

# U3A Understanding Imprisonment

Session 8 Issues: Privatisation of  
prisons

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# Social, penal and prison crisis:1979-2012

- The 1980 and 1990's's were a period of acute social, economic, fiscal, penal and prison crisis.
- The solution, perceived by the Thatcher and Major governments and subsequently by New Labour and now the Coalition government is to roll back the state.
- This presented and presents an acute problem: how to look tough on crime (and this usually means locking up more people for longer) and appear to consume less tax revenue. Enter-privatisation!

# The meaning of privatisation.

- The Adam Smith Institute (1984:17-18) defines privatisation as ‘the systematic transfer of government functions and programs into the private sector.’
- Privatisation can mean the provision of the total service by a private contractor or may involve contracting out aspects of the service i.e. those not deemed ‘core’ functions.

# Privatisation as a solution: 1979-1996

- The answer for successive governments to many problems seems to be privatisation in its many guises.
- During the 1980's and 1990's a massive programme of privatisation was put in place. Nationalised industries were some of the first parts of the state to be privatised including Rolls Royce, British Leyland, British Steel and British Aerospace.
- Next came the sale of the utility companies including gas, electricity, telecommunications, water and, of course, British Rail.

# Privatisation 1996-2012

- Despite making noises whilst in opposition against privatisation when 'New Labour' came to power in 1997 they rapidly converted to the privatisation cause.
- They did so mainly by developing the Major notion of Private Finance Initiative(PFI).
- PFI provides ' a way of funding major capital investment *without recourse to the public purse*. Private contractors ...are contracted to design, build and, in some cases manage new projects. Contracts generally last 30 years...' (Dept of Health website accessed 08/09/08).

# Privatisation as the solution to the social crisis

- Selling off nationalised industries that provided services for which people paid directly did genuinely remove the state from direct connection with this activity. But it did not prevent public money continuing to be paid e.g. the railways.
- The privatisation of services for which people do not pay directly, but through taxes, did not/does not shrink the state and certainly did not/does not shrink the use of tax revenue but simply pays it to different people.

# Privatisation of prisons up to 1991

- Until the 19<sup>th</sup> century prisons were generally run by private jailers who provided food, bedding, accommodation and even admission and discharge at a fee (Pugh 1968). They were only nationalised in 1877.
- More recently, since 1970, immigration detention centres have been run by private contractors.
- In 1988, because of severe overcrowding an old army barracks was opened for remand prisoners at Alma Dettingen near Camberley. *Catering was provided by a private contractor* though the prisoners were guarded by the army.



# Privatisation as the solution to the prison crisis: the CJA 1991

- The CJA 1991 allowed for various forms of CJS privatisation.
- Three non-prison areas were privatised in total:
- The electronic monitoring of offenders (Curfew Orders)
- Allowed for by the CJA 1991 and CJ and PO 1994. The schemes depend for their impact on private security firms supplying the monitoring equipment (bracelet, 'phone device and central monitoring equipment) as well as the control centre staff. Recently see as ineffective and costly.

# CJA 1991

- Privatisation of court security
- All aspects of court security were privatised with effect from 1992.
- Prisoner escort
- This entails transporting defendants between prisons and the courts. The process of privatisation started in 1992 and was fully operational by May 1997.

# CJA 1991: prison privatisation

- The 1991 Act made explicit provision for new remand prisons to be contracted out i.e. that such institutions could be built and run by private contractors, known as DCMF 'designed, constructed, managed and financed'.
- Later (1994, as a result of a codicil embedded in the CJA 1991) all prisons were opened to a bidding process, allowing private companies to compete with each other and the prison agency for contracts to run specified prisons.
- Prison privatisation has taken other forms too. Alongside the bidding for the provision of prisons, 'lighter touch' privatisation allowed specific functions to be 'contracted out.' For example aspects of prison life that have been seen as not part of the core function of the prison service (catering, education, health, probation and/or chaplaincy) have been privatised.

# Going even further

- But there is an even more privatised form – though not yet in E&W.
- This is where private agencies no longer simply deliver prison services, but the contracting out process itself i.e. responsibility for the allocation of contracts, monitoring performance and determining policy.
- Nathan (1994c:16), for example, indicates that in the state of Victoria in Australia the prison authorities have contracted-out the contracting-out process. They have engaged the firm of Coopers Lybrand to ‘oversee the bidding process relating to the financing, designing, building and operation of three new prisons.’

# Privatisation under Labour

- Successive Labour governments have not halted this process- on the contrary it has been extended by PFI arrangements begun in 1992.
- It has also been developed by Home Curfew Detention Supervision
- Introduced in 1998, the electronic monitoring of offenders who have been released early from prison is a growing area. In November 2005 there were 3210 people subject Home Detention Curfew Supervision as part of the early release scheme.
- In addition various services within prison agency-run establishments have been privatised including education (this was made subject to a bidding process with traditional Further Education providers having to bid for the contracts), prison catering has been subjected to a bidding process and chaplaincy services (presumably God has been one of the bidders!).

# Prison privatisation and the Coalition Government (CG)

- The movement towards privatisation of prisons and prison services has not been halted by the CG. Birmingham (Adult male, October 2011, Featherstone 2, Wolverhampton Adult male, DCMF April 2012) have been added to G4S's portfolio by Ken Clarke.
- The CG has also strongly promoted new working practices amongst prison staff.
- The CG has added the move toward profit-based work in prisons. See week 6 for this.
- And all the prisons announced to close (January 2013) are public prisons (6) and all the new wings but one are to be built in what are privately run prisons. There is little doubt that the new 'titan' prison will be private too!

# The 14 private prisons in E&W

Prison name and location	Company running the prison	Type of prison and year opened	Capacity	Comments
Altcourse, Fazackerley	G4S	YOI, 18-21 male, 1997	600	DCMF
Ashfield, Pucklechurch	Sodexo Justice Services	YOI, male 15-18	400	
Bronzefield, Ashford	Sodexo Justice Services	Adult female, 2004	450	
Doncaster	Serco	Adult and YOI male, 1994	770	
Dovegate, Uttoxeter	Serco	Adult male	800	
Forest Bank, Salford	Sodexo Justice Services	Adult male and 18-21 YOI	800	
Lowdham Grange, Nottingham	Serco	Adult male, 1998	500	
Parc, Bridgend	G4S	Adult male/YOI males 18-21, 1997	840	First DCMF prison. New wing to be added Jan 2013
Peterborough	Sodexo Justice Services	Adult male and female, 2006	840	New wing to be added Jan 2013
Ryehill, Rugby	G4S	Adult male, 2001	600	
The Wolds, Humberside	G4S	Adult male, 1992	330	The first private prison: now gone back to the public sector
Birmingham Also Oakwood and Thameside	G4S G4S and SERCO	Adult males, October 2011	1450	First public sector prison transferred to private sector  New wings to be added Jan 2013

# Arguments for the privatisation of prisons.

- Cheaper.
- More transparent and accountable.
- Can provide more prison places, sooner.
- Provide more and better facilities.
- Just as effective at keeping order and maintaining security.
- Less state is a good in itself.
- Bringing in free competition (market testing) is likely to bring various benefits.



# Arguments for prison privatisation.

- Can't be worse than public prisons.
- Holds out the hope of more innovative practices?

# Arguments against the privatisation of prisons

- Potential for exploitation and mistreatment of prisoners.
- Lack of effective oversight and accountability because hidebound by commercial confidentiality.
- Virtual certainty of corruption between government officials, inspectors, prison staff and private contractors.

# Arguments against prison privatisation

- Privatisation as a solution to the prison crisis fails to address the material side of the prison crisis effectively. Cost reduction, better facilities and reduction of fiscal investment are all claimed as advantages but all of these are questionable. Cost reduction means fewer, less well-trained staff and actual cost comparisons are difficult to do. Private establishments do not necessarily provide better facilities – this could be done by any new prison. The claim that private prisons reduce fiscal investment only takes in the short term not the full length of the contract (15-30 years).

# Arguments against prison privatisation

- Fails to address the problem of prison legitimacy
- Does not deal with the issue of the overuse of imprisonment, indeed it may provide a commercial incentive to imprison.
- Does not address the sense of injustice arising from the way prisoners are dealt with whilst in prison.
- Does not make prisons more accountable to the public.

# Arguments against

- Does not decrease overall costs.
- Depriving people of their liberty is a non-non-transferable state duty. It is morally repugnant to place the vestiges of state power in private hands.
- Prison market is not free – the state can and does alter the terms of the market and the sector is in the grip of oligopoly (there are only four companies in the UK market for e.g.).

# Issues

- Is the privatisation of any criminal justice function ever justified?
- To what extent is the market a way of providing state-based services (education, health, prison)?
- What are the advantages of privatising prisons?
- Is prison privatisation a panacea or a pandora's box?

# Conclusion

- Where do you stand on this issue?
- For me the moral argument is strong.
- As is the view that we have created a commercial incentive to imprison!
- And finally, privatisation is not a solution to the prison crisis.

# Works worth consulting.

- Cavadino, M and Dignan, J (2007) *The Penal System*, London: Sage. Chapter 7
- Mehigan, J and Rowe, A 'Problematizing prison privatization' in Jewkes, Y (Ed) (2007) *Handbook of Prisons*, Cullompton: Willan