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Privatising Community Corrections

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Privatising Community

Corrections

**REPORT FOR FAMILIES, YOUTH AND COMMUNITY
CARE QUEENSLAND**

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Centre for Applied Psychology and Criminology

Bond University, February 2000

**First published in 2001 by
Centre for Applied Psychology and Criminology
Bond University
Gold Coast QLD 4229**

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Acknowledgements

This project was made possible only because of a small Australian Research Council grant awarded through Bond University. We acknowledge the generosity of the ARC and would very much like to thank Bond University for granting this award, and in particular the Registrar Alan Finch for administering the grant.

Because this is a small exploratory project there was insufficient scope (in terms of both time and funding) to undertake any large-scale data collection. We did however contact a range of experts and practitioners in the field. We thank, among others, David Biles, David Brereton, Marty Burgess, Phil Crossley, Peter Cuneen, Karen Fletcher, Richard Harding, Jay Harley, Tony Hill, Alison Hunter, Kevin Kehoe, David Knight, Mark Lynch, Emma Ogilvie, Gavin Palk, Eric Pratt, Tim Prenzler, Sisters Inside, Salvation Army, St Vincents de Paul, Steve Seaton, Peter Smales, and others who elected to remain anonymous.

We also sincerely thank Carolyn Taylor of the Bond University Library for her generous assistance in locating source materials; Ambre Langdown, our trainee administrative assistant in the criminology division, who dealt with so many requests for urgent trips to the library or to gather information from the internet; and staff in the School of Humanities and Social Sciences, especially Kevin Jih and Brett Hartley.

We trust that this report adequately acquits the grant which was largely used to employ Carole McCartney as primary researcher and co-author for this project. Carole's knowledge of privatisation in the corrections field was invaluable in securing the grant through her excellent work on the application, and then in conducting our data collection, review and analysis of the literature. This report forms part of a package of outcomes from the grant. One being a short report to the funding body, this main report containing general background information and an overview of the findings, and a third product is a journal article currently in preparation.

Introduction

RATIONALE

Queensland has 18 per cent of Australia's population, 26 per cent of Australia's prisoners and 35 per cent of Australia's community corrections clients (Graycar 2000). The average period served in the State's prisons by inmates released during 1997-98 was 4.2 months for males and 2.1 months for females; where over one-quarter of all people admitted to prison were imprisoned for fine default only (*CJS Monitor* 1999, 4, February). These statistics demonstrate that Queensland is over-represented in its use of correctional options;¹ that previous prison reforms — which attempted to keep those who defaulted on fines or those sentenced to short-term periods out of custodial settings — have failed; and that, given the comparative picture over time, there has been a worsening of many identified corrections problems.²

While crime rates have remained steady in Queensland in recent years, successive governments have legislated to ensure more punitive sentencing, adding to a range of other factors that have contributed to Queensland's high imprisonment rate (Watts 2000). At the same time there has been a devolution in the reach of government and continued calls for greater state efficiencies in view of the high costs of corrections. Indeed, 'the corrective services system has had to bear the brunt of the community's demand for law and order while coping with a government focus on efficiency and competitive business management techniques' (Peach 1999, 2). With the introduction and now widespread expansion of the private sector in prison construction and management, both in Australia and internationally, attention has now turned to the potential for increased private sector involvement in the delivery of community corrections.

IMPETUS

The impetus for the present research comes from the observation that as long ago as 1973, attention was drawn to the consequences of failing to provide probation staff, funds and resources, resulting in 'the needless jailing of offenders' and the development and

worsening in severity of criminal careers (National Advisory Committee on Criminal Justice Standards and Goals 1973, 335). The potential privatisation of community corrections has been characterised as being ‘an antidote to complacency and the painful realisation that the prison population may never come down but may continue to escalate in a relentless manner, and that existing “alternatives to custody” have failed to check either the crime rate or the prison population’ (Vass and Menzies 1989, 255).

The other impetus was the rumour in Queensland during late 1997 and 1998 concerning the possible privatisation of community corrections, where it was mooted that an entire regional office was to be put out to tender. This followed the corporatisation of corrections with the establishment of QCORR where the idea was that community corrections were to be market tested.³ It now appears that this wholesale selling off of one regional operation to private bidders has been shelved in Queensland (and in other jurisdictions), partly as a result of the Peach Report which ended corporatisation taking QCORR back into a departmental status and rescinding any moves to market test. While privatisation of community corrections is no longer on the immediate agenda, there are nevertheless elements that are currently being privatised or at least put out for tender. One example is a trial of electronic monitoring (ankle or wrist bracelets) for home detention for 50 prisoners in 2001-02 for a cost of over \$600,000 (*Courier Mail* 30 October 2000).

Such proposals to privatise community corrections are not confined to Queensland alone. In New South Wales, for example, while there is no current move to privatise community corrections, it does surface as an option from time to time. However, it is not on the agenda and not likely to be seriously considered in the next few years (Crossley, pers comm, October 2000). Similarly in Victoria there were early attempts to privatise the community work scheme but the private tenders did not match what the community corrections department were already doing and surprisingly the government bid was the cheapest — so the entire concept was shelved (Crossley, pers comm, October 2000). Indeed, there are very few examples of private sector involvement in community corrections overseas except for some small-scale operations in various jurisdictions in the USA where limited services are tendered out.

AIMS

As a result of the shelving of proposals to privatise community corrections in Queensland, the major thrust of this present research underwent a slight change of focus from its original conception. Initially, it was envisaged that we would be examining a very real and imminent change to the provision of community corrections and the research would therefore have a definite practical, policy and political focus. While the research still examines emerging issues in privatising community corrections as a potential reform to resolve or ease the current criminal justice system crisis, it has taken on much more of a theoretical framework.

This report attempts to address the current situation of corrections in Queensland³ and assess the possibility of privatisation of community corrections as a solution to problems, such as prison overcrowding, the over-dependence on imprisonment and the failure of community corrections to ease the burden, both financial and spatial, on prisons. The research aims to provide the basis for decisions on the efficacy and desirability of privatisation of elements, or indeed the wholesale privatisation, of community corrections. It aims to inform efforts at reform within community corrections in Queensland by surveying international and local enterprises and developments and examining the suitability of the private sector as an instigator of improvement. Such reform aims to make community-based sanctions not only more efficacious but also more attractive to sentencers and the public, and of greater benefit to offenders.

METHODOLOGY

Therefore, our research project primarily involves the use of secondary sources, both Australian and international, that deal with corrections and community corrections in general; about privatisation of corrections in general; and those that relate to the privatisation of community corrections in particular. However, in order to glean a more detailed perspective of what those at the coal-face think about the potential of privatising any elements of community corrections we undertook some telephone interviews with key people in the field. These interviews were with identifiable groups of people, although by

no means should these interview data be considered representative, as the selection process centred on individuals we knew personally and then utilised a snowballing technique.

The respondents included: academics (generally criminologists) who have researched and written in the prisons/corrections field; those who work in the bureaucratic/government fields (largely corrections and community corrections); politicians or political advisers responsible for prison portfolios in government or opposition; those who work as private-charitable providers of community corrections centres as managers or volunteers; and some former inmates who had been under community corrections schemes at some point in the recent past. In conducting these interviews we were merely looking for emergent ideas spurred by the suggestion that some elements of community corrections could be privatised. While we did construct a list of topic areas that appeared to be relevant, based on the literature, there was no structured questionnaire of any kind. The information gleaned from these telephone interviews incorporated into this report is presented in an entirely unidentified fashion to preserve the anonymity of the respondents.

REPORT OUTLINE

This report begins by outlining the background to community corrections before turning to the specific case of community corrections in Queensland. There is then a section that describes the general correctional privatisation debate followed by an examination of the issues raised in the debate that are most pertinent to the privatisation of community corrections. The report also incorporates a review of the extant literature on private community corrections and the degree of private involvement in community corrections in Queensland and Australia. The report then discusses the issues raised by the stakeholders and experts consulted during the research process before drawing conclusions about the efficacy and desirability of increasing private sector involvement in the delivery of community corrections in Queensland.

Community Corrections

PHILOSOPHY

The idea of alternatives to prison can be traced back to the end of the 19th century, when options were sought for those first offenders serving very short sentences (Vass 1990). These alternatives generally took the form of fines, discharges, suspended sentences and probation and were responsible for reducing or diverting the number of petty and first-time offenders from prison (Pratt 1999). Probation, for example, was promulgated by the shoemaker, John Augustus of Boston in the mid-1800s, who believed that some prisoners would be better served by not being sent to prison and so worked to develop programs and to supervise men, and later juveniles and women, in the community (Graycar 2000). Since then, a US Supreme Court decision in 1971 (*Tate v Short*) prohibited the imprisonment of offenders unable to pay fines. This decision has been identified as fuelling the use of community sanctions because of the judicial proclivity for imposing fines and the prevalence of those who are unable or unwilling to pay them (Meyer and Grant 1996).

Since those early days, community corrections have undergone significant expansion so that they are now recognised as an important part of any criminal justice system. More recently, they have undergone even further significant changes. The emphasis in the 1960s and 1970s on rehabilitation has shifted to one of control and surveillance, with many current programs centred on a more retributive 'just deserts' model (Lawrence 1991). Offenders are increasingly expected to 'pay', either by way of restitution, fines or community service, for their crimes (Lawrence 1991). There is also the suggestion that the use of community corrections in modern criminal justice systems is an attempt by the state to keep increasing numbers of citizens under some form of social control and supervision (Christie 1994). The late 20th century will most likely be remembered as a time of exploding prison populations but also as a time when major changes took place in community corrections (Petersilia 1998). These changes include the increased use of technology, in particular with regard to drug testing and electronic monitoring equipment.

More important, are the changes in ‘management, goals and professionalism’ (Petersilia 1998).

A QUEENSLAND HISTORY

Probation as a sentencing option was first introduced in Queensland as part of Premier Griffith’s criminal justice reforms. The *Offenders Probation Act 1886* was the first formal arrangement for the supervision of offenders in Australia (Finnane 1989). A sentence of probation gave the courts some discretion in dealing with minor or first time offenders, diverting them from prison. Those sentenced for a minor offence would have their sentence suspended upon entering into a recognisance to be of good behaviour (Bradshaw 2000). In the first seven years of operation, 1,096 offenders were released under the scheme (Seaton 2000).

A distinctive feature of the new sentencing option in Queensland was that, in contrast to the American system, probationers were supervised by the police rather than probation officers. The appointment of probation officers was central to the Boston scheme while Griffith’s system ‘limited its aim to supervision of a nugatory sort by police’ (Finnane 1989, 91). Probation in Queensland then was very different in outlook and content than its original form. The adoption of the scheme in Queensland was oriented towards slowing the dramatic increase in prison populations at that time and the humanitarian goal of giving an offender a ‘second chance’ (Finnane 1989, 92). It was to be over half a century before there was any significant development or enhancement of community corrections. The *Prisoners Parole Act 1937* established the Parole Board, although the initiation of a parole system was described by a 1950s parliamentary committee as ‘little more than a pious gesture’ (Bradshaw 2000, 3). The Parole Board made recommendations for early release to the Governor-in-Council and in the first six months of its operation, ten people were paroled (Seaton 2000).

After a Commission of Inquiry into Sexual Offenders in 1944, probation was incorporated into the *Criminal Law Amendment Act 1945*. Provision was made for sex offenders to be sentenced to indefinite detainment and to be released while undergoing regular medical

and psychiatric assessment (Finnane 1997). This development led to the appointment of a single probation officer who in 12 years, dealt with just 40 cases (Bradshaw 2000, 3). During the next decade however, pressure for a probation system gathered momentum. The Comptroller General of Prisons, Mr W Rutherford, suggested in his 1953 Annual Report that 'before deciding to build new prisons, consideration might be given to introducing a probation and parole system similar to that operating in other countries' (Bradshaw 2000, 4). This suggestion was echoed in subsequent annual reports with concerns over increasing prison overcrowding and the growing need to divert some of these adult offenders from prison (Bradshaw 2000). An *Offenders Probation and Parole Act* was finally introduced into the House in 1959. Responsibility for parole was kept in the hands of the independent Parole Board while the Act gave magistrates and judges wide discretion to sentence offenders to serve their sentence in the community by making a probation order.

The first task of the new Queensland Probation and Parole Service was to establish credibility and gain acceptance from the community, courts, police and critics. There was much early resistance to new programs for offenders: 'as a deterrent, probation is a sickly joke... In this insensate desire to make things softer for the criminal, and think up more and more powder-puff substitutes for real punishment, the plight of the decent citizen, the victim of criminal acts, appears to have been completely forgotten or deliberately ignored' (Bradshaw 2000, 6). The lower courts demonstrated significant resistance to the new sentence with only four probation orders being made in the Court of Petty Sessions (now Magistrates Courts) in the first nine months of the new programs. It was to take a few years for magistrates to demonstrate an increasing awareness of the potential of probation.

The probation service grew significantly throughout the 1980s, with community service introduced as a sentencing option with the Community Service Order program commencing in March 1981 (Bradshaw 2000). An amendment made in 1983 to the *Offenders Probation and Parole Act* allowed for offenders unable to pay fines to perform community service instead. In 1986 a pilot home detention scheme commenced and became permanent a year later, operating in Brisbane, Rockhampton, Townsville and the Gold Coast. The 1980s, whilst seeing tremendous growth in the types and use of

community sentences, also saw the start of staff unrest with threatened industrial action relating to the resourcing of community corrections. Officers began to rally support for a professional association of Probation Officers. By 1987, 74 per cent of offenders admitted to corrections in Queensland were to be managed by the Probation and Parole Service, though they received only 9.08 per cent of the correctional budget (Bradshaw 2000).

Following the Kennedy Report⁴ published in 1989, the Probation and Parole Service became part of the Queensland Corrective Services Commission (QCSC) with the amalgamation of the custodial and community branches of Queensland corrections. Whilst Kennedy's terms of reference had focussed entirely on custodial corrections with no mention of the community sphere, a significant part of his final blueprint for the future of Queensland's correctional system relied on the expansion of community corrections. The *Penalties and Sentences Act 1992* introduced the latest community sentence in the form of Intensive Correction Orders, a harder-line version of probation. This sentence was predicated by a perceived need for a 'tougher' probation sentence that would be more effective in reforming offenders than the traditional probation which was becoming seen as ineffective, particularly for repeat or more serious offenders (Bradshaw 2000).

AIMS OF COMMUNITY CORRECTIONS

The most obvious aim of a community sentence is to keep an offender out of prison. However, recent years have demonstrated that keeping people out of prison is not 'as fashionable as it used to be' (Weatherburn 1990, 61). It has been stated that the cycle of penal fashions is governed ultimately by economic factors (Weatherburn 1990) and that diverting people from prison is the result of an economic rationalist approach (Walker 1990). The present cycle of penal conservatism comes at a time when governments are experiencing pressures to cut back on spending, making the dramatically increasing expense of imprisoning increasing numbers more than a mere inconvenience (Weatherburn 1990). However, the correlation between prisoner numbers and non-custodial sentencing trends is complex and the diversionary power of community sentences is far more limited than is commonly assumed (Walker 1990; Weatherburn 1990). There is the issue of 'net-widening' to be considered, whereby offenders receive a non-custodial sentence in

preference to a financial or other sanction not resulting in imprisonment. This runs the risk of actually increasing the imprisonment rate with breached orders sending more offenders to prison (CJC 2000).

Despite the complexities and controversies, the use of community corrections and their desirability within a humane and effective criminal justice system in contrast to custodial penalties have been strongly stated. The Kennedy Report was emphatic in its support of community penalties, stating that: 'It is incumbent upon society that if adequate punishment can be provided in a setting other than a prison, and if it can be demonstrated that a person can be adequately supervised outside prison, then society ought to take this option in preference to the prison system' (Kennedy 1989, 17.1). Kennedy was also critical of the use of community corrections at that time, arguing that: 'correctional services are mainly token, and the use of community corrections and its interaction with prison is *ad hoc*. Without question there are many people in prison that could be placed into a well designed community correctional setting' (Kennedy 1989, 17.1).

Some of the benefits to be gained from an increase in community sentences, include 'considerable economies; an increase in the basic level of justice; and the opportunity for a genuine attempt at providing corrections in its proper setting. The economic arguments alone for community corrections are strong' (Kennedy 1989, 17.1). Ten years after the Kennedy Report in a subsequent review of corrections in Queensland, it was recommended that 'the major focus of community corrections be crime prevention through rehabilitation and supervision' and that there should be 'a range of initiatives designed to exploit the potential of community corrections to prevent crime through rehabilitation and supervision, reduce the number of offenders sentenced to prisons and to assure the public and the judiciary of the effectiveness of community corrections operations' (Peach 1999, 12).

The Queensland Department of Corrective Services outlines the goal of community supervision as being to 'maximise an offender's ability to successfully complete [an] order' (DCS 1999, 30). The department sees community supervision as also providing the

offender with ‘an opportunity to address the criminogenic factors that led to the offending, in order to minimise the potential for further re-offending’ (DCS 1999, 30). The accountabilities of the Director-General of Corrections include ensuring that ‘the capacity exists to supervise and rehabilitate offenders in the community; that service levels and standards meet community expectations and the expectations of the judiciary and that “appropriate through-care” is provided by a combination of community and custodial correction’ (DCS 1999, 8). The overarching aim of community corrections is to ‘contribute to the prevention of crime through reduced re-offending’ (DCS 1999, 8).

The reduction of prison numbers is clearly then not the only goal of community corrections but it has been recently affirmed by the Attorney-General that: ‘a fully effective probation or community corrections service strives to reduce the number of persons entering prisons. Such a service also seeks to reduce the incidence of re-offending. Thus the social and financial costs of imprisonment to the community can also be reduced’ (Foley quoted in *Corrections News*, August 2000, 4). Not only are community corrections intended to reduce prisoner numbers, they are also meant to be saving money and reducing the ‘social cost’ of imprisonment. Even a cursory glance at the current state of corrections in Queensland should lead to the conclusion that community corrections, if not wholly unsuccessful in each of these areas, are a long way from satisfactorily achieving these goals. While the aim of community corrections is not always clear or agreed upon, one of its primary functions must be to divert offenders from prison and relieve the prison system of some overcrowding and potential for brutalisation.

COMMUNITY SANCTIONS AND SENTENCING

Across Australia, orders requiring some form of supervision in the community have gone from 23,346 in 1996 to 40,100 in 1999 (DCS 1999). Over 55,000 offenders were serving community sentences each day in Australia in 1998-99, corresponding to a rate of 480 per 100,000 (AIC 2000), with the greatest rate of 736.2 per 100,000 being in Queensland (Productivity Commission 2000). This Queensland rate per 100,000 compares with Australian totals for 1998-99 as follows: male offenders 1,172 (633), female offenders 305 (147), indigenous offenders 3,805 (2,863) and non-indigenous offenders 663 (402)

(Productivity Commission 2000). These figures encompass non-custodial sentencing alternatives or a post-custodial mechanism for reintegrating prisoners into the community under continued supervision.

Table 1: Range and descriptions of community sentencing options

Intensive Correction Order	
Ordered by	court in lieu of prison sentence
Duration	up to 12 months
Conditions	include 8 hours community service and 4 hours of programs per week, may be required to reside in facility for up to 7 days, must report to officer twice weekly
Probation	
Ordered by	court
Duration	between 6 months and 3 years
Conditions	subject to not reoffending, regular reporting to officer as directed, attend programs as directed, may include additional conditions (payment of restitution, psychiatric treatment), may also include up to 6 months imprisonment (prison/probation order)
Community Service Order	
Ordered by	court
Duration	40 to 240 hours unpaid work within 12 months
Conditions	may require payment of restitution or compensation, subject to not reoffending and reporting to community corrections officer
Fine Option Order	
Ordered by	court
Duration	until fine is paid either through payment or work in lieu
Conditions	unpaid community service in lieu of payment of a fine, may pay fine/pay instalments/continue community service, must report to community corrections officer
Home Detention Order	
Ordered by	community corrections board
Duration	usually to maximum time of 4 months
Conditions	must remain at designated residence unless authorised, only available after 2/3 of sentence served and within 4 months of parole eligibility, must refrain from use of alcohol/drugs, must report to community corrections officer, undertake community service work/programs as directed, subject to random home visits/phone calls to ensure compliance with curfew conditions
Parole Order	
Ordered by	community corrections board
Duration	complete sentence
Conditions	must complete non-parole portion of sentence, usually follows successful completion of work release/home detention, conditions similar to probation

Source: DCS 1999, 30-31

The forms of community corrections vary enormously across jurisdictions depending on the level of supervision, conditions attached to orders, restrictions on freedom, and the kinds of programs available. Indeed there is ‘no single objective or set of characteristics

common to all community corrections programs, other than that they generally provide either a non-custodial sentencing alternative or a post-custodial mechanism for re-integrating prisoners into the community under continued supervision' (Productivity Commission 2000, 733). The current emphasis Australia-wide is to develop tailored programs for specific sets of offenders, namely drug-related offenders. However, it should be noted that Queensland has one of the lowest completion rates for community sentences in 1998-99 at 62 per cent (Productivity Commission 2000). Home detention is the only community option that displays improvements in completion rates since 1994-95 at the current level of 91.3 per cent.

Table 2a: Penalties given in Queensland in 1998-99

	Prison	Fine	Compensation	CSO	Probation	Recognisance	None
No	9,498	250,449	708	3,152	2,750	1,754	832
%	3.5	93.0	1.0	1.1	0.3	0.6	0.3

Source: Statistics Queensland 2000

Table 2b: Recent use of community corrections sanctions in Queensland

	ICOs	Prison Prob	Probation	CSOs	Fine	Home Det'n	Parole
# June 98	131	336	5,836	1,908	12,400	69	1,652
# June 99	274	341	5,792	2,010	11,629	107	1,618

Source: Statistics Queensland 2000

The most recent figures available on the utilisation of community corrections in Queensland show that for 1998-99 there were in excess of 274,000 convictions for adult offenders. Of these, fines were most often used at over 90 per cent of sanctions (see Table 2a) while almost 6,000 (2.1%) were given a community correction sanction comprising 3,152 (1.1%) for community service and 2,750 (1.0%) for probation (Statistics Queensland 2000). In creating this picture of community corrections it is instructive to note that such sanctions are most often used for property offences such as burglary, housebreaking, BandE and embezzlement where they comprise just under one-third of the sanctions in

these offence categories (Statistics Queensland 2000). However, more serious personal or violent offences such as major assault, other personal violations and arson also receive community sanctions for about one-fifth of all such offence types (Statistics Queensland 2000). The average allocation of hours for community service is 117 (where the maximum permissible is 240) and for probation the average length of the order is 17 months (where the maximum permissible is 36) (Statistics Queensland 2000).

The most troublesome figure in the Queensland community corrections contemporary landscape is that community sentencing has halved during the four years from 1994-95 to 1998-99 and decreased from 8 per cent in 1992-93 to only 1.1 per cent in 1998-99 of all sentencing (Statistics Queensland 2000). The overall per 100,000 rate of 736.2 previously cited is a significant decrease from the rate of 1,346 in 1994-95 for Queensland offenders on community corrections. Yet, the Kennedy Report into Queensland Corrective Services recommended that the use of community corrections be increased. This recommendation was enshrined in legislation — the *Penalties and Sentences Act 1992* Section 9(2) — which states that ‘imprisonment should only be imposed as last resort’ and that ‘a sentence that allows the offender to stay in the community is preferable’.

COSTS

These sentencing trends translate to a total of 19,419 community corrections clients in Queensland on any day in 1999-2000 (DCS 2000). This entails a recurrent expenditure of \$21.8 million, just 10 per cent of the total recurrent expenditure for corrections in Queensland (Graycar 2000). Queensland boasts the nation’s cheapest community corrections with costs per offender per day the lowest in Australia at \$3.83 compared with \$23.00 in the Northern Territory and \$8.00 in New South Wales (Productivity Commission 2000). However, this low cost is indicative not of great cost efficiencies but rather the ‘overcrowding’ of community corrections (Pratt 1999) and it should be noted that ‘this achievement is largely due to the fact that Queensland has more offenders under supervision than any other State and benefits from economies of scale’ (Peach 1999, 88). Indeed, there are serious concerns ‘over the lack of resources devoted to the supervision and management of offenders in the community’ (Peach 1999, 85).

The diversionary effect of non-custodial sentences should result in cost savings. It can be argued that diverting from prison those with less than six months to serve leads to a very small drop in prisoner numbers and therefore only small cost savings (Weatherburn and Bray 1992). However, the cost of a prisoner reception is greater than day-to-day costs and there is the possibility that if those who are entering prison for short sentences can be diverted, they may not return to prison for longer sentences at a later date. This would then achieve cumulative and longer-term savings including saving the state investing in extensive capital works projects like that seen in Queensland in recent years and also savings in welfare and post-release services and social welfare services and benefits for prisoner families (Weatherburn and Bray 1992).

The question of cost is then a complex one. The attraction of the potential cost-savings from community corrections may well be deceptive. The real cost of community corrections is much higher than governments are currently paying and the cost of effective community supervision or intermediate sanctions closer to imprisonment in severity would be considerably higher (Pratt 1999). It is suggested that 'the cost of a parole or probation disposition should not be less than half the cost of keeping the prisoner in custody [where] the greatest profit to be sought from a diversionary measure should be the prisoner's reintegration' (Pratt 1999, 41). For it is undeniable that 'we get the level and type of correctional supervision we pay for' (Rosenfeld and Kempf 1991, 493). So that the reason why per capita costs of parole and probation are so much cheaper (and attractive), than those of prison is that crowding is allowed to be imposed on supervisors outside prison (Rosenfeld and Kempf 1991).

The Peach Report (1999, 80) noted that community corrections staff 'frequently expressed dissatisfaction with many issues associated with the way that community corrections was managed by QCORR, including ... inadequate resourcing for basic items such as computers'. Staff also submitted that community corrections had been handicapped by factors such as poor information technology, lack of induction training for new staff and a lack of funds to access forensic specialists to provide reports (Peach 1999). Indeed 'most community corrections officers feel somewhat undervalued. Particularly in a combined

correctional organisation such as in Queensland, our big brothers in the prisons take the lion's share of money and attention' (Musumeci 1997, 4).

In contrast to the continual budget cuts for community corrections, as a corollary to the consistently increasing prison numbers, the Department of Corrective Services' overall share of the criminal justice budget has increased substantially in recent years. Expenditure has climbed 78 per cent since 1996-97 (when the per capita cost of \$55.11 was 7 per cent above the national standard), costing Queensland a total of \$437.4 million. Of the budget for 1998-99, \$200 million was for custodial corrections and \$180 million for capital works (DCS 1999).

Table 3: Organisation of community corrections in Queensland

Northern	<p>NT border to Bowen Regional Office: Townsville 5 privately managed community corrections centres supervises approx. 3,850 offenders 35% indigenous 6 community corrections offices</p>
Central	<p>Sunshine Coast to Bowen to NT border Regional Office: Rockhampton 2 privately managed community corrections centres supervises approx. 4,670 offenders 11 community corrections offices</p>
Southern	<p>South of central region, east and south of Metro region, out to NT and NSW borders Regional Office: Upper Mt. Gravatt privately managed centre (St Vincent De Paul) supervises approx. 5,600 offenders supervises 70 prisoners at West Brisbane community corrections centre 7 community corrections offices</p>
Metro	<p>Brisbane, Redlands, Redcliffe and Pine Rivers areas Regional Office: Brisbane supervises approx. 5,300 offenders supervises 35 female prisoners 8 community corrections offices</p>

Source: DCS 1999

OVERCROWDING

When considering the huge sums required to build prisons as a response to prison overcrowding, it is too simplistic to conclude that it would be cheaper and more efficient to simply send the prison 'overflow' to community corrections to be supervised. While much has been written about the negative effects of prison overcrowding, initiatives to combat such crowding by increasing use of community-based sanctions must take into account the overcrowding of community corrections (Rosenfeld and Kempf 1991). It is argued that it is 'ridiculous to expect community based diversion programs to achieve any success as an alternative to imprisonment if they suffer from the same sort of crowding that exists in the prisons' (Pratt 1999, 38). The paradox is that there is significantly more concern shown for overcrowding within custodial institutions than for overcrowding within the community corrections sector. For 'we often discuss the problem of institutional overcrowding, but neglect to mention the crowding problems of community corrections' (Clear and Braga 1998, 111).

Yet, the offender-to-staff ratio for community corrections ranges from 61.2 offenders per staff member in Queensland to 8.5 in the Northern Territory for 1998-99. Queensland also has the highest ratio of offenders to operational staff (77.8) and offenders to other staff (285.9) (Productivity Commission 2000). Staff numbers in general in the Department of Corrective Services have grown 76.7 per cent in the last seven years. However, only 15 per cent of these staff is employed in community operations (DCS 1999).

A decade after Kennedy's report into Queensland's corrections (Kennedy 1989), it is apparent that the conditions and problems that his inquiry addressed are still prevailing. Prison overcrowding continues to be a major problem with the prison occupancy rate reaching 124 per cent as at June 1998 (*CJS Monitor* 1999, 4 February) while later that year Queensland's prisons were holding almost double their intended capacity. As more prison beds were brought on stream, this was reduced to a capacity of 107 per cent in June 1999 (DCS 1999) although it is well acknowledged amongst correctional administrators that the optimal capacity rate is between 80 and 90 per cent (Woolf and Tumin 1991).

In spite of the huge numbers in Queensland serving community sentences, there is no relief from the most pressing issue of overcrowding in Queensland's prisons. Frank Peach, the Director of Queensland's Department of Corrections, has professed that: '*community corrections has a vital role to play in crime prevention and has the added benefit of keeping people out of prison. As stated in a submission corrections should not be a euphemism for prisons. Its value has been recognised within the corrections system and additional resources are required to maintain satisfactory levels of supervision*' (Peach 1999, 80 emphasis in original).

Despite the Department of Corrective Services' large-scale capital works to extend the prison estate, there remains extensive 'doubling-up' of prisoners (DCS 1999). The annual expenditure on capital works in 1998-99 reached \$141 million while this spending continued in 2000 (DCS 1999; CJC 2000). Spending has been on new prisons at Rockhampton (\$90m), Wolston (\$132m) and plans for one at Maryborough (\$97m), plus extensions to Borallon (+\$15.5m), Arthur Gorrie (+\$34m) and Woodford (+\$69m). The Corrective Services Minister was quoted as saying that the need for secure facilities was 'a fact of life' (*Corrections News*, July 2000). It is anticipated that there will be one prisoner per cell by October 2002, ending the 'biggest correctional infrastructure program in the state's history' (*Corrections News*, July 2000).

RELATIONSHIP TO PRISON NUMBERS

In defiance of legislative attempts to ensure that prison is used as a last resort by sentencers, the Queensland imprisonment rate has been increasing since mid-1993. Queensland has the highest adult imprisonment rate of any Australian State, more than 40 per cent above the national rate, with an imprisonment rate of 191.5 per 100,000 (*CJS Monitor* 1999, 4, February). The prison population has risen 123 per cent in the five years from 1993-94 to 1998-99 while the community corrections population has risen only 28 per cent (CJC 2000). Queensland's aggregate rate of punishment (imprisonment plus community correction penalties) is the highest in Australia at 736.2 per 100,000 (Productivity Commission 2000).

We are yet to reach a conclusive answer to the question why the prison population is escalating so dramatically. The Criminal Justice Commission Report (2000) into prisoner numbers in Queensland concludes that it is a combination of several factors including police activities and use of technology, court decisions and correctional administration. The decline in the proportional use of community corrections was one factor that impacted upon the prison population increase, as was the failure rates of people sentenced to community punishments (CJC 2000). Indeed, in 1997-98 there were 1,318 people admitted to prison for revocation of a community sentence, a substantial increase on the 1,081 admitted in 1996-97 (CJC 2000).

Another likely factor is the greater use of prison sanctions emanating from the lower courts. Such courts appear to be making more use of imprisonment as a sentencing option, even though sentence lengths do not seem to have increased (*CJS Monitor* 1998, 3, April). So, although the total number of appearances in the Magistrates Court fell between 1992-93 and 1996-97, the number of appearances for which imprisonment was the most serious outcome rose by 42 per cent, from 2,994 to 4,253 (*CJS Monitor* 1998, 3, April). This rise was due primarily to a marked increase in the number of convictions for 'enforcement of order' matters from 3,296 to 6,984, where on average, 19 per cent of these convictions resulted in a prison sentence (*CJS Monitor* 1999, 4, February).

And contrary to the Kennedy recommendations, the use of imprisonment in the case of fine defaulting is still a major contributor to increasing prison numbers. For example, in 1997-98 over one-quarter of all people admitted to prison were imprisoned for fine default only, almost one-third of whom were of Aboriginal or Torres Strait Islander descent (*CJS Monitor* 1999, 4, February). Fine default only admissions averaged 227 per month, and in June 1998 there were 151 fine defaulters in prison representing 3.4 per cent of the total prison population.⁵ Admissions of fine defaulters to prison have increased in recent years, from 1,315 in 1994-95 to 2,721 in 1997-98, a rise of 107 per cent. Over the same period the number of fines ordered by both Magistrates and SETONS Courts⁶ rose by 47 per cent indicating that the number of imprisoned defaulters does not just reflect an increase in the use of fines (CJC 2000).

A further possible reason for the continued increase in imprisonment in Queensland is that it has become more difficult for prisoners to obtain early release, especially since the issuing of new early release guidelines in mid-1997 and the replacement of the membership of the Queensland Community Corrections Board (*CJS Monitor* 1998, 3, April). The latest amendments to the *Corrective Services Act* includes the abolition of all forms of supervised community release for prisoners serving under two years and replaces this with unsupervised 'conditional release' after serving two-thirds of their sentence whilst also abolishing all remissions (PLS 2000, 3). During 1997-98 community corrections boards granted fewer applications for supervised release, despite the increase in the number of prisoners (*CJS Monitor* 1999, 4, February). This may in part be due to the overcrowding of community corrections and the perceived lack of supervision that released offenders will receive if allowed back into the community.

PROBLEMS FACING COMMUNITY CORRECTIONS

The changes to, and significant expansion of community corrections since their inception have not been without undesirable or unforeseen consequences. Perhaps most seriously, community corrections have been characterised as suffering from a 'crisis of legitimacy' (Burrell 2000, 19). While they are legitimate in that they are authorised by law and used extensively, they suffer from 'a number of ailments which flow from their less than fully "legitimate" status among institutions of government. These ailments include inadequate funding, crushing workloads, a poor (if non-existent) public image, and a lack of political support' (Burrell 2000, 19). Community-based sanctions, as alternatives to custody, are also characterised as suffering from 'a lack of clarity' (Vass 1990, 45) with confusion surrounding their role and primary tasks in the criminal justice system. Community sanctions 'appear to be all things to all people, trying to satisfy all kinds of penal philosophies. They punish, rehabilitate, reform, save money for the taxpayer, are humane and give something back to the community requiring offenders to make reparation' (Vass 1990, 45).

Perhaps in the face of such confusion surrounding the aims and desired outcomes from community corrections it is surprising then to find them used so extensively. While it is

clear that Queensland has seen a significant drop in the proportion of those sentenced receiving non-custodial sanctions, there remains a staggering number of people in the State under some form of community supervision. This has led to severe overcrowding in community corrections, compounding the stifling fiscal constraints placed on the service providers. While a significantly cheaper alternative to prison, there continues to be unchecked growth in the prison population with the treasury forced to spend heavily to cope with the pressures of overcrowding. Lacking purpose, funds and being perceived as ‘failing’, community corrections in Queensland are clearly in a state of crisis.

Privatisation of Custodial Corrections

THE PUSH TO PRIVATISE

In recent years, the public sector has come under intense pressure to perform to the same standard as the private sector, with taxpayers demanding that the benefits brought by competition be replicated in the public arena (Greiner 1999). Despite opposition, countries across the globe have been privatising traditional public services, with the trend to privatise encouraged by increasing questioning of the role of government in society (Greiner 1999). It is not uncommon today to find states or countries with private health care, education, energy providers, communications systems and so on. Australia likewise has seen a proliferation of public services privatised or corporatised (Greiner 1999).

Criticism of the privatisation of essential public services has been rife however, with blackouts in Auckland, the contamination scare in Sydney and the Victorian gas crisis being blamed on privatisation and corporatisation (Greiner 1999). A great deal has been written about the privatisation movement and the moves by increasing numbers of governments to relieve themselves of their more onerous burdens by 'privatising', 'contracting-out' or 'out-sourcing' (Savas 1982). While these developments have sparked widespread debate and controversy, none perhaps have attracted more criticism and disagreement than the wholesale contracting-out of prisons and other elements of the criminal justice system.

The utilisation of private enterprise to handle society's 'criminal classes' is by no means a new idea (Chan 1992b; Feeley 1991). While prison services such as health and food provision have long been out-sourced with little controversy, the wholesale contracting-out of prisons has ignited vigorous debate encompassing arguments over fiscal, practical and ethical considerations. These developments came almost 20 years after the first private contracts for community treatment centres and halfway houses in the US (Logan 1990). These first contracts however, were primarily held by voluntary organisations, largely charities and religious or church-groups (Gold 1996). It was not until 1975 that the first

'for-profit' organisations began to enter the corrections market (Logan and Rausch 1985) with the US Immigration and Naturalisation Service (INS) awarding the contract for the provision of detention centres for illegal immigrants to a private company in 1979 (McDonald 1998).

Although the prime motivations to privatise have differed slightly in each country, many of the underlying themes and influences that led to privatisation are common across jurisdictions. These have included the need for large-scale prison construction schemes in response to severe overcrowding and appalling prison conditions resulting from increased imprisonment rates due to punitive 'get tough' political campaigns (Bryson 1996; Roper 1986). In addition, with the prison population in the USA now over 2 million where both State and Federal prison systems are running well above their bed-capacities, there is now a healthy brokerage industry in the trans-shipment of prisoners between jurisdictions (*The Australian* 11 December 2000). Also the desire to 'shrink government' (Savas 1982) and to save taxpayers' money have been strong motivating forces (Logan and Rausch 1985). Problems with recalcitrant unions and the need to stimulate organisational reform within prison systems was also common (Moyle 1992; Rutherford 1990), as was the perceived need to make public sector management subject to the same pressures and benefits brought by competition, including the creation of 'benchmarks', fiscal justification and budgetary restraint (Harding 1994; Kleinwort Report 1989).

PROBLEMS OF PRIVATISATION

Debate surrounding the wholesale privatisation of correctional centres has focussed to date on cost-benefit analyses and comparisons of quality with some literature addressing the ethical and philosophical issues raised by the privatisation of the state's coercive powers. Supporters of privatisation have espoused benefits arising from the creation of a corrections marketplace, including the cutting of corrections budgets where some suggest the costs are reduced by up to 30 per cent (McIlwraith 1996; Wynder 1993), faster construction and operationalisation of facilities (Mullen 1985; Palumbo 1986), cheaper running costs (Crants 1991) and increased efficiency (Logan and Rausch 1985). While critics argue that it is inappropriate to develop a 'corrections commercial complex' along

the same lines of the 'industrial commercial complex' (Lilly 1993), supporters respond that companies cannot survive in today's highly competitive marketplace by artificially creating markets or by satisfying spurious needs, so as such they are simply anticipating a need and responding to demand (Logan 1990). However, one prevailing view is that: 'given its primary motivation of profit-seeking ... [the private sector] tends to seek to supply resources that go beyond any demonstrable need or demand. In short, the profit-making impetus of the private sector is such that it might be in its own interests to create demands in the absence of any need' (McMahon 1998, 111).

The main obstacles then for achieving widespread approval of private sector involvement in corrections is the profit motive. For example, CCA has now spread its private wings in 32 states in the USA, is listed on stock exchanges, and (until recent problems) was claimed to be making generous profits for its shareholders. Indeed, it is suggested that the private prison market in the USA is worth in excess of \$4 billion (Ervin 2000) and many rural centres actively vie for a new prison to be built in their areas to supply much-needed jobs (*The Australian* 11 December 2000). The for-profit motive in the US is not just in construction, nor in managing private prisons, but now there is considerable concern expressed over the sweatshop labour conditions (factories behind bars) under which the corporations make additional money by manufacturing goods (Ervin 2000). Here UNICOR operates in Federal US prisons and produces in excess of 500 items ranging from missile components to furniture with millions of dollars of annual turnover for these low-waged prison factories, and many well-known multinational companies are utilising the services of prison labour (Ervin 2000).

So, it is the pursuit of profit, which lies at the root of almost all objections to privatisation of custodial facilities, where concerns focus upon cost-cutting measures, which impact upon quality, safety and security standards for both staff and inmates. While supporters have suggested that private companies are subject to more pressures than the public sector, such as profit generation, competition and scrutiny by shareholders, and that such pressures make them more accountable than the public sector (Wynder 1993), concerns remain about the accountability and monitoring of private prisons (Gentry 1986; Robbins 1986). The

reality of private corrections also diminishes the strength of this argument as we are yet to witness the emergence of a truly competitive market with very few companies constituting the private corrections field (McCartney 2000). The idea of competition is also relevant to the argument that there would be 'cross-fertilisation' with the introduction of new, innovative companies spelling widespread benefits throughout the penal system (Harding 1997). The validity of this 'cross-fertilisation' is yet to be proved, although research is being conducted to gauge the impact of privatisation on public prisons.

A further potential concern with the privatisation of prisons is that it is not at all clear that all companies will be able to satisfactorily fulfil their obligations. Some may not profit from the enterprise and indeed, may falter. There are reports that one of the biggest corrections companies in America, Corrections Corporation America (CCA), with sister companies running prisons in Australia and England, is currently fighting for survival and has been forced to sell its sister companies to a French firm (PPRI 2000). While it is assumed that companies will prosper, the danger is that some may go bankrupt or be forced to leave the market, entailing a practical and administrative nightmare for governments. In Victoria the government recently had to resume control of a private prison that was plagued with problems including inmate unrest and prisoner suicides. After repeated warnings, the company was unable to satisfy their contractual obligations and appeared unwilling to rectify major faults with the prison, forcing the government to step in and regain control (PPRI 2000).

Hence, at a practical level the initial writing of contracts and their enforcement are seen as problematic due to the product complexity and intangible nature of much of corrections. Important and complicated issues such as legal liability and offender management need to be clearly spelled out from the outset. Private prisons contracts have been jealously guarded and treated as 'commercial in confidence' (DiLulio 1989). This secrecy has meant that there remain questions about what standards are being demanded of the companies and whether these are being met (Moyle 1994). There is also the need for strict contract monitoring and enforcement, conditions that to date have not been satisfactorily met with regard to private prisons (Brown 1994).

In the prison privatisation debate, there are diametric arguments as to the desirability of the private sectors' ability to 'skim' the best inmates by exempting themselves from accepting 'costly' inmates such as HIV/AIDS inmates, disruptive prisoners or mentally unstable and suicidal prisoners (McCartney 2000). Critics argue that this will create a 'two-tier' system with the state left to deal with costly high-security and 'undesirable' inmates in old, under-resourced prisons, while the private sector houses low-security, low-cost inmates in modern facilities (Bowditch and Everett 1987). The state then has not circumvented the problems of cost and problems associated with housing dangerous offenders, hindering meaningful reform.

Finally, one of the most vociferous objections to privatisation concerns the influence that prison personnel have not only over the administration of punishment, but also its allocation (Harding 1992; Press 1989). Disciplinary procedures and release recommendations, security classifications and so on, not only impact upon the nature of imprisonment but the duration. Opposers report that 'privatisation of disciplinary and discretionary functions in prison will allow personnel paid and managed by private corporations to impose rules upon inmates convicted by the state' (Wecht 1987, 829). The profit motive could then potentially play a role where 'unscrupulous corrections entrepreneurs would perversely rig parole recommendations to release prisoners who are troublesome, dangerous, sickly or otherwise expensive to detain, whilst holding onto the more profitable inmates' (Donahue 1989, 176).

Aside from these pragmatic or 'tangible' pitfalls and potential problems with privatisation, there is a wealth of material concentrating upon more abstract, ethical and philosophical benefits from or objections to privatisation. Such issues include the clarification of the aims of sentencing including imprisonment and community penalties, the symbolism of the criminal justice system and the legitimacy of the delegation of state power to punish. While many see benefits such as the clarification of the aims of sentences of the courts, others see privatisation as a diversion from the real problems faced by corrections where 'an enlarged role for the private sector seems both irrelevant and a diversion from crucial and urgent penal policy issues. The problem is not that there are insufficient prisons but

that there are far too many people in prison' (Rutherford 1990, 65). While some opposed to privatisation question whether it is 'morally' right to privatise, regardless of possible fiscal and other benefits to be had (DiLulio 1989), such objections will have to be overcome if countenancing the privatising of community corrections.

PRIVATE PRISONS IN AUSTRALIA

When considering private custodial corrections, it should be noted that recent developments in corrections in Australia have included the privatisation of prison services, construction, and more recently, the management of correctional facilities. The first private prison, Borallon Correctional Centre, opened in Queensland in 1990. By 1997-98, four States had private prisons with over 15 per cent of Australia's prisoners detained in privately-run facilities, the greatest percentage to be found in any country (AIC 2000). In 1998-99 there were almost 20,000 individuals being held in 97 prisons, of which 15 were private (Productivity Commission 2000). Queensland has an imprisonment rate approaching 200 prisoners per 100,000 adults, a figure that is close to that of WA and only exceeded by the rate in the NT for 1998-99 (Productivity Commission 2000). Debate continues as to whether this move to privatise prisons in Australia has proved successful in saving government money whilst maintaining high standards and achieving legitimacy (McCartney 2000; Moyle 1994; Harding 1997).

Privatisation of Community Corrections

OVERVIEW

While there is a substantial body of literature on the privatisation of prisons and other elements of the traditionally public sector (such as private policing, health and so on) there is little discussion to date on the privatisation of community corrections (Lucken 1997). The small body of literature that does exist has focussed on juvenile services (Curran 1988), adult probation (Lindquist 1980) and electronic monitoring (Lilly 1992; Lilly and Ball 1993). Most of the existing empirical research and literature relates to custodial settings. There are a few notable exceptions (Meyer and Grant 1996) that point to privatisation as one way to ‘revolutionise the use of community based sanctions’ on the basis of cost, efficiency and rehabilitation measures. Indeed, it can be argued that ‘unlike prison privatisation, a coherent and comprehensive picture of private offender treatment in community corrections is lacking’ (Lucken 1997, 245).

There are specific concerns that pertain to the privatisation of community corrections. These incorporate many issues but again, but tend to centre upon suggestions that the pursuit of profit may override societal goals and concerns where company interests may prevail over public interests. For community corrections the problem of profit-seeking is a complicated one.

International developments in community corrections — the use of the private sector in some US jurisdictions and developments in other areas of public service and the criminal justice system in particular — can potentially provide some useful indicators for reform within Queensland community corrections. Such assessment should encompass rigorous research into the potential for private sector involvement as a partial if not total solution to some of the problems encountered today. Indeed, it has been suggested that ‘privatisation may be one way to put some justice back in criminal justice’ (Meyer and Grant 1996, 102).

Yet, the supervision of offenders in the community and their rehabilitation has traditionally been viewed as the responsibility of government (Curran 1988), 'thus for much of the twentieth century, the task of rehabilitating offenders officially has fallen on the state' (Lucken 1997, 247). The use of volunteers and non-profit organisations however, does have a relatively long history in community corrections (Paparozzi and Wicklund 1998). What is new about recent developments and proposals is the increasing involvement of private, for-profit entities, as distinct from the private non-profit groups that have historically dominated community corrections (Paparozzi and Wicklund 1998).

While it is clear that some governments (particularly the United States), are contracting for services such as drug testing, electronic monitoring, offender assessment and halfway houses (Paparozzi and Wicklund 1998), in contrast to the welcome that 'for-profit' organisations have received by purchasers of custodial correctional services, 'private sector involvement in community-based programs appears to be encountering both veiled and open opposition from the correctional establishment' (Lindquist 1980, 58).

It remains the subject of debate whether community corrections can be successfully privatised or whether it is simply too complicated. Those who believe efforts by governments to 'rationalise' their operations by cutting government spending and limiting their responsibilities see that 'it is a mistake to think that only prisons can be put up for tender. Non-custodial penal measures can equally experience the same fate. Community service could be the first candidate for such treatment because it is so easy to operate by private contractors and could be a very profitable enterprise' (Vass 1988, 50).

The question now being posed is whether the private sector can be utilised within other areas of the criminal justice system including policing, courts and community corrections. This current debate will force a thorough and considered assessment of community corrections, recommended by the Peach Report (1999), and an analysis of the reasons behind their failure (or perceived failure), in the last decade.

PRIVATISATION CONCERNS

There are pitfalls similar to those faced by private custodial corrections that are of particular concern when considering privatising community corrections. The potential for bankruptcy for example, may be especially pertinent in the case of community corrections where there is a risk that thousands of offenders may be unsupervised while a company withdraws its services and the government either takes over or contracts with a third party. Important and complicated issues such as legal liability in the case of offenders re-offending whilst under community supervision will need to be clearly spelt out from the outset.

A second major concern is the problem of creating a two-tier system. This may be heightened with the private sector only trusted to deal with low-risk, non-violent offenders who require little supervision and therefore are low-cost, while the state remains liable for the high-risk, intensive cases and those not judged suitable for private sector supervision. The selection of offenders for community service may be influenced by the profit motive and that companies will refuse to accept the 'hard cases' which 'raises the spectre of a two-tier system of justice where society's "throwaways" are jailed and those enjoying a more favoured status receive community based sanctions. Discrimination will occur if some offenders are deemed ineligible for community corrections simply because no firm will accept them into their programs' (Meyer and Grant 1996, 99).

The third concern is the power that employees of private companies would wield over offenders. The profit motive is particularly problematic because it has the potential to translate into more costly offenders having their orders revoked by private personnel, sending them to prison and relieving the private company of their supervision. Lucken (1997, 255) details the specific problem with regard to community corrections 'as both the inventors and the administrators of screening/evaluation devices and treatment service types, [private] treatment agencies in effect control definitions of who is to be punished or treated ... they also control the frequency, intensity, and duration of program participation and, therefore the type or degree of punishment or treatment received'. Safeguards are

clearly required to ensure that offenders' rights are protected and that they retain the right to due process of law and not be subject to spurious decisions by private personnel.

A more generalised or abstract concern is the problem of acceptance of private community corrections. This is of particular importance when considering the perceptions of criminal justice officials and judges as they are crucial to the implementation of privatised community corrections (Meyer and Grant 1996, 96). Also, the loss of public goodwill could also impact negatively upon community corrections although public opinion of community-based corrections is not high at present (Meyer and Grant 1996, 97). There are also concerns of corruption and the possibility of the unequal treatment or exploitation of offenders where offenders may be exploited either through 'commission' (abuses) or 'omission' (neglect) which would be difficult to detect 'because of the problem of hidden delivery' (Meyer and Grant 1996, 98).

However, Meyer and Grant (1996) consider that provided proper regulation is in place, privatisation may be able to revolutionise community corrections. While they point out that proper regulation is one of the most important issues, they also address the problems of laying down clear guidelines to establish private companies' rights in determining who they will service. They also highlight the problems of monopolies limiting the ability of governments to withdraw contracts despite problems with services.

They use as an example of successful private sector involvement in non-custodial punishment, the hiring by some courts of fine coordinators who determine the offender's ability to pay and arrange payment plans (Meyer and Grant 1996, 94). When offenders then default these coordinators remind offenders and a private collection agency collects as much of the fine as possible. Meyer and Grant (1996, 94) state that a private company 'can easily fulfil all of these functions. For a portion of the fines they collect, entrepreneurial companies can monitor the fine process and report back to the court when the fines are paid in full'.

UNITED STATES

The US Department of Justice reported in 1987 that there was a significant increase in cooperation between the public and private sectors, stemming from a 'number of interrelated pressures and challenges' (Jensen 1987, 1). These included the increased 'legislative targeting of services' meaning that community based agencies have 'frequently been the only organisations available with service capabilities in these areas' (Jensen 1987, 1). It has also been the result of a policy of deinstitutionalisation where local governments now purchase services (ie mental health, job placement programs) to reintegrate previously institutionalised clients. Other fiscal and political accountability pressures have forced local governments to assess cost effectiveness and private sector capabilities and adopt alternative service delivery mechanisms that often rely on the voluntary sector (Jensen 1987).

In California, these challenges for community corrections have eventuated in a number of service delivery options: the operation of programs by the public sector; 'voucher schemes' whereby eligible clients obtain services from service operators directly; and contracting with 'for-profit' organisations and contracting with 'non-profit' organisations (Jensen 1987, 1). As long ago as 1980, contracting with voluntary sector organisations represented an expenditure of US\$7.3 billion dollars a year of federal dollars (Jensen 1987, 1). There are a variety of contracted services including residential programs, counselling and treatment programs, testing (ie urinalysis, employment/aptitude tests) and administrative services (Jensen 1987, 1).

In another US jurisdiction, the Connecticut Office of Adult Probation (OAP), there has been a realisation that they were being increasingly expected to compete with the private sector (Bosco 1998). The conclusion was drawn that the only way forward was to 'partner' the private sector. This decision was taken due to an increasing workload, staff shortages and a shrinking budget, where caseloads for officers reached an average of more than 200, with some officers supervising more than 300 offenders (Bosco 1998). In response to limited options and resources, the office took advantage of Connecticut's predisposition toward privatising government services (Bosco 1998). The bidding process resulted in a

contract with General Security Service Corporation (GSSC) for the Level III Monitoring Project. GSSC assists OAP in monitoring a majority of Level III (low-risk) population, those primarily who are minor offenders with few needs and whose past records reflect little or no violence (Bosco 1998). Data showed that 90 per cent of these offenders successfully complete their probation with little or no officer intervention, however, the administrative duties and so forth meant that they were still time consuming.

Under the contract arrangements, the OAP screens all cases prior to referral to GSSC and the OAP office retains the authority and decision-making powers. Apart from relatively straightforward compliance monitoring and responding to queries, the contractor does not have to undertake any active supervision of the offender and they have no face to face contact (Bosco 1998). Bosco, the director of OAP, explains that because of the contract, OAP has been able to reserve their own personnel for the cases requiring greater supervision (higher risk cases) although he stresses that: 'it is important to understand that this privatisation initiative was created in response to a growing caseload and lack of staff and that its main focus is to provide a resource for OAP, not to replace the agency' (Bosco 1998, 12).

Whilst the benefits stated include reducing the staff deficit at a reduced cost to the state and increasing the office's ability to monitor Level I cases, the director argues that while the 'success of this privatisation initiative could potentially foster an attempt to expand monitoring into the higher risk offender pools, I believe that the real measure of its success is in the agency's ability to use its resources to control recidivism of the highest risk offender population' (Bosco 1998, 12).

It is well known that one of the greatest challenges in corrections is the successful reintegration of mentally disordered offenders (Healey 1999). In New York in 1989, the Office of Mental Health began funding a contract with a private organisation that helped parolees with mental disorders with citizenship issues and social services, such as qualifying for and receiving benefits (Healey 1999). The rationale for this was stated as assuring that parolees with the assistance of the private contractor, would qualify for

income and services from State and Federal agencies by the time that the Office of Mental Health support payments ceased (Healey 1999).

Whilst researching the use of private contracts and communication between agencies involved in providing community supervision, Healey (1999, 8) found that correctional staff suspected some program staff of being 'lax in reporting violations because they either may be tolerant of some degree of relapse or have no desire to report client failure and thus risk losing program income'. Healey (1999, 8) concluded from her research that the most serious challenge for correctional staff was to 'establish open and positive working relationships with the service providers of choice'. She warned that 'disagreement between the correctional case manager and program manager or treatment staff over the use of sanctions for probation or parole violations can create a tense working environment'. However, the research still indicated benefits of contracting-out with the power that community corrections agencies possessed to choose their own service providers meaning that, should the private contractor fail or, 'if treatment program staff are uncooperative, the probation department can just not renew their contract' (Healey 1999, 9).

Lucken (1997) uses the case of Florida as an example of the benefits to the private sector of public/correctional funding with the Florida Department of Corrections dispersing approximately US\$25 million to 65 contracted mental health and substance abuse providers. Such agencies were also funded directly by court-ordered self-paying offenders (Lucken 1997). Taking into account the fees charged by these agencies, Lucken (1997, 251) concludes that: 'the various compensation figures associated with offender treatment (e.g. state funding for indigents, direct offender payments) leave little doubt that, for therapeutic entrepreneurs, crime pays'. However, Lucken (1997, 251) goes on to ask whether offender treatment decisions are made 'with profit considerations in mind' and expresses concern that such considerations of profit and 'customers' may 'intrude upon the administration of punishment'.

VICTORIA

In Victoria since 1992, government policy has stated that maximum use should be made of contracting services from the private sector. The government considers competition ‘an integral part of reform, as there is usually a greater focus on outcomes, increased financial accountability and control, improved management practices and a significant transfer of risk to the private sector’ (Johnson 1997, 2).

It has actively pursued a policy of privatisation within its correctional services and currently houses approximately 40 per cent of its inmates in private prisons. Although the private sector plays a major role in custodial corrections, privatisation has had little impact on community corrections (Johnson 1997). However, the voluntary sector has long held a traditional involvement with community corrections and this sector remains influential although in a non-financial capacity (Johnson 1997).

When considering the privatisation of community corrections in Victoria, three models were considered. These ranged from contracting-out aspects of the service, offering areas or functions for competitive bidding, to wholesale privatisation where a direct competitor is introduced to all functions of community correctional services (Johnson 1997). This wholesale privatisation was rejected on the grounds that ‘such a model requires considerable time to establish and requires adjustments in traditional funding models’ (Johnson 1997, 4). It was also determined that changing the role of the Courts and Parole Board — so that they had to be purchasers of services and not just sentencing authorities — was a huge challenge and one that may prove unacceptable to the judiciary (Johnson 1997).

The Victorian government decided therefore that the contracting-out of aspects of the service was the preferred option because ‘it presented least risk to Government, was a means of reducing cost, would introduce benchmarking, would begin to stimulate the market and introduce the concepts of competition into community correctional services’ (Johnson 1997, 4).

NEW SOUTH WALES

In New South Wales, the contracting-out of services has been characterised as an ‘evolving’ practice in community corrections (Smith 1997, 1). This has been necessitated by ‘the recognition that a community corrections organisation does not have the collective expertise and resources to deal with every presenting client group’ (Smith 1997, 1).

The move to contract out resulted from the New South Wales Probation and Parole Service commitment to change and desire to ‘increase effectiveness in service delivery and to address the issue of accountability to the judicial system and the community’ (Smith 1997, 1). The rationale behind it is presented as being four-fold. These include arguments of increased creativity in solving problems and expertise dealing with specific target groups; increased efficiency with lower administrative overheads and ease in responding to specific service delivery needs; increasing participation in strategic planning exercises with knowledgeable groups and fourthly, sharing the responsibility for service delivery while retaining authority (Smith 1997).

Table 4: Programs in New South Wales

drink-driving repeat offenders
substance abusers
relationships/communications issues
anger management and resolution of conflict
domestic violence
transitional phase guidance for newly released parolees
psychological and psychiatric assessments and therapy
gambling and other addictive behaviour programs
intellectually disabled offenders
culturally defined groups (ie Vietnamese, Lebanese)
cultural and educational groups (Aboriginal)

Source: Smith 1997

The New South Wales correctional department has formed partnerships with service providers to contract the design and implementation of several offender management

programs where gaps in service provision exist and it has been determined that the Probation and Parole Service are not equipped to fill the gaps (Smith 1997).

A stringent requirement for all of these contractual programs however, is accompanying quantitative and qualitative evaluation (Smith 1997). The benefits of contracting-out for the Probation and Parole Service include its ability to consult and monitor the provision of programs whilst retaining control over offender intervention, thus maintaining accountability (Smith 1997). Contracting-out is said to allow flexibility, a choice of service providers and competitive tendering which enhances economic control and appropriate use of resources while implementing a targeted approach to offender groups (Smith 1997). Contracting-out of these services has been characterised as ‘a complementary facet to supervision’ (Smith 1997, 4) with the role and functions of Probation and Parole Officers redefined and their caseloads reduced, ‘heightening Officer’s ability and availability, to engage in more meaningful individual casework’ (Smith 1997, 4). It is also involving the community in offender management, sharing responsibility for their supervision and reintegration and giving the community a ‘voice’ in planning (Smith 1997, 4).

QUEENSLAND

In Queensland, community corrections has two distinct elements with community custody and community supervision. Community custody comprises the WORC scheme — a camp concept in ten outback locations in the west of Queensland, and community corrections centres (DCS 1999). Queensland has upwards of 350 offenders in these centres at any one time, with approximately 8 of these centres operated by private providers (Musumeci 1997, 1). The contracting-out of these centres is similar to that of private prisons (of which there are two in Queensland).

Queensland first contracted with private providers for community corrections in a remote Aboriginal community in 1992 as a reaction to difficulties providing an adequate service to a small Aboriginal community (Musumeci 1997). Although there was no major profit involved, both the community and the Department of Corrections benefited from the arrangement whereby the Aboriginal Council provided an officer to supervise offenders

and initiate community development projects and the department paid a salary and provided training (Musumeci 1997). This situation is similar to that of Alberta, Canada where community supervision and custodial programs for native people are managed by Native Councils (Musumeci 1997). Further private centres are run in the far north of the State by Aboriginal Councils while there are two small community corrections centres in Cairns and Rockhampton run by ACRO (Australian Crime Prevention Research). Two large centres near Brisbane are managed by St Vincent de Paul and the other, Shaftesbury Citizenship Foundation, is operated by the Uniting Church (Musumeci 1997).

Whilst not involving private enterprise, Queensland has a well established 'volunteer program' in which volunteers are trained as community corrections officers. These volunteers often tend to be university graduates who then seek work, often successfully, within community corrections. There is also a 12-week training program run specifically for professionals from other areas of the criminal justice system and beyond. The program runs for 2 ½ hours a week and covers topics such as the role of community corrections and community correctional officers within the department. The course also includes instruction on all community-based orders, courtroom procedures, core and elective programs, suicide prevention, cross-cultural awareness and the code of conduct. The Metropolitan Region Programs and Training Officer states that 'the program is aimed at promoting community corrections within the criminal justice field with graduates taking away a greater awareness of community corrections to their respective professions' (*Corrections News* July 2000).

While the potential for privatising community corrections, either wholly or partially, was not within the remit of the Peach inquiry, the report noted that 'a focus on cost recovery and securing new contracts, for example, contracts with Centrelink to run employment services was also criticised by community corrections staff as distracting from the core business of offender rehabilitation and supervision' (Peach 1999). Therefore it could be anticipated that any efforts to privatise or incorporate the private sector to a greater extent, may encounter opposition from community corrections personnel. For 'the majority of staff did not support the corporatisation of corrective services because they believed that

the supervision and management of offenders in the community should not be based on profit margins or viewed as a business opportunity' (Peach 1999, 81).

A further potential problem is that community corrections offices and staff need to maintain respectful relations with local police, courts and other relevant agencies (*Corrections News* 15 November 2000) that might not be possible where private providers are involved. Communities need to feel secure that the offenders being managed in the community are receiving adequate supervision and rehabilitative programs. The corollary is that the community also need to be involved in these enterprises if offenders are to receive adequate care and supervision. In order to have more community involvement of a communitarian nature, perhaps private operators working more closely with the community or indeed being developed by the community is a positive way forward to encourage greater use of community corrections options.

The concept of devolving state responsibility back to communities is not a new one, but has gained even greater credence in the justice realm with some experiments taking place in the new South Africa (see Clifford Shearing in Braithwaite 2000). The idea is that the pot of money allocated for community corrections could be placed for tender and it is hoped that local community groups will vie for them (Braithwaite 2000). This is a very different process however than calling for tenders from experienced multinationals like CCA and Wackenhut. So there is scope for 'privatisation' but one would be more inclined to label such a shift in emphasis as 'communitisation'.

Responses from Key Stakeholders

Both from the literature on private prisons and our own investigations into the privatisation of community corrections there are a number of identified problems. Most of these accord with all the issues raised about privatising custodial corrections and many of them are likewise based on political or ideological grounds rather than any empirical evidence as there is little of such evidence existing. However, there are also some significant differences that were highlighted by our contacts working in the field and these are discussed below. The three broad areas of concern can be categorised as: practical, accountability and philosophical issues (see Table 5).

Table 5: The main concerns regarding the privatisation of community corrections

Practical	Accountability	Philosophical
funding	contract specifications	economic rationalism
profit motive	monitoring process	political motivations
staff morale	quality control	state responsibility
bidding process	quality of performance	correctional philosophy
service instability	evaluation/measurements	public vs private sector
leakage		
voluntary sector		

PRACTICAL CONCERNS

Funding

Community corrections have always been continually ‘downsized’ (another 10 per cent reduction in funding proposed for next year) and one commonly held belief was that privatisation would only proceed as part of a further downsizing exercise. Those working in the field complained that there is continual pressure to minimise budgets. This pressure comes on top of the fact, widely believed, that community corrections are not funded properly. Their operating costs are said to be worked out inaccurately or incorrectly, resulting in serious underfunding. Queensland in particular, as a large and decentralised State, also has to bear the additional costs of the huge distances many offices have to cover, making the usual economies of scale impossible.⁷ It was argued then by many

respondents that the financing of community corrections doesn't reflect the workload. It is this question of how funding equations are calculated that is now the omnipresent debate in community corrections and the basis for ongoing tussles with the treasury.

Correctional administrators commented that they would be very circumspect about recommending privatisation of community corrections as the service was already very cost effective, meaning that there simply is no need for the private sector. Almost all respondents considered community corrections to be very cheap and while severely underfunded and poorly resourced, they remained a significantly cheaper alternative to prison. Community corrections were characterised as being the 'poor cousin' of custodial corrections and partial blame for their continued budget cuts was that Queensland's prisons were so substandard that huge sums of money have been poured into rebuilding the prison estate, leaving other departments begging.

Profit Motive

One key concern to emerge is whether the private sector can offer services at cost or for very little profit. Though it was commented that if the private sector could see a way to make money offering community corrections then they would try, the prevailing view questioned whether margins would be too small for a private company as it is unlikely there is much profit, if any, to be made. This comes largely because the community corrections budget comprises 2/3 salaries and 1/3 administrative and operational costs. While these costs can be minimised there are few areas in which cost-cutting could be implemented. Many of our informants suggested that there is considerable doubt about whether privatised community corrections would indeed be cheaper, with the bottom line being 'you get what you pay for'. As stated, it is firmly believed that community corrections are already very cheap and most regional offices have already minimised their costs. The question now is not how to do things cheaper, but how community corrections can be used effectively and efficiently.

Those working in corrections also commented that it takes years to build relations with the courts, law enforcement personnel and judges etc. (more so in smaller regions and smaller

communities). In order to persuade judges to hand down community penalties, they have to have confidence in the service. If the judge knows that the officer who will be supervising an offender is overstretched and is already supervising over 100 offenders then they will send potentially dangerous offenders to prison instead, not handing down community penalties if they know that offenders won't be properly supervised. It was remarked that the reason judges don't have any confidence in community corrections is because they know about the underfunding and under-resourcing of the service. They know that staff are overstretched so their reluctance is based on their lack of faith that the offender will get the supervision they need. This was then raised as a potential problem with private operators. Judges need to have confidence in the service provided before they will sentence offenders to serve orders that are operated by private contractors. If the companies lack the confidence of the local sentencers then it will not matter how potentially lucrative their contract, they won't make any money if there are no customers.

On a more optimistic note, those who supported (or were not directly opposed to) privatisation noted that such a move could encourage efficiency and innovation. In assessing the bids for private contracts the government would consider those who could combine cost-efficiency with innovation. If they were to provide the same service for the same price then the government would clearly not be interested. If however, they could offer a 'new and improved' service or could prove to be more efficient then a government would be foolish not to at least consider their proposals. These then were identified as the two key areas: efficiency and innovation.

Staff Morale

There were further concerns expressed about how private companies would go about cutting costs and generating profit. The issue of employment was raised, with those employed by the private companies not expected to have common benefits such as superannuation, holiday entitlements etc. Further to this they would not be protected by public service legislation to the degree that present government employees are. Voicing concerns about private employees' rights, there was considerable opposition from public employee unions. While many public employees would be supportive of private staff,

many others would feel threatened by private operators and would be defensive. It was felt that there was a real need for correctional officers to have public union support and the presence of non-union staff members could cause divisions in the department.

Whilst the move to private companies may be a successful way of circumventing obstructive unions, the lack of job security and protection would make staff of these companies vulnerable, resulting in diminished loyalty and a less reliable and stable workforce. Currently, the most common situation found is for poorly paid staff to be working long hours and on call 24 hours a day, seven days a week. Despite this, officers are highly productive and generally very committed even if this comes at a price of 'burnout' of good correctional officers. The stability of the workforce is perhaps more essential in the community corrections arena than any other in corrective services. The pressures and uncertainty within a private service would, it is believed, necessarily lead to low staff morale and workforce instability. There was a consensus of opinion that the return to departmental status following the 1999 Peach Report was a positive move. Staff morale, which had suffered throughout the market testing process when staff were poised to lose their jobs, had been significantly boosted.

Bidding Process

One of the most vociferous objections to privatisation by those in the field was the disruption and instability caused by market testing and the bidding process. Those who have previously been involved in such exercises commented that there was a huge commitment of resources required to prepare in-house bids. The bidding process was also hugely disruptive as they had to have their best people working on it which diverted their attention. People were concentrating on the bidding process rather than their jobs and so 'took their eyes off the ball'. The focus of business shifted from the offender to the specifications of the contract and saving money.

The writing of bids was described as being a very expensive exercise, particularly as it required the involvement of the service's most senior personnel. Even these senior staff members however, still had no idea how to put a bid together so a lot of time was lost with

training and lengthy consultation, those responsible for writing the government bids often on a steep learning curve. It was admitted that, on occasion, time had been spent on bids only for the government to realise that they were not competitive and then pull out of the bidding. Private companies were said to typically spend about \$1 million preparing their bids (for prisons), a sum not available to government departments who nonetheless were expected to proffer high standard bids. There were also questions over maintaining the required full support of the public unions who had to agree to changes in their working practices if bids were to be competitive. Commitment to such changes could be difficult to secure and then sustain through the often long bidding process.

Service Instability

As well as staff stability there are concerns over the stability of services offered by community corrections. There were questions over whether privately-run community corrections could maintain some services that are hugely inefficient (for example, court services where they may sit in court all day in the hope of interviewing an offender). Likewise, the delivery of programs can be very inefficient, where the experience on the ground is that programs may be set up for 20 participants but only five turn up. This then means there has to be a lot of time spent chasing and cajoling offenders — all taking effort and money.

It was felt that the running of community corrections centres and halfway houses would be more feasible for the private sector as the offenders are contained and it is easier to control overheads. These centres could also more easily focus on more tangible goals such as rehabilitation when not ‘worrying about finding people’. There were also obvious benefits for a company to run community corrections centres and halfway houses but not for running ordinary field operations. Community corrections need to spend a lot of time liaising with community groups and with indigenous groups. While the public approach, focussed on the service to the community, allows for this costly and timely liaison, it was not considered likely that a private company could factor such ‘communitarian’ pursuits into their budgets, nor would it have much justification if the pursuit of profit was their primary goal.

One example of a service that had been improved through a form of ‘contracting-out’, was in the employment area of community corrections (where parolees and probationers etc. are found employment). The government asked community corrections officers to perform this task themselves but it didn’t work — community corrections officers preferring to use experts (ie Centrelink, Job Network staff). They believed that it was more beneficial for all, to leave this kind of ‘specialised’ work to others and use employment agencies who were specifically trained to undertake the necessary tasks. By removing even just this extra workload from community corrections officers, it ensured the survival of other services and led to the potential for greater supervision of offenders.

‘Leakage’

Another potential problem identified was the control of ‘leakage’ back to community corrections. Those in the field were emphatic that ‘a lot of things would not get done’ as they would not be stipulated in the contract because of the almost impossible task of writing everything that community corrections officers actually do into a contract. Lots of jobs and tasks normally undertaken would simply be overlooked, either through, ignorance, inexperience or neglect, compromising public and staff safety. The service to the public would also be compromised. An example was provided of a situation arising when QCORR was created. An external member of staff was charged with documenting all the duties of the community corrections office. In the ‘contract’ subsequently drawn up, it was stipulated that the office must open for one evening a week until 7p.m. — in order that people who worked could still report to the office. This seemed a reasonable demand until it was pointed out that the office was already opening two evenings a week for this reason — in the name of ‘service’. So in making this requirement in the contract, the service provided was actually cut back.

It was stated that there was probably more potential for private companies, because of this problem of ‘leakage’ and not covering all the tasks of a community corrections service, to limit themselves to undertaking part of the service. Examples of such readily divisible ‘parts’ could be the supervision of home detainees, drug testing, or supervising a proportion of low-risk offenders. Likewise, private counselling firms may be contracted to

manage the rehabilitation concerns of offenders. In NSW it is suggested that the most likely places to be privatised are CSO schemes (currently run by Probation and Parole) and periodic detention (currently run by the custodial arm of Corrective Services).

However, realistically it was believed that although theoretically parts of community corrections could be privatised — ‘you can easily get someone to check up to see if an offender is at home’ — it was asked ‘what happens when they’re not?’ It was often stated that problems don’t arise until things go wrong and then community corrections have to pick up this ‘leakage’. Because of the tendency of privatisation to take a gross view rather than looking at all the nuances of community corrections work, there is significant potential for such ‘leakage’ and problems of dividing responsibility and clearly outlining where the private responsibility stopped and the public started. It was more likely that private companies should become involved in easy, ‘finite’ tasks. For example, with electronic monitoring, while the private companies can easily produce and market the anklets there are more problems with them actually doing the ‘hard work’ of then monitoring compliance and chasing up those who breach their court orders.

For privatisation enthusiasts, this ‘phased’ approach to privatisation was seen as the most promising way forward. Farming out bits of community corrections initially — the bits that the private sector could do cheaply and without too much hassle — was seen as the least controversial or problematic with initial contracts then serving as a trial for any planned further privatisation. If these first generation contracts succeeded you could then learn from these trials and expand the private sector involvement. In Queensland, the corporate era (QCORR and QCSC) experiment with privatisation was to see ‘chunks’ or ‘areas’ contracted out, ie Central, Logan areas; whereas in Victoria it was to be ‘divisions’ ie Community Work Scheme. During this era, one region was market tested. However, as supporters of privatisation are keen to reinforce, there are lots of different ways to go about privatising community corrections. A region or area office or a function (ie supervising home detainees) can be privatised without having to dive in at the deep end and opt for wholesale privatisation (although this was not discounted by all).

Voluntary Sector

There was much discussion on the heavy reliance of the service on non-profit organisations and the feasibility of governments ‘contracting-out’ areas of community corrections to such groups. This issue was also raised with those in decision-making positions within such organisations. The non-governmental sector has been rapidly expanding in recent years. In central Brisbane, one organisation reported receiving a government grant to substantially increase the number of hostel beds so that they can shelter increasing numbers of people. However, while it was deemed ‘acceptable’ for non-profit organisations, charities or religious groups to provide such accommodation and services, an enlarged role in community corrections specifically was not viewed as feasible or desirable either by those in the field, administrators or the organisations themselves.

It was noted that at present, the government does not pay for many services provided by such organisations, saving a lot of money in the process. However, such groups could be justified in charging private companies for their services. It was also pointed out that for example, the community work scheme is supervised by volunteers or people not on the community corrections payroll (ie council staff or school staff). It was questioned then how a private company could profit from taking over such a service. If taking on employees, costs would immediately rise. The company would also need to ‘charge’ somebody or there would be no source of income — ‘the money has to come from somewhere’. It was not understood by most respondents how it could be economically viable for a company to run such a scheme.

Correctional administrators commented that while acceptable to utilise non-profit organisations for program delivery e.g. alcohol/drug treatment programs, beyond this there was no real need and little compunction to use non-profit organisations. It was confirmed that the possibility of an enlarged role for the voluntary sector had been considered but there remained no firm commitments. Further to this however, it was noted that while it may be attractive to use non-profit organisations to run such things as bail hostels, there are other alternatives. For example, in NSW the use of remand has been limited and there are many programs run competently and economically by private organisations.

The debate over the voluntary sector involved further consideration of the question over profit. It was often commented that while profit in itself was not necessarily a bad thing, there were distinct preferences as to where any such profit was directed. 'For-profit' companies were less amenable if the profit was to simply go to shareholders. Instead, it was believed that profits should be fed back into the service. Respondents concurred that profit was okay in principle as long as the community and the service were to benefit. This is where the voluntary sector was seen to be preferable over the private sector, with any surplus from their operations going straight back into the community.

The non-profit organisations themselves expressed considerable reluctance to become more involved with offenders. The Salvation Army responded that they have no interest in offering any services in the area of community corrections. The area was characterised as being 'too prone with liabilities', 'too difficult' and 'too costly'. The Salvation Army have court and prison chaplains and explained that this would remain the extent of their involvement with the criminal justice system although their community services operations do encompass offenders and their families. Non-profit organisations all expressed the fact that they were already over-committed and so had no intention and no means by which to expand services. Indeed, they are presently looking at ways of retreating and cutting back on services.

ACCOUNTABILITY ISSUES

Contract Specifications

The integrity of, and consideration given to tenders was viewed as being of fundamental importance to the subsequent success of any contracting arrangement. It was felt that accepting rock-bottom tenders would inevitably lead to problems with companies then experiencing difficulties honouring the contract and may eventuate in corners being cut in order to keep contracts. However, if accepting more expensive tenders, while it may end up costing more, it serves to reassure service purchasers that they will receive better performance coupled with a more secure service.

Respondents noted that the contract is all-important where the terms of the contract and the mechanisms for monitoring will determine whether it succeeds or fails. It was suggested that first generation contracts (the first five to seven years) were not as prescriptive or as accountable as they could have been. However, the second generation of contracts (the subsequent five years) are more strict and are more specified or detailed — at least this is the NSW experience — and so they are expecting a better service as a consequence. The main problem is that it is difficult to define the actual work of community corrections; to delineate exactly what they do; and the range of duties performed (leading to leakage). However, all were clear that whatever the difficulties, contractual standards needed to be explicit and some recommended that incentives and penalties be built into contracts to ensure compliance with such standards. In principle, some respondents expressed no objection to privatising community corrections, provided that these and other measures are in place. With clear standards specified in contracts and measures to monitor them, some respondents reported that they may overcome their reservations about privatisation.

Monitoring and Quality Control

While it is commonly thought that it is the private service providers that have the obvious workload with competing for bids, winning contracts and then fulfilling contracts, it was iterated that the purchaser also has to do a lot of work to make contracting-out work. They have to write the contract specifications and exercise the powers that they write into the contract, in short they must work to enforce the contract. The monitoring of private companies was seen as essential to the success of any privatisation. It was pointed out that while there are obviously abuses to be found in the private sector, the same could also be said of the public sector. If the purchaser in the ‘purchaser-provider’ model were to take their role seriously as contract monitors, then such abuses could be kept in check.

The purchaser then has to shift to an oversight role which while possible, is often very tricky. The public sector was characterised as not traditionally being particularly good or competent at monitoring. However, if the purchaser were to monitor the private operators competently then privatisation could enhance quality and accountability although it was stressed that this was dependent upon the purchaser fulfilling their role properly. If this

were the situation then the purchaser-provider model adds in some mechanisms for accountability that do not exist with the traditional public sector model. The purchaser has a degree of leverage with the ability to suspend or terminate contracts, something that cannot be done with the public sector. It is this additional accountability that attracted many to the purchaser-provider model as it provides for greater accountability mechanisms and also opportunities for proper examination and evaluation. This was repeatedly espoused as the primary benefit from private sector involvement — the opportunity for increased accountability.

Such an enlarged monitoring role for the public sector would entail the creation of another level of management or specific recruitment of contract monitors in order to conduct proper surveillance of private operators. This would add to public sector costs and bureaucracy and it was agreed that it would be more onerous than monitoring a public department, because there would have to be dedicated contract monitors and ‘audit’ systems in place. It was agreed then that it was a burden to monitor private sector corrections, and when faced with a recalcitrant operator then this burden would increase.

In NSW, in the early days of privatisation, it considerable time and effort to monitor private operations but this has lessened over the years. The private companies involved in corrections and the NSW Department of Corrections have come to know each other’s working practices and the monitor is able to quickly address any problems. The contract standards and performance are also reported in the Department’s annual report. Whilst private companies were not keen to have such procedures in place initially, it is suggested that they have come to accept it as part of the ‘transparency’ of contracts. The company which runs the NSW private prison was seen to appreciate that they are interested in maintaining their business interests on a long-term basis and so are prepared to spend money where necessary and to work hard to meet their requirements. As the contract is worth \$18.5 million to the company, this makes good business sense.

According to our respondents, the situation in Queensland has not been as successful as that reported in NSW. Following complaints about a private correctional provider,

Queensland's Criminal Justice Commission has now been granted the powers and responsibility for investigating problems in private-run facilities (*Courier Mail* 4 October 2000). Subsequent to contract difficulties, allegations of theft and impropriety, and strained relations between the private operator and the Department of Corrective Services, an alternative private operator has been awarded the contract for one of Queensland's private prisons.

Quality of Performance

Extant literature concerning the quality of private operators in the field of corrections is to date, most often contradictory, or at best, ambivalent. There are no firm conclusions yet as to whether contracting-out services improves the quality of such services or whether it leads to lesser quality services. It was conceded even by privatisation enthusiasts, that there are potentially endless pitfalls but they were optimistic that these could be worked through. However, despite such professed optimism, while it was agreed that there should be controls on the amount of profit taken away from the service, it was not agreed how this could be done.

The major problem encountered concerned the significant obstacle of ensuring consistency: between operators; between regions; and between public and private sector operations. All agreed that there could be no reduction in services or a diminution in the standard of services simply as a result of contracting the service out to the private sector. There could also not be a situation allowed to arise where what was left of the public service was allowed to degenerate. There were suggestions that in order to prevent the emergence of a two-tier service there should be a matching exercise in the public/private services to ensure they were both delivering services of the same standard. However, if a major justification of contracting-out is to improve the quality of services, then such a matching exercise would work to ensure that this was not allowed to eventuate. Many questioned then what the point would be of privatising if it were to demand that the private providers operated at the same quality of performance as the presently denigrated public service.

Evaluation, Standards and Measurement

The crux of this 'quality' problem was said to centre on the problems of evaluation, standards and measurement. This was readily expressed as being the urgent need within community corrections for good business indicators. Many commentators opined that community corrections do not have sufficient indicators by which to measure their success or failure or the quality of service provided. This deficiency was viewed as a major stumbling block for contracting-out: unless it is possible to 'measure' inputs/outputs, success/failure, then there will inevitably be problems with setting standards and performance measures in contracts. It also means that it cannot be easily determined who is providing an adequate service and it would also prove impossible to compare operators (before and after the bidding process) and even the private sector with the public.

This obstacle reinforced the belief commonly held, that it is significantly easier to privatise custodial corrections as it has 'tangible' standards (escapes, deaths in custody etc.), and that community corrections cannot have such easily quantifiable standards as it is too disparate a business. Also identified, were problems with the training and qualification standards of the personnel working in community corrections. As yet there is no national basic qualification or any standardised pre-requisite training for community corrections officers. Our key stakeholders suggested that this will add to the difficulties involved with writing contracts as along with there being no specifications for the business, no officer training requirements can then be set down either.

As a corollary to these problems of standards, it was clear that most were dissatisfied with the paucity of evaluation taking place. It was commented that while there are many amazing programs and some outstanding work being done, there is no formal appraisal system in place. The only defence community corrections has to rely upon presently, is that of how cheap it is. It cannot argue on the basis of effectiveness as it is only evaluated in monetary terms. Recidivism is currently too complicated a measure to be effectively used in evaluations and so are eschewed. So too are comparisons with prison as they likewise are seen as too problematic. So, it was expressed that second to this problem of having no measurable or agreed upon standards, there is no effective evaluation being undertaken or

even a culture of evaluation in place. This would necessarily hamper the monitoring process: firstly there is no agreement on what to monitor and then no systems in place to measure performance and decide upon success or failure, compliance or non-compliance. This situation was said to be set to remain while community corrections lacks a proper definition of its role and its methods, making evaluation impossible.

PHILOSOPHICAL ISSUES

Economic Rationalist Model

Those working in the field often elected to discuss privatisation issues within an economic rationalist framework and, of course, to criticise this approach. Many implied that economic rationalism, downsizing, moves toward small government and privatisation were concepts whose time had come but now passed. The recent failure of the One Nation Party who pushed a more economic rationalist line was also raised in this context. The experience in Victoria where many attempts at privatisation had failed was cited, especially the recent government take-over of a previously privatised prison. Similarly in Queensland, the push to privatise was seen as a learning experience for the government but that it is now time to reflect on the success or otherwise of such efforts.

Given some of the difficulties experienced in Queensland many respondents conceded that their views had shifted away from supporting a private perspective. Part of their explanation was that public sector services are 'deliberately underfunded', then follows a loss of faith in the service, then governments are seen as justified in privatising because the public sector is viewed as inefficient and ineffective. In this area, several commented that this scenario has played out in the education and health sectors and not just in the corrections field. Most noted therefore that the main problem for community corrections remained a lack of funding, where it has continued to be inadequate since the Kennedy Report of the late 1980s and the situation has failed to improve.

Political Motivations

Those in the field also suggested that in Queensland with a political shift to the left, there was now a retreat from a market-oriented approach. Indeed, it was this political milieu that was seen as the catalyst for pulling back from the proposed privatisation of one regional office in Queensland in 1997-98. So in those States with Labor governments there is the view that they are more nervous about out-sourcing in general and have embraced the belief that the public sector can do as good a job as the private sector. Some also noted that governments were wary of locking themselves into long-term contracts and so would be reluctant to engage in any out-sourcing to private providers. Most saw the privatisation debate as being highly politicised rather than about practical issues (despite the very real practical concerns acknowledged and raised above). This allowed those in the bureaucracy to devolve themselves from any responsibility in such a decision-making process, where it was stated quite openly that privatisation of community corrections would be solely a political decision as there was no push from within the Department of Corrective Services for this to happen.

Under this political umbrella also came the view that politicians were far more familiar or wedded to a 'law and order' approach, no matter what political party they belonged to. The law and order push had been fuelled in Queensland by some celebrated cases of the release of prisoners who went on to re-offend (Raymond Garland case etc). This meant that there would continue to be a focus on custodial facilities rather than any wholesale changes to community corrections. Indeed, now that the prison population in Queensland seems to have plateaued there is no great impetus to relieve pressure on corrections in general.

State Responsibility

The view was expressed that community corrections are not seen as 'real' corrections by the government anyway. Governments would only find a privatisation argument compelling if it removed a burden from them by relieving them of some responsibility. In spite of this, most in the field felt that at the end of the day the government is still responsible. Privatisation fails to quarantine governments from the problems of running corrections and does not provide the 'comfort zone' that they wanted and thought they

would get. The reality is that there is no comfort zone in corrections, whether it is custodial or community, or whether it is privatised or remains public. Some informants openly stated that they were not against privatisation but they felt that the state shouldn't be readily delegating or farming out their responsibilities to the private sector. There was major concern voiced over the clash between the profit motive and community/societal interests. It was felt that while there may be immediate performance outcomes, any efficiencies may come at a longer-term cost and that there is a larger obligation of corrections to the community rather than just efficiency.

Correctional Philosophy

Another major problem is that governments can rarely explicate their corrections philosophy — whether it should be primarily rehabilitation or retribution. Such a philosophical direction will impact directly upon private contracts and tender documents. If the overarching principles are unclear then it is difficult to delineate goals. This view was reiterated many times where the problem with community corrections was deemed as a lack of consensus about 'what we want them to do'. For, it is suggested, if such basic questions cannot be answered then it is not clear what should be done and whether it is being done well or not. Indeed, it was seen that community corrections has too many purposes and that this causes so many of the problems and renders evaluation impossible. One respondent noted that MTC (who have taken over Borallon Prison from CCA) focuses more on rehabilitation than punishment, so there is now a wait-and-see attitude about what they will do.

At a more practical level a frequently expressed opinion was the need for a commitment to the community. For example, when a sex offender (particularly a child sex offender) is given a community penalty it is incumbent upon the community corrections office to ensure that they are properly supervised. This means that if there are no public services available (ie sex offender programs or psychiatric counselling), then the office will send them to a private service and bear the costs. This is because they take seriously the responsibility of supervising these offenders and won't renege on this duty for the sake of saving money. Many practitioners doubted whether the same could be said about the

private sector. So, it was also noted that there are already some private-type facilities and programs albeit limited, and that community corrections are already private to an extent as they use private agencies for program delivery — a purchaser-provider model.

Public vs Private Sector

A further set of comments related to the failings of any system whether it was publicly or privately-run. Here what was raised was the need for clear operational standards and this was a management issue, irrespective of how the service was funded. The observation was that corrections can be done well (ie there are some good private prisons) and can be done badly by the public sector but that there is no direct evidence that the private sector are any worse and we already know that the public sector can be good or bad, not uniformly good. Nevertheless, some reiterated the notion that corrective services need to keep innovating and not stagnate, but that this didn't have to be achieved through some form of privatisation.

Conclusions and Recommendations

The impetus for this research came from the ‘market-testing’ of a regional community corrections office during the ‘corporatised’ era of Queensland Corrective Services Commission. Since the 1999 Peach Report and the QCSC’s subsequent return to departmental status, the immediate need for research into the feasibility and desirability of privatising community corrections may have passed. However, despite this apparent renewed confidence in the public delivery of community corrections, and indeed a partial, if not complete political retreat from the principle of privatisation, this research serves to provide a useful examination of the issues raised when considering contracting-out community corrections.

While the Peach Report may have heralded another raft of significant reforms to the Queensland correctional landscape, continuing on from the Kennedy Report, the problems that beset Queensland’s prisons have worsened significantly in the last decade. Contrary to Kennedy’s recommendations and legislative efforts to increase community sentencing and to improve the performance and image of community corrections, there has been a drop in court orders requiring community supervision and an increase in imprisonment rates. Queensland’s imprisonment rate is now the highest in the nation and the community corrections population is the largest in Australia. Both our prisons and our community corrections systems are seriously overcrowded. In contrast however, to the efforts to address the custodial corrections arm of the criminal justice system, governments have apportioned less and less money from the criminal justice budget to community corrections and more and more to prison construction and operational costs. This has compounded the crisis in community corrections.

The issue of privatisation in the criminal justice field is by no means novel and the debate over private sector involvement in criminal justice operations has been long and intense and much of the present research necessarily overlaps the issues already identified. This research found however, that while the concerns of those who take an anti-privatisation

stance with regard to community corrections are similar to those who oppose the contract management of custodial corrections, there are particular issues pertaining specifically to the out-sourcing of community corrections that are not raised in the private prison debate.

To ascertain the concerns of those working in the field and establish those issues that are particular to community corrections when debating privatisation, this research undertook interviews with 'key stakeholders', including correctional administrators and managers, community correctional officers as well as academics, workers in the voluntary sector and those with particular expertise in the fields of privatisation and corrections. Based upon these qualitative data, this report outlines the major areas of debate, focussing on three areas of overarching concern: practical; accountability; and philosophical issues. These encompass distinct concerns which have been set out in the responses from key stakeholders section of this report.

The majority of our respondents were sceptical about any tangible benefits from privatisation, indeed it was often commented that there was no need to privatise as community corrections were already very efficient (ie cheap). However, while there was a general reluctance to fully support privatisation, this was rarely based upon philosophical objections alone. Most could articulate specific practical issues that perhaps further legitimised their more instinctual objections to privatisation. These centred on concerns over staffing, service stability and 'leakage'. There was also considerable reluctance to engage in the bidding and contracting processes, which were seen as fraught with difficulties, and similar problems were identified in the necessary monitoring processes. These extra burdens on the service were seen as potentially expensive, time-consuming and ultimately distracting from the 'real' job of community corrections — supervising offenders. Further to these concerns, there was considerable scepticism that private operators could actually profit from running community corrections services or how this could be achieved. The re-investment or allocation of any profit, if it were to be made, was also an area of considerable debate.

In spite of the articulation of such concerns and some resistance, many interviewees adopted a pragmatic approach to the possibility of privatisation with most preferring to ensure that the potential pitfalls were understood and addressed before they offered their support. Whilst being cautious, they were often optimistic that if the process was done competently, then there may be no drawbacks to privatisation and may even be some significant improvement in performance and efficiency. There was also mention made of the potential for increased accountability mechanisms when contracting with the private sector.

Without exception however, respondents did not consider contracting-out in community corrections on a large scale to be imminent. Many voiced the opinion that it would be just too problematic and there was no longer sufficient political will since a more general retreat from privatisation witnessed in Queensland. One of the common themes that emerged was that it really was a move into uncharted territory, leaving many reticent to ‘experiment’ when the ramifications of failure were potentially so serious. As stated, whilst many respondents expressed practical concerns and concrete examples that highlighted the issues, many still relied upon a ‘gut instinct’ or a political or philosophical opposition or support for privatisation.

The present research design was deliberately exploratory and without any significant precedent and served to clearly highlight the lack of prior research into the delivery of community corrections services in Queensland. The need for more thorough research into the actual machinations and purpose of community corrections is undoubted. This should be a priority and is an essential prerequisite for any future deliberations on the feasibility of privatisation. From this preliminary research however, we have identified four ‘needs’ that we believe are fundamental to the crisis in community corrections. We believe that these needs have to be met before further experiments with privatising community corrections on a large-scale are considered.

Need for Clarification of Purpose

It was observed at a national meeting of community correctional managers in the US recently, that the only true consensus was that all 'were suffering an identity crisis, a resource crisis and a credibility crisis' (Dickey and Smith 2000, 14). The need to reinvent community corrections was obvious. Further to this, it was stated that 'we can't reinvent community corrections until we clarify our objectives, we need crystal-clear objectives' (Dickey and Smith 2000, 14). It has been further noted that given the staggering responsibility of the community corrections service, 'it is imperative that we keep our basic mission clear' (Dodd 2000, 25).

As yet there is no consensus over this mission however. The aims of community corrections or the guiding principles behind practice are conspicuous in their absence. There needs to be agreement on whether there are goals for community corrections over and above diverting people from prison. Indeed it needs to be ascertained whether there should be a direct correlation with prison populations at all or if this confuses the role of community corrections or misplaces faith in the ability of community sentences to effectively impact upon custodial corrections.

For all concerned with corrections, there is a clear and urgent need for standards within community corrections. This is not only essential before a consideration of privatisation to enable the writing of contracts and the activation of a monitoring process. It is also essential for the present community corrections service to have a more concrete idea of their mission so as to concentrate effort and resources, aiding perhaps the present poor image of community corrections amid the public and more importantly, sentencers.

Privatisation could not, and should not, supersede such a necessary soul-searching process and the potential benefits of privatisation are limited before this process has been brought to a successful conclusion. If community corrections could articulate its needs in order to fulfil its role, then it may be easier politically, for a government to allocate adequate funding and resources, thus perhaps nullifying the need for out-sourcing.

Need for Resources

The criminal justice budget has to achieve much. It includes the financing of the police and courts as well as corrections. As such, demand for funds will almost inevitably always outstrip supply. However, apparent biases in the allocation of funds and resources has become more pronounced in recent years. The custodial arm of corrections receives the 'lion's share' of the available funds, including millions of extra dollars in the preceding two financial years for significant expansion of the prison estate in Queensland. Meanwhile community corrections is fighting a losing battle with the Treasury each year to secure sufficient funds.

While community corrections are charged with supervising almost 20,000 offenders in the community, they do so with meagre resources. As a result of the continuation of this starving of funds, the service is degenerating and staff morale, service standards and stability are suffering as a direct consequence. While it may be more satisfying to spend \$97 million on the construction of a new prison (providing the opportunity to appear 'serious' about locking up criminals and providing real jobs in deprived communities), research would argue that spending just a fraction of that sum on keeping offenders in the community with effective supervision is far more cost effective and socially beneficial on a long-term basis.

To demand of community corrections an effective service, there needs to be sufficient funding and resources. An expected shortcoming of the pilot drug courts for example, where those who plead guilty to drug-related offences receive intensive corrections orders, is that there is a lack of resources to achieve such intensive supervision. Here the Victorian model — Community Offenders Advice and Treatment Service — is seen as superior in that it can deal with greater numbers of clients (Roper 1999). Such evidence is available and needs to be publicised and utilised by those in a position to pressure government for more funds and to reorganise community corrections to maximise performance with the resources at their disposal.

Need for Research

There is now some international literature on 'what works' in crime prevention and in correctional treatment programs. While such research is usually conducted post hoc and does not have the advantage of randomised experimental designs, there are nevertheless some promising trends. Programs that are voluntary, that include treatment options, that operate in the community and that do possess severe sanctions (e.g. return to custodial setting) where there are breaches are said to be some of the effective characteristics (MacKenzie and Piquero 1994). However, measures of recidivism should not be the sole criteria upon which success of any program is based.

In a recent article in the journal *Crime and Delinquency*, American criminologist Lawrence Sherman (2000) bemoans the fact that despite the prison figures in the USA now topping the 2 million mark, there is little public outcry and there is an incomprehensible paradox in this public opinion for most believe that prisons should primarily rehabilitate, followed by preventing or deterring crime, with a punitive approach forming only a minority opinion of less than 15 per cent (Maguire and Pastore 1998 cited in Sherman 2000). The point of the Sherman article however is not only to critique the prison figures and impervious public opinion but to strongly recommend an experimental approach to criminological enterprise. He suggests that until we can more categorically state (as is the case in medical trials) that intervention A works better than intervention B then criminology will languish in the doldrums, politicians will fail to heed any criminological cries and public opinion will remain obscure, confused or paradoxical.

The call for rigorous research is most imperative in the area of privatisation as there is so little research available, so we would support calls for randomised field trials where inmates are sent for the term of their disposition to public or private providers and then a more accurate test of recidivism and other measures might be able to be made. While there are ethical and other issues involved in conducting experiments with offender populations, these are surely no greater than entrusting an unevaluated service to supervise or treat those offender populations. We reiterate the need for randomised field trials and better research designs generally to produce more solid research findings.

Need for Communitarian Approach

The federal government's recent approach is inclined to shift welfare services to the charitable or non-government sector. Employment services have already been contracted-out through Job Network and similar local organisations who have taken over part of the role previously offered through Centrelink (*The Australian* 27 November 2000). It is suggested that the non-government or charitable services like St Vincent de Paul or the Salvation Army are having to take up the shortfall through the loss of government funding for previously offered services. If adequate resources are not provided for community corrections then this scenario will prevail in providing corrections facilities and services as well. So the available options for change at present seem to be out-sourcing to private providers or governmental retreat from service provision leaving the charitable sector to pick up the pieces. A third way is to mirror the South African example (noted earlier) by encouraging community groups to tender for aspects of the corrections service. This 'communitarian' approach has considerable appeal over a privatisation one, especially where community corrections are concerned.

Notes

1. It should be noted that there is considerable cause for concern for how particular groups are treated within corrections in Queensland — namely the over-representation of Aboriginal and Torres Strait Islanders and the increase in imprisonment for women. While these concerns are in dire need of research and detailed analysis, this is not in the remit of the current project.
2. There have been a number of very recent inquiries into corrections in Queensland, the details of which are too numerous to specify here. They begin with the Kennedy Review published in 1989; followed by the Criminal Justice Commission review in 1991; the RCIADIC also in 1991; these were followed by the Public Sector Management Commission review in 1993; a series of legislative reviews; a variety of internal reviews; specific reviews dealing with particular problems by the QPS corrective services investigatory body; the Mengler Commission of Inquiry of 1997; and culminated in the Peach Report of 1999.
3. There have been significant organisational changes in the delivery of corrective services in Queensland in recent years. The Department of Corrective Services became Queensland Corrective Services Commission (QCSC) in 1988; it was then divided and corporatised into QCSC and QCORR (Queensland Corrections) in 1997 but this was all returned to a government departmental structure in 1999.
4. The Kennedy Report was the result of an inquiry into the operation of Queensland corrections and was to have a huge impact on the future of corrections in the State. It heralded the introduction of private prisons in Australia as well as other significant changes in the structure and culture of the correctional system.
5. In contrast, NSW had an average of only two fine defaulters in prison (*CJS Monitor* 1999, 4, February) so it seems that NSW Corrections are able to keep fine defaulters out of prison. As has been documented elsewhere over 70 per cent of fine defaulters tend to be impecunious, that is they were being sent to gaol simply for being poor. So NSW Corrections now ensure that prison is absolutely a last resort. As at 1 October 2000 there were a total of four fine defaulters in NSW prisons, although the figure is normally between zero and two (Crossley, pers comm, October 2000). In NSW there is a different philosophy which keeps fine defaulters out of prison. The Fine Default Scheme involves giving Community Work Orders and makes sure these are completed. If breached they are returned again to stricter reporting procedures. They are also able to confiscate offenders' goods or assets to pay outstanding fines. So the scheme adopts a parsimonious approach to attempt to use the least amount of punishment necessary, and furthermore it appears to be successful.
6. SETON's courts or sanctions refer to Summary Executed Ticketable Offence Notices CHECK and are now the subject of more criminological attention given the level of those who fail to pay such fines who end up within custodial or community corrections in Queensland.

7. For example, Baralaba is 500 km west of Rockhampton (where the community corrections office is situated) and it comes under their region. This means that community corrections officers sometimes have to be sent to Baralaba for a couple of days, with all the attendant costs, to provide community corrections services to the men and women living in the area. This can involve running a drug and alcohol program where you may only have two offenders attending. The principal is that people in remote areas are entitled to the same level of service as those in more central areas. This is very costly however.

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