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Police custodial design is capricious and arbitrary: Formulating a specialised architectural strategy appropriate to short-term custodial facilities

Abstract

Police custodial facilities (PCFs) in the West Australian criminal justice system perform the unique, specialist function of temporarily detaining suspects. However, because of incompatible architectural strategies, severe deficiency in specialist literature and insufficient specific architectural research, PCFs continue to reflect out-dated prison architecture and theory based on entirely different parameters and serving separate functions. This spatial incongruity clearly suggests continued inadequate knowledge of architectural relationships and theories, and a lack of critical consideration of the requirements for an appropriate and specialised spatial design strategy to provide the most appropriate architecture for PCFs. This research is therefore concerned with developing a specialised architectural strategy to eliminate the contemporary disparity between the architectural incompatibility of PCFs and the functions they need to serve because of police policy and procedure.

Keywords

Police, Custody, Detainee, Architecture, Criminal Justice System, Prison.

Introduction

In the West Australian criminal justice system (WACJS) police custodial facilities (PCFs) perform the unique function of temporarily detaining people primarily so they can attend court, but also for other reasons and support roles. However, because of the complexity of the PCF function and an ostensible disregard for the vital role it plays in the WACJS, very little specialist critical research exists about it. In comparison, there is a seeming overabundance of knowledge, research and literature relating to prison philosophy, history and architecture. As a consequence of this imbalance, PCF design lacks a dedicated and specialised architectural language, in contrast to prison institutions, which have evolved and adapted. The fundamental responsibility of PCFs in the context of the greater WACJS has therefore not been

fully realised, nor comprehensively understood. PCFs continue to exude an inappropriate, incompatible and contradictory architectural language that belies their function. This paper undertakes a comparative critical analysis and investigation of the historical and contemporary disparities between the evolution of knowledge, the understanding of function and the architectural language of Western Australia's (WA) prisons and PCFs.

West Australian police history

With a gazetted code of conduct and a formal command structure, the West Australian Police Force was officially established as an organisation in 1853, but it was not until 1898 that the first 'regimental' numbers were to be issued to identify individual officers. Although individual numbers appeared to promote greater personal and professional pride and individual accountability, general dissatisfaction prevailed due to poor working conditions, making it difficult to attract 'quality' recruits. Before the early 1900s, WA police were still governed by colonial management and serviced by ex-military personnel and public servants. These officers, it would appear, unified through strong organisational camaraderie, issued grievances to parliament, resulting in the formation of the world's first police association in 1912. This body successfully campaigned on behalf of officers, achieving many positive work-related changes (Lawrence 1979, 23).

In 1912 Robert Connell was appointed Commissioner of Police, a position he held for 21 years, managing the organisation at a time when significant innovations – fingerprinting and motorised transport – were introduced that revolutionised local police practices (McArthur 1993, 483). Connell further developed the fundamental structure of the WA force into the organisational model we see today (now regarded as a 'service'). These advances continued despite World War I causing detrimental changes to fiscal policies and monetary cuts until about 1928. The period saw about 70 per cent of the WA prison system jails converted into 'police jails' because of reduced staff and resources needed to operate a police-administered facility. In addition, being ill equipped, unsuitably trained and without appropriate facilities, police could do little more than detain prisoners (Thomas and Stewart 1978, 103).

Commissioner Connell's term ended in January 1933, coinciding with the Great Depression, a period that brought with it severe reductions in government funding for the WA prison system and later, in 1939, considerable strain on the WA Police with widespread resignations due to a 'common desire to enlist for overseas service in World War II' (Lawrence 1979, 34).

By 1942, the PCF at York was also assigned as a prison facility to hold Fremantle Prison's female prisoners during the war, a decision which appears to have been made at short notice. Male prisoners about the same time were transferred to Barton's Mill Prison, which was little more than a series of tents secured by a wire perimeter fence (Thomas and Stewart 1978, 159).

The post-war period did not bring any of the upgrades intended to modernise WA police facilities in general (as was envisaged and desired), with many being described by Lawrence (1979, 35) as 'cramped and dilapidated', causing extensive and arguably unnecessary relocation and readjustment into an assortment of different yet equally inappropriate sites in and around the city (Heritage Council of Western Australia 2002). However, the 1950s *did* herald significant advances in vehicular and telecommunications technology.

The early 1960s generally brought what Lawrence (1979, 37) describes as "outbreaks of major crime" and a gradual decrease in the number of 'police jails' (police-administered 'common jails'), reinstating a more desirable balance in the ratio of typical PCFs to Prison Department jails. Rapid increases in prisoner numbers later in the 1960s, however, saw the Kalgoorlie PCF proclaimed a Prison Department administered 'common jail' by 1967 (Thomas and Stewart 1978, 159).

According to Thomas and Stewart (1978, 162) by 1971 the number of prisons in existence had more than doubled that of police facilities. This period coincided with the conversion of hospital facilities in Wooroloo into the Wooroloo Prison and the proposal for a police facility, 'built by design', near the Causeway in East Perth.

The proposed 'purpose built' police headquarters in East Perth was announced by the Minister of Police in 1960 (Heritage Council of Western Australia 2002), though cost would be cited as the reason for delaying its commencement almost immediately.

The difficult circumstances produced by the lack of adequate facilities over an extended period, however, provided sufficient ‘motivation’ for reapproval of the project in 1962 (construction commenced in 1963). The Perth Watch House (formerly the ‘East Perth Lockup’) and adjoining police station were completed in 1965 and the Perth police headquarters building in 1975; considered at the time to be the ‘most technologically advanced police building in Australia’ (Lawrence 1979, 39).

The Perth Watch House component of the headquarters complex was and continues to be the primary police holding and processing facility for Western Australia. It receives – directly or via transfer from suburban police stations – people arrested in the Perth metropolitan area who are refused bail, unable to obtain bail, or arrested on a warrant. It also provides custodial facilities for terrorism suspects, temporary detention of transferred interstate prisoners, and a temporary holding facility for the Australian Federal Police.

Incompatible conversion and poor coordination of facility and resource use between the WA Police and the prison system of the day, with countless other examples of ‘make do’ initiatives (such as Hillgrove ‘Lockup’ – a lockup within a tree trunk) and insufficient funding both past and present, have clearly influenced and distorted the unique spatial requirements of police lockups, morphing them into a shape based on characteristics inherited from prison architecture. This, coupled with the fact that WA police are historically of military extraction, undoubtedly influences and lends itself to formulate the bedrock of a unique, hardened organisational culture which is still in existence. Similarly, early WA police administrative and organisational patterns would have been largely guided by and based on the history and traditions of early West Australian society just as current attitudes towards policing, crime, and the facilities in which police custodial services are provided will dictate current practices. Next to this, if the government of the day is a representation of its society, the representative attitudes do not appear to bode favourably for the WA Police (Thomas and Stewart 1978, 71). In the same way, it appears that coronial criticism aimed at the WA Police for some of its shortcomings, could have equally been aimed at the WA Government, which by failing to offer sufficient funding for modern, purpose-built

and state-of-the-art PCFs (for decades), has resulted in facilities being ‘dilapidated, appalling’ and requiring replacement (Dean 2004).

Despite this, WA is the world's largest single policing jurisdiction (the state is about 10 times the size of the United Kingdom), divided into two primary regions in the metropolitan area, the North and South Metropolitan Regions. These comprise six sub-districts and one division: the South-East, South, North-West, East, West and Central Metropolitan Districts. The Office of the Metropolitan Regional Coordinator is a division that also forms part of the conglomerate regional structure, having direct management and authority over the Perth Watch House and the WA state PCF (Cottman 2007).

Nationally, Australian PCFs represent a small yet fundamental subdivision of the WACJS, yet their significance cannot be overstated. It appears that this critical portion of the WACJS has been marginalised, neglected and has not benefited from critical architectural investigation to such an extent that custodial facility architecture fails to perform some of the basic functions it was designed to achieve. As a result, the Perth Watch House has been described as ‘obsolete, inadequate and non-compliant’ which is due *only in part* to its age (Dean 2004). A detainee held in police custody, within the meaning specified in WA Police guidelines, simply cannot and should not be detained in a disjointed facility based on a design intended for sentenced prisoners in long-term custody, though this is exactly what takes place. It appears that WA is not unique in its ‘make do with status quo’ mentality. Police organisations worldwide appear to suffer comparable insufficient funding, resources and research and lack the urgency required to tackle and ‘make good’ deficient existing custodial facilities.

South American correctional facilities have been heavily and erroneously criticised over time in American literature – inaccurate to the extent that a great deal of this literature does not make the distinction between PCFs and prisons ‘even though the difference in the conditions between these two types of facilities is immense’ (Tomlin 1995, 135). In fact, it appears that some PCFs in parts of South America harbour deplorable living conditions in violation of basic human rights. Tomlin (1995, 133) describes Brazilian and Salvadorian PCFs as ‘bleak, appalling and overcrowded due

to indifference toward maintaining adequate facilities' where detainee bedding consists of a concrete slab in a barely lit cell where 'seven men are housed in a cell designed for two'. In addition, Tomlin maintains that policy and procedure (relating to dignity) in such facilities are also in dire need of review. A clear example of this relates to the fact that the only allowable clothing for detainees in such places is underwear. Brazilian and Salvadorian PCF conditions, therefore, appear to be unpardonable. On the other hand to a greater degree, prison facilities across the world appear to be humane and organised; with prisons even in Brazil and El Salvador being generally sanitary with enough natural and artificial light. Furthermore, prison cells come in different sizes and have a private shower and toilet (Tomlin 1995, 134).

Brazilian and Salvadorian PCFs, like WA PCFs, also temporarily detain people while they await trial. However, the current state of the criminal justice systems in these countries, Tomlin (1995, 133) explains, 'has caused instances where police are unable to transfer sentenced prisoners to a prison facility, leading to cases where prisoners have been housed in PCFs for several months'. The situation in which people are held for any length of time – particularly for 'simple' offences – poses significant increased risk, not only in South America but other parts of the world, especially Australia with its distinct indigenous populations; particularly in WA, where indigenous people brought into police custody are significantly over-represented as a proportion of the total population. Aboriginal people are often less able to tolerate isolation in custody, so face greater risk of suicide or self harm (Biles 1988, 17).

Indigenous people in WA constitute 45.9 percent of people in police custody. The state is second in this respect to the Northern Territory (Australian Institute of Criminology 2002, 12), despite the fact that 31.6 percent of the Northern Territory's population is indigenous compared with only 3.8 percent in WA. These statistics clearly indicate a disproportionate representation of indigenous people held in custody in comparison with other states (Australian Bureau of Statistics 2006, 5).

The precarious reality of this situation is that 63 percent of Aboriginal deaths in custody occur in PCFs. As well, 80 percent of non-Aboriginal deaths in custody occur in the first 24 hours of detention, implying that the highest level of risk for self harm and related causes of death in police custody occurs within a short period after

admission (Biles, McDonald and Fleming 1988, 129). Reser (1989, 161) referring to a national study by Hayes (1983), states that 'the pattern of deaths in custody clearly indicates that police custody poses more risks than prison incarceration' and further, that there is a disparity in suicide rates between prison and police custody 'with suicide rates in police custody being as much as five times greater than corresponding prison rates; this pattern being observed both in Australia and overseas'.

The primary concern in the US and the UK criminal justice systems during the 1970s, however, appears to have been with economy, efficiency and commercialisation of crime control, giving a lot of power and responsibility to 'profit driven' commercial companies and private security firms which can conduct themselves according to commercial interests as long as they comply with the requirements of their contract (Garland 2001, 116). The ever-increasing government 'fiscal focused' over-reliance on private sector custodial management companies and private security firms suggests that as with any capitalist structure, inequalities of access to services will inevitably occur in some areas of society (Garland 2001, 117).

West Australian prison history

Prison design appears to have been the dominating influence on custodial architecture of all types in WA, which suggests how significant the Roundhouse was as one of the first prominent public buildings in Fremantle, along with other temporary prisons and entire streets dedicated to warden accommodation. The completion of the Fremantle Prison, which operated for almost 140 years, as well as the water police and other special constables, contributed to Fremantle being labelled a 'prison, police and military town' (Bosworth 2004, 69). Bosworth (2004, 40) describes Fremantle Prison as a facility designed to 'confine and control, intimidate, punish, redeem and improve the individual', but it was stipulated that it also had to be plain, functional and not too expensive. This is a specification which was not uncommon and is still in keeping with current construction prerequisites and practices, facilitating the construction of buildings with a unique 'West Aussie' flavour, where we strive for a specific design intent; and we *almost* achieve what we set out to do.

The importance we place on a public facility and its funding should be proportional to the importance of its function and obligations to the society in which it is built (such

as providing custodial duty of care). In other words, if Fremantle Prison were to be considered without the aid of 'romanticised' literature it would be apparent that the design brief is unequivocally and grotesquely inadequate.

Overwhelmingly misjudged and miscalculated requirements saw a facility that would be utterly substandard and sub-humane in a very short time and would inexplicably be given a 'green light' and a clean bill of health as an operational facility by the 'prison doctor' to operate under such conditions for many years, suggesting incompetence, ignorance or 'malleable' personality. Deplorable living conditions deficient in sanitation, undersized single cells with little or no ventilation, poor food quality and extremely harsh punishments for prison offences eventually were, however, the catalyst leading to two royal commissions (Thomas and Stewart 1978, 50).

The recommendations of the first royal commission, in 1898, were predominantly architecture specific, prescribing alterations including the construction of new walls in the main cell block, categorising and separating incompatible prisoners, and further, demolishing the dividing walls between every second cell, creating a substantially larger standard cell size with improved ventilation. The second royal commission in 1911 primarily concerned itself with the restructure of the administration and operation of the Fremantle Prison (Thomas and Stewart 1978, 50-54).

Among the many changes both built and administrative as a result of the royal commissions, the introduction of the Prisons Act 1903 was a critical milestone in WA prison history, one which allowed both staff and prisoners to better understand their position, duties and expectations and one which still forms the fundamental building blocks of prison administration. The Act, which did not stipulate that there be a permanent official to head the WA prison service, did on the other hand allow for a Comptroller General, an office which (it would appear as a cost-cutting exercise) took charge over multifaceted portions of the criminal justice system (Thomas and Stewart 1978, 77).

Prisons in the mid 1920s saw a trend towards a 'reformatory' philosophy in design, with the emergence of prison farms such as Pardelup and later Barton's Mill, Karnet and Wooroloo and a host of other work camps associated with WA regional prisons. As a result of this trend, WA was deemed to be at the pinnacle of modern penology

and criminology at an international level. Pardelup Prison Farm opened in 1927 and quickly developed into what Thomas and Stewart (1978, 110) refer to as the “pride and joy” of the prison system, being established ahead of similar initiatives in other countries and 10 years earlier than England. These ‘open’ prisons were deemed to be a ‘turning point in prison history encouraged by the economic benefits resulting from work on the farm, though the economic benefits were always more easily measured than the reformatory performance of the facility’ (Thomas and Stewart 1978, 110).

A major consideration (and predicament) with this type of prison is that minimum security prisoners are the ones who least need to be reformed, so prisoners who would most benefit from this initiative are the least likely to be sent to a prison farm. Thomas and Stewart (1978, 110) described the ‘economics of the prison farm as the only instigator which appeared to generate parliamentary discussion that encouraged or led to any modification’, so these early facilities operated and continue to operate as quasi enterprises and appear to provide little reformatory benefit, albeit some financial benefit, to the government and the WACJS.

Barton’s Mill was established as a prison in 1942 (Heritage Council of Western Australia 1998), receiving all the male prisoners from Fremantle Prison and Broome Regional Prison while they were under the control of military authorities. Thomas and Stewart (1978, 117) state that the post-war period indicates an episode of neglect from 1945 to 1951 with the Department of Prisons seldom submitting yearly reports to the government, and with no further changes or initiatives of significance until the introduction of parole in the early 1960s.

Attitudes towards prisons and their role, both internationally and locally, continued to change and adapt in the 1960s, reflecting societal and political perspectives on imprisonment, with rehabilitation the key aspiration. This notion led to the emergence of ‘reformatory’ facilities in the US (Wirkler 1995, 86). About the same time, Karnet Prison Farm (established in 1963 and doubling as a specialist alcoholic facility) and Wooroloo Prison Farm (established in 1970) were early examples of WA prison farms, similarly grounded on rehabilitative ideals. Thomas and Stewart (1978, 112) state that the novelty of this type of facility soon wore off for both the prisoners and the custodians and an increase in the number of ‘escapes’ has resulted in these prisons now being fenced (Department of Corrective Services 2008).

In the US, by the 1980s and shortly thereafter in the UK, the criminal justice system moved towards a new style of prison, introducing what was to be known as a 'direct supervision' management style, requiring an increase in the level of staff to prisoner interaction (Wirkler 1995, 86). Direct supervision allows control of all areas in the prison through 'direct and continual contact' with all detainees at all times, reducing staff needed for special supervision of detainees requiring an increased level of observation (Fairweather and McConville 2000, 31). This management/supervision style *does*, nonetheless, require a 'new generation' layout that has instigated an entirely new category of security facilities in these countries and elsewhere with claims of astonishing success (Fairweather and McConville 2000, 31).

Thomas and Stewart (1978, 161) argue that 19th century prisons were 'built to last forever', not allowing for changes in design, society or philosophy. So as a modern and educated society it seems we should have more foresight with the benefit of learning from mistakes, though it seems WA funding for public facilities reflects a political culture in which they are still built down to a cost and not up to a standard. Even more disturbing is the trend towards the empowering of private companies to take control of what Garland (2001, 18) says would normally be considered the role of the state – the establishment of an ever-increasing number of private prisons. It would appear that the outdated philosophy of rehabilitation is finally at an end with a new management objective being that the primary role of the prison is to 'protect the public by holding offenders securely in custody and no longer pretend to be capable of bringing about rehabilitative effects' (Garland 2001, 18).

This trend is also apparent in WA, with a slow but gradual move towards privatising custodial services in the police service and the Department of Corrective Services (Acacia Prison), as well as custodial transport between these facilities and the courts.

Custodian's role in PCFs

The primary role of the custodial officer, whether a police officer or a 'special constable', is to deliver custodial care and comply with lockup procedures as well as other relevant functions to manage people in custody and external visitors to the PCF, including administrative (preparation and maintenance of detainee files and documenting of property and records) and operational requirements relating to detainee admission, custody and release.

It is crucial that custodial officers adhere to official custodial care processes as physical contact with detainees, including general and strip searches, is a typical requirement, as is the identification of detainees during admission. This involves taking and compiling archival photographs and fingerprints and, more recently, obtaining DNA samples. Custodial care is not restricted to the inner sanctum of the PCF; rather, it extends beyond the walls requiring officers to provide safe and secure movement outside the lockup (including regional and metropolitan transfer).

Custodial officers are required to monitor the health of all detainees as well as their safety, security and well-being by conducting *regular* cell checks, and present an unbiased attitude towards a diversity of cultural backgrounds such as Aboriginal people and other groups as well as those who are suspected of being or *are* suicidal and mentally unstable, violent, or suffering medical conditions or possibly carriers of contagious disease. Factors such as these must be considered to ensure the safety and security of all detainees and staff in the PCF. It must be remembered that all detainees in a PCF are individuals, so an early, customised, thorough and competent screening, focusing on establishing an individual detainee's level of risk, should be the primary management strategy.

Risk reduction management requires consistent re-evaluation of detainees' behaviour as well as their physical and psychological condition, so constant surveillance is a fundamental requirement, considering the volatility and risk of self-harm in PCFs. The fundamental problem is that 100 per cent constant surveillance is not achievable in the Perth Watch House and police station custodial facilities.

Organisational culture

Schein (1985) defines 'organisational culture' as beliefs and values shared by members of an organisation. This being the case, Watson (1998, 2) describes the value system of the WA Police as 'multi-tiered and hierarchical', with key factors including risk avoidance, comradeship, masculinity, professionalism, opportunism and community standing. Singly or in combination, these values form the basis of the organisational culture. They can also create negative conditions such as codes of silence, misconduct, and risk avoidance, with disciplinary and legal consequences associated with being caught engaging in misconduct (Watson 1998, 145).

Ignorant/arrogant loyalty and devotion as well as bravado fuelled by peers can be used to create a psychological barrier between an officer and a detainee in police custody, over and above the physical barrier of built environment. Spiteful or malicious behaviour in the police organisation would appear to be perpetrated predominantly by a naïve minority who are of ‘weak’ character or looking to fit in, ‘toe the line’ and gain acceptance or make a name for themselves at the expense of the detainee. All this succeeds in doing is poisoning the credibility, integrity and trust bestowed on police to carry out their duties diligently, without malice or ill will (Jonescu 2008).

A method of recruitment successfully used in the 1930s by both WA Police and the Prisons Department was ‘direct entry’ as well as recent ‘direct entry accelerated training’ (DEAT) by the WA Police. DEAT seeks to recruit and infuse into the organisation externally experienced and trained (usually overseas) officers to bolster a deficiency in staffing or insufficient local knowledge or experience. The influx of officers into the WA Police from overseas via the DEAT program has influenced the local culture of policing, apparently in a positive way. DEAT officers have diverse organisational and cultural backgrounds, albeit still in policing. Important as the DEAT program is for introducing fresh ideas, initiatives and relationships, it is crucial that these policing cultures cohere to that of the WA Police, which has evolved vernacularly, intent on increasing professional accountability and community partnership (Jonescu 2008).

Uniformed custodial staff appear to have an inherent culture which exists in the form of an aversion of professional non-uniformed staff in both the prison system and police service. Thomas and Stewart (1978, 179) explain that uniformed officers see the non-uniformed staff as ‘just like the critics in society who are against them’ and that their dull and ‘pedestrian routine’ is viewed by them with disdain. The presence of non-uniformed staff equates to unwarranted and unwanted changes in expected outcomes, so directly affecting uniformed staff (Thomas and Stewart 1978, 180).

Conclusion

This research asserts that although prisons and PCFs share a common historical thread as composite subdivisions of the WACJS, their functions in this system are distinctively dissimilar. Also that the development of prison-related architectural knowledge, philosophy and research has not been associated with PCFs. In Western Australia, prisons and PCFs have been circuitously operated, misused and exploited within the CJS, but it appears that our contemporary understanding of the complexities unique to PCFs has done little to promote an investigative undertaking comparative to prison research nor sufficiently comprehensive to sustain any significant tangible outcomes. Consequently, short-term custodial design continues to be capricious and arbitrary as it appears to be little more than ‘cookie cutter’ design and construction, facilitating the continuance of PCFs that are architecturally incompatible, functionally inappropriate and built down to a cost and not up to a standard. The WA Police appear to be undertaking significant transformation, modernising into a world-class organisation including international recruitment. Therefore, it would appear to be short-sighted to disregard the imperative contemporary requirement for critical architectural research and government funding into a largely forgotten facet of the WACJS to formulate specialised solutions necessary for the design and construction of functional, humane PCFs.

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