

Justice Action – Answers to questions on notice

Question 1: Transcript p. 18

Mr HALL: If it is related I am happy to provide on notice a reference to an article that explains that personal interaction between prison officers and the prisoners instead of surveillance from above is more beneficial to those prisoners.

The Hon. SHAOQUETT MOSELMANE: We would be happy to have it. The core of your submission is that you are against privatisation.

James Hall's Answer to Question 1:

Dr Carolyn McKay in submission no.17 to the current inquiry says:

Fairweather and McConville argue that 'direct supervision' where there is a level of intermingling and contact between staff and prisoners 'has been found to lead to increased positive relationships, allowing more effective surveillance and better security', that is, less conflict and violence amongst prisoners and between staff and prisoners.¹

Question 2: Transcript p. 21

The Hon. DAVID CLARKE: Okay. Am I correct that you referred to rising death rates because of snoring? Did you link those two together?

Mr HALL: Let me see. Give me a moment, otherwise I can take that on notice and revisit.

The Hon. DAVID CLARKE: All right: Will you take that on notice?

Mr HALL: So the question is whether I said—

The Hon. DAVID CLARKE: That in some way you linked increasing death rates with snoring.

Mr HALL: Okay. I did not intend to link them directly. They were separate statements. One issue that has been studied is that there is noise and another issue is that there has been in the United States—

¹ Dr Carolyn McKay, Submission No 17 to NSW Legislative Council Portfolio Committee No. 4 – Legal Affairs, *Inquiry into Parklea Correctional Centre and other operational issues*, 13 February 2018, 5, citing Leslie Fairweather and Sean McConville, *Prison Architecture: Policy, Design and Experience* (Architectural Press, 2003) 35.

The Hon. DAVID CLARKE: You will take that on notice to clarify that because I also got that point.

Mr DAVID SHOEBRIDGE: He has also answered it.

Mr HALL: I have answered it then but I can reiterate it.

Mr DAVID SHOEBRIDGE: He has answered that they are not linked; they are distinct.

Mr HALL: They are not linked.

James Hall's Answer to Question 2:

There is no causal link between 'increasing death rates' and 'snoring'. On page 15 of the transcript I refer to Dr Carolyn McKay's submission no.17 to the current inquiry.

In that submission, Dr Carolyn McKay says, on the one hand:

Dormitory style accommodation in the US has been found to promote violence, gangs, higher natural death rates among older prisoners, increased stress and drug use.²

On the other hand, in that submission, Dr Carolyn McKay also says:

Uncontrollable and unpredictable noise is a major problem in US dormitories.³

These are distinct claims without causal link.

² Dr Carolyn McKay, Submission No 17 to NSW Legislative Council Portfolio Committee No. 4 – Legal Affairs, *Inquiry into Parklea Correctional Centre and other operational issues*, 13 February 2018, 4, citing James Peguese and Robert Koppel, 'Managing High-Risk Offenders in Prison Dormitory Settings' (2003) 65(4) *Corrections Today* 82, 82-84; Dr Carolyn McKay, Submission No 17 to NSW Legislative Council Portfolio Committee No. 4 – Legal Affairs, *Inquiry into Parklea Correctional Centre and other operational issues*, 13 February 2018, 4, citing Verne C Cox, Paul B Paulus and Garvin McCain, 'Prison Crowding Research: The Relevance for Prison Housing Standards and a General Approach Regarding Crowding Phenomena' (1984) 39(10) *American Psychologist* 1148; Dr Carolyn McKay, Submission No 17 to NSW Legislative Council Portfolio Committee No. 4 – Legal Affairs, *Inquiry into Parklea Correctional Centre and other operational issues*, 13 February 2018, 4, citing Robert G Leger, 'Perception of crowding, racial antagonism, and aggression in a custodial prison' (1988) 16(3) *Journal of Criminal Justice* 167; Dr Carolyn McKay, Submission No 17 to NSW Legislative Council Portfolio Committee No. 4 – Legal Affairs, *Inquiry into Parklea Correctional Centre and other operational issues*, 13 February 2018, 4, citing Elizabeth Grant and Paul Memmott, 'The case for single cells and alternative ways of viewing custodial accommodation for Australian Aboriginal peoples' (2008) 10(3) *Flinders Journal of Law Reform* 631.

³ Dr Carolyn McKay, Submission No 17 to NSW Legislative Council Portfolio Committee No. 4 – Legal Affairs, *Inquiry into Parklea Correctional Centre and other operational issues*, 13 February 2018, 4, citing Christopher Zoukis, *Inmate Housing in the Federal Bureau of Prisons* (20 May 2013) Zoukis Prisoner Resources <<https://www.prisonerresource.com/inmate-housing/inmate-housing-federal-bureau-prisons/>>.

Question 3: Transcript p. 22

The Hon. DAVID CLARKE: When you thought it was important enough to refer to comments that David Johnson wanted to make you gave an example of some incident where supposedly an officer there said in response to something—

Mr COLLINS: No, he had it on his desk—a mug.

The Hon. DAVID CLARKE: He had a mug on his desk: "I couldn't give a shit."

Mr COLLINS: "Tell someone who gives a shit" was on his mug.

The Hon. DAVID CLARKE: Because it was on a mug.

Mr COLLINS: Yes, sitting on his desk.

The Hon. DAVID CLARKE: That is hardly a pivotal point in world history on this issue, is it?

Mr DAVID SHOEBRIDGE: But you are not suggesting that is appropriate, are you, for a manager to have that on their desk?

Mr HALL: But there is a lot of anecdotal evidence being used today.

The Hon. DAVID CLARKE: No, but what I am saying is you regarded bringing that out as important enough to put on the record that he had on his desk a mug that had that expression on it.

Mr COLLINS: And that it was acceptable to other staff who came into his office and about which he had no embarrassment. There was a question of accountability as well. Nobody else was saying a thing.

The Hon. DAVID CLARKE: The other incident you gave as an example was about a bashing where there was a 30-minute response. I am struggling a bit to understand that fully. Would you like to clarify that as well?

Mr COLLINS: I will. I can give you dates and times. I will ask David to supply that.

The Hon. LYNDA VOLTZ: Yes—if you could take it on notice.

The Hon. DAVID CLARKE: Yes, and what was defective. Thank you very much.

Mr COLLINS: Absolutely.

Answer to Question 3:

Prison Bashing / Inefficient staff response:

The most important points in Mr. David Johnson's statement are:

- *Date and time:* 1am, Monday 11 May 2015
- *Location:* Area 4, Parklea Correctional Centre, directly above Mr. Johnson's cell
- *Events:*
 - Assault occurred at 1am.
 - No response from GEO guards until at least an hour after the alarm was raised.
 - Mr. Johnson made repeated requests of GEO officers for information on the assault over 11th and 12th of May with no response.
 - Mr. Johnson firmly believes there was only one GEO prison officer on duty in Area 4.

This is the complete official statement made by Mr. David Johnson to Justice Action about the incident:

1. I was an inmate at Area 4, Parklea Correctional Centre for 17 months from 14 August 2014 to 19 December 2015. MIN # 521573.
2. During my time at Parklea I was nominated as the inmate delegate, and represented the interests of approximately eighty inmates.
3. At 1am on Monday 11 May 2015 an inmate, in a cell directly above my cell, was violently attacked.
4. The sounds of the attack were harrowing and prompted a number of inmates, including myself, to raise the alarm by pressing the emergency intercom button, and speaking directly with the GEO prison officer on duty in Area 4.
5. Despite repeated requests to the GEO prison officer on duty, to render assistance to the victim of the attack, no assistance was forthcoming.
6. From the moment the alarm was first raised it took over one hour before GEO prison officers entered the prison yard and accessed the cell where the attack took place.
7. At approximately 10 am on 11 May 2015 police detectives arrived at Area 4 to investigate the serious assault.
8. On 11 & 12 May 2015 I made repeated requests to GEO prison officers for information relating to the condition of the attack victim.
9. On all occasions, I was told by GEO prison officers that they could not provide any information relating to the condition of the attack victim, due to privacy legislation.
10. On Wednesday 13 May 2015 I raised the matter directly with the Manager of Area 4 and was told, "It's none of your business".
11. It is my firm belief that at the time of the attack, there was only one GEO prison

- officer on duty in Area 4.
12. The above is a true and accurate record of events. And I am happy to provide a sworn testimony if necessary.

Prison Officer “Tell Someone Who Gives A Shit” mug response:

1. This is the complete official statement made by Mr. David Johnson to Justice Action about the incident:
2. Further to my earlier email, I would like to draw your attention to the matter of the ceramic mug emblazoned with the words: "TELL SOMEONE WHO GIVES A SHIT!" that was proudly displayed on the desk of _____, Manager of Area Parklea.
3. I first noticed the mug on Wednesday 25 February 2015 during my first visit to office.
4. Upon noticing the mug, and in my capacity as delegate, I indicated to the manager that I thought the mug was wholly inappropriate, and indicative of the indifference and contempt that he exhibits towards the eighty men under his charge.
5. I suggested that he dispose of the mug immediately. However, the manager's reaction was one of amusement and indifference.
6. Aware that _____ had no intention of disposing of his prized possession, I wrote a letter to Peter Ma'a, General Manager at Parklea and indicated that I thought the mug was inappropriate.
7. Nevertheless, on Friday 3 April 2015 I noticed the mug on the draining board in the staff kitchen. And on Wednesday 8 April _____ walked through the prison yard proudly holding the offensive mug.
8. I received no response to my letter from Peter Ma'a. Consequently, I wrote a letter to Pieter Bezuidenhout, Managing Director Australia, GEO.
9. Again, the mug was spotted on the draining board in the staff kitchen on 17 April 2015. And again on 4 May 2015.
10. Although I received a written reply to my letter from the Managing Director, who accepted the mug was inappropriate, no change occurred.

11. Consequently, I wrote another letter to the Managing Director and suggested that the culture of GEO, certainly at Area 4, was toxic and counter productive to rehabilitation.
12. In particular, minimum security inmates had no access to books, no access to the art room in the main jail, no access to the music room in the main jail, no access to the chapel in the main jail, no access to a grassed area, no access to basic education facilities such as English and math. I could go on.
13. Despite my efforts no change occurred at Area 4. Indeed, it appeared to embolden , who took increasing pleasure in the misfortune of the inmates.
14. Please don't hesitate to let me know if you require any more details.

Sincerely,

David Johnson

Justice Action's Answer to Question 2

Snoring Causing Death

Separate from the response of Mr. Hall, Justice Action maintains that there is a correlation between the disruption of sleep caused by a 25-person dorm at night with increased aggression between cell mates.

Empirical research has found that 'sleep disruption is a neglected contributor to aggressive behavior within correctional facilities'⁴ and that 'individuals with disrupted sleep are more likely to engage in verbal or physical reactive aggression once provoked'.⁵ These findings have been corroborated by another study, which focused on a sample of incarcerated male adolescents, found evidence to support the existence of a relationship between increases in aggression and the quantity and quality of sleep.⁶ Specifically, increases in aggression could be predicted by both a reduction in the quality and quantity of sleep.⁷

Krizan and Herlache definitively argue that "disturbances in the sleep-wake cycle fuel aggressive behavior in the face of provocation."⁸ Sleep disturbances may be traced to personal pre-existing psychiatric issues, snoring, ongoing stress and from psychical and social conditions such as crowding, noise, artificial lighting and enforced schedules.⁹ These issues are common in standard prison environments and even more typical in dormitory-style designs. Thus, reducing noise and disruption should be the "critical starting points for improving sleep in prisons and ultimately reducing inmate violence."¹⁰

Ian Klum Case

An example of the correlation between disruption of sleep and increased aggression can be seen in the case of Prisoner Ian Klum. The morning before he died, Mr Klum's cell mate threatened to kill him because of his snoring.¹¹ This is an example of how sleep disruption negatively impacts upon cell mate relationships and leads to an increased anger and aggression.

⁴ Zlatan Krizan and Anne D. Herlache, 'Sleep Disruption and Aggression: Implications for Violence and Its Prevention' (2016) 6(4) *Psychology of Violence* 542, 548.

⁵ Ibid, 543.

⁶ Jane L. Ireland and Vicki Culpin, 'The Relationship between sleeping problems and aggression, anger and impulsivity in a population of juvenile and young offenders' (2006) 38 *Journal of Adolescent Health* 649, 649.

⁷ Ibid.

⁸ Krizan and Herlache, 'Sleep Disruption and Aggression: Implications for Violence and Its Prevention' (2015) *Psychology of Violence* 549

⁹ Ibid 548

¹⁰ Ibid 549

¹¹ ABC North Coast NSW, *Inquest hears of death threats against inmate* (29 March 2012) <<http://www.abc.net.au/local/stories/2012/03/29/3466735.htm>>.

Mr James Hall – Research Notes

These informal notes were not originally intended to be published. However, on encouragement from the committee (see transcript pages 16-17), these notes have been tabled in order to assist the committee in their work. Any uncertainty about citations or expression can be clarified on request.

Term of reference (f) – I will primarily address term of reference (f) the appropriateness and operation of private prisons in NSW.

Justification of private prisons lacks evidence – There are two main claims made by those who argue that prisons should be privatised. First, that privatising prisons reduces costs for the government. Second, that privately operated prisons perform as well as, or better than government-run prisons in many ways, such as safety, security and rehabilitation. We argue that both of these claims are not supported by good evidence. Until good evidence is provided to show that privatising prisons is beneficial, prisons should be operated by the government, and not by private companies. At the very least, there should be more information disclosed by private prisons to the public so that their performance can be properly addressed and so that private companies operating prisons are more accountable to the public.

1. **Claim 1** – I begin with the first of these claims: **Privatising prisons will reduce costs for the government. (private companies operate prisons for less money than the government operates prisons)**
 - i. **Original justification** – there are three main pieces of literature that have been used in public debate to justify the privatization of prisons on the basis that it would reduce costs to the government (Andrew, Baker and Roberts, 2016)
 - ii. **Criticisms** – however, the claims by these reports that privately run prisons cost less than government-run prisons have been heavily criticised by independently researched academic literature, which argues these cost-saving statistics are deeply flawed.
 - iii. **Each report** – I will explain the flaws in the statistics used in each of these reports, in turn:
 - a. The first report used to justify prison privatisation based on costs is the **Government-commissioned report prior to the opening of Junee prison in 1993** (Andrew, Baker and Roberts 2016, 20 citing Lienwort Benson, ‘Investigation into Private Sector Involvement in the NSW Corrective System’; Andrew, Baker and Roberts 2016, 20 citing Roth, 2004, 27-29)
 - Claim: privately run prisons would cost less than a government-run prison by 7.5-10%, following the model of Queensland’s Borallon prison (Andrew, Baker and Roberts 2016, 20)
 - Criticism: no information was given about how these figures of reduced costs were calculated, and these issues was also raised in parliamentary debate at the time (Moyle 1993, 84, cited in Andrew, Baker and Roberts 2016, 20)
 - b. The second of these reports is the **Public Accounts Committee NSW (PAC) report in 2005** (as part of the ‘Value for Money from NSW Correctional Centre’s inquiry, see especially 1, 24)
 - Claim: a privately run Junee prison would cost 92 dollars per prisoner per day, while government-run prisons in NSW cost an average of 182 dollars per prisoner per day (PAC 2005, 1, cited in Andrew, Baker and Roberts 2016, 25)
 - Criticism: the report does not disclose its method for calculating overheads (costs not directly associated with service provision, e.g. rent and utilities), which renders the final cost figure ambiguous and allows no meaningful comparison with government-run prisons (Andrew and Cahill, 2009, 146-147, cited in Andrew, Baker and Roberts 2016, 25)).
 - c. The last of these reports is the **NSW Legislative Council General Purpose Standing Committee (GPSC) No. 3 final report in 2009** (as part of the ‘Inquiry into the Privatisation of Prisons and Prison-related Services, see especially 51 and 56)
 - Claim: a privately run Junee prison would cost 124 dollars per prisoner per day, while government-run prisons in NSW cost an average of 184 dollars per prisoner per day (GPSC, 2009, 56, cited in Andrew, Baker and Roberts 2016, 1)
 - Criticism: the calculation does not adequately take into account factors unique to each prison, such as the age of the prison, their design and their geographical location (Andrew, 2007, cited in Andrew, Baker and Roberts 2016, 25; Andrew, 2011, cited in Andrew, Baker and

Roberts 2016, 25; Andrew and Cahill, 2009, cited in cited in Andrew, Baker and Roberts 2016, 25).

- iv. **More recently** – there is almost no publicly available evidence for the claim that the Junee and Parklea private prisons, in particular, are more cost-effective than government-run prisons.
 - a. **Contracts** – the contracts for Junee and Parklea prisons:
 - though publicly available, are heavily redacted and exclude important information about costs. (Andrew and Baker, submission 11 to this inquiry)
 - Further, this information is likely protected from being obtained by freedom of information requests, due to NSW commercial-in-confidence legislation. (Andrew and Baker, submission 11 to this inquiry)
 - b. **Only other** – the only other publicly available figures for the cost of running Junee and Parklea prisons is to be found in the Corrective Services annual report of 2010-2011 and NSW Treasury budget figures.
 - However, these figures are only available for that particular year, and there is no breakdown of the figure between the two prisons, or how it relates to levels of occupancy or performance (Andrew, Baker, Roberts 2016, 24)..
 - Even more concerning is that since 2005, that is the only year of any public reporting of the cost of the Junee and Parklea prisons (Andrew, Baker, Roberts 2016, 24).
- v. **Disregard** – despite this lack of publicly available evidence, the privatization of prisons has been continually justified on the basis that it is more cost effective. For example, both GEO Group and Corrective Services NSW even as recently in the May hearing for this inquiry make this sort of claim, which is evident on pages 18, 19, 23 and 25 of the transcript of that hearing.
 - a. **Recommendation** – We recommend prisons should be operated by the government, and not by private companies, until there is good evidence that privatising prisons is more beneficial than government-run prisons.

2. **Claim 2** – There is also no good evidence in support of the second main claim in support of prison privatisation, that: **Privately run prisons perform as well as, or better than, publicly run prisons in various ways, such as safety, security and rehabilitation.**

- i. **Original justification** – the Public Accounts Committee report of 2005 and the General Standing Committee No. 3 report of 2009 I mentioned earlier both justify the privatisation of prisons on the basis that private prisons perform as well as, or better than government-run prisons on a range of measures, such as staff management (GPSC, 2009, cited in Andrew and Baker, submission 11 to this inquiry, 15) security and rehabilitation, amongst other things (PAC, 2005, 15, cited in Andrew and Baker submission 11 to this inquiry, 15).
- ii. **Lack of evidence**– We argue that there are 7 different mechanisms available for measuring the performance of the private prisons at Junee and Parklea. Yet not one of these measures of performances provide good evidence for the claim that private prisons consistently outperform public prisons on any criteria.
 - a. 5 of these are identified in the NSW Parliamentary Research Service report authored by Lenny Roth in 2004 entitled ‘Privatisation of Prisons’ (Andrew and Baker, submission 11 to this inquiry, 11); 2 further mechanisms are identified by Andrew and Baker, submission 11 to this inquiry.
- iii. **Each mechanism** – I will explain the flaws in each of these in turn. Our points are progressively shorter for each, so please bear with me:
 - a. The first mechanism available for measuring the performance of private prisons Junee and Parklea are the **Corrective Services NSW Annual Reports**. There are four problems with these reports, as highlighted by Andrew and Baker in submission number 11 to this inquiry on pages 15-16:
 - First, the annual reports for some years are simply not available to the public, such as the reports of 2004-2005 and 2005-2006.
 - Second, the reports that are published are contain a very small amount of information on the assessment of private prison performance, and lack sufficient detail for the performance to be meaningfully assessed. For example, the 2012-2013 report is particularly brief, as is the 2013-2014 report, which devotes only a single page to evaluating both Junee and Parklea prisons together.

- Third, the criteria used to assess the performance of prisons are not consistent over time, which means no meaningful findings can be concluded from the data. For example, the report of 2006-2007 used 12 ‘minimum standards’ criteria that were completely different from the 6 minimum standards criteria used in the report of 2007-2006.
 - Finally, the justification for withholding or awarding the performance linked fee each year, is either non-existent, or when provided, is extremely concerning. Here are a three examples. First, no reasons are given for why the performance linked fee was withheld in 2013-2014. Second, the performance linked fee was awarded in full for 2005-2006 despite GEO’s failure to meet performance targets. The justification was that the performance linked fee was mere encouragement and not punitive (2006-2007 report, 119). Finally, the performance linked fee was awarded in full for 2006-2007 despite GEO’s failure to meet performance targets for reviewing prisoner case plans and classifying inmates. The justification was that GEO had nevertheless taken some steps to address the issue (2007-2008 report, 123).
- b. The second mechanism available for measuring the prison performance is the **government-assigned onsite monitor at each of the prisons**. However, there are three problems with onsite monitors, as explained in Andrew and Baker’s submission number 11 to this inquiry, on pages 5-6 and 11-12:
- First, only a small fraction of the information available to monitors is publicly available.
 - (a) The onsite monitor at both Junee and Parklea is provided by GEO with monthly data on various aspects of performance, however, information from these monitors generally comprise only a couple of pages in Corrective Services NSW’ annual reports.
 - Second, the monitor for Junee was not actually onsite, and was responsible for monitoring three other prisons (Public Accounts Committee’s 2005 report).
 - (a) Though it is known that Junee and Parklea have government monitors in place, it is unknown whether this monitor is actually onsite, or is offsite and shared between previous sites. Performance measurement could potentially be prejudiced by not being onsite.
 - Third, in the past the contract for Junee has made the establishment of an onsite monitor optional, and the government has not always elected to take up this option. For example, an onsite monitor was only required for the first 6-12 months when Junee was established (Harding, 1997, 44-45, cited in Andrew and Baker, submission 11 to this inquiry).
 - (a) Though it is known that Junee and Parklea have monitors, it is unknown whether the contracts for these prisons *require* a monitor. This challenges our confidence that onsite monitoring can provide reliable performance measurement in the future.
- c. The third mechanism available for measuring prison performance is the **NSW Audit Office**, which has the power to conduct financial and performance audits of prisons. The following points are taken from Andrew and Baker, submission 11 to this inquiry:
- However, the NSW audit office is restricting in its auditing of Junee and Parklea, due to the contract between the NSW government and GEO and the existence of commercial-in-confidence legislation.
 - Second, the comparative performance of private and public prisons is not always of focus in the audits of the NSW audit office, meaning that the data it collects cannot justify the better performance of private prisons over government-run prisons.
 - Finally, of the auditing that has been undertaken, a 2016 audit highlighted inconsistency of performance measurements across NSW prisons.
- d. The fourth mechanism available for measuring prison performance are the **annual reports of the NSW Ombudsman**, which reports on the number of complaints made by inmates from every prison in NSW, each year. The following points are taken from Andrew and Baker, submission 11 to this inquiry:
- One difficulty with these annual reports is that they categorise prisons in line with their security classification, rather than their management structure as run by private company or by the government.
 - A second difficulty is that there may be multiple explanations for the number of complaints made by inmates in a particular prison – for example the level of education provided to inmates about how to complain.

- (a) These two points mean the reports are a difficult source of information from which to justify the better performance of privatised prisons over government-run prisons.
- Finally, if anything, the reports do not suggest that private prisons perform better than government-run prisons in terms of prisoner satisfaction – in fact, they may suggest the opposite. In 2005-2006, 2009-2010 and 2010-2011, Junee had the highest number of complaints from inmates of any prison in NSW, and the second highest number of complaints in 2007-2008. In 2011-2012 and 2013-2014, Parklea had the highest number of complaints from inmates of any prison in NSW, and the second highest number of complaints in 2010-2011. The fact that private prisons have continuously had the highest number of complaints requires further investigation.
- e. The fifth mechanism available for measuring prison performance are the **reports of the independent Inspector of Custodial services**, who is responsible for producing periodic reports on every prison in NSW. Two problems with the Inspector of Custodial services (from Andrew and Baker, submission 11 to this inquiry):
- First, the inspector has existed only in intermittent period. The inspector of custodial services has existed since 1997, except for a large period of 9 years between 2003 and 2012 where it was discontinued, on the basis that it overlapped with the role of the NSW Ombudsman. This is particularly concerning given the problems raised with the Ombudsman earlier.
 - Second, the inspector has simply not been producing many reports. As of 2017, since 2012 the inspector of custodial services had not produced any reviews of Junee or Parklea, but merely scheduled the reviews to take place.
- f. The sixth mechanism available for measuring prison performance is the **reporting by a community advisory council, associated with each prison**. For example, the Junee management agreement provides for such a council, with the task of overseeing the running of the prison and making quarterly reports to the Minister for Justice (Roth, 2004, 34, cited in Andrew and Baker, submission 11 to this inquiry, 11)
- However, these reports are not publicly available (Andrew and Baker, submission 11 to this inquiry, 11).
- g. Finally, a necessary element of measuring prison performance is **fuller disclosure of the contracts with private companies**, to reveal performance measures used to determine the performance linked fee.
- As I have spoken about earlier, the Junee and Parklea contracts are heavily redacted and protected by NSW commercial-in-confidence legislation (Andrew and Baker, submission 11 to this inquiry)
 - I finish this point about contract disclosure by highlighting that the contracts for Junee and Parklea do not contain bonuses for innovation, despite one of the justifications for privatisation of prisons being that they would lead to more innovation (Roth 2004, 30-31, cited in Andrew and Baker, submission 11 to this inquiry, 8).
- iv. **Disregard** – despite a lack of publicly available evidence to support their claims, the privatization of prisons has been continually justified on the basis that it leads to better prison performance in some way. GEO Group as recently in the May hearing for this inquiry make this kind of claim in relation to recidivism, which is evident on page 2 of the transcript for that hearing.
- a. **Recommendation** – We recommend that prisons should be operated by the government, and not by private companies, until good evidence is provided of the better performance of privately run prisons compared to government-run prisons. We also recommend that the various mechanisms of performance measurement that I have mentioned are used more effectively, to address the severe lack of accountability and public scrutiny of public prisons.

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David Johnson - Official Statement

In December 2015 I walked out of the gates of Area 4, Parklea Correctional Centre for the last time. After spending more than seventeen months confined behind the security fencing of this 'minimum' security facility on the outskirts of Sydney, it was a huge relief.

Managed by GEO Australia Pty Ltd, Area 4 is a small depressing place that was never intended to occupy inmates on a permanent basis. More suited to housing inmates on weekend detention, the jail has none of the facilities one would reasonably expect to find in a minimum-security jail, in one of the richest countries on earth. Area 4 has no grass or trees, only drab concrete and bricks to look at for months on end.

Home to approximately eighty men who have been sentenced to a full range of offences from murder, to white collar crime, the jail claims to be a works release jail. However, in my experience less than 15% of the population were C3 category and able to attend work or college. And no meaningful assistance was provided by GEO Australia Pty Ltd to those inmates who were eligible for works release. Indeed, I only ended up working outside Area 4 during my last five months, and that was only because a job placement agency desperately needed to fill some seasonal positions in the lead up to Christmas.

Most of the inmates therefore, who were C2 category, had nothing to do other than the bin run; a twenty minute venture to the main jail to collect the bins; working in the kitchen, placing cheese and Vegemite on dry bread and wrapping the sandwiches in cling film for delivery to the inmates; working on the grounds, which involved picking up rubbish and occasionally cutting the grass; or the pallet shop, making wooden pallets. Inevitably, most inmates got bored very quickly because there was nothing to do most of the time.

The red brick cells surrounded a small yard roughly thirty metres square. And a few benches surrounded the perimeter, but there was no shade or protection from the sun. During the summer months the heat would build up and become unbearable. With sunshine and rain, the only option was to seek refuge in the tiny cells. Most of which housed two inmates. Typically, inmates were always either hot or cold, never comfortable.

Off the yard there was a small 'kitchen' area that had a microwave, hot water, a toaster and a TV on the wall. There was also a dilapidated table tennis table. There was also some old, badly damaged, gym equipment. During my time at Area 4, the only money spent on the inmates was for a new medicine ball and a few cheap board games that were handed out in an attempt to pacify the inmates following the introduction of the non-smoking ban. Even access to books was sporadic and unreliable.

There was a demountable cabin in the yard that was home to a few aged computers, but it was ringed by a high fence and permanently locked, largely surplus to requirements.

In summary, the ethos and attitude of the management of Parklea Correctional Centre can be summed up by the words written on a mug that belonged to the manager of Area 4: "TELL SOMEONE WHO GIVES A SHIT!"

In this environment, the notion of rehabilitation is a fallacy. Ultimately, NSW taxpayers are funding a system that encourages high recidivism rates and does nothing to allow inmates to use their time constructively.