

PRISON SUIT

A controversial private prison operator is being taken to court by former inmates. By Jacqui Walker

GSL (Australia), an operator of prisons and immigration detention centres, is likely to face scrutiny as allegations by former prisoners of abuse and mistreatment are aired in the County Court of Victoria in May.

Four former prisoners of Port Phillip prison in Victoria are suing Group 4 Correctional Services — now known as GSL Custodial Services, a subsidiary of GSL (Australia), the owner and operator of the prison — the State of Victoria and seven prison officers for compensation for negligence following an allegedly violent removal of the prisoners from cells.

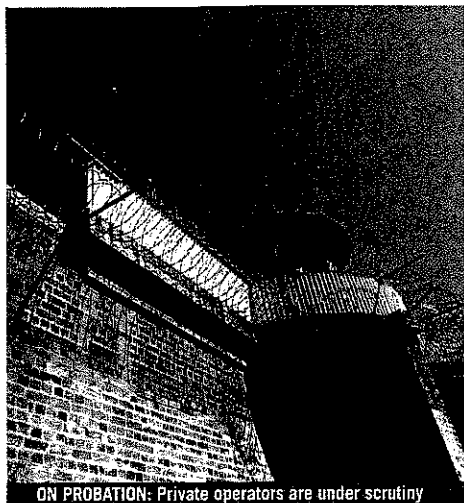
In four writs filed in the County Court of Victoria in September 2003, prisoner Robert Musso and former prisoners Mark Edwards, Frank Iaquinto and Robert Dennehy allege that the Port Phillip prison's tactical operation group (TOG) used excessive and unreasonable force in removing them from their cells and transferring them to another unit on November 19, 1999. The trial is scheduled to start on May 16.

The company, a subsidiary of the British company GSL (owned by private-equity firms Englefield Capital and Electra Partners Europe), has several of its lucrative government contracts under scheduled review or up for tender following several incidents at prisons and detention centres.

There are four prison operators in Australia, but GSL and GEO Group Australia, a subsidiary of a United States company and formerly known as ACM, dominate the market. GEO, which ran immigration detention centres until it was dumped by the Federal Government in favour of GSL, turned over \$117 million in the year ending January 2, 2005.

GSL made a profit of \$9 million on revenue of \$147 million in 2003-04, up from \$2 million profit on \$67 million revenue the previous year.

Critics say that the more the operators are found to have neglected prisoners and detainees, the more pressure there is on governments to increase funding to pay for a better service, and the more money there



ON PROBATION: Private operators are under scrutiny

is to be made from private prisons.

The plaintiffs will seek to rely on eye witness accounts and documents obtained from the Victorian Department of Justice under a freedom-of-information request pursued by the Brimbank Community Legal Centre on behalf of the prisoners. One of these documents is a report on the incident by John Barclay, a consultant to the prison, which is critical of the actions of the TOG officers.

In his report, Barclay said he was concerned about "possible joking and light-heartedness of the TOG members whilst waiting to be kitted-up [in riot gear]", about

PRISON PROBLEMS

A prisoner at Port Phillip prison was strip-searched and humiliated after being tricked by prison officers.

Five immigration detainees were kept for six-and-a-half hours in the back of a van with no toilet breaks and no food or water.

Ian Westcott, 55, died of an asthma attack in November 2005 after a "help" button at Port Phillip prison apparently failed to work.

In March, GSL was criticised by Judge John Nixon in the Geelong County Court after a prisoner was left without food or water for almost seven hours.

"the fact of a photograph being taken of the TOG in the unit..." and "not giving the prisoners to be relocated an opportunity to be handcuffed through the 'trap'", and "the lack of video footage of the cell extraction". The men allege they suffered injury, loss and damage as a result of their treatment. They are claiming an unspecified amount of damages.

GSL denies the allegations. A spokesman for the company says: "GSL will be defending [the case] vigorously. We do not anticipate that it will have any bearing at all on our negotiations with the Victorian Government, or with any other contract."

In May 2005, a "joke" set-up and strip-search of a prisoner at Port Phillip prison led to a \$200,000 fine against GSL (Australia), the sacking of four prison officers, and counselling for two others.

In an unrelated matter in July 2005, GSL was penalised more than \$500,000 after a report said five detainees had endured six-and-a-half hours in the back of a van with no toilet breaks and no food or water while being transferred between detention centres at Maribyrnong (Melbourne) and Baxter (South Australia).

In March, the Federal Government announced it would not extend the \$300-million contract with GSL, which expires in late 2007, to run immigration detention centres. The Department of Immigration is calling for new tenders. The Victorian Government, which has put GSL on notice over the strip-search incident, is conducting a scheduled review of the 20-year Port Phillip prison contract, which began in 1997. The prison escort contract, which expires on June 30 this year, is also under review.

The Victorian Minister for Corrections, Tim Holding, declines to comment on the case, but says: "We expect our prisons to secure prisoners safely and in a humane way. The Government would not expect failure in the management of any prisons."

Since the claim was filed, Edwards has died and Dennehy has disappeared after his release from prison. The remaining plaintiffs, Musso and Iaquinto, are being represented by the law firm Slater & Gordon. ●