



# Alexander James and Partners

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REPORT

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## Magistrates Court of Tasmania : Security Review

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## EXECUTIVE SUMMARY

On 26 August 2021 AJP was engaged by the Magistrates Court of Tasmania (MCT) to provide the following services:

To conduct a review and produce a report, including findings and recommendations into the MCT security processes. These processes involved reviewing the following:

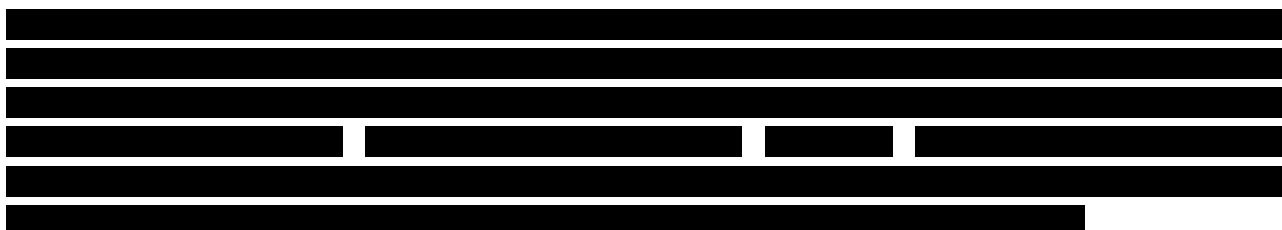
- Screening processes upon entry to the four cities' court premises.
- The present screening technology being used at the Hobart Magistrates Court.
- The movement of prisoners between remand prisons and cells and court docks.

Additionally, AJP was engaged to review, in relation to the risk and performance of contracted private security, the following:

- The risk assessment methodology presently being used by the MCT and Wilson Security.
- The scope of the current security contract, roles and responsibilities within the contract and its alignment with standard operation procedures and the new Court Security Guidelines.

## SEARCH AND SCREENING

AJP found that the search and screening processes upon visitor entry to court premises throughout the four courts were generally being conducted legally, consistently, soundly and in accordance with recognised standards.



Given the operational nature of the Tasmanian city courts, an x-ray screening capability ought to exist at all courts where permanent registries are located, noting that the Burnie Court Complex is already equipped with such a device.



[REDACTED]

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AJP considers that contracted private security provides an adequate and appropriate workforce for security search and screen processes.

#### SCREENING TECHNOLOGY – HOBART MAGISTRATES COURT

AJP is content that the Rapiscan 6M WTMD presently being used at the Hobart Magistrates Court is fit for purpose and from observations, operating effectively. It was acquired in 2018 and remains current. Ten years is generally regarded as an acceptable lifespan for a WTMD.

The MCT also uses the Garrett Super Scanner Hand-Held Metal Detector (HHMD) at the Hobart Magistrates Court. As with Rapiscan, Garrett is a major international company that specialises in security screening technology. AJP is content that this particular HHMD is fit for purpose for all MCT's security operations.

#### THE MOVEMENT OF PRISONERS AND DETAINEES BETWEEN RECEPTION PRISONS AND CELLS AND COURT DOCKS

The escort and detention of persons in custody throughout the MCT is highly complex. This is due to different custodial arrangements in the courts and the fact that agency operational jurisdiction is embedded in legislation and historical practice.



The technical processes of prisoner and detainee escort can not be examined in isolation from the statutory framework in which these activities are undertaken.

AJP has identified a number of threshold legal questions for all magistrates courts and then specifically for the Hobart and Launceston courts and for the Burnie and Devonport courts. Collectively, the questions have direct bearing on the authority of court security officers to detain, escort, search and perform cell custodial duties.

It is considered that these questions require early resolution. AJP has discussed the issues within the report and, where possible, provided provisional views. The following represents those matters requiring clarification:

### All Courts

1. Into whose custody is a person remanded?
2. Can a person be remanded into the custody of a court?
3. What is the extent of the Director of Corrective Services legal duty for custody in respect to prisoners and detainees between prisons and courts?
4. Does section 40 of the *Corrections Act 1997* create a legal duty upon the Director of Corrective Services for the custody of detainees in court appearing on matters for which they are presently detained?

### Hobart and Launceston Magistrates Courts

1. Can the same physical space be both a Prison pursuant to the *Corrections Act 1997* and Court Premises pursuant to the *Court Security Act 2017*?

### Burnie and Devonport Magistrates Courts

1. Is there an authority, pursuant to the *Court Security Act 2017* or in other statute, for court security officers to physically search persons who are in custody?
2. To what extent, if at all, does a court security officer have an obligation to facilitate prisoner and detainee rights pursuant to section 29 of the *Corrections Act 1997* while that officer has responsibility for a detainee who is otherwise in lawful custody?

AJP found significant differences between the four courts in their approach to escorts, both in terms of numbers of officers used and handcuffing practices.



The single court security officer escorts of persons in custody between the reception prison and the Hobart Magistrates Court (and return) and between the Devonport Magistrates Court and the court cell block is poor practice and high-risk.

Given the absence of formal risk advice from the Tasmania Prison Service (TPS) to the court security officers and the potential volatility associated with unexpected remands or imprisonment, all escorts should be undertaken by at least two court security officers.

The level and completeness of training being undertaken by Wilson Security to competently equip staff to physically escort prisoners and detainees is unclear and training records incomplete.

More broadly throughout the MCT, AJP found that the disparity between the training and internal control mechanisms used by TPS in respect to escorts and cell management and that applied by Wilson Security is substantial.

Handcuff training and licence endorsement by the security industry regulator, Consumer Building and Occupational Services will be essential for court security officers to provide a restraint option with high-risk escorts (if undertaken in the future) or security incidents within court rooms. At the present time, none of the Wilson court security officers within the State are currently lawfully entitled to use handcuffs.

AJP is of the view that the difference in Wilson's capability between search and screening and custodial activities, largely reflects the contractor's traditional focus on its primary area of service delivery – static guarding, not custodial duties. This is also reflected in the pre-requisite training for security licensing and the absence of escort or custodial activities defining security officers' duties under the *Security Services Industry Award*.

The practice of Wilson security officers escorting and detaining persons in custody beyond adjoining dock waiting rooms and secure corridors, should discontinue. AJP considers the rationale for this includes the likely legislative complexities over the use of court security officers in this context, that industrially these duties are inconsistent with conventional security duties and the training and control gaps that exist within Wilson.

AJP is of the view that both in respect to the escorting of persons in custody between reception prisons / cells and magistrates courts and the exercise of cell management duties, that the Wilson MCT workforce is not fit for purpose.



## WILSON SECURITY CONTRACT AND PROCEDURES

The broad scope of the Security Services Agreement between the Crown and Wilson Security sufficiently encapsulates most of the security functions that are presently required to be performed within MCT court premises. The exception to this, is the requirement for Wilson Security to undertake cell custodial responsibilities at the Devonport and Burnie magistrates courts.

While the breadth of the contractual scope of the Agreement is generally satisfactory, greater granularity around the functional requirements in Schedule 1 Section 2, in particular, is required to ensure the delivery of acceptable MCT security SOPs.

## WILSON SECURITY RISK ASSESSMENT METHODOLOGY

It was identified that the risk assessment methodology and subsequent risk assessments developed by Wilson Security did not align to recognised good practice.

From the assessment technique used, the outcomes in relation to risk scores could not be determined. Furthermore, the assessment combined a range of threats / hazards and tasks which does not enable a suitable and sufficient assessment of risk to be undertaken.





## INTRODUCTION

On 26 August 2021 AJP was engaged by the MCT to provide the following services:

To conduct a review and produce a report, including findings and recommendations into the Magistrates Court of Tasmania security processes. These processes involved reviewing the following:

- Screening processes upon entry to the four cities' court premises.
- The present screening technology being used at the Hobart Magistrates Court.
- The movement of prisoners between remand prisons and cells and court docks.

Additionally, AJP was engaged to review, in relation to the risk and performance of contracted private security, the following:

- The risk assessment methodology presently being used by the MCT and Wilson Security.
- The scope of the current security contract, roles and responsibilities within the contract and its alignment with standard operation procedures and the new Court Security Guidelines.

Importantly at the time of this review, AJP was also independently engaged by the Police Out Of Burnie Courts project team within the Department of Justice (DoJ) to examine aspects of prisoner and detainee transportation and management within the Burnie Court facility and the Devonport Magistrates Court. Both of these sites are complex and it is recommended that in order to gain detailed insights of these locations to assist future decision making, that the AJP's reports are read in conjunction with each other.

Finally, AJP is not a legal practice. A number of the issues identified, and agencies' practices examined during the course of this review, are embedded in statute. Questions centring on legislation, and its interpretation, have been raised for the purposes of further exploration by Department of Justice (DoJ) legal practitioners or the Solicitor-General and should not be construed as AJP providing legal advice on these matters.



## RECOMMENDATIONS



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Hobart Magistrates Court – Specific Recommendations

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Launceston Magistrates Court – Specific Recommendations

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Burnie Magistrates Court – Specific Recommendations

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Devonport Magistrates Court – Specific Recommendations

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### Wilson Security Security Services Agreement – Specific Recommendations

[REDACTED]



[REDACTED]

### Wilson Security Risk Assessment – Specific Recommendations

[REDACTED]



[REDACTED]

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## METHODOLOGY

AJP's broad methodology in approaching this review involved stakeholder meetings, documentation review and onsite court surveys.

Specifically, AJP's approach involved the following:

- An initial background meeting with MCT executives.
- MCT documentation review.
- Wilson Security documentation review.
- Tasmania Prison Service documentation review.
- Legislative review.
- Search and screen survey template developed on the basis of the British Standards Institute PAS 127:2014 Checkpoint Security Screening of People and their Belongings standards.
- Court site inspections and surveys at Hobart, Launceston, Devonport and Burnie, which examined:
  - Search and screen practices upon entry to court premises.
  - Prisoner and detainee movement between reception prisons or court cells and courtrooms.
  - Where applicable, court custodial facilities.
- Stakeholder meetings involving:

○ Justine White	MCT Manager of Finance and Facilities
○ Margaret Lewis	Wilson Supervisor Hobart Court
○ Adrienne Kile	MCT Deputy Administrator (N/NW)
○ Matthew Bower	Former Wilson Supervisor Launceston Court
○ Jason Howells	Wilson Supervisor Launceston Court
○ Cathryn McCaffrey	MCT Registrar Burnie & Devonport Courts
○ Amanda Pearce	Wilson L/Hand Burnie & Devonport Courts
○ Victor Young	Wilson Representative Devonport Courts
○ Phil Adkins	TPS (N/NW)
○ Jo Webb	TPS A/Assistant Director of Prisons
○ Jason Elmer	Tasmania Police A/Commander Education.



## LEGISLATION

[REDACTED]



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## WILSON SECURITY

Wilson Security is the current contractor for the provision of security to the MCT.

A specific examination of the Wilson contract will be undertaken later in this report. However, this section will consider general issues surrounding capability and training.

The contract between the DoJ and Wilson requires security services to maintain public safety within the precincts of the magistrate courts, including access control and court room security. Specifically, the contract requires the following security services to be provided:

- Maintain public safety within the precincts of the Magistrates Courts of Tasmania;
- Maintain open and secure premises;
- Operate walk through and handheld metal detectors, baggage scanners where available, and any other security equipment provided by the Court, including scanning and searching of individuals entering the premises;
- Detect prohibited items and prevent these entering the Magistrates Court premises;
- Provide security services when courts are in session maintaining public order and provide appropriate assistance to the Magistracy;
- Escort and maintain the safe custody of prisoners to and from cells to the court rooms and assist Corrective Services personnel and Police Officers as required including security where a Court may be held other than in a court building;
- Operate and monitor the security management and CCTV systems;
- Operate the audio recording equipment in after-hours courts.

The contract with Wilson requires approximately 19 fully licenced security officers on a day-by-day basis at the four permanent magistrate court registries.

Clause 3.15 of the contract, headed Holding Cells, indicates that Wilson must deliver security services at the Devonport and Burnie Magistrates Court when persons have been remanded in custody or received a custodial sentence and escorted to the holding cells.



As will be outlined later in this report, despite the contract appearing to limit custodial responsibilities of Wilson to escorting prisoners and detainees, the reality is that in both Devonport and Burnie courts the court security officers independently manage persons in custody in the court cells.

While a future contract may resolve this anomaly, a potential impediment may exist from an industrial perspective. The contract requires Wilson to provide fully licensed security officers who are to be paid in accordance with the relevant industrial award. Furthermore, the contract fee is based on security level classifications outlined within the *Security Services Industry Award*.

A review of the industrial classifications for security officers reveals that none of the levels include indicative tasks that involve the custody or detention of persons. In fact, clause 4.6 of the Award specifically does not cover employers in respect of "the operation of prisons, or correctional or other detention facilities." Not surprisingly, the educational prerequisite for security officer licensing in Tasmania, the Certificate Two in Security Operations, contains no training modules or units of competency which address the escorting or detention of persons in custody.

In terms of training, the contract requires the following security officer skills to be developed through ongoing training and assessment:

- Code Black incidents.
- Access control.
- Alarms and duress alarms.
- Public safety.
- Customer service.
- Court room etiquette.
- Management of persons in custody.
- Fire and emergency process and procedures including emergency evacuations.
- Court protocols relating to security.



The contract does not provide for either MCT approval processes or quality assurance for this training or assessment requirement. Nor does it mandate the regularity of refresher training required in the listed areas. There is a requirement for each security officer to receive 20 hours of training each year.

The contracted areas of training are quite broadly stated and permits Wilson significant latitude in terms of training content. Additionally, AJP was not provided any assessment material or results stemming from this training leading to the possibility that the effectiveness of any learning has not been established in each area.

The Certificate Two in Security Operations training, the licensing requirements and the broader organisational focus of Wilson Security are predominantly aimed at static guarding duties, not custodial duties. It is informative to examine the TPS training regime as it compares with this aspect of Wilson's duties.

Correctional officer induction training in Tasmania comprises a 10-week course. During the course, a 12-month Certificate Three in Correctional Practice is commenced which has a high completion rate post recruit course graduation.

After AJP's review of operations within the four courts, a meeting was convened on 3 November 2021 with the Acting Assistant Director of Prisons, Jo Webb. Given the nature of Wilson's custodial activities, particularly at the Devonport and Burnie Courts, the following specific areas of existing correctional officer training and competency were identified by AJP and the Acting Assistant Director as also being core to the minimum satisfactory discharge of Wilson's custodial responsibilities:

- Suicide and Self-harm Prevention (annual training and validation).
- Code Responses (annual training and facility exercising).
- Cell Emergency Response Procedures (annual training).
- Cell Evacuation Procedures (annual training).
- Use of Force and Legislation (annual training).
- Cell Barricading.
- Risk Assessment – Work Health and Safety.



- Risk Assessment – Detainee / Prisoner.
- Mechanical Restraints (annual training – use of force).
- Foot Escorts of Detainees and Prisoners (annual training – use of force).
- Detainee / Prisoner Searching.
- Cell Search Practices.
- Radio Communication Protocols.
- Control Room / CCTV Operations (targeted training for select staff).
- Negotiation / Tactical Communications.
- Court Dock Duties.
- First Aid (annual training and validation).
- Communicable Diseases (annual training).
- Food Management (annual training).

The difference between TPS and Wilson training in the breadth and depth of custodial duties appears stark. Training material provided by Wilson was not integrated within a single manual and represented a collection of PowerPoint slides, a user manual, Standard Operating Procedures (SOP), and a student manual on a specific subject. The following represents the material provided by Wilson to the MCT in response to AJP's request:

- Garratt Hand-Held Metal Detector – User Manual.
- Response to Metal Detector Alarms – PowerPoint (generic).
- Frisk / Pat Down Searches – PowerPoint (generic).
- Bag Searches – PowerPoint (generic).
- Empty Hand Control Techniques – Student Manual.
- Escort Duties for Devonport Court – SOPs.
- Xray Interpretation – PowerPoint (generic).



On 30 July 2021 Court Security Guidelines were prepared by MCT and Wilson Security in order to provide greater clarity and accountability over aspects of Wilson's operations, including the training of court security officers. According to these Guidelines, Wilson has created a training strategy and training matrix for its court security officers.

The training matrix reflects that none of the Wilson staff has received training in either Emergency Procedures or Persons in Custody and only a small percentage has currency in Entry Screening and General Procedures.

In accordance with the contract, Wilson prepared and submitted a SOP covering the role and duties of Wilson court security officers to the MCT for approval. The SOPs are adequate in a number of areas, such as code responses, court procedures and minor administrative duties. In the procedures around access control and screening the SOPs are very sound. This probably reflects Wilson's core security expertise. However, it is considered largely deficient in respect to the management of persons in custody.

It is possible that significant changes could be made to the SOPs depending upon decisions made in response to this report. However, AJP has concerns in respect to the following elements within the SOP as they relate to the management of persons in custody:

- [REDACTED]
- [REDACTED]
- [REDACTED]





[REDACTED]

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By way of comparison, but also acknowledging the difference in scale and complexity of operations, correctional officers are subject to 64 detailed Director's Standing Orders as they relate to safety / security and prisoner management. Many of these Orders have utility within Wilson's present scope of escort and detention duties.

It is recommended that the Wilson SOPs are comprehensively revised after consideration of all the recommendations from this report. More information on the alignment of the SOPs to the current contract will be provided later in this report.



# HOBART MAGISTRATES COURT

## SCREENING PROCESSES UPON ENTRY TO COURT PREMISES

The security screening processes were observed on the morning of Monday 4 October 2021.

Screening takes place at the main entrance to the court building after a security officer undertakes COVID-19 and reason for visitation questioning within an airlock sized 3.4 metres long by 2.0 metres wide.

Once departing the airlock, visitors enter the main foyer of the court into the screening point. This area is quite small and presents a congregation area of approximately 3 square meters for persons waiting for the screening process.

The basic screening process, after the initial enquiries concerning the reason for visit, involves:

1. Alongside a divesting table, a request is made of the visitor by a security officer to empty their pockets of any items into a small container.
2. At the divesting table, handbags and other small bags and objects are then inspected by security officers.
3. Visitors then proceed through a Walk-Through Metal Detector (WTMD).
4. In the event of the WTMD alarming, the visitor is then subjected to a Hand-Held Metal Detection (HHMD) screen (wanding) by a security officer to resolve the alarm. This may result in further items being divested by the visitor.
5. The visitor then returns to the table at a point after the position of the WTMD and collects those items that have been divested that are permitted to be brought into court premises. A receipt is issued to the visitor from a security officer for the items that are prohibited and which are being retained or seized by the security officer.







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## SCREENING TECHNOLOGY PRESENTLY BEING USED AT THE HOBART MAGISTRATES COURT

On 13 June 2018 the MCT purchased a Rapiscan 6M WTMD from SX Technologies in New South Wales.

The Rapiscan company indicates that the 6M model is used primarily for weapons detection and is designed for use at airports, prisons (visitor screening), courts and government buildings.

The Rapiscan 6M has significant technical capability including user calibration, sensitivity setting, random alarming and traffic counters. The 6M is easy to use and is able to accommodate high traffic throughput. As experienced at the Hobart and Launceston courts, it has good immunity to electromagnetic interference and vibration.

Significantly, the 6M has 20 segment zone detection points. This is important as it accurately informs the screening officer as to the location on the body of any metal object. Wilson security officers appeared to be aware of this functionality and rely upon it.

Rapiscan is a leading international company in screening technology. The 6M model is regularly well-reviewed by security specialists, despite the fact that it is the cheapest of the range of four Rapiscan WTMDs. Other models within the range can provide functions such as waterproof operations or traffic throughput of 50 persons per minute. Neither are deemed necessary for MCT's operations.

As a general rule, and contingent upon any change in the threat environment, AJP considers that the acceptable lifespan of any WTMD is approximately ten years. This ensures that evolving technologies are capitalised upon.

AJP is content that the Rapiscan 6M WTMD presently being used at the Hobart Magistrates Court is fit for purpose and from observations, operating effectively.

[REDACTED]



The MCT uses the Garrett Super Scanner HHMD at all four of its courts with registries. AJP was not able to establish the purchase date of the Hobart Garretts.

Garrett is a major international company, based in the United States, that specialises in security screening technology. Garrett is highly regarded in this field.



The Super Scanner is self-calibrating, very sensitive and easy to use. It detects both ferrous and non-ferrous metals. Wilson security staff appeared very comfortable with these devices and the large scan surface of this particular model expedites the scanning process which is important in the court environment.

AJP is content that this particular HHMD is fit for purpose for all MCT's security operations.



# MOVEMENT OF PRISONERS BETWEEN THE HOBART RECEPTION PRISON AND COURT DOCKS

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## CONCLUSIONS

### Searching and Screening

The search and screen practices presently being undertaken by Wilson security staff in Hobart are adequate given the constraints of existing legislation, policy and technology.

[REDACTED]



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There are a number of potential options in managing this issue. One option is to adopt x-ray screening technology for the remaining three courts which thereby provides a less intrusive, quicker and more effective method to scan for restricted and prohibited items.



[REDACTED]

[REDACTED]

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■ [REDACTED]  
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# LAUNCESTON MAGISTRATES COURT

## SCREENING PROCESSES UPON ENTRY TO COURT PREMISES

The security screening processes were observed on the morning of 13 October 2021.

Screening takes place at the main entrance to the court building after a security officer undertakes COVID-19 questioning. Visitors are then directed either towards a second COVID-19 check-in point or to the divesting table and WTMD.

The basic screening process, after COVID-19 questioning, involves:

1. Alongside a divesting table, enquiry is made of the person for the purpose of their visit and then a request is made of the visitor to empty their pockets of any items into a small container.
2. At the divesting table, handbags and other small bags and objects are then inspected by security officers.
3. Visitors then proceed through a Walk-Through Metal Detector (WTMD).
4. In the event of the WTMD alarming, the visitor is then subjected to a Hand-Held Metal Detection (HHMD) screen (wanding) by a security officer to resolve the alarm. This may result in further items being divested by the visitor.
5. The visitor then returns to the table at a point after the position of the WTMD and collects those items that have been divested that are permitted to be brought into court premises. A receipt is issued to the visitor from a security officer for the items that are prohibited and which are being retained or seized by the security officer.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





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[REDACTED]

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[REDACTED]



MOVEMENT OF PRISONERS BETWEEN THE LAUNCESTON RECEPTION PRISON AND COURT DOCKS

[REDACTED]



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## CONCLUSION

### Search and Screening

The screening technology being used at the court is contemporary and fit for purpose with the Rapiscan WTMD purchased in 2019.

The main areas of search and screening vulnerability that exist at the Court are:

- [REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]
- [REDACTED]  
[REDACTED]



### Movement of Prisoners and Detainees between the LRP and the Launceston Magistrates Court

The state-wide court conclusions and recommendations outlined in the Hobart Magistrates Court section in respect to the escort of prisoners and detainees apply to the Launceston Magistrates Court.

On 8 July 1986, the Governor issued a proclamation declaring the "...whole of the cell-block area, at ground level, of the Police Headquarters building in Launceston, as shown bounded by a heavy black line on LD Plan 492..." to be a prison pursuant to sections 4 and 5 of the *Prisons Act 1977*. These plans were slightly expanded in 1992 and Central Plan Register number 2364 issued. This schematic can be found at Appendix B.

Plan 2364 outlines the existence of a "Prisoner Tunnel Under" the police car park, however none of the tunnel is encapsulated within the boundary defining the relevant section of the ground floor to be a prison. It is apparent that several prison declarations have been made in respect to the LRP over the years, however, AJP has been unable to locate any proclamatory maps which include the basement level of the cell footprint or the prisoner tunnel.

Consequently, it is recommended that this particular issue be further examined in order to establish the status of the tunnel.



AJP is of the view that if it is determined that the tunnel is to be taken to be part of the prison and that a space is unable to be both a prison and part of a court premise, that the physical escort of prisoners and detainees in this tunnel by court security officers is probably unlawful.

[REDACTED]



The level and completeness of training being undertaken by Wilson to competently equip staff to physically escort prisoners and detainees is unclear and training records incomplete.

More broadly, AJP found that the disparity between the training and internal control mechanisms (Director's Standing Orders, for example) used by TPS in respect to escorts and that applied by Wilson Security is substantial.

From an industrial perspective, and as previously outlined, there is no alignment with the conventional role of a security officer and with their current duties, as far as custodial or escort duties are concerned.

[REDACTED]



AJP recommends that the MCT discontinues the practice of Wilson court security officers escorting prisoners and detainees between the LRP and the Launceston Magistrates Court and from the courts to the LRP. Furthermore, it is recommended that all prisoner and detainee transfers between the TPS and court security officers occur in the secure corridor areas adjacent to the docks.

[REDACTED]



■ [REDACTED]

■ [REDACTED]







# BURNIE MAGISTRATES COURT

## SCREENING PROCESSES UPON ENTRY TO COURT PREMISES

The security screening processes were observed at the Burnie Court Complex on the morning of 25 October 2021.

The search and screening process at the Burnie Court Complex (BCC) are unique in terms of the MCT. As the complex services both the Supreme Court and the Magistrates Court, there are presently two distinct differences in terms of visitor arrival. The first is that on days of jury empanelling, the Supreme Court's Court Operations Officers will undertake COVID-19 questioning external to the main entry.

However, the primary difference between Burnie and other courts is that due to the presence of the Supreme Court, and consistent with other Tasmanian Supreme Courts, x-ray screening of bags and divested items occurs. This process is managed by the contracted Wilson court security officers, although the Rapiscan 620XR device is owned and maintained by the Supreme Court.

On days when a jury is not being empanelled, a court security officer undertakes COVID-19 and reason for visitation questioning outside the entrance. Visitors are then directed towards the divesting table which leads directly into the x-ray.

The basic screening process involves:

1. At the divesting table, a request is made of the visitor to empty their pockets of any items into a tray in preparation for x-raying.
2. Handbags, backpacks and the divested objects are then x-rayed by security officers. One officer is seated at a computer screen alongside the Rapiscan reviewing the x-ray.
3. At this time, a second security officer requests the visitor to proceed through the Sentries AT WTMD.
4. In the event of the WTMD alarming, the visitor is then subjected to a HHMD screen (wanding) by a third security officer to resolve the alarm. This may result in further items being divested by the visitor. The visitor is then requested to proceed back through the WTMD for final checking.
5. The visitor then returns to a table at the end of the Rapiscan x-ray and collects those items and bags that have been divested and x-rayed. Any prohibited or restricted items detected are retained or seized by the security officer, although a receipt for the property is not provided to the visitor.



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[REDACTED]

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# MOVEMENT OF PRISONERS BETWEEN THE BURNIE COURT CELLS AND COURT DOCKS

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## CONCLUSION

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# DEVONPORT MAGISTRATES COURT

## SCREENING PROCESSES UPON ENTRY TO COURT PREMISES

The security screening processes were observed at the Devonport Magistrates Court on the morning of 26 October 2021.

The foyer of the Devonport Magistrates Court is a sizeable area of 12.8 metres from the main entrance to the first of the glass sliding doors near its rear entrance. The foyer is 4.7 metres wide at its narrowest point. Public male and female toilets are located within the large foyer area approximately halfway along its length.

On the day of the survey, a court security officer was positioned at a table on the main entrance side of the toilets in the foyer meeting visitors to the court and asking the COVID-19 screening questions. Visitors were then directed towards the search and screening point at the entrance to the court public waiting area and registry.

At this point the screening process involves:

1. At the divesting table, a conversation is held with the visitor as to the reason for their attendance at court and acquittal attempted against the court list. A request is then made of the visitor to empty their pockets of any items into a tray in preparation for proceeding through the WTMD.
2. Handbags, backpacks and like items are then inspected by the court security officers.
3. At this time, a second security officer requests the visitor to proceed through the Sentries AT WTMD.
4. In the event of the WTMD alarming, the visitor is then subjected to a HHMD screen (wanding) by a third security officer to resolve the alarm. This may result in further items being divested by the visitor.
5. The visitor then proceeds to the end of the divesting table and collects those items and bags that had previously been divested. Any prohibited or restricted items detected are retained or seized by the security officer, although a receipt for the property is not provided to the visitor.





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## MOVEMENT OF PRISONERS BETWEEN THE DEVONPORT COURT CELLS AND COURT DOCKS

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## CONCLUSION



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## WILSON SECURITY CONTRACT SCOPE AND PROCEDURES ALIGNMENT

This section details the review findings in relation to the Wilson Security contractual scope under the 2018 Security Services Agreement between the Crown and Wilson Security; the roles and responsibilities of Wilson Security staff appointed as court security officers and the alignment of their operational procedures to the agreement and the Court Security Guidelines.

The review has focussed on Wilson Security's operational practice in terms of its alignment to delivering the security services in accordance with the requirements of the Crown as outlined in Schedule 1 Sections 2 and 3.

It is critical to note that depending upon the extent of the acceptance of AJP's recommendations from this review, including the acquisition by the MCT of legal clarifications around the issues previously raised, it is likely that any future contract for MCT security services will require significant change. This review is based on the current arrangements.

### Findings

#### Security Services Agreement 2018 – General

AJP found that the broad scope of the contract pursuant to Section 2.1 sufficiently encapsulates most of the security functions that are presently required to be performed within MCT court premises. The exception to this, is the requirement for Wilson Security to undertake cell custodial responsibilities at the Devonport and Burnie magistrates courts.

Sections 2.1(f) of the Schedule appears to only relate to custodial responsibilities in a transitory sense and Section 3.15 (Holding Cells) only refers to the provision of security services at the Devonport and Burnie magistrates courts and, again, focusses on escorting to the holding cells. Arguably, there is presently no contractual obligation upon Wilson Security to provide the cell custodial duties presently being performed at Devonport and Burnie.

While the Agreement provides a list of requirements within Sections 2 and 3, the articulation of these requirements within the Agreement is lacking in a level of suitable and sufficient detail that would enable a contractor to develop a set of fit-for-purpose Standard Operating Procedures (SOPs). However, this finding is made in the absence of having awareness of any Request for Clarifications, issued to DoJ by Wilson Security either as part of the initial tender process, or the post-contract award



period, that would enable Wilson Security to have additional detail for each requirement.

This lack of detail for each requirement under section 2.1, has not fully informed the development of the SOPs, determined from the omission of information – however, it is identified that the majority of the SOP content, would fall under one or more of the list of requirements in section 2.1.

In addition, the list of items in section 2.1 are mirrored in the Scope section of the Court Security Guidelines, however it is identified that an additional list of services is stated under the Operating Requirements section of the Court Security Guidelines. Noting, that both lists are ambiguous and have the potential to be misinterpreted.

Therefore, it is recommended that a detailed list of requirements is developed for future RFTs in order to prevent ambiguity and misinterpretation. This would also ensure that the RFT enables the contractor to:

- i) Provide a realistic quote.
- ii) Have a clear understanding of the requirements, and any components under specific requirements.

Section 3.8 (f) states that the contractor must perform “*any other duties as outlined in the Standard Operating Procedures or as directed from time to time by the Delegate*”. It is AJP's opinion that all duties should be detailed as a requirement within the Service Agreement, and those duties aligned with:

- i) the duties of a Court Security Officer as mandated within the Court Security Act 2017 and/or;
- ii) specific security services to be undertaken within the Court premise that are not legislated, for example, the protection of assets.

It is recommended that contractors SOPs are not used as a mechanism to require any additional duties, as any further duties stated within the SOPs may fall outside of contract scope.

### Security Services Agreement and SOP alignment

Section 2.1 lists the contractual services to be undertaken by Wilson Security. It is the finding of this review that whilst this list provides a high-level of deliverable that ensures compliance with the *Court Security Act 2017*, it is not sufficiently detailed to remove any ambiguity or misinterpretation as to how each deliverable is to be achieved. Furthermore, the supporting Court Security Guidelines are not sufficiently prescriptive to remove this ambiguity and provide greater clarity.



The SOPs are deficient in that they do not specify the information as required under Section 3.2 paragraph 3, which states:

*“Standard Operating Procedures must specify job title; responsibilities; job purpose; task requirements; hazard assessment; minimum skills’ training requirements; and personal protective equipment”.*

Additionally, Section 3.2 indicates a requirement upon the contractor to develop the SOPs which are subject to reasonable approval of the MCT. AJP is of the view that these SOPs ought to be submitted not only for approval but also for acceptance. While the distinction may appear small, it is considered that the SOPs ought to be an instrument of the MCT through which Wilson is managed not solely the internal requirements of the contractor.

The individual service requirements below, summarise the alignment of the SOPs to each requirement, including whether there is sufficient procedural detail within the SOPs that demonstrates the process for how the requirement is being delivered by the appointed court security officers.

#### **(a) maintain public safety within the precincts of the Magistrates Courts of Tasmania**

There is no information within the contract that details how security services provided by the contractor will maintain public safety within the precincts of the magistrates courts. However, there are several sections within the SOPs that provide a level of information that demonstrates the contractor's approach to maintaining public safety.

It is identified that there is inconsistency in operating methods across the different courts. For example, the process for managing persons into custody at the Devonport Magistrates Court differs from that implemented at the Burnie Magistrates Court. However, whilst this finding should be further examined, the content remains in alignment with Wilson Security's contractually obligated duty.

Furthermore, the SOPs detail the procedures for duties required to maintain public safety in accordance with both the contractual obligations and legislation.

#### **(b) open and secure premises**

The SOPs refers to the requirement to open and secure (by inspection and locking) court premises. However, the SOPs do not provide any detail as to the process as to how this is to be undertaken. For example, there is no procedural detail for key handling and management.



The SOPs do not provide any information relating to the procedure Wilson appointed security officers need to undertake in compliance to Section 9, *Court Security Act 2017* – which provides a requirement for closure of the courts for security reasons.

**(c) operate the walk through and hand-held metal detectors, baggage scanners where available, and any other security equipment provided by the Court, including scanning and searching of individuals entering the premises**

In relation to the screening of persons, section 4.15.2 (Court Screening Procedure) of the SOPs states that “*Security staff, Police Officers, Judiciary and Department of Justice Staff are exempt, and any other category of person approved by the Chief Magistrate*”. This exemption is provided by policy and is not mandated under the *Court Security Act 2017*.

While there is no reference to alignment with recognised search and screening standards such as *PAS127:2014 – Checkpoint security screening of people and their belongings – Guide*; the SOPs provide a reasonable level of procedural detail in relation to manual search and use of the WTMD.

It is acknowledged that only the Burnie Court Complex currently uses x-ray for screening of personal belongings, however, the SOPs do not provide any procedural detail for use of the x-ray machine.

**(d) detect prohibited items and prevent these entering the Magistrates Court premises**

Section 4.15.3 of the SOPs provides a reasonable list of prohibited items, with an acceptable level of procedural detail provided in relation to searching persons and belongings for such items.

However, as previously stated, there is no procedural detail for the use of x-ray machines that illustrates how prohibited items will be identified / detected, and the process for follow-up search upon x-ray detection.

**(e) provide security services when courts are in session, maintaining public order and provide appropriate assistance to the Magistracy**

Several sections of the SOPs provide adequate detail as to the different processes to be conducted at various courts. However, there is limited procedural detail for public order duties and duties as required for providing appropriate assistance to the Magistracy.



- (f) escort and maintain the safe custody of prisoners to and from cells to the court rooms and assist Corrective Services personnel and Police Officers as required including security where a Court may be held other than in a court building, e.g. hospital rooms where a court is in session**

Section 4.10 of the SOPs provides information relating to the process for escorting and maintaining safe custody of prisoners. However, there is a lack of procedural detail for escorting.

No procedural detail exists in relation to maintaining safe custody of prisoners in Hospital Rooms.

- (g) operate and monitor the security management and CCTV systems**

Sections 4.4, 4.11 and 4.14 of the SOPs makes reference to CCTV. However, there is no procedural detail illustrating the process for operating and monitoring the CCTV systems.

It is suggested that further examination is conducted in order to determine what the components of the Security Management System are, in relation to the contractual obligation, under the Service Agreement.

- (h) operate the audio recording equipment in after-hours courts**

Section 4.8.12 of the SOPs details the general duties to be conducted at after-hours courts. This section provides a reasonable level of procedural detail in relation to operating the audio recording equipment.

It is identified that a significant proportion of SOP content has been directly taken from both the Security Services Agreement and the *Court Security Act 2017*. Therefore, the structure and content of the SOP is inconsistent with that of a conventional operational guide.

### **Roles and Responsibilities**

It is identified that Wilson Security's current scope and duties, as indicated within their SOPs, complies with the requirements laid down within the *Court Security Act 2017* and the Security Services Agreement 2018. However, the SOPs do not provide sufficient detail as to the specific roles and responsibilities for each assigned duty – as required under Section 3 of the Agreement.

Additionally, consideration should be given to the legal responsibility and operational capability of Wilson Security in providing security services at external locations whereby proceedings of a court are being undertaken at a care or treatment facility.



It is considered that a number of the existing general requirements in Section 3.1 remain highly relevant. These include the ability of the contractor to supply additional security services, recognition of the potential for court security officers to be appointed Ancillary Constables and the contractor's reporting obligations where a security officer has ceased employment or been charged with an offence.

It is recommended that the weekly meetings under Section 3.1 (b) with the contractor or nominated person also involves the opportunity for instructions to be delivered by the MCT manager in respect to security or performance issues.

Section 3.1 (f) should delete the reference to the now rescinded *Admission to Courts Act 1916*.

Section 3.4, which outlines the Security Licensing requirements, should be expanded to include that handcuff endorsements to security licences are required by all court security officers pursuant to the *Security and Investigations Agents Act 2002*.

If legally permissible, and as discussed earlier in this report, Section 3.4 should also contain the contractor's obligations to ensure that custodial practices are in accordance, or consistent, with Section 29 of the *Corrections Act 1997*.

Section 3.5 relating to Clearances should specify that the prior police history checks for security officers are to be national history checks not simply confined to Tasmania.

Section 3.6 of the Agreement deals with Induction and Training. As previously identified by AJP, the breadth and depth of Wilson Security training is questionable as it relates to the MCT. It has been recommended that a Training Needs Analysis (TNA) be conducted to properly inform training obligations. This TNA should be undertaken once the threshold legal questions previously identified in this report have been resolved. In any event, in the future this section should include contractual obligations, not just in terms of training topics but also training processes by the contractor, MCT training quality assurance, training refresher obligations and the regular provision of the contractor's training records to the MCT in order to manage performance and capability.

Section 3.9 of the Agreement relating to the General Duties and Capabilities of security officers will most likely require amendment based on the degree of acceptance of AJP's recommendations. At this point in time, there is opportunity to better articulate the individual capabilities of security officers. For example, security contracts will often mandate formal English language proficiency levels for security officers.



Section 3.9 appears to place considerable responsibility upon Wilson site Supervisors in a number of critical areas. These include training and professional development, competence maintenance in mandatory security functions and providing strategic security advice to the MCT. While site Supervisors should have a role in some of these activities, AJP considers that the contractor ought to be directly responsible for delivering these functions to ensure the consistency of good practice service delivery across the State. It is also worth noting that not all courts have the same level of security Supervisor overseeing day-by-day activities.

Section 3.16 outlines that the contractor must provide handcuffs suitable to escort and maintain the safe custody of prisoners or detain a person in the interests of public safety. This section should identify that this should only occur in cases where court security officers are lawfully entitled to carry and use handcuffs.

#### For Consideration and Further Examination

It is identified that several areas should be considered for further examination. These are listed below:

- i) Several areas of the content do not provide the level or procedural detail expected within an SOP. There are key areas requiring procedural detail and process, which currently only provides information that is contained within legislation (refer sections 4.8.16 – 4.8.27, and 4.9 of the SOPs).
- ii) The SOPs provide different methods for remanding persons in custody across the different courts illustrating inconsistency in process. However, noting that different arrangements made be necessary due to individual court differences.



# WILSON SECURITY RISK ASSESSMENT METHODOLOGY

This section details the review findings in relation to Wilson Security's approach to risk assessment.

## Findings

- a) The risk assessment methodology and approach relate mainly to work health and safety (WHS) and not security. However, security activities are identified where there is a risk to the health and safety of persons.
- b) The assessment method is not consistent with good practice or a recognised quantitative process:
  - The current matrix is a mix of numerals (consequence rows) and letters (likelihood columns), whilst the cells within the matrix are indicated by a numerical value. A numerical value can only be determined where you have individual numerals for both consequence and likelihood. For example, Consequence ratings of 1-5 (1 being the lowest, 5 being the highest); and Likelihood ratings of 1-5 (1 being the least likely, 5 being the most likely). Thus, from the existing assessment matrix, based on a consequence rating of 'B', and a likelihood rating of '4', the calculation method would be:

$B(C) \times 4(L) = X$  (a numerical value cannot be shown)

A recognised approach would be to have numerical values for both consequence and likelihood (as stated above), therefore the calculation would look something like this:

$3(C) \times 4(L) = 12$

The risk rating legend does not provide numerical thresholds for each level of risk, which is inconsistent with numerical values in each cell.

See Diagram 1 for comments on Risk Matrix

See Diagram 2 for comments on Risk Rating Legend.





Diagram 1. Risk Matrix

		LIKELIHOOD				
		A	B	C	D	E
CONSEQUENCE	5	M (11)	S (16)	H (20)	H (23)	H (25)
	4	L (7)	M (12)	S (17)	H (21)	H (24)
	3	L (4)	L (8)	M (13)	S (18)	H (22)
	2	L (2)	L (5)	L (9)	M (14)	S (19)
	1	L (1)	L (3)	L (6)	L (10)	M (15)

These should be numerical values of 1 to 5, in order to calculate the consequence x likelihood ratings, as indicated within the matrix cells. For example, 'E' should be replaced with '5'. Therefore, a consequence rating of 5 multiplied by a likelihood rating of '5' will provide the rating of '25' – as indicated in the cell.

Diagram 2. Risk Rating Legend

RISK RATING LEGEND (R)	
	Description
L	<b>Low risk</b> ; manage by routine procedures
M	<b>Moderate risk</b> ; mgmt. responsibility must be specified
S	<b>Significant risk</b> , Senior Management Attention needed
H	<b>Extreme risk</b> , immediate action required, Senior Management attention needed.

Where numerical values have been provided in the matrix cells, the risk rating legend should provide rating threshold levels. Using the rating legend and combining the matrix cell values. The threshold levels would be:

LOW (1-10)

MODERATE (11-15)

SIGNIFICANT (16-19)

HIGH (20-25)

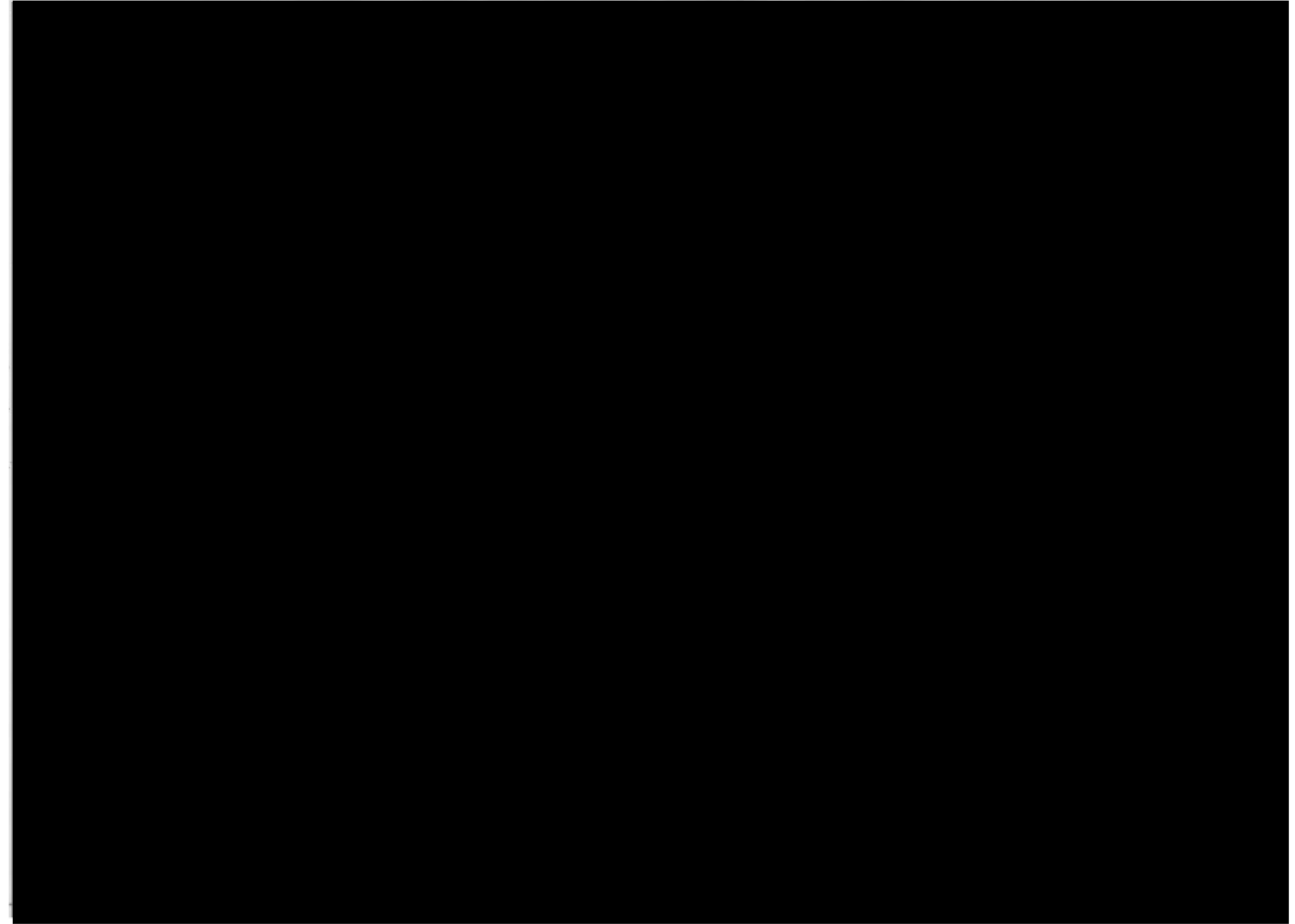


- The hazards are combined, which impacts on the ability to assess the risk of an individual hazard and assign a suitable and sufficient control. It is therefore, unclear which proposed control measures reduce the risk from which hazard / threat – noting that there are no references to security threats within the assessment, other than 'assaults', which is under the hazard column.
- It is unclear from the risk assessment what the impact from each hazard / threat would be, and which constituent groups (visitors, staff, offenders etc.) would be impacted by the hazard / threat. In addition, it is unclear which controls relate to reducing / mitigating the risk from which hazard / threat due to the information in each column being combined and not separated.
- The assessment does not provide information of the risk response (for example, treat the risk, terminate the risk, tolerate the risk or transfer the risk).
- The assessment does not provide information on who the risk owner is of specific risks. Noting that the risk owner may not be the responsible person for implementing mitigation.
- There is no indication of which component of the Hierarchy of Control each recommended mitigation is aligned to.
- Several mitigating activities are included within the Task column, these should be within the recommended controls column.
- There are several tasks included in the contract scope that are not included in the risk assessment. Some of these contract / scope deliverables should be included in the risk assessment under existing or recommended control measures.



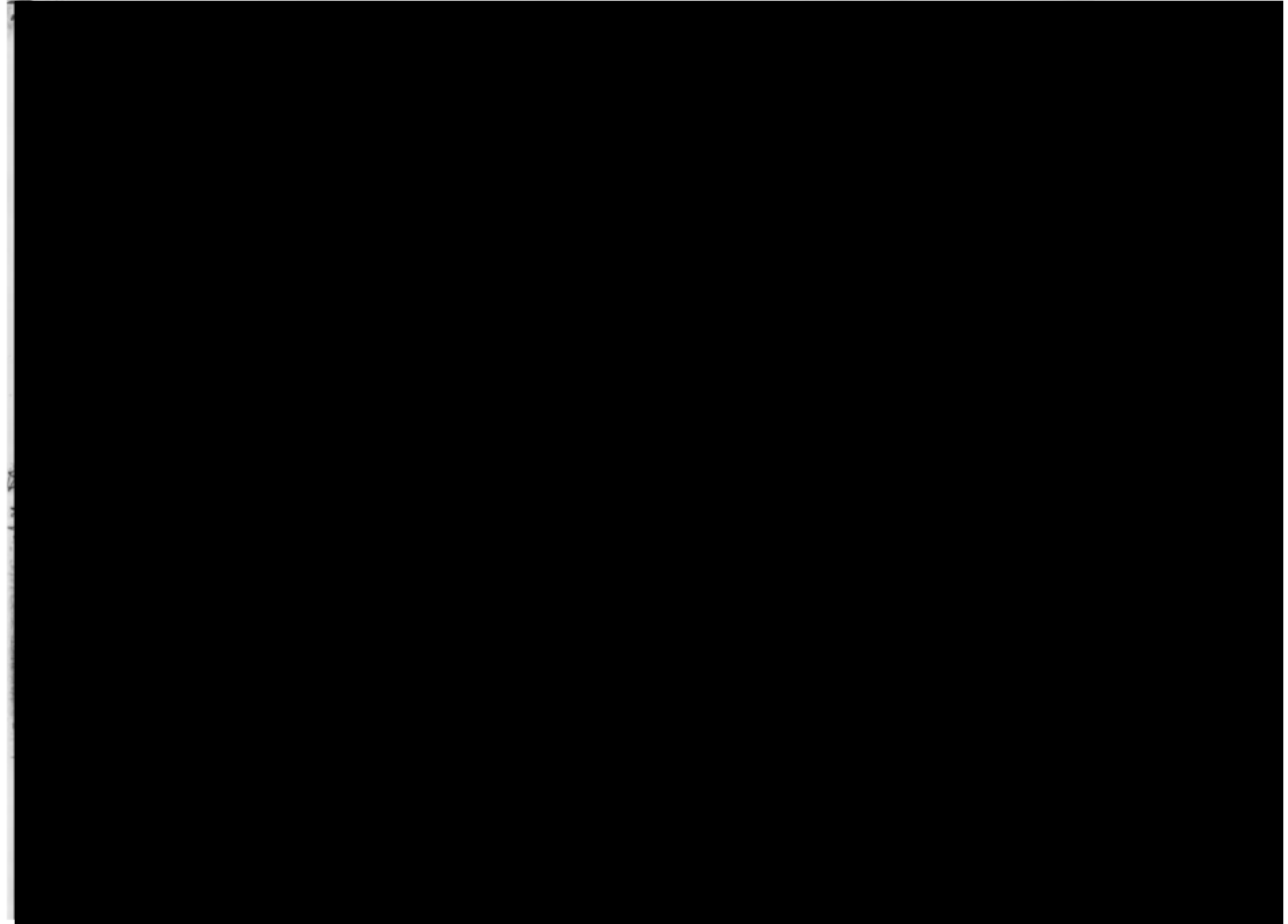
## Appendix A: Hobart RP Plan

Level 1





Level 2



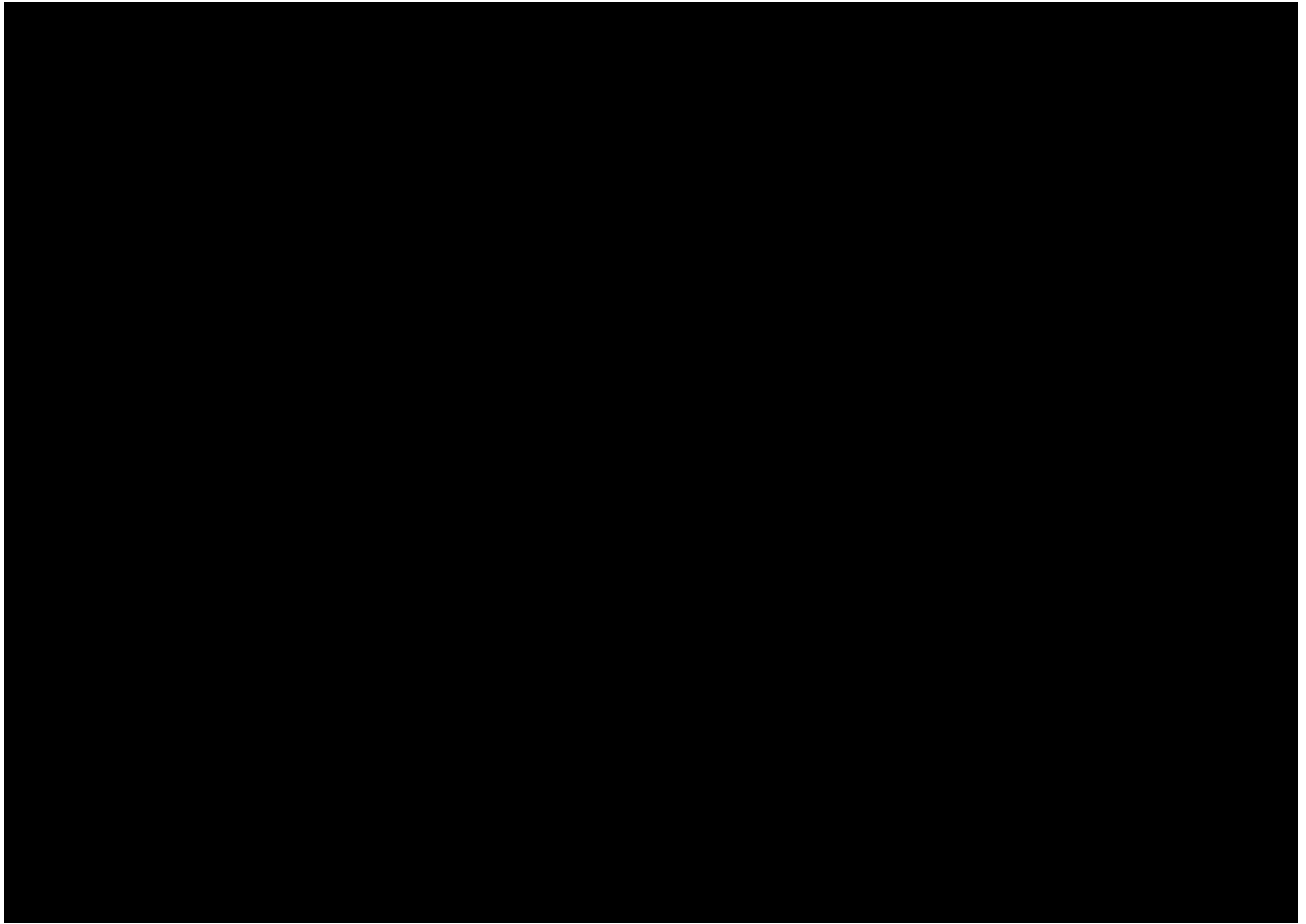


Level 3



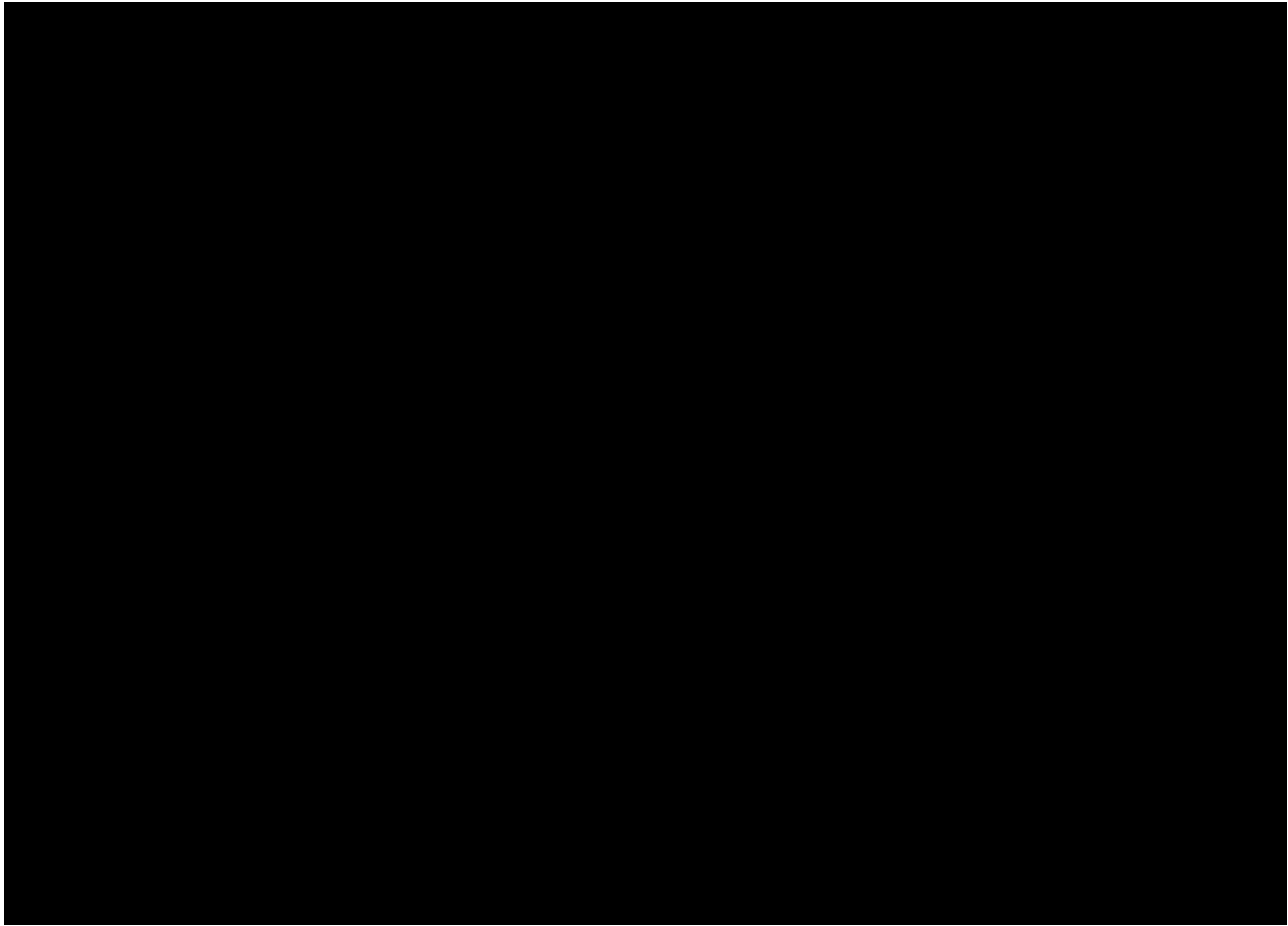


Level 4





Level 5

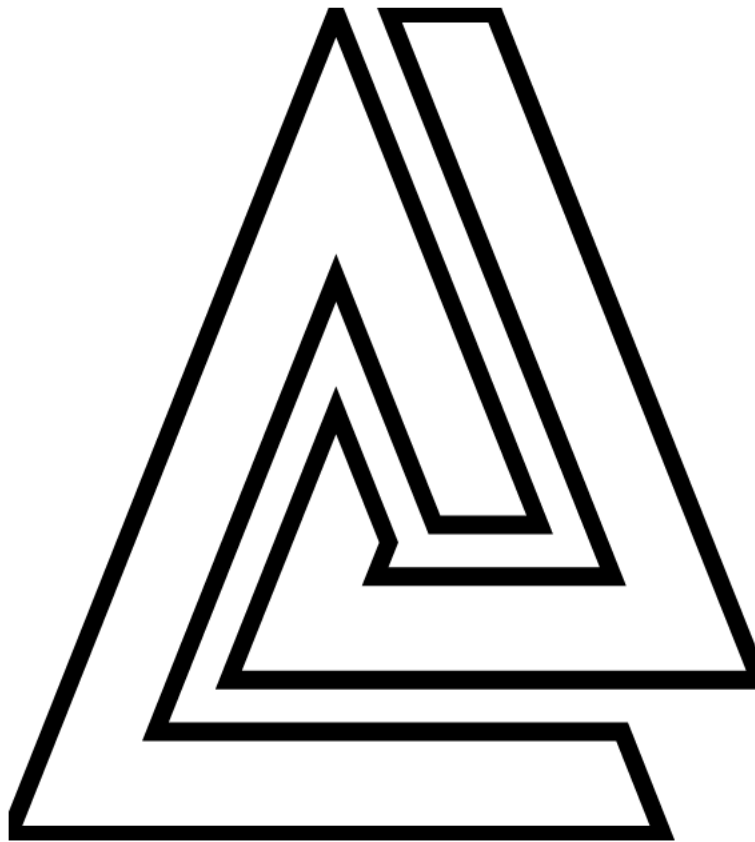




## Appendix B: Launceston RP Plan







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