

Submission
No 130

**INQUIRY INTO THE PRIVATISATION OF PRISONS AND
PRISON-RELATED SERVICES**

Organisation:

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Partially Confidential

The Director
General Purpose Standing Committee No.3
Parliament House
Macquarie St Sydney
N.S.W. 2000

01/03/2009

RE: Privatisation of Prisons and Prison Related Services

Dear Committee Members.

I have been a Prison Officer for about 17 years. During this period I have worked at many different locations such as Correctional Centres, Transport Units, Court Locations and Security units and as a Roster Clerk. I have also seen many changes and restructures of the Department during this time.

I, as a Prison Officer (and public citizen and registered voter) was horrified when on the 18th August 2008, Corrective Services Commissioner Ron WOODHAM announced the (new) Way Forward package which included the privatisation of Parklea and Cessnock Prisons and also the Court Escort and Security units state-wide. I say New Way Forward package as we have had many different changes that's been attributed to the Way Forward over the last few years.

I have been debating within myself whether to make a submission to the Committee due to the fact that I fear repercussions and retributions from the Department if the Department happens to get the names of officers that have spoken out or made submissions about the Way Forward Reform packages, but, after reading the Standing Committee Transcript of evidence from Monday 23/02/2009, and reading how Commissioner WOODHAM, Deputy Commissioner McLEAN and Assistant Commissioner's SCHIPP and GRANT (who have never been Prison Officers and have never worn the uniform) attempted to lay the blame of the Department of Corrective Services troubles directly on the front line Prison Officers made me sick. I now have to have my say.

The Department of Corrective Services is sick, very sick. It needs a clean out, but a clean out from the top, not the bottom as is the case now with the spectre of privatisation looming and the relocation of (as Mr McCLEAN said at Goulburn Gaol in early February 2009) over 1100 officers state-wide. That's 1100 families uprooted and moved. Surly the cost involved in this alone would way-lay any savings made by the Department.

The Department needs changes, but from the top, not the bottom. Corrective Services has more Assistant Commissioners, Regional Commanders, Senior Managers, Regional Executive Managers and Commissioned Officers than any other Department. It has three times as many Superintendents and Deputy Superintendents then there are correctional centres and court locations. There should be questions asked about what these officers do to receive (I can't say earn) there \$120000 plus per year.

If one was to make a comparison, using Organisational Charts, the NSW Corrective Services has more SES Positions than the NSW Police, but the NSW Police has over 15000 officers plus General Service Officers and the NSW Corrective Services has less than 5000 staff. This in itself has to raise the question of why the Department has to operate in this most inefficient and costly manner, and how it has got there.

It should also be noted that all these excess Assistant Commissioners, Regional Commanders, Senior Managers, Regional Executive Managers, Superintendents and Deputy Superintendents all get a car and mobile telephone as well included in their package, plus salaries starting at I believe \$120000.00 per year and increasing as per their award.

This in itself is a huge cost the Department has to bare before you even look at other serious issues within the Department.

It beggars belief that overtime is Commissioner WOODHAM and the Governments excuse for privatising Parklea and Cessnock Prisons and parts of the Court Escort and Security Units.

For years, we have been told by Commissioner WOODHAM that he can run the Department cheaper on overtime, rather than recruit the appropriate number of full time staff. In the last 5 years, there has been barely enough recruitment to tackle the natural attrition rate of the Department. At one stage, there was a 2 year stop to all recruitment. The truth is that the Department cannot run to its fullest capacity without overtime due to chronic understaffing through a lack of recruitment and mismanagement of staffing resources.

It is believed the chronic understaffing was a key factor in the 16 April 2002 riot at Goulburn gaol that almost resulted in the death of a prison officer, although management denied this

Another understaffing and overcrowding incident was the bashing and subsequent death of an officer at Silverwater in December 2007, although denied by management

The argument that has been used by the Department to suggest that its cheaper to run on overtime is that if a position is left vacant, and only filled when necessary, then it is cheaper than having a full time officer in the position all the time. This way of thinking may work when an organisation is fully staffed and extra positions are needed in the short term, for short term requirements, but is of little use when an organisation is that short of staff it is run into the ground.

We (Prison Officers collectively) have been saying (through the union plus by direct conversations to managers) that there are problems. Problems such as staff shortages and officer safety, but time and time again we have been constantly, completely and utterly ignored, and now we (Prison Officers collectively) have been blamed for the sorry state the Department is in. This would have to be one of the biggest kicks in the guts I have ever received.

To start with, the roster formula that the Department uses to calculate and roster the staffing requirements of locations (209) is fundamentally flawed and out dated. It is a rigid and costly system that inherently under staff's locations. I learnt this as a Roster Clerk.

There have been many submissions about Parklea and Cessnock, so I will direct my submission toward the privatisation of the Court Escort Security Units.

The role of the Court Escort Security Unit should be defined as a service. These officers are there for the sole reason of looking after persons in custody, bail refused by police, or placed in custody by a court, be it a Local or District Court, to await placement in a correctional centre. This is usually the first contact an offender had with the Department. These units should not be used in a numbers game by the Department or Government. It is the inherent nature of these locations to be empty at the start of a shift and full at the end. This could be due to police operations resulting in people being bail refused due to serious allegations or due to the Court sentencing people to custody. It is typical in these locations that they may be empty for a day or so then be full, then empty again.

The whole idea of putting Corrective Services into Police Stations was to get more police on the street, and not have police stuck in the police station looking after and transporting prisoners to and from courts and prisons.

The first Way Forward model that was released by Commissioner WOODHAM was to amalgamate court locations and gaols into clusters. This has been a huge mess. Originally, the court locations came under the control of Security and Investigations (S&I), where the executive officers (O.I.C), knew how the court and transport system worked and were fully conversant to the operation of these locations, and these court / transport locations were managed differently and effectively by these officers.

In about 2003-2004 the court locations and gaols were grouped into clusters. This was one of the worst ideas the Department had. The court locations now were being controlled by executive officers who have never worked in a court location, and had no idea how these units functioned and what role they played within the Department. The idiocy of this move was that the escort co-ordinator in S&I located in Sydney, still had control over these units if prisoner transports were needed, but the costs of these movements were budgeted against the Correctional Centre the court was aligned to, which increased the operating cost of that particular correctional centre. It is extremely hard to budget for the unpredictability of a court location.

I know in some country 24 hour Court Escort Locations there is as little as 11 officers posted there, and the roster has to accommodate three daily shifts, A watch(day shift), C watch (afternoon shift) and B watch (night shift), days off and annual leave. Most B watches (night shifts) and some C watches (afternoon shifts) are one out (officers working by themselves) as this is that way the staffing formula dictated they were to operate. Most 'one out' night shifts are usually in Police Stations, and the common response by the Department when asked if an extra officer can be put on the B watch (night shift) just ask the police to help if you have problems. What happens when there is no police to help.

I know of a time at a particular 24 hour police cell complex all police that were rostered on the night shift had to leave the station due to a serious incident that escalated rapidly and allowed no time to call in extra police, so the police station was locked and a single Corrective Service Officer was asked to answer the police stations telephones plus look after the persons that were in custody at the time.

What if something had happened on this occasion and there was no police to assist the corrective service officer with say the management of a self harming or suicidal prisoner.

While I'm on the topic of Court / Police cell locations and 'one out' night shifts, it should be noted that it is a Departmental policy, that if a person is received into custody, and are deemed to be a suicide or self harm threat, that another officer has to be called in (on overtime) to physically watch the prisoner to make sure that he doesn't self harm or suicide whilst in Corrective Services Custody. This has to be done with each person deemed at risk of suicide or self harm. Also, if there is a male officer on a 'one out' night shift, and a female is placed in custody, then another officer must be called in (on overtime again) so male officers are not left alone with female prisoner by themselves. This is a very strange policy of the Department as a female officer can work 'one out' with as many male prisoners that are in custody without the need to call in an extra officer. It should be noted that all police charge rooms and cells contain CCTV.

Having said that, these arrangements, with the calling in of staff on overtime for prisoners deemed at risk of suicide, self harm or female prisoners continues until a bed in a gaol becomes available. In the country area's, this could be a few days, and all this overtime adds up, as does the tiredness of the officers at that location.

Sick leave is another reason the Department says is a reason to Privatise two prisons and court transport.

For the reasons above, more so with country court escort, I would suggest that officers get tired and in need of a rest. This was most evident when I was a roster clerk and saw this happening through the rosters quite frequently. A self harm, suicidal or female person is in custody waiting for a bed, and extra officers have to assist in the management of these persons. They had no real choice but to continue to work on overtime until a bed for that particular prisoner becomes available. If country court locations were staffed appropriately then this wouldn't happen.

The understaffing of court transport locations can be seen by the amount of annual leave that each officer accrues. With the 209 formula, only 10% of officers at these locations can be on leave at any one time. This is usually one officer, until the staffing level reaches 20 officers.

Most of the 24 hour police cell locations have fewer than 20 officers attached to them.

When you calculate the amount of annual leave accrued by each officer, and factor in the days off, there is just not enough time to take all of their entitlements.

The calculation is as follows (and I will use the minimum staffing of 11).

11 officers' times 30 days annual leave equal 330 days, then factor in 9 days off (including RDO) per officer per month, 11 times 9 equals 99 now times this by 12 months, equals 1198 days. So to combine this with the 330 annual leave days there is a total of 1518 days of entitled rest period to fit in a 365 day roster. It just doesn't fit. As you can appreciate, the situation gets worse with units that have up to 19 officers. All this annual leave builds up, along with the tiredness and frustration to the officers which can result in sick leave.

Quite often, due to the chronic understaffing in country court escort units, officers are called at all hours of the night and day to come in and assist with the management of persons in custody, whether it be a gaol prisoner staying overnight or a person received from police.

The simple solution to this would be to ensure that all C (afternoon shifts) and B (night shifts) watches are manned by two officers and not just one.

I would go so far to say that if all shifts had a minimum of two officers rostered, it would negate the need for three quarters of the overtime incurred at these locations.

I do have to say that it would be impossible to eliminate overtime completely from country court escort units as quite often the officers have to follow the court through its circuit. This often involves officers transporting prisoners hundreds of kilometres so a custody can be put before the court. The officers then have to wait until excused by the Magistrate or stay until the court ceases operation for the day. This is very unpredictable.

I know of some court locations, trying to curb the use of overtime and trying to do the right thing, through local agreement don't fill vacant shifts to the required staffing level, if there isn't any prisoners in custody. An example of this may be a A watch (day shift) when say 4 officers are required to man a location, and one officer goes off sick, if there are no prisoners in custody at that time, they will not incur overtime by calling in an officer un-necessarily, and run the location effectively with 3 officers for the day. This also happens for some C Watches (afternoon shift) as well. If someone is placed into custody, the agreement is then to call someone in to assist. No where in the transcript of 23/02/2009 did I see Commissioner WOODHAM recognise prison officers for doing the right thing, by trying to reduce overtime. All I read was how the nasty, greedy, uncontrollable prison officers 'manipulated' the overtime to suit themselves.

Commissioner WOODHAM's plan to privatise the country Court Escort Units is severely flawed and doomed to fail. In evidence under oath to the committee, Commissioner WOODHAM stated that a location has to be the right size and geographical location to privatise. He gave evidence, on page 15 of the transcript of locations that would not be viable to privatise, these included, but not limited to Cooma, Oberon, Glen Innes and such as they are too small and not commercially viable. I would suggest that most country court escort unit locations would be able to house less than 15 prisoner at any one time. I would also suggest that the total cumulative housing levels of all country court escort units would be less than say the total maximum state of say Cooma prison, which is a little over 100 prisoners.

It would be absolutely commercially unviable for a private company to make a profit from these individual locations. That's without taking into consideration of the fact that many of these units have to drive hundreds of kilometres to follow the court circuit, to place persons in custody before the court, often with only one or two prisoners, drive there, and maybe return empty, but be there just in case a person is placed in custody by the court.

Also, we must remember that most of these country court escort units are in police station. Have the police been asked what they think of private prison companies utilising police stations facilities to make a commercial profit. I have been told that the police are not happy

with this arrangement of removing corrective services officers from police stations and replacing them with private operators and have shown concern in relation to it by representations to their Police Association. They believe it could be a breach of their own security.

Commissioner WOODHAM has stated that in his 24 hour model for outsourcing court transport, that a Senior Departmental Executive Officer will be retained and will have the job of directing and monitoring operations. What private company will allow itself to be managed by the Department whilst trying to make a profit.

Is it the Government or Commissioner WOODHAM'S plans just to throw taxpayers money at a private prison company, no matter the cost, just to, for want of a better term, get rid of these locations, to make the Departments bottom line look that little bit better. If this is the case, this is bad policy that can only have a detrimental effect on service delivery to the police, courts and community in general. I say this because a private operator would not drive over a hundred kilometres, with an empty truck, to sit at the court all day and possibly drive back empty. The cost of a private company doing this would be astronomical, because they are driven to make a profit, not deliver a service.

Commissioner WOODHAM stated that officers were using the Departmental computers to access and play games. This I find totally unbelievable. Unless you are an administrator of the computer system, you cannot load programs onto the system and if you wish to view the internet, it has to be a site that's approved to be viewed by the department, which is regulated by the I.T. section.

Commissioner WOODHAM states how the unions are too strong and hard to deal with. I find this absolute rubbish. If a plan that ensured the safety of all stakeholders, officers, prisoners' visitors etc, was devised, then it would be taken on board. Prison Officers have been saying for years that there are problems that need to be addressed, but have been ignored time and time again.

Commissioner WOODHAM has a history of closing down jails for the sake of breaking up the union. This is exactly what he did about 10 years ago to Cooma Correctional Centre, and once again, through his own admission under oath, he is doing it again, but in a more sinister way.

The trouble dealing with Commissioner WOODHAM (via the union) is that he acts under a veil of secrecy and waits till the last minute to implement changes.

From speaking with union delegates, up until the 18th August 2008, when he announced the latest version of the 'Way Forward Reforms' the union was under the impression they were doing the right thing and acting in a fair way managing union members effectively.

Another tact that Commissioner WOODHAM uses is trying to get the two branches of the prison officers union P.O.V.B. (Prison Officers Vocational Branch) and the C.O.V.B. (Commissioned Officers Vocational Branch) at odds with each other. He banter to the C.O.V.B. to get their support, as they are the managers, and kicks the P.O.V.B. the workers, in the guts. This is quite evident as he continually refuses to sit down and work with the

P.O.V.B. Commissioner WOODHAM has constantly broken the Industrial Relations Commissions ruling to work with the P.O.V.B. and negotiate.

This tactic can also be seen by his model for the court locations. C.O.V.B. members get to keep their jobs at their court locations and P.O.V.B. members have their jobs privatized or outsourced. As stated before, this model is doomed to fail.

Another area where the Department is failing is in the use of electronic forms to send data. The Department relies heavily on faxing everything to locations. For example, a court location faxes its daily roster and overtime claim forms to the gaol it is aligned with. The gaol then enters the information onto the rostering system. The gaol then faxes the same documents to the head roster location of the cluster, which does the same thing, files a hard copy and then faxes the same forms again to the regional office for filing. We are in the year 2009. I am sure that the Departments I.T. Professionals can devise an electronic form that can have the details entered into it at a location and then disseminated to all of the appropriate people.

A good example of this is the Department had just introduced an option for officers to receive their payslip via email, something the police have been doing for over ten years.

I also feel that it is abhorrent that Commissioner WOODHAM is sending emails to officers in Parklea and Cessnock stating that no matter what happens in relation to the Standing Committee and their recommendations, these prisons will be privatised. It's like he is thumbing his nose at the whole concept of due process and purpose of the Standing Committee.

Family cost also have to be taken into account. The cost of uprooting children from schools and friends, uprooting spouses from their employment is going to take a toll on the family unit. I am wondering, as with some of my work colleges that if a family was to be moved, and the Department didn't achieve the cost efficiencies it believes it can, would there be a legal pathway the family could use to be compensated through the court system for the mismanagement that made them have to uproot and move in the first place.

In my 17 years of service, I have always admired Commissioner WOODHAM as he is an officer that has gone through the ranks of the lowest in the department to the highest. I can't say that now.

The way he has mismanaged the department and run it into the ground then has blamed the rank and file prison officer for the total disarray that the Department is in now is sickening.

One final matter, Commissioner WOODHAM stated, under oath certain incidents that have allegedly occurred are Parklea and Cessnock Prisons, but he failed to inform the Committee if any internal investigations took place into these incidents and the results of these incidents.

I cannot sit back, and be blamed (Collectively) for the absolute mess the Department of Corrective Services is in at this point in time.

One must remember that there can be no real comparison into the costs between private and public prisons due to the uniqueness of each individual location and due to the fact that

private prison companies, due to the commercial aspect of them hide and keep secret their costs so one of their competitors doesn't get to see what their position is.

I believe that serious questions should be asked exactly why overtime has been incurred at every location. I would guarantee that the majority of the overtime used would be to either fill a vacant position or to comply with a Departmental Policy. It should also be taken on board that a rank and file Prison Officer cannot approve their own overtime. It must be approved by either a O.I.C. of a court location or a Deputy Superintendent, so to say that the rank and file officers are the cause of this problem is just absolutely ludicrous.

I am appealing to the Standing Committee, the NSW Government and the Department itself to reconsider the short sited quick buck option of privatization and sit down with prison officers and work out the issues to keep all facilities in public hands.

There are many options to make efficiencies and reduce costs and waste that could be canvassed first before the unfortunate route privatization. These could include for starters

1. Correctly staff court locations
2. Annualising Prison Officer Salaries fairly in a similar fashion as commissioned officers.
3. Make agreements in court locations not to fill post if there not required.
4. Utilising electronic forms for the dissemination of information through out the Department.
5. Convert the current casual officers to full time officers to help with staffing levels
6. Utilise future casual officers at court locations
7. Cap overtime rates to a single figure as is the case with the island agreements.

All that needs to be done is for The Minister and Commissioner WOODHAM to sit down and discuss the issues with the union, rather than charging ahead in what is believed in many circles as the wrong direction of privatizing prisons and associated prison functions. There will be no winners out of this course of action except the private prison company.

I can honestly say that this whole process has turned a predominantly loyal workforce into a workforce that is bitter with management and resentful towards the Government, especially since this Government went to the last election on a platform of not privatising any prisons or prison related services.

After the dust settles with this matter, the Department of Corrective Services needs to (after the enquiry into the Privatisation of Prisons and Prison related Services) have an inquiry into the mismanagement of the Department. The Department has been run and mismanaged into a shambles through short sited unproved ideological theories.

Thank you for taking the time to read my submission.

I also apologise for the length of my submission, but I felt there was quite a bit to be said.

Yours truly.

