

Corporate crime?

Jenny Chambers reports on systemic problems arising from privatisation in criminal justice

The privatisation of justice in England and Wales began 22 years ago. HMP Wolds, run by G4S, was the first private prison, opening in 1992. HMP Altcourse, run by G4S, was the first designed, constructed, managed and financed private prison in the UK, opening in 1997. Since then, the role of the private sector in the criminal justice system has steadily increased: there are now 18 privately run prisons and private companies hold a plethora of other contracts, including prison vans, courts and electronic tagging.

Privatisation of the criminal justice system shows no signs of abating. The current Secretary of State for Justice, Chris Grayling, is pushing through reforms to privatise 70 per cent of the probation service. This is despite evidence that the probation service is one of the highest performing public sector services in the country: every probation trust was rated 'good' or 'exceptional' by the government's own performance ratings (National Offender Management Service, 2013a) and the Probation Service was recently awarded the British Quality Foundation's 'Gold Medal for Excellence'. It was the first time a public sector organisation has won the award.

Concerns and controversy have dogged the private sector since its role in the criminal justice system began. Most recently, G4S and Serco were found to have overcharged on its contracts for tagging, including claims for people who were dead or in prison. They have been forced to pay back nearly £200 million, and have come under investigation from the Serious Fraud Office. Neither company is currently under investigation by the police for its role in the tagging scandal, despite it being behaviour which the chairman of G4S has acknowledged was 'ethically wrong'.

Since opening in April 2012, G4S-run HMP Oakwood has been bombarded with reports that it is unsafe, nothing works and prison inspectors found that 'it's easier to get drugs than soap' (HM Inspectorate of Prisons, 2013). Oakwood, alongside Serco-run HMP Thameside, was recently named among the country's three worst prisons, receiving the lowest performance rating possible, with the National Offender Management Service expressing 'serious concern' (National Offender Management Service, 2013b). The Prison and Probation Ombudsman identified 'serious failings' after a man was found collapsed and not breathing in his cell, while staff were unable to access a defibrillator because it was locked away in a cupboard and there was no doctor on site. In recent months there have been four rooftop protests and a riot at Oakwood. These were described by G4S and the government as not a riot, but 'concerted indiscipline' and not rooftop protests but 'working at height'. It is a sign of the scale of the problems faced by Oakwood that both commissioner and commissioned now resort to semantics in order to defend the latest failure of outsourcing.

These companies are well-resourced at the procurement stage, preparing competitive bids which put low costs before quality of service. There is, however, no evidence that they are any better at running prisons than the state (National Audit Office, 2013).

Questions remain about the real cost of delivering services effectively; whether it presents value for money for the taxpayer; and the effects of privatisation on the expansion of the prison system for the primary benefit of lining shareholders' pockets. To make profit, the private sector needs business – there are questions to be asked about whether the aims of such

companies are fundamentally at odds with the aims of reducing the prison population and reoffending.

This is why, in May 2014, the Howard League for Penal Reform released an audit of the performance of key parts of the private sector in the criminal justice system. It looked at the performance of four major companies: G4S, Serco, Sodexo and GeoAmey over the last three years. This begins a process to collate individual company failings to show systemic issues in the privatisation of justice. This is not just about individual companies, it is also about the inherent dangers of privatising the justice system. While G4S and Serco feature prominently, as one would expect from the dominant players in the market, other companies show an increasing interest in the UK justice system.

Indeed, in light of the scandals regarding both G4S and Serco, their contracts for electronic monitoring have been handed to Capita and they have been barred from bidding for first-tier contracts in the probation sell-off. Capita is an increasing presence in the justice market – it took over the court interpreters' contract from Applied Language Solutions in 2012 and has since been fined thousands of pounds for poor performance. Most recently, the contract that Capita entered into for GPS tagging has collapsed due to the withdrawal of Buddi the hi-tech SME (small or medium-sized enterprise) that was to deliver the hardware at the centre of the scheme. It is too early to audit the performance of Capita in the justice sector, but the Howard League will audit and publish the performance of any current or new contracts handed to them.

The House of Commons Public Accounts Committee (2014) has criticised the government's ability to negotiate and manage outsourced contracts and has called for basic measures to promote transparency. Any audit is limited by these inherent problems regarding the secrecy around private companies providing public services: information on contracts, finance and performance is not freely available as they do not have to abide by the same rules on freedom of information as the public

Examples from the audit**G4S**

- An investigation into the death of a prisoner from terminal cancer at HMP Birmingham, found that on a trip to hospital prison staff kept him waiting for 40 minutes in handcuffs on the street, in full view of the public, whilst they went to a Greggs bakery for their lunch. Further, they kept him restrained, either by double-cuffs or on a chain, whilst he was dying in hospital
- Macmillan nurses were prevented, for contractual reasons, from coming into HMP Altcourse to provide help to a prisoner dying of cancer
- Inspectors found that 'too many children, too often, felt frightened and isolated' in the secure training centres.
- Children were restrained 4,608 times in G4S-run secure training centres in the course of three years. 20 per cent of these restraints resulted in children suffering injuries
- The National Tactical Response Group had to be called in to resolve serious incidents in G4S - run prisons 15 times in 2013

Serco

- The inquest into the death of Adam Rickwood, the youngest child to die in penal custody in modern times, found that he had been unlawfully restrained and that this contributed to his decision to take his own life. The jury also found that there had been a serious system failure at Hassockfield secure training centre which had led to the unlawful restraint of children
- HMYOI Ashfield, when it held children, was found to be the most violent prison in England and Wales, accounting for one in every 15 assaults in the entire prison system. The High Court later found that the prison was running an unlawful punishment regime
- People are forced to use chemical toilet bags in their prison vans to prevent the driver having to stop to let people out for comfort breaks

Sodexo

- Allegations were made that a woman who had miscarried at HMP Peterborough was left to clean up after herself while the foetus remained in her cell
- An investigation into the death of 35 year old Michael Watson, who died of a heart attack at HMP Forest Bank, found a plethora of failings, including a delay of getting him to hospital for 11 hours after he complained of chest pains and cancelling previous hospital appointments for him which could have afforded him life-saving treatment
- Inspectors found that a woman had been held in segregation at HMP Bronzefield for five years with little human contact or activity to occupy her

GeoAmey

- The £900 million prison escort contract was labelled an 'absolute farce' after it emerged that GeoAmey had purchased the wrong vans that are too big to fit through court entrances. In some cases this led to roads being dug up so the vans could fit under arches, in others in prisoners walking to court. It also led to significant delays in court proceedings
- Taking the decision to send a prison van on a 96 mile round-trip to drive a prisoner 50 yards because they did not have a vehicle in the local vicinity, estimated to have cost taxpayers £1,000
- Routinely transporting children and women with adult males, exposing them to verbal abuse and intimidation

sector. Justice is at its best when it is transparent and accessible to all.

The Howard League's concern about the privatisation of justice is based on principle and on practice. The state should take responsibility for the most severe punishment it has at its disposal - taking away the freedom of a citizen. It is morally reprehensible to profit from people's misery and a system to reform individuals and promote the public good is counter-intuitive to one set up to derive profit. In practical terms the prisons have failed to reduce the number of suicides, and violence levels remain unacceptably high. The use of physical restraint in the child jails is a national scandal that is linked to the deaths of two

young boys in 2004 (BBC News, 2011).

This is not a failing of the private sector; it is what the private sector is – their concern is to make profits for shareholders. But it is our public money, our communities and our families they are failing. ■

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