

Submission
No 150

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

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Partially Confidential

Inquiry into the privatization of prisons and prison – related services

Honourable Members Of The Committee

I shall address each and every point of reference in order to explain in as much detail as possible what in, my opinion, would be the impact of privatization on prisons and prison related services.

This submission will be set out in point form following the original terms of reference as published by the Committee ie. The terms of reference point will be stated and following bellow would be my points of submission addressing all of the pertinent issues regarding that term of reference. I also must mention that it would be my honour to appear before the Honourable Committee in person to answer any and all questions.

1. The impact of privatization on:
 - a. public safety and the rates of escape
There is quite substantial evidence from overseas jurisdictions and some locally run prisons to support the fact that the private operators of prisons and prisoner escorts insist on having a so called “acceptable rate of escape” built into their contract. It is however very difficult to obtain the proverbial “smoking gun” because of private corporations managing prisons and other services are not obliged or indeed can not be forced to reveal the particular facets or the entire contract because of commercial confidentiality. I will address this point further in the latter part of my submission.

On the issue of public safety it must stand to reason, without first even attempting to present the available evidence, that properly trained and properly equipped Prison Officers can not even be compared to private security guards.

This is because any Prison Officer has powers vested in them that are quite unique and special and were designed from the outset to ensure the enforcement of law and public safety at large. Another fact that can not be overlooked is that the uniformed Prison Officers are the Crown employees and therefore have the backing and support of the Government. Prison Officers loyalty is to the Crown and the people of NSW and they are there to ensure that dangerous inmates can not escape and harm innocent citizens. If private security guards are employed inside the prison or prison escorts I have to ask just one question of any reasonable person in NSW: Whom would you rather stand between you and your family and friends an unarmed security guard or a properly trained and equipped Prison Officer with authority, powers and training to keep you all safe?

- b. the incidence of assaults on inmates and staff
There is also quite a bit of evidence from local and overseas jurisdictions that supports the view that inmate assaults on other inmates and staff in institutions increase dramatically and stay at a high level as compared to publicly run gaols.

This is a simple matter of logic, to any person it stands to reason that private operators have minimum of staff and staff training to deal with dangerous people that we come face to face with every day. In comparison the State run prison system employs properly trained and equipped officers that have to satisfactorily pass a set curriculum of study dealing with many facets of this unique and dangerous occupation. Private operators have to cut corners in order to remain profitable and that has a huge impact on general security of the institution. Port Phillip Correctional Centre in Melbourne, not long ago, had all of its non unionised private security staff walk of the job and assemble in the car park as protest against unsafe and dangerous working conditions. Note: all private security staff across the world are non unionized. Interesting little detail.

c. disciplinary breaches

On this point there is very little or no information available from any Australian prison jurisdiction and very little from any overseas counterpart systems. What is however evident is that whenever the Junee Prison was in trouble in terms of serious disciplinary breaches they had to call in the state agencies namely the NSW Police and NSW Corrective Services. I ask you why is this so. Are the Private operators unable to properly fulfill their contractual obligations. I say they are unable to do so because of the profit motive. Fighting riots and restoring discipline to a prison is very dangerous and expensive and the private security simply do not have the training or dedication to follow through in very difficult circumstances. Private prisons by their nature are exactly that private and any efforts to find any information are met with commercial confidentiality wall.

d. overcrowding

First point about overcrowding is that it would be in the interest of private operators of jails to have as many inmates in the system as possible to increase profitability depending on the agreement with the State. Junee prison private operators are paid for a full prison of around 600 inmates which is their max state. They often don't even come close to fulfilling that target in order to save themselves a lot of money. So the taxpayer ends up paying for empty beds. Junee Prison can not run on its own profit and is always propped up by the Government in order to make them look good and the Government look successful.

e. prisoner classification levels

It is very easy to foresee the situation where the Government would speed along the process of prisoner classification in order to move the inmates into private facilities as soon as possible. This creates a moral dilemma: do we move prisoners into minimum security institution even though they are not supposed to be there at all because they are still dangerous to all parties concerned.

f. rehabilitation programmes mental health support services and recidivism rates

Private operators will simply not have any rehab programmes as this all costs money that comes of the bottom line. From all evidence available from Junee Prison there is no case management, which is a basic way of managing prisoners in the State system. Mental health services would surely also be compromised again because of the profit motive. Private prison operators must make money and their loyalty lies with their shareholders and not the Crown or the people of NSW recidivism rates are very simply put what keeps the private operators in business of running prisons at a profit. Just think about it recidivism is the Private gaolers cash cow. The more prisoners re offend and return to custody Better for the bottom line ie profit. This is not a system of managing inmates that we should adopt or encourage full stop.

g. staffing levels and employee conditions

It pays to think why the Government of the day opened the only privately run Gaol in Junee. This is to encourage employment in the local area and have a ready supply of employees that are willing to work for very low wages. The people that work there have very little or no training before taking duty in the prison and they are not going to worry about staffing levels and any particular conditions. They are non unionized labour and as such can be easily manipulated and kept in check even where there are serious safety breaches. Privatization of prisons is not about saving money it is a union busting exercise.

2. The comparative economic costs of operating public and private facilities and the impact of privatization on publicly managed prisons.

The only figures available in NSW are from the Public Accounts Committee from 2005. Those figures state that it costs \$ 98 dollars a day to house an inmate in Junee Prison and \$ 188 a day in the publicly run facility.

Now that is totally incorrect. It costs \$ 188 a day to keep prisoners in Goulburn SuperMax and not in a comparable minimum to medium security institution in a state run system.

In a state run system it only costs around \$70 dollars a day to keep an inmate in minimum to medium security institution.

Also Junee costs do not include the costs of escorts to and from the institution and all other related services that the Government subsidizes the private operator out of the goodness of their collective heart.

Job security in publicly managed institutions would be totally gone. Every NSW Prison Officer would be unsure of their future and it would be even harder to recruit suitable officers to fill vacancies when there is no job security and no chance of earning an extra income from any overtime.

The morale of staff in publicly run institutions would also hit rock bottom and that could have serious consequences for security of prisons and the staff that work there ie civilian staff like welfare nurses doctors etc.

3. Accountability mechanisms available in private prisons

In a private corporation there is no similar accountability to the public service. Operational things are shrouded in secrecy because again profit is the motive and profitability the order of the day.

In the public prison system there are numerous accountability measures. There is direct supervision to correct anything that may need attention and failing that there is the NSW Legislation , Prison Regulations, Crime and Sentences Admin Act Public Sector Management Act etc. Private operators are not bound by any of these. They simply operate under a shroud of secrecy and confidentiality.

4. Future plans to privatize prisons or prison services in NSW, including the Court Escort Security Unit

Court Escort Security Unit is one of the largest sections of the NSW Department of Corrective Services. This is not by accident.

CESU handles almost every single inmate movement across this great state of ours. This includes prisoner escorts from one prison to another, prisoner escorts from court to prison, prisoner escorts to hospitals, escorts to various and numerous court locations from prison, interstate escorts, high security escorts, special escorts which I can not discuss in this or any other forum for reasons of operational security, escorts to police stations for questioning, working side by side with NSW Police Force on any major public events ie APEC summit big demonstrations etc.

All of these escorts are carried out every day the length and breadth of NSW which spans the size in geographical scope of several European countries. The numbers are simply astonishing:

CESU carries out in excess of 250 000 individual inmate movements per year on average and this all without incident in very dangerous and sometimes stressful circumstances.

CESU is seamlessly integrated with other State agencies notably NSW Police. We know what our job entails and we carry out our duties with outmost professionalism. The Police know what to expect from us and can rely on us to deliver a good quality service to them and the the prisoners we transport. The Court staff know that we are reliable and professional and we do not stop for the night until every prisoner that has moved in the State of NSW is safely and securely in an institution under lock and key therefore protecting the public of NSW.

As I have mentioned earlier we carry out our duties without incident. But let us stop and think what our duties really entail.

For an example an inmate falls seriously ill during transportation. He has to be immediately conveyed to hospital. CESU officers will take the inmate immediately to hospital and guard him there in a very secure manner under arms.

As NSW Prison Officers we have an array of special powers to equip us to effectively carry out our duties. These powers and laws that govern prison officers are totally unique. This is designed in order to ensure the safety of the public of NSW to the highest possible degree in a democratic society.

At this point I have to ask you all a big question: Whom would you rather have stand between you and your family and a dangerous criminal a poorly trained security guard possibly unarmed or two 2 armed NSW Prison Officers properly trained, motivated and equipped with powers to deal with any situation including the use of deadly force to prevent an escape?

You see in the event of privatization of Cessnock and Parklea Prisons and CESU the public of NSW will be short changed because their public safety will be compromised in a major way. And all in the name of some fantasy notion of cost savings. I for one think that the life of my family members and anybody's family members of any good citizen of NSW can not be measured in dollars and cents.

Prisons and Court Escort Security Unit are an integral part of the public safety system of NSW.

5. The use and effectiveness of private security guards in perimeter security of prisons

There is a lot of anecdotal evidence that the private security guards guarding the outside perimeter of prisons is already a failed experiment.

I am told there is a case of a security guard whom was patrolling the outside perimeter of Parklea Prison approximately 6 months after being discharged as an inmate from the said institution after serving a term of imprisonment.

Then there is the case of the private security guard patrolling the outside perimeter of MRRC at Silverwater whom had driven the bulletproof vehicle provided by OUR Department to private operators away from the perimeter of the prison to a nearby shopping centre and left the .38 revolver on the front seat of the vehicle whilst purchasing some food and beverages for an upcoming meal break.

It all sounds like Keystone Cops to me, Honourable Members of the Committee.

Another example is the case of an inmate walking out of Long Bay Jail through the front gate and the Department concealing the fact that the private security

failed in their duty. This story was all over the newspapers not so long ago and I wonder if the Department has handed over the surveillance tape of the front gate that clearly shows inmate walking out the front gate.

6. The experience of privatization of prisons and prison services in other Australian and overseas jurisdictions

From a quick perusal of the internet pages related to prisons and prison escort services it is abundantly clear that there are some very serious issues in relation to the security and the ability of private operators to discharge their duties in a proper, safe and professional manner.

United States Of America being a fairly open society in terms of the right of the public to know certain data in regards to public safety is struggling across many jurisdictions in many states and cities across the nation with the inadequacy of private providers of prison services and prison escort services. In past year 2008 alone there were at least 12 contracts cancelled by the various states for inability of private operators to manage inmates properly, incidences of abuse of female inmates during transportation, private prisons running out of money, inability to provide proper staff and training to private security officers. In all of these instances the State had to take over the operations in order to maintain public safety and order.

In the United Kingdom the picture is very little different. The incidences of assaults on staff and inmate on inmate are the worst in privately managed prisons. Their escort services can not even be compared with ours in terms of professionalism and staff training and equipment and the ability to deal with a variety of situations. In the UK the private security that operate prisons and prisoner escort services are indeed incredibly unsafe compared to our publicly run system here in NSW.

Then there is the case of Perth Western Australia, where 9 of the WA worst criminals escaped from the Supreme Court in 2006 and police had to save the day but not without considerable effort. Private security were over powered and prisoners escaped very quickly.

In Victoria one female prison and one male prison had to be taken back by the state because of incidences of abuse and neglect by private security.

In South Australia they call a taxi for an inmate to attend hospital. Sounds ridiculous but very easily verified.

One point is very obvious, there must be a very strong private lobby tirelessly lobbying the NSW Department of Corrective Services to tender out prisons to private security. There are even rumours that an employee of GEO private security firm operates out of the Departments Head Office in Henry Dean

building. I ask how come this is allowed and how is it possible to have private security representative operating from a Government Department Head Office.

7. Any other relevant matter

I have reserved this section for all the points I would like to make in regards to wider issues in general regarding prisons prisoner escort services and the way the management runs the Department in the way they treat/mistreat their officers.

Firstly I must begin by saying that it is absolutely disgusting the manner in which the Corrective Services Department and the Commissioner have started and conducted a media warfare campaign against their own officers, branding us all crooks and overtime rorters. Nothing could be further from the truth. Officers get called on overtime for a few reasons only namely staff shortages sick leave incidence and unexpected jobs that pop up at any time during the day or night namely hospital escorts court escorts outside of normal daily runs and etc.

The biggest problem throughout the world in every country has been the recruitment and retention of staff that work in Corrective Services. In some countries the pay scale for prison officers is almost twice that of police officers and the population at large have a great deal of respect for prison officers.

For years the NSW Department of Corrective Services has been chronically understaffed. The numbers of prisoners have more than doubled over the last 15 years and the number of officers has remained the same. This is due to the fact that this is a very difficult occupation and very few people would even consider entering this line of work because of the dangers and stress involved. The management of the Department has always been aware that it is cheaper to pay overtime to existing officers to cover staff shortages than to recruit and maintain the full complement of staff. What everybody so far has neglected to mention is that the Department and Prison Officers have the Duty of Care towards inmates that MUST be fulfilled. This costs money and on occasions a lot of it. The Government cannot simply say lets be tough on crime and then fail to provide prisons and staffing. Classic example of this is that we have had until recently 2 empty institutions with nearly 700 inmate beds collecting dust while the fresh custody inmates are held in the dungeons in Surry Hills Police Centre where the cell area is run by the NSW Department of Corrective Services and at great cost in overtime. This is also because when a new custody inmate arrives and they are charged and remanded for a capital offence namely murder they must be placed on a what is call a RIT which means they come under the auspices of a Risk Intervention Team which in turn means that they have to be observed 24 hours a day and it takes an extra officer on overtime because we are always operating on skeleton staff.

Recently Long Bay Hospital Area 2 has re opened and taken in 100 inmates. It was by all accounts a proverbial drop in the bucket. The former John Moroney 2

institution at South Windsor/Berkshire Park area is still closed and needs to be desperately opened in shortest possible time.

Prison officers union has been asking the department on numerous occasions over the last 4 years to provide details on the Way Forward reforms in order to negotiate and sort out any potential problems. The Department has been very belligerent and the Commissioner treats his officers and the union with utter contempt and disdain.

At this stage I must say that it is absolutely abhorrent how the management of the NSW Department of Corrective Services has blamed Prison Officers for the managements shortcomings instead of coming clean and stating what everyone knows – prisoner numbers have exploded over the last 5 years and we are always chronically understaffed and have a high staff turnover due to this being a very difficult and unique occupation with high incidence of stress occupational safety hazards because, let's face it, we are not dealing with very nice people here on daily basis. We deal with murderers of different kinds, rapists, paedophiles, terrorists and all sorts of wonderful upstanding citizens. Forgive my sarcasm but believe me it is well justified.

It looks like at the moment that the privatization of prisons has nothing to do with costs but with getting rid of problem institutions according to our illustrious Mr Woodham. He mentions examples of officers allegedly doing bad things but there is no proof of any investigations into the matter. How can this be in a department where even the smallest infraction by an officer is investigated even without the officers knowledge? Yes at this point I must say that the Department treats inmates in its care better than it treats its uniformed employees, namely officers. Everyone knows from time to time that the Police have their internal problems but you will never see the Police Commissioner rubbishing all of his officers for the sin of the very few bad apples that any organization in the world has including, occasionally, and I mean very occasionally, our own Department.

Mr Woodham brings out an example of an officers wrong doing and the said officer gets sacked from the Department only to be re instated because there were incorrect facts put forward and other circumstances in favour of the officer. In regards to Court Escort Security Unit I must say that anyone would be hard pressed to find a Unit of this quality and professionalism anywhere in the world.

CESU is seamlessly integrated with our main working partners the Courts, prison institutions and the Police. Private companies spend mega dollars on obtaining synergies that we already have and continue to develop every day. Why than on Earth would we dismantle a system that works very well?

CESU works with and around the court system of NSW. This includes Supreme Courts, District Courts, Local Courts, Coroners Courts, Special Tribunals, NSW Crimes Commission, Australian Crimes Commission various Police stations and

matters in relation to the administration of justice. CESU also conducts numerous hospital escorts and take prisoners interstate for trials and escorts.

This system as a whole works very well indeed and when it was first set up it was because of the need to liberate the Police conducting these duties that should be carried out by the NSW Department of Corrective Services. CESU is a unique organization within Australia and there is no comparable organization in any jurisdiction within our country. We are Australia's largest prison system and most professional by far. The Department could do well in providing extra ongoing training to all of its staff in operational areas in order to further improve our performance and professionalism. Also there is a need to issue extra equipment on ongoing basis. There can never be enough training and equipment to carry out our very difficult job of protecting the public of NSW.

Honourable Chair of the Committee this is my submission to the best of my knowledge and ability. I am willing to appear in person before the Inquiry to further elaborate on my submission and answer any and all questions.

