

Submission  
No 347

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

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Submission to the

General Purpose Standing Committee No 3

Inquiry into the privatisation of prisons and prison-related services

From Ross Smith

For publication along with the other papers and material arising from the review.

# Contents

## 1. Submission

General Comments

Pages 3 to 5

## 2. Attachments

Attachment A

Cessnock jail privatisation a 'done deal' report ex ABC

Page 6

Attachment B

Reference material including oversight of American Private Prisons

Pre and During Obama Administration

Pages 7 to 9

Having read the article Cessnock jail privatisation a 'done deal' [see Attachment A] the question arises as to whether this Inquiry is an Inquiry prior to or post the government having decided on a course of action regarding the privatisation of prisons and prison-related services. Either way the conduct of the Corrective Services Commissioner, as described in the article, would not seem appropriate.

The overarching purpose of the Prison System moved from Retribution to Rehabilitation in the 20th century.

Rehabilitation as a concept belongs in the Human Services sector and is a Social Responsibility.

Rehabilitation is a concept that is extremely hard, if not impossible, to assign quantifiable absolutes to in either the short or long term. This makes it extremely difficult to apply conventional accounting practices when evaluating outcomes for the purposes of assessing cost effectiveness.

Application of Friedman's Results Measuring System, or any of its derivatives such as Results Based Accountability or Results Based Logic, to Rehabilitation is problematic, if not impossible, due to the lack of definable and quantifiable absolute values.

Current government policy promotes transfer of social responsibilities to the private sector on a contractual basis. The out-sourcing of government services and introduction of competitive tendering has positioned the private sector and their customers [voluntary or otherwise] within an economic paradigm. Within this paradigm organisations have been transformed into service providers, and market forces will impact on quality of services provided. Within other

government Human Services portfolios Micro-economic reforms have impacted on the responsibilities associated with the contractors' service delivery contract compliance and are reflected in debates about appropriate management models.

In a pure commercial context, the contractor is paid for services delivered based on the number of 'customers' per period of time [inmate days per annum for example]. It is in the contractor's best commercial interests to ensure the widest possible customer pool and thus maximum opportunity for business expansion. Effective Rehabilitation, the government's alleged purpose of detention, reduces the customer pool and is a denial of opportunity for the contractor. The contractor has a vested interest to not deliver Effective Rehabilitation, regardless of the intent of the contract entered into.

The history of Detention Centres operated by contractors in Australia has not been a happy one to date. The Immigration Detention Centres have been a prime example of bad outcomes achieved through deficient management practices and defective external monitoring of both contract compliance and results achieved. This has resulted in an as yet unquantified ongoing cost to both the government and the inmates [former and current] in social and fiscal terms.

The history of Detention Centres operated by contractors in America has been fraught with extremely unsavoury incidents and dubious business practices driven by a pure commercial ideology and personal gain of those associated with the industry. [Attachment B gives both a current example and an insight into the current situation in America]

Retributive Incarceration can be delivered on a commercially viable fixed cost per capita basis, especially if Human Rights concepts are ignored.

Rehabilitative Detention can not deliver its full potential benefits to the community on a fixed cost per capita basis due to its complex and varied nature, which is dictated by the very diversity of those undergoing rehabilitation.

It is the government's choice as to its preference for Retributive Incarceration or Rehabilitative Detention.

I respectfully submit it would be a retrograde step to choose Retributive Incarceration over Rehabilitative Detention based on a desire to transfer governmental Human Services responsibilities to the private sector on a contractual basis.

## Cessnock jail privatisation a 'done deal'

ABC - February 20, 2009, 2:05 pm

The privatisation of Cessnock Jail in the Hunter Valley appears to be a done deal, with staff receiving letters saying it could be in private hands as early as July.

Prison guards at Cessnock and Sydney's Parklea Jail have been on edge for months over plans to privatise the jails to save money.

Things got more tense at Cessnock this week, with the Corrective Services Commissioner, Ron Woodham, sending letters to officers explaining that the tendering process is on track and the prison should be contracted out by July or August.

That has outraged Tanya Roe from the group Community Against Privatisation.

"Ron Woodham has stated that it is a done deal before the inquiry which starts on Monday, the Parliamentary Inquiry," she said.

"He's showed total disrespect."

Prison officers have been told they can resign from the department and take a job with the successful contractor, apply for voluntary redundancy or move to another jail.

<http://au.news.yahoo.com/a/-/latest/5334188/cessnock-jail-privatisation-deal/>

## Jailing Kids for Cash

Tuesday 17 February 2009

by: Amy Goodman, Truthdig.com

As many as 5,000 children in Pennsylvania have been found guilty, and up to 2,000 of them jailed, by two corrupt judges who received kickbacks from the builders and owners of private prison facilities that benefited. The two judges pleaded guilty in a stunning case of greed and corruption that is still unfolding. Judges Mark A. Ciavarella Jr. and Michael T. Conahan received \$2.6 million in kickbacks while imprisoning children who often had no access to a lawyer. The case offers an extraordinary glimpse into the shameful private prison industry that is flourishing in the United States.

Take the story of Jamie Quinn. When she was 14 years old, she was imprisoned for almost a year. Jamie, now 18, described the incident that led to her incarceration:

"I got into an argument with one of my friends. And all that happened was just a basic fight. She slapped me in the face, and I did the same thing back. There [were] no marks, no witnesses, nothing. It was just her word against my word."

Jamie was placed in one of the two controversial facilities, PA Child Care, then bounced around to several other locations. The 11-month imprisonment had a devastating impact on her. She told me: "People looked at me different when I came out, thought I was a bad person, because I was gone for so long. My family started splitting up ... because I was away and got locked up. I'm still struggling in school, because the schooling system in facilities like these places [are] just horrible."

She began cutting herself, blaming medication that she was forced to take: "I was never depressed, I was never put on meds before. I went there, and they just started putting meds on me, and I didn't even know what they were. They said if I didn't take them, I wasn't following my program." She was hospitalized three times.



Jamie Quinn is just one of thousands that these two corrupt judges locked up. The Philadelphia-based Juvenile Law Center got involved when Hillary Transue was sent away for three months for posting a Web site parodying the assistant principal at her school. Hillary clearly marked the Web page as a joke. The assistant principal didn't find it funny, apparently, and Hillary faced the notoriously harsh Judge Ciavarella.

As Bob Schwartz of the Juvenile Law Center told me: "Hillary had, unknown to her, signed a paper, her mother had signed a paper, giving up her right to a lawyer. That made the 90-second hearing that she had in front of Judge Ciavarella pretty much of a kangaroo court." The JLC found that in half of the juvenile cases in Luzerne County, defendants had waived their right to an attorney. Judge Ciavarella repeatedly ignored recommendations for leniency from both prosecutors and probation officers. The Pennsylvania Supreme Court heard the JLC's case, then the FBI began an investigation, which resulted in the two judges entering guilty-plea agreements last week for tax evasion and wire fraud.

They are expected to serve seven years in federal prison. Two separate class-action lawsuits have been filed on behalf of the imprisoned children.

This scandal involves just one county in the U.S., and one relatively small private prison company. According to The Sentencing Project, "the United States is the world's leader in incarceration with 2.1 million people currently in the nation's prisons or jails—a 500 percent increase over the past thirty years." The Wall Street Journal reports that "prison companies are preparing for a wave of new business as the economic downturn makes it increasingly difficult for federal and state government officials to build and operate their own jails." For-profit prison companies like the Corrections Corporation of America and GEO Group (formerly Wackenhut) are positioned for increased profits. It is still not clear what impact the just-signed stimulus bill will have on the private prison industry (for example, the bill contains \$800 million for prison construction, yet billions for school construction were cut out).

Congress is considering legislation to improve juvenile justice policy, legislation the American Civil Liberties Union says is "built on the clear evidence that community-based programs can be far more successful at preventing youth crime than the discredited policies of excessive incarceration."

Our children need education and opportunity, not incarceration. Let the kids of Luzerne County imprisoned for profit by corrupt judges teach us a lesson. As young Jamie Quinn said of her 11-month imprisonment, "It just makes me really question other authority figures and people that we're supposed to look up to and trust."

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Denis Moynihan contributed research to this column. Amy Goodman is the host of "Democracy Now!," a daily international TV/radio news hour airing on more than 700 stations in North America. She was awarded the 2008 Right Livelihood Award, dubbed the "Alternative Nobel" prize, and received the award in the Swedish Parliament in December.

<http://www.truthout.org/021909J>