall levels of service delivery on a performance risk basis and in accordance with the introduction of the operational review framework.

## OPERATIONAL REVIEW OUTCOMES

**Table 13: Court security and custodial services transport operational review issues and ratings**

AGENDA ITEM 4.1-TRANSPORT - CSCS OPERATIONAL REVIEW ISSUES AND RATINGS						
PERFORMANCE RISK RATING						
0-4	Low					
5 to 9	Moderate					
10 to 14	Elevated					
15 to 19	High					
20 to 25	Extreme					
LOCATION	TRANSPORT OPERATIONAL REVIEW AND CATEGORY	DIVISION (COMPLIANCE, SECURITY, DUTY OF CARE)	LAST PERFORMANCE RATING/SCORE	DATE OF LAST PERFORMANCE RATING/SCORE	CURRENT RISK PERFORMANCE RATING/SCORE	DATE OF CURRENT PERFORMANCE RATING/ SCORE
<b>METROPOLITAN</b>						
	<b>Court Transfers</b>	Security	5	20/06/2005	5	1/08/2005
		Compliance	10	20/06/2005	5	1/08/2005
		Duty of Care	5	20/06/2005	5	1/08/2005
	<b>Prison Transfers</b>	Security	15	27/04/2005	5	27/05/2005
		Compliance	4	27/04/2005	15	27/05/2005
		Duty of Care	4	27/04/2005	5	27/05/2005
	<b>Medical Escorts</b>	Security	15	22/03/2005	4	18/08/2005
		Compliance	15	22/03/2005	4	18/08/2005
		Duty of Care	5	22/03/2005	12	18/08/2005
	<b>Funeral Escorts</b>	Security			3	26/11/2004
		Compliance			3	26/11/2004
		Duty of Care			3	26/11/2004
	<b>Hospital Sits</b>	Security	15	30/06/2005	15	10/08/2005
		Compliance	15	30/06/2005	5	10/08/2005
		Duty of Care	5	30/06/2005	10	10/08/2005
	<b>Vehicle Standards</b>	Security	15	3/08/2005	5	18/08/2005
		Compliance	5	3/08/2005	5	18/08/2005
		Duty of Care	5	3/08/2005	15	18/08/2005
<b>REGIONAL</b>						
<b>Albany</b>		Security			12	17/02/2005
		Compliance			8	17/02/2005
		Duty of Care			4	17/02/2005
<b>Broome</b>		Security			20	27/06/2005
		Compliance			5	27/06/2005
		Duty of Care			5	27/06/2005
<b>Bunbury</b>		Security			15	16/02/2005
		Compliance			5	16/02/2005
		Duty of Care			5	16/02/2005
<b>Geraldton</b>		Security			15	14/03/2005
		Compliance			5	14/03/2005
		Duty of Care			5	14/03/2005
<b>Kalgoorlie</b>		Security	20	17/11/2004	10	14/12/2004
		Compliance	10	17/11/2004	4	14/12/2004
		Duty of Care	5	17/11/2004	5	14/12/2004
<b>Roeboorne</b>		Security			15	9/03/2004
		Compliance			5	9/03/2004
		Duty of Care			5	9/03/2004
<b>Carnarvon</b>		Security			4	15/03/2005
		Compliance			4	15/03/2005
		Duty of Care			4	15/03/2005
<b>Kununurra</b>		Security			5	25/06/2005
		Compliance			5	25/06/2005
		Duty of Care			5	25/06/2005

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## **OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES REVIEW OF METROPOLITAN COURTS**

The Inspector of Custodial Services undertook a review of metropolitan court custody centres during the first half of 2005.

### **SITE MANUALS**

Site manuals detail the specific work routines of courts and prison sites, taking into account the variety of workplace specific routines that constitute the services. The manuals allow AIMS officers to quickly assimilate the requirements of courts and prisons, and the duties of staff at each site. They are subject to ongoing review and updating. This year a new manual was completed for Albany and one drafted for the Supreme Court.

### **ESCAPE DISPUTE ARBITRATION**

No progress was made this year, regarding the dispute over escapes during the first service year. Matters yet to be resolved include:

- The introduction of two escape categories for “secure” and “non-secure” people in custody, with non-secure escapes being termed ‘abscondments’ and a range of consequential amendments which follow from the new categories;
- Amendment to the contract termination provisions; and
- Variation to performance-linked fee measures.

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## APPENDIX I

### CONTRACT OUTCOMES

The outcomes to be realised by the Court Security and Court Services contract are:

1. specified levels of safety and security of the public, people in custody, judicial officers, staff, court premises and custodial places involved in the provision of the services;
2. appropriate duty of care for all categories of people in custody;
3. improved service efficiency and effectiveness for the overall service delivery, including interfacing components provided by the WA Police Service and the Department, as measured against previously agreed performance measures;
4. appropriate use of powers and compliance with client direction by the contractor;
5. contractor compliance with the terms and conditions of the contract;
6. ongoing improvement to the services based on strategic service planning by the contractor;
7. minimum risk of disruption to the judicial process; and
8. minimum risk of damage to State facilities and the property of people within custodial places.

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## APPENDIX II

### GUIDING PRINCIPLES

The *Request for Proposal* for the delivery of court security and custodial services expressed that the power to detain people in lawful custody must be exercised properly, responsibly and in accordance with the relevant legislative provisions. It further stated that the decision to outsource justice-related functions to a private provider did not diminish the State's responsibility to ensure that services were delivered in a compliant manner for which the State remains accountable.

In managing the contract, the Department of Justice seeks to fully satisfy its duty of care obligations to people in custody and to maintain community confidence in the delivery of the services. Accordingly, the following guiding principles apply to the operation of court custody centres:

- all defendants are entitled to presumption of innocence;
- an obligation exists to ensure a duty of care to all persons in custody;
- provision is to be made to accommodate the needs of people from diverse cultural backgrounds;
- provision is to be made for persons with special needs;
- the human dignity, privacy, care and well being of every person is to be safeguarded; and
- people in custody are entitled to be detained in a safe and secure environment.

Major benefits arising from the contract included:

- the release of police officers, prison officers and juvenile group workers to other duties, making better use of their training, particularly in regional areas, where resources are limited;
- the creation of new private sector jobs, including approximately 70 in regional areas;
- significantly improved security and safety in courts; and
- improved accountability and transparency in the delivery of court security and custodial services, and prisoner transport services.