

Public versus Private Prisons: Is One Better than the Other?

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The History of Private Prisons

Prisons, both public and private, have a long history in how the United States has been handling prisoners within the correctional system. King George I of England started using shipping merchants to transport those unlucky individuals to the Colonies for punishment stemming from crimes committed against the crown (Swanson, 2002). In 1666, a man named Raymond Stapleford agreed to build a prison in Maryland in exchange for tobacco and owner's rights for life. The use of private prisons and the building of public ones usually came at a time of crisis, and the rise of crime and the number of incarcerated that needed to be housed in a facility to be punished for those crimes. Inmates themselves have long been involved in the private sector. Everything made by the inmates are for private companies, to be used for private matters (Swanson, 2002).

The use of private prisons again have become a practical alternative, give the desire to lower taxes and costs incurred by the government to house criminals. If it is cheaper to lease a prison and let someone else keep the profits made from inmate labor, then it could only be a win-win situation for all around. Even Immigration and Naturalization contracted companies to house those that would soon be deported once the hearings were complete (Swanson, 2002). The Federal Bureau of Prisons have been contracting out with private firms since the 1960s, and private companies have long been in charge of operating various treatments centers and half-way houses for those felons to be taken care of and tracked upon release from prison. In some countries, such as the UK, the prisons there are all run by private companies.

In the modern age, the UK was the first country to use private prisons to house its criminals (James, 2010). HMP Wolds, or Wolds Prison, opened as the first privately managed prison in 1992. Soon, these types of prisons were established under the government's Private Finance Initiative, where contracts are awarded for the entire design, construction, management and finance of a prison. Today, there are 11 private prisons in England, managed by other private companies. These types of prisons are a vital part of England's prison estate (Clarke, 2010).

Arizona is the latest in a list of states that has put feelers out to contractors for building private prisons to house the ever-growing issue of criminals that need housing. Plans to add 5,000 new prison beds first surfaced last year as part of an unprecedented and massive bill legislators passed to privatize the entire state prison system. That ambitious privatization plan fizzled when no corporations showed any interest in a wholesale takeover. However, a plan to go with the privatization of prisons is not on the back burner just yet – the offer is still out there (Ortega, 2011).

The idea behind the privatization of prisons is to reduce the burden of government agencies in managing those correctional facilities. Having a third party take over and look after those incarcerated take a lot of weight off of today's government. Many countries already use and primarily use private prisons to incarcerate criminals, and the number of private prisons verses

government-run prisons is increasing. But, that does not mean everyone is in agreement that private prisons are better than government operated prisons. On the contrary, there are many critics of private prisons (Testa, 2010). As with any contracted company, the government cannot tell dictate how the business is to be run. Critics argue that private prisons do not take proper measures to guarantee the safety of the prisoners, the staff, or even the public.

It is also said that the companies that own private prisons are more concerned with making a profit than with making sure the proper programs are in place for rehabilitative treatment and public safety. Supporters of private prisons, on the other hand, argue that private prisons are more cost effective and more efficient than government-operated prisons (Swanson, 2002). The discussions over the effectiveness and of private prisons has been going on since the mid-80s, when those companies that started up in response to the government's needs to expand into this area was made known. In some states, where recent breakouts have occurred, those taking bids to build more private prisons is coming under severe scrutiny (Testa, 2010).

Private Prisons: A New Form of Slavery?

Various organizations, including social and political, are accusing private prisons with what is being said is the new type of utilization of human labor in this country, where research shows the prison population is in excess 2 million individuals, mostly blacks and hispanics, are being employed for various private industries for a minute payment (Palaez, 2008). For the big business owners that are investing in the private prison industry, it has been a windfall of profits. Prison officials do not have to worry about anyone calling in sick, or paying into workman's comp insurance or vacations. All the employees are there full time, never come to work late, and if the employees choose not to work, they are punished with solitary confinement (Palaez, 2008).

There are approximately 2 million inmates currently incarcerated throughout the United States. According to Nation Master World Statistics, the United States is #1 in the world with the highest number of incarcerated individuals, 23% of its population; ranked #2 is China at 18% (Nation Master, 2011). The prison industry had a big boom in the 90s, and went from less than 300,000 inmates in the 70s, and by the year 2000, the jail population grew to 2 million (Palaez, 2008). As of ten years ago, there were only five private prisons in the country, holding about 2,000 inmates; now, there are 100, with approximately 60,000 inmates. The research has suggested that in the next ten years, those numbers will go up to at least 300,000 (Palaez 2008).

Researchers have studied the prison industry since prisons were first built. Crime has gone down, according to some, but the prison population has gone up. It's as if the government is putting more people in jail for longer sentences to fulfill the needs of the private prisons and the work orders coming from that industry. Palaez states "the private contracting of prisoners for work fosters incentives to lock people up. Prisons depend on this income. Corporate stockholders who make money off prisoners' work lobby for longer sentences, in order to expand their workforce. The system feeds itself" (Palaez, 2008).

The prison industrial complex, or prison industry complex, depending on who is writing the article, has become one of the rapidly growing industries in the United States, and the majority of

its investors just happen to work on Wall Street (Herzing, 2005). This industrial complex is a multimillion-dollar industry that has its own operating demonstrations, conventions, mail order websites and catalogs. It also advertises, has its own construction companies, investment firms, and various other businesses in which other businesses and individuals can buy from (Herzing, 2005). Studies show the federal prison industry produces military helmets, ammo belts, kevlar vests, ID tags, shirts, pants, tents, bags, and canteens. Along with those supplies, the industry also produces equipment assembly services, paints and paintbrushes, home appliances, and headphones/microphones/speakers. And, prisoners are also raising seeing-eye dogs for blind people (Herzing, 2005).

Which is More Economically Sound?

Those opposed to private prisons will argue that private prisons takes the control away from the government in regards to prisoner issues and prison/prisoner safety. Most Americans are not even aware that three-fifths of all U.S. states contract with private corporations to house a portion of those state prisoners (Mitchell, 2003). Studies have looked at the cost of housing those incarcerated in many private prisons. Those studies compare each state, per-prisoner, department of corrections budgets across various states. Looking into a number of cost factors, significant per-prisoner savings were found in states that house a portion of the prisoners privately (Mitchell, 2003).

Some states, like New Mexico, with approximately 45% of the prisoner population in non-public facilities, spent about \$9,600 less per-prisoner in 2001 than non-privatized states. Seeing how New Mexico's prison population is 5,300, this is an annual savings of \$51 million. Forty-five percent privatization is expected to reduce the typical department of corrections budget by about one-third (Mitchell, 2003). During the early 80s, when this country saw an increase in those individuals being incarcerated, Tennessee went to an entire correctional system of being contracted out, because the state correctional system was found unconstitutional (Mitchell, 2003). This private firm, Corrections Corporation of America (CCA), had been incorporated in 1983 in answer to the Federal Immigration and Naturalization Service's need to detain illegal immigrants, pending hearings or deportation. Even though Tennessee turned down the offer, requests to privatize prisons began to arrive soon after (Mitchell, 2003).

However, those naysayers need not be concerned with the standards of living in those private prisons. In accordance with the American Correctional Association (ACA), each prison will be accredited using certain standards, to ensure that the operation of the prisons in compliance with national standards, to show parties concerned that the organization is operating at acceptable professional levels, and can and will comply with court orders (Clayton, 2010). And, to ensure this accreditation is adhered to at all times, The Commission on Accreditation for Corrections, which is a private, non-profit entity that is made up of various corrections professionals from all over the country (Clayton, 2010). This organization also makes sure the Commission is completely independent and impartial, as the main task of this board is to conduct hearings to verify those agencies applying for accreditation act in accordance with the applicable standards (Clayton, 2010).

It would appear that all parties concerned are for privatizations of the prison system, and allowing the cost and care of American's most dangerous to be outsourced to a third party, one that can afford to pay its staff, pay for the daily upkeep of prisoner reform and rehabilitation, all by means of private funding and revenues from private sales from prisoner craft. Those involved in the industry agree that prisoner's are much better service to themselves and others involved if those incarcerated aren't sitting in the cell 23 out of 24 hours per day – unless in solitary. Why let prisoners sit around? Why not keep the prisoners gainfully employed, so as to earn money to pay off the infractions earned in prison, and to make a product able to be sold on the open market?

The Maine Department of Corrections Industries operates for just such a cause. The goal of the Maine DOC Industries is to give the public excellent products and other agencies while keeping as many prisoners gainfully employed – as much as those individuals can be (Snyder, 2010). To date, the Maine Prison Industries Upholstery Shop is the state's only Prison Industry Enhancement Certification Program (PIECP), which is certified by the federal government to allow prisoners to work with a private venture, which also gives an exclusion from federal limitations on prisoner-made goods going from state to state. This exceedingly controlled program lets those prisoners participating in the program to earn money, which will go towards paying the state back for the room and board expenses incurred while incarcerated, as well as being able to pay for victim restitution and child support. The Industry Programs include woodworking, garment making, embroidery services, license plates, and wood harvesting (Snyder, 2010).

The use of private prisons in Europe and other countries has been the practice since the days of the crown. As stated earlier, when the colonies were first being discovered, the king would send the undesirables to the Colonies as a punishment – never to return to England (Todd, 2005). This type of treatment can be shown in the hiring out those individuals in being held in captivity after the American Revolution. This part of the privatization period, called the Reconstruction Period (1865–1876), began in the South at the end of the Civil War. Those farmers and plantation owners that sent their hired help or slaves to fight the war needed to find more bodies for that labor force, and especially once slavery was abolished. Starting in 1868, contracting out convicts was an answer to everyone's problems on what to do with these individuals. The practice was held until the early 20th century (Todd, 2005).

Looking at the privatization of prisons in other country, the Israeli legislature permitted into law the establishing of private prisons in Israel. The motivation for this was an answer to save money, by putting those incarcerated personnel into facilities that will be managed by a private firm (Zarchin, 2009). The state would pay the firm a specific amount per day for each inmate, relieving itself the cost of building new prisons and expanding the staff of the Israel Prison Service. However, there are some critics that feel by transferring prisoners into the hands of a private contractor, the inmate's civil liberties are violated, and that the government cannot vouch for the prisoner's safety or physical and emotional well-being. In 2009, a panel of 9 judges, of the Israeli Supreme Court, ruled that privately run prisons are not in accordance with the constitution, saying for the State to pass on the ability for managing the prison to a private firm whose primary goal is for profit would seriously be in violation of prisoner's human rights to dignity and freedom (Zarchin, 2009).

Are Private Prisons a Legal Liability?

Some experts would say that private prisons are a lawsuit waiting to happen. And even though private prisons have been around since the mid-90s, not too much is known about these prisons, or even how they work. People are under the impression that private prisons run the same as a private business – for profit only. Society forgets about the Civil Rights Act that was passed in 1871, which safeguards against prisoner mistreatment. This act was written relation to how the slaves were treated after slavery was abolished, against government payback (Blakely, 2005). This act permits all inmates to file suit against the government against alleged abuse committed by the government employees or those acting on the government's behalf. This also pertains to private prisons, as these private contractors are hired by the government to take care of the nation's incarcerated, and are not immune to civil suits, like any other government entity (Blakely, 2005).

However, in regards to some of the civil rights activists, some feel that prisoner's rights are constantly being violated, simply by making an inmate room with another inmate. Some feel the cell measurements are too small, some feel the yard time or educational benefits are unsatisfactory. Luckily, civil rights activists do not thoroughly dictate what constitutes a civil suit and what does not. The problem with private prisons is that they do not have the backing of the government when a civil suit comes up. These prisons, like other private corporations, are on their own. The private sector has a greater incidents of law suits that will allege certain violations of basic human rights, to include cruel and unusual punishments, denial of religious freedoms, living conditions, abuses and harassment (Blakely, 2005).

The guards and administration employed by the private prisons are required to perform the same duties and responsibilities as those in the public prisons, and are held just as liable as those in the public sector. And, in regards to how many lawsuits come about with private prisons versus public prisons, it would seem as if no one was checking up on these private prisons. In comparison between public and private prisons, it would appear that those in the private sector do not hold the interest of the public as a priority, which has always been a complaint to those that oppose private prisons. Skeptics also feel that without the interests of the inmates as a priority, those in the private prison administration and staff may let a lot of things slide, such as prison safety, proper medical treatment, religious allowances, etc. (Blakely, 2005).

But, given the number of lawsuits brought about against the private sector, it would seem that the profits gained by private prisons are enough to counter-balance the payouts or settlements paid to the plaintiff in a civil suit. The profit from sales of prison industry and big businesses investing in the venture is what drives these private prisons, not rehab or trying to make those offenders into viable participants into society. The companies that direct the private prison business claim the bargain that is offered to the taxpayers is legit because private prisons operate far more cheaply than do state prisons (Silverstein, 2000 And, because the private firms are the ones that answer to the stockholders, those involved in the private prison industry have been understandably enthusiastic in looking for ways to cut costs.

Many states are paying the private prison contractors a daily rate for each prisoner, some as low as \$31 a prisoner (Silverstein, 2000). However, just because the costs allowed per prisoner per state is low, do not be fooled into thinking these prisons have the prisoner's best interest at heart. An investigation into a certain prison riot in the early 90s traced the cause back to substandard food, shoddy building repairs and the salaries of the guards. What the investigation also turned up was bad plumbing, some exposed electrical wires, and vermin. The investigation also found the company cut corners on rehabilitation programs, and inmate counseling. The author stated "There is something inherently wrong about making money from the incarceration of prisoners, and in putting the bottom line of money before society's bottom line, which is rehabilitation." (Silverstein, 2000)

Conclusion

Private prisons have always been a source of contention and research for many people. Some people feel the government needs to maintain control of the prison system, because if the government does not have control, and control is outsourced to a private company, the safety and well-being of the prisoners will not be a priority for those only interested in making a buck. To lose control of this means the government is no longer taking responsibility for those incarcerated individuals that may be criminals because society didn't properly do its job. Who is to say these inmates wouldn't have a better life had programs been in place for those unemployed, or on disability, or something of that nature. Because society did not offer these individuals the same opportunities in life as their fellow mankind, they fell through the cracks and ended in prison.

On the other hand, there are those in society that feel incarcerated individuals have made their own choices in life, and they are where they chose to be. Some feel that even if they weren't offered the same opportunities in life, those incarcerated should have made better choices than the ones that were made to land them where they are – in prison. Some in society would feel they have no one to blame but themselves. In either case, the government is running out of places to put these people, and running out of funds in which to do so. Private companies offering to build prisons, house the prisoners for a certain amount per day, and the ability to use those prisoners in the private industry which helps fund these prisons, is a good answer.

Sure there are certain liabilities to private prisons versus public ones. There is always the question of whether the private prisons are caring for our incarcerated the right way, or cutting costs to save a buck. Is there proper healthcare in place, are they being treated right, is there anyone there to make sure these private prisons are compliant with those rules the government prisons have to follow. There are always going to be those questions. However, bottom line is, getting private companies to house our prisoners and take the burden off the government is more cost-effective and economical for all concerned, especially the tax payers. With private industry paying for this, and being able to see the good they make to other companies, even getting a government contract, seems to be a win-win for everyone. On paper it certainly looks good, and so far, it has worked for everyone. Some countries have their prisons run totally by private companies – the government is not even involved.

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