

Supplementary
Submission
No 16a

INQUIRY INTO PARKLEA CORRECTIONAL CENTRE AND OTHER OPERATIONAL ISSUES

Name: Mr Domenic Pezzano

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SUPPLEMENTARY SUBMISSION INTO:

'Inquiry into Parklea Correctional Centre and other Operational Issues'

To: Merrin Thompson
Inquiry Manager – Upper House Committees
Parliament of New South Wales

Dear Merrin,

Please find below a supplementary submission to the Inquiry Committee into 'Parklea Correctional Centre and other Operational Issues'.

Following my evidence provided on 28 September, 2018, the Deputy Chair advised me of the following;

If you have any additional matters you think we have not addressed, you would be welcome to address that to us in writing within 10 days.

As you are aware, I provided a 52 page submission and it is vitally important that I have the opportunity to detail my specific concerns arising from my submission and unfortunately the time frame allocated to me at the hearing did not allow me to do so.

Regards,

Domenic Pezzano
5 October 2018

PRIVATISATION:

It should be the aim and objective of a Government and its Correctional Service to ensure modern day prison facilities are designed and constructed to provide correctional officers and non-custodial staff are working in a safe and secure environment with the latest security, technology equipment and resources available to them. They should also ensure that inmates are humanely treated and safely accommodated, managed and provided opportunities to engage in rehabilitative programs, employment, activities and provided with appropriate medical treatment and care.

It is also the aim and objective of a Government and its Correctional Service to undertake a willingness to implement measures in order to reduce the inmate population by way of ensuring the correct people are being detained in custody, along with reducing re-offending and recidivism. It should not be bound by contracts with Private Operators to guarantee that prison beds remain at full capacity to return a profit for the private operator and its share holders that are predominantly based overseas. This is not only a contradiction, it is an unethical practise and not in accord with the standards of the correctional service profession.

With these aims and relevant mission statements in mind, it becomes a contradiction when the Government / CSNSW then privatises Correctional Centres (Grafton) to Serco and the likelihood of Parklea to MTC/Broadspectrum as the preferred proponent to operate Parklea Correctional Centre, whilst there is a Parliamentary Inquiry still in progress and specifically in relation to one of the Terms of Reference of the Inquiry being: ***'appropriateness and operation of private prisons in NSW'***.

I consider these decisions by the Government / CSNSW as an insult and disrespectful to the members of the Parliamentary Inquiry Committee and to the individuals and organisations that have provided submissions to the Inquiry, along with the interests of many other relevant stakeholders.

The concerns with continuing to privatise Parklea Prison have been highlighted within my original submission. It appears that there is a distinct lack of understanding from the current senior management at CSNSW following the failures of the private operators (GEO Group) of the detailed knowledge and experience required to operate a prison such as Parklea, which is a major reception & remand facility within NSW.

The break down of operations at Parklea have been attributed to the lack of knowledge and experience of senior GEO management and inexperienced staff on the floor of the prison.

To again award the operations of Parklea Prison to another private operator, with absolutely no experience with corrections within Australia (NSW) and in particular a reception and remand facility, is placing staff, inmates and the community at serious risk and once again setting up the organisation for failure.

It is obvious that lessons have not been learnt by the Government and CSNSW, as a result of the significant failings of the GEO Group whilst operating Parklea Prison. The level of violence will continue due to minimal levels of officers/staffing numbers within the Prison, due to not wanting to spend extra funds, as this then impacts on the profit margin of the private company.

The trafficking of contraband into the prison will continue, for the same reasons, thus creating security risks for both staff and inmates within the prison. The reference that privatising prisons will raise the standards of the public operated prisons is an illusion that has been created by the current senior management of CSNSW.

If it was to really be about raising the standards between public and private prisons, then why have there not been minimum security prison camps/farms privatised in NSW? The answer to this question is; *there is no profits to be made from operating a minimum security prison camps/farms.*

The contractual arrangement ensures that these two private companies are operating at full capacity and are being paid per inmate. If the prison beds are not occupied, the private operator/s are still financially compensated and CSNSW are not fulfilling their contractual obligations. This is at a significant cost to the NSW Government and its tax-payers.

It becomes a conflict of interest and dilemma by Government whereby CSNSW are contract bound to provide the provision of offenders to both Serco (Grafton) and possibly MTC/Broadspectrum (Parklea) to ensure that every prison bed in these two Correctional Centres are filled, occupied and maintained at maximum capacity.

It is a common factor and overriding denominator that private prisons have incentives to increase profits by cutting basic services such as medical care, staff training, staffing levels and this becomes an extreme high risk factor within the correctional environment. Private prisons can also limit the number of inmates requiring extra attention, such as the vulnerable, elderly, those needing mental health care services, segregation, protection – non-association and high security risk category. The designation of Parklea Prison as a maximum security classification and a major reception, remand and transit prison requires extensive resources for the prison to be efficiently and effectively operated. This has not been the case since the prison was last controlled by the State CSNSW.

It is an unethical scenario and situation that the Government and CSNSW are then placed in whereby they require the inmate population to continue to rise in order to comply with these contractual arrangements with these private operators. This is a significant factor that conflicts directly with social objectives of reducing re-offending and recidivism and the custodial sentences that parallel with them.

The significant differences with not having a private operator in charge of these two correctional centres (Grafton and Parklea) and having them operated by the State are;

If the inmate population commences to decrease (as is the case at present time 13764 in mid June 2018 and 13444 in mid September 2018), the State operated correctional centres, can then action the following;

- Temporary de-commission prison accommodation areas (wings, units, pods),
- Relocate correctional officers to other locations within the prison or even other prisons (such as officer transfers)
- Provide opportunities for secondments to staff and providing developmental opportunities for staff
- Provide opportunities for re-training and refresher courses for staff to undertake
- Allow staff to take any excessive recreation leave that has been accrued, etc.
- The use of casual correctional officers can be minimised along with overtime expenditure.

These options are not viable or possible once you have contracts in place with a private operator.

We have now seen the failures and irreparable damage that the GEO Group have contributed to in the operations and management of Parklea Prison. So damaging that the GEO Group have not been invited back by CSNSW to re-tender for the contract at Parklea.

We can thank the establishment of the current **Parliamentary Inquiry** for this in-direct course of action, that has highlighted these significant concerns and serious security breaches, as otherwise they would still of been operating the prison and awarded a new contract into the future.

There is no reliable information or substantial proof both overseas and within Australia from academics or expert authorities to indicate that privately operated prisons are more cost effective or efficiently operated as opposed to State operated prisons.

There is no correlation and/or evidential proof that the cost per inmate per day within a private operated prison is lower that that of a State operated prison due to many variables associated with different categories of prisons and inmate security classification, etc.

We now have the evidential facts before the Inquiry that the private operator, being 'The GEO Group' that have been controlling Parklea Prison since 2009, have not fulfilled the contractual obligations and have had numerous critical security breaches and incidents (significant contraband, mobile phones, lost keys), along with serious assaults, disturbances, escapes, attempted escapes and a death in custody) associated with them during this period of operation.

A concern at present is that the State / CSNSW have not been allowed to tender for the operation of Parklea Prison, with the reasons being offered before the Inquiry that they would not have the staffing profile to operate Parklea Prison. Yet, under the Benchmarking reforms and as per evidence provided during the Inquiry, there have been (378 or 215) position deletions of correctional officers, with 71 of those positions being directly associated with the MRRC at Silverwater (the largest remand & reception centre in the State).

Best Practise:

The practise is that when the inmate population increases, CSNSW are duty bound to explore options that safely accommodate the increase in inmate numbers. There will always be a requirement for Government and Correctional Services to build additional accommodation wings, pods or units within established prisons and also building new prisons to cater for the influx of the increasing prison population and replacing older and unsafe prisons.

The State operated system allows for certain strategies and options to be actioned in order to address shortage of prison beds.

These strategies and options vary and may include;

- Placing additional inmates in existing cells, (double up or triple up inmates) to provide short term overcrowding relief (subject to health regulations and approvals)
- Assessing inmates that are suitable for reduction in classification to progress into other classification categories of correctional centres, thus creating front end bed vacancies in reception / remand centres or other maximum / medium security correctional centres.
- Assessing inmates that are currently held on specific 'care in placement' orders (protective custody) and determining their suitability to transition to other suitable correctional centres.
- Temporarily re-commissioning correctional centres that have been closed (such as Kirkconnell and Berrima)
- Re-opening accommodation areas within correctional centres (wings, units, pods)
- Ensuring that Reception and Remand Centres such as the MRRC – Silverwater and Parklea have the necessary staffing levels and resources to receive fresh custody inmates from courts and be able to efficiently and effectively ensure that they undertake the detailed screening, induction and classification process in a timely manner.
- Considering other alternatives and options to reduce the inmate population in line with amendments to sentencing / bail legislation and community expectations.

BENCHMARKING REFORMS:

The deletion of custodial positions across the State is having a significant and detrimental effect on the morale, well-being and safety of correctional officers. Subject to information being provided at this Inquiry, under the Benchmarking Reforms, there is a deletion of correctional positions (378 or 215) with 71 of these positions being directly associated with the MRRC at Silverwater (the largest remand & reception centre in the State).

The rationale and confusion that CSNSW is presenting is that they are creating extra positions, this only relates to the new correctional centres that they have opened, such as Hunter at Cessnock, Macquarie at Wellington, Mary Wade Centre at Lidcombe, Berrima, etc. These are new correctional centres and of course require new officers to be employed to ensure the correctional centre is operational and functional. It is a requirement of an organisation that when the commissioning a new correctional centre or accommodation area is actioned, that there is a provision of additional staffing resources in order to ensure safe operations and delivery of services takes place.

The fact that CSNSW are deleting existing positions from existing operational correctional centres around the State as part of their Benchmarking Reforms goes against what the NSW Auditor General identified and recommended within their 2015 Audit report into CSNSW.

The other confusion being generated by CNSW around the Benchmarking Reforms is the theory that Performance Management within the Correctional Centre is then measured against a Benchmark for a Correctional Centre. These performance management targets are in fact Key Performance Indicators (KPI's).

(Key Performance Indicators (KPIs) – quantitative performance requirements linked to organisational objectives and government outcomes)

KPI's have been in existence within CSNSW since 2006, prior to this CSNSW would report on Key Performance Measures (KPM's).

Reference is made to the NSW Auditor-General's Report to Parliament - Performance frameworks in custodial centre operations - Executive summary 2015.

Within the recommendations of this document, there is no reference that CSNSW should incorporate the deletion of custodial positions in order to complete its benchmarking on public correctional centre performance.

Samples of KPI's within the correctional system are as follows;

Rate of Escapes for Open and Secure Custody
Rate of inmate assault on inmate
Rate of inmate assault on officer
Rate of Inmate death (natural & unnatural)

Rate of inmate self-harm
Rate of inmate employment
Rate of inmate enrolment in education programs
Rate of inmate completion of targeted programs (Violent /offenders, sex offenders, AOD)
Rate of re-offending
Rate of inmate engaging in external leave programs
Rate of urinalysis/drug testing
Rate of expenditure in correctional officer overtime
Rate of correctional officer sick leave

It was identified within the NSW Auditor General's report, that 'Time out of Cells' for secure custody inmates was not met by CSNSW. However it was conceded by the NSW Auditor, that CSNSW advised that these targets reflect government policy and can be difficult to consistently achieve in a high risk corrective services environment.

The implementation of Benchmarking Reforms does not allow for changes in challenging targets that are associated with a prison and a prison system, such as 'Time out of Cells' for secure custody. The targets being set under these Benchmark Reforms do not take into account actual circumstances surrounding a specific prison, which are very unique.

It is my opinion that under the Benchmarking Reforms being implemented across the state, will have a detrimental impact on staff morale and performance. Given the regime of the correctional system and insisting that set targets must be met by a Governor and correctional centre will have a demoralising impact on the day to day operations by correctional officers. Circumstances and priorities can change rapidly within the correctional centre and thus creating confusion for officers that are duty bound to provide a 'duty of care' as opposed to being placed under pressure to meet unrealistic targets that can lead to miss- judgement and errors in an already extremely dangerous role and volatile and unpredictable work location.

DELETION OF THE RANK STRUCTURE:

The deletion of the Assistant Superintendent rank within CSNSW is not only removing senior and experienced officers from the correctional system, but also removes any future opportunity for career advancement within this law enforcement profession. There are thousands of correctional officers that are aspiring to attain the rank of Assistant Superintendent in CSNSW, only for this rank to be now deleted from the rank structure.

Officers that have been in the role for the past 10 years or so that were contemplating a career progression are now being told, there is no career advancement for you.

The increase of serious and critical incidents within the Prison system will only continue to climb due to the deletion of front line officers and the removal of experienced officers with over 10,15, 20 years service.

The increase in violence within the correctional system is directly related to less staff in the prison and less supervision by senior correctional officers.

This has a significant impact on the ability of the Intelligence Officers in the Prison, that are being stretched and overloaded with additional duties due to the deletion of the Assistant Superintendent Rank. These Intelligence officers are already overloaded with additional duties, then not being replaced, thus not being able to provide the necessary Intelligence information to the front line officers working on the ground.

The creation of the 'Functional Manger' role is removing all opportunity for career advancement for the senior correctional officer to now progress to the executive officer rank, that being the Assistant Superintendent.

The void created of not only experience officers being removed with the deletion of the Assistant Superintendent rank, but it is also placing more responsibility downwards and upwards in an already challenging work environment.

The Assistant Superintendent Rank is a crucial part of prison management and if removed will have a significant impact in the increase of assaults, self-harm attempts, trafficking of contraband, unrest and disturbances within the prison system.

With the significant increase of casual correctional officers with limited correctional experience, it is crucial that the Assistant Superintendent rank remains in order to provide supervision and professional guidance to this in-experienced work force.

It is totally unfair and a breach of 'duty of care' that new officers have to learn their profession amongst a hostile and stressful environment that is already stretched due to inmate overcrowding and shortage of staff.

Regardless if there is a shortage of inmate meals or linen or a critical incident, there is a need to be able to refer to an experienced officer (Assistant Superintendent) who has years of experience and knowledge to depend on. The requirements of having a correctional workforce that is motivated and strives for professional development, is crucial to the professionalism of the service.

Assistant Superintendents are highly trained correctional officers with extensive on the job training that has taken place over a significant period and numerous years. These officers are asked to deliver a vast variety of complex, challenging and demanding services to inmates that range from extreme and high security risk to the vulnerable and high needs.

The current focus by CSNSW to delete the Assistant Superintendent Rank and flatten the rank structure to be in line with the private operator system, will only lead to increase of violence and critical incidents, as in the case with management of the GEO Group whilst operating Parklea Prison.

It appears that CSNSW are attempting to re-mould the 'correctional officer' into a 'security guard'. The vast differences is that a security guard can be seen most week-ends working at ANZ Stadium, a Licence Hotel/Club or a Shopping Centre.

Correctional Officers are bound by legislation (Crimes Act/Regulation), have authority to carry and use firearms, use force and execute the provision of law within the State of NSW. They are duty bound within the Government Sector Employment Act and must comply with the Departments code of conduct and ethics.

To delegate this authority to the private sector is not in accordance with the standards of Corrections NSW and the profession of a correctional officer.

The role and function of a correctional officer is a professional one. It is not a job, but rather a career in law enforcement. Correctional officers have to fulfil the role of teacher, trainer, welfare officer, mentor, role model, listener, enforcer and supervisor. The Assistant Superintendent rank brings with it seniority and respect from both junior staff and inmates.

To now delete this rank and remove the many experienced officers from this role and function and delegate these responsibility to junior officers is placing them in a very precarious position, which can only lead to potential critical incidents and serious risk of injury to both officers and inmates.

Forwarded for your consideration,

Domenic Pezzano JP

Retired Superintendent, Corrective Services NSW - Career 1984 to 2014.

Accomplishments with CSNSW:

Whilst within employment at CSNSW, completed a Graduate Certificate in Public Administration – University of Sydney (nominated and sponsored by Commissioner Woodham and Deputy Commissioner Mclean)

Received Commissioner's Commendation for significant work and dedication given to CSNSW.

Received Deputy Commissioner's Commendation for loyal and dedicated service and outstanding contribution to Offender Management & Operations Branch – CSNSW

Represented CSNSW on numerous occasions as a subject expert at Judicial proceedings (District & Supreme Court, Coroner's Court and Administrative Appeals Tribunal) and member of interstate delegation to Western Australia in the area of Inmate Classification, Protective Custody and Removal of Hanging points.