

ABSTRACT

Private Prisons in the United States: Success That Has Yet to Be Seen

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Private prisons have been a hot topic of political debate since their official conception in the late-twentieth century in the United States. The intent behind privatizing a field that has historically been regulated by the government was to reduce budgetary expenditures and improve cost efficiency without sacrificing the quality of these institutions. Since then, private prisons' abilities to meet those goals have been widely questioned and researched. In this thesis, I review the history of prisons and how privatization was established in the United States. I then analyze the body of research surrounding the quality and cost-effectiveness of the private facilities, and I determine that this research is largely inconclusive regarding the success of private institutions. For private prisons to be useful in the field of crime and punishment, they need to be evidently and undoubtedly superior to their public counterparts. Therefore, I propose that more research needs to be done with greater sample sizes, and this research can only be done if private prisons are legally required to be more forthcoming with their financial records. Until then, it cannot be determined whether private prisons are meeting and/or exceeding their contractual obligations to the government.

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SUCCESS THAT HAS YET TO BE SEEN

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TABLE OF CONTENTS

ACKNOWLEDGMENTS	iii
DEDICATION	iv
CHAPTER ONE: A History of Prisons	1
Introduction	
Early Prisons	
Slavery and Prisons	
War on Crime and Drugs	
CHAPTER TWO: Prison Privatization	13
Modern Privatization	
Reagan and Neoliberalism in the U.S	
Mass Incarceration	
CHAPTER THREE: Do Private Prisons Work?	19
Cost Effectiveness	
Domains of Quality	
Private Corruption	
CHAPTER FOUR: Conclusion	35
REFERENCES	38

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To the people who have been unjustly imprisoned by a system in need of reform.

CHAPTER ONE

A History of Prisons

Introduction

Jailhouses and prisons have long littered the American landscape. Every county has a jail, and every state has multiple prisons. It seems as if they have always been a part of life. There was once a time where no person in the United States saw themselves incarcerated. Now, over two million people find themselves in prisons or jails for various crimes from theft to homicide, drug use to money laundering. People are now sentenced to as little as a few hours in jail or as long as life in prison without the chance of parole.

Over the last fifty years, prison populations have increased. The United States went from having 200,000 people in state and federal prisons in 1976 to over 1.5 million in 2004 (Eisen, 2018). Those numbers do not include people who are kept in local jailhouses. In 1925, the number of people incarcerated in the United States was 100,000 (The Sentencing Project, 2020). With a population at the time of 115.8 million, the rate of incarceration was 86 per 100,000. In fifty years, the prison population had doubled, or reached 200,000 prisoners while the United States population has increased 86% to 215.97 million people in 1975. This made the rate of incarceration 93 per 100,000. In 1985, the prison population would double once again. Instead of taking fifty years, this time, it only took ten. The next time it would double was only nine years later in 1984 when the number hit 800,000 people behind bars. The number of people incarcerated in the United States hit an all-time high in 2005, with over 1.5 million people residing in state and federal prisons alone. Yet, crime rates have not seen similar patterns (Stemen,

2017). Property crime rates have greatly and consistently decreased since the 1980s. Violent crimes decreased in the early 1980s, increased throughout the 1990s, and have been decreasing since 1993.

If there is a causal relationship between mass incarceration and crime rates, it could work in two possible ways. Violent crimes could be increasing, so mass incarceration occurs as a result. Conversely, mass incarceration could take potential or repeat offenders off the streets which would decrease the crime rate. However, Stemen (2017) suggests that mass incarceration and crime rates have minimal impacts on each other. In an analysis of 1980-2000 crime rates he finds that a 10% increase in the incarceration rates reflects a modest decrease in crime rate between 2% and 4%. There was a moderate effect in the 1990s with anywhere from 6% to 25% of the decreasing crime rates attributable to increasing incarceration rates. Moreover, none of the continued decreasing crime rates since 2000 can be attributed to the continued increasing incarceration rates (Stemen, 2017). Since this is the case, it begs the questions of why incarceration rates are continuing to increase, how they impact government expenditures, what is being done to reduce these expenditures, and are those solutions working?

In this thesis I am going to explore these questions. I will first examine the history of incarceration in the United States. I point out the historical inconsistencies in crime and punishment in the United States. I follow this by documenting how incarceration changed in the United States during the last half of the twentieth century. In this phase I show how the rise of drug culture during the turbulent 1960s and subsequent 'War on Drugs' dramatically changed the levels of incarceration in the United States until the end of the twentieth century. I follow this analysis with an examination of how for-profit

prisons have come to take a significant market share of the prison population and how this might connect to mass incarceration. I then review the differences between public and private prisons, determining if there are significant differences between the cost and quality of them. I conclude with a short analysis of my findings and a proposal of what should be done next regarding incarceration in the United States.

Early Prisons

Incarceration was not seen as necessary in the past. Punishments were not focused on duration, rather they were quick and often harsh. The economy was not stable enough to take wrongdoers away from the labor market. Therefore, if the convicted person could not afford the fine for their crime, they were punished publicly to deter others from future acts of criminal deviance and were quickly returned to work (Eisen, 2018). The people who could afford the fine were almost always wealthy white people. People of color and poor whites would, instead, face whippings and brandings (Perkinson, 2010). This form of punishment continued into the nineteenth century, but many started to see a new way of punishment at the end of the eighteenth century.

Crime had not been thought about much more than being a burden on society until the 1780s and 1790s. Then, a few men in Philadelphia started to think of crime as a mental disease. They believed this could be corrected by having deviants remain in one location by themselves, in solitary confinement, and reflect on their mistakes as a form of rehabilitation and penitence (Eisen, 2018). To test this theory, they converted a part of the Walnut Street Jail into a penitentiary to house these offenders. Quickly, they saw a similar issue to what we see today: overcrowding and disorderly conduct (Perkinson,

2010). They had to expand into a different building to maintain the isolation they believed would correct criminality. There was not yet a building that could contain all the prisoners, so they made plans to construct one.

Eastern State Penitentiary opened in 1829. Its main goal was to promote the spiritual reflection of the inmates it housed in the hope to reduce recidivism rates through isolation. Their justification for this was that “for the criminal already imprisoned, isolation from his fellow men was to prevent harmful corruption, protect his good resolutions, and give him ample opportunity to ponder on his mistakes and make his peace with God” (Mannheim, 1972, p. 11). Because of this ideal, the inmates remained in their cells to meditate on penitence. Occasionally, they were able to work but only when they were fully hooded- unable to see any other inmates.

In 1817, New York built the Auburn State Penitentiary, a prison with similar ideas to quickly reform criminals but with a different focus than Eastern State Penitentiary. Like Eastern State, male prisoners were held mostly in isolation, but they were allowed to dine and work communally in New York (Eisen, 2018). However, they were still not allowed to speak to each other. Auburn State was also the first to introduce a practice that is still used today: cheap prison labor. The penitentiary was contracted to manufacture many different goods using the labor of the inmates. The money made from these contracts helped fund the prison, but no money was given directly to the criminals as New York’s focus was physicality, unlike Pennsylvania's focus which was on spirituality (Perkinson, 2010). In 1825, the Auburn warden, Captain Elam Lynds, forced prisoners to build an entirely new prison. Sing Sing opened in 1828 and operated much like Auburn State Penitentiary did.

The founders of these penitentiaries failed to consider the possible negative side effects of their respective practices. For Eastern State, it was isolation. Charles Dickens, after visiting this prison in 1842, noted that he was thoroughly concerned with the prison, stating that “there is a depth of terrible endurance...which no man has a right to inflict upon his fellow creature” and that “this slow and daily tampering with the mysteries of the brain [must be] immeasurably worse than any torture of the body” (Dickens, 1842). He claimed to hear the wails and cries of the prisoners that no one seemed to address during his visit. It was clear to him that the theories Eastern State was founded upon were not working (Perkinson, 2010). However, the penitentiary did not stop these practices until after the turn of the century in 1913.

Despite the measures they took to ensure the isolation of the prisoners, inmates still found ways to interact with each other. These ways included tapping on pipes and digging holes (Johnston, 2004). Prison guards sanctioned the rule-breaking prisoners with what they considered to be non-violent consequences, such as food deprivation and the use of iron gags. New York found it much harder to control the silence of their prisoners. They had to take to harsher forms of punishment such as whipping and flogging to enforce this isolation (Perkinson, 2010). Female prisoners were not subject to the same levels of isolation as the male prisoners were, but they were often neglected. Because of this neglect, they were vulnerable to abuse and sexual assault (Perkinson, 2010). Therefore, neither prison was successful in keeping their inmates in-check: silent, subservient, and reflective. Throughout the 1800s, state prisons and the Federal Prison System, established in 1891, used these models. Despite their many issues, the

Pennsylvania system and the New York system became the two most popular ways of discipline in the United States.

Slavery and Prisons

Another system arose after slavery was abolished in 1865. Southern states quickly began modeling their prisons after the plantation system. In 1871, Texas Governor Edmond Davis allowed the leasing of prisoners to private businesses as laborers as a way to make money (Perkinson, 2010). However, the leased prisoners were commonly abused and neglected. In the same year, the Supreme Court ruled, in *Ruffin v. Commonwealth*, that prisoners were considered “slaves of the state” and that, as a consequence of their crimes, “inmates not only waived their liberty but also their personal rights” (King, 2012, p. 15). This system quickly became abusive towards the inmates, so Texas Governor Thomas Campbell signed into law new bills that increased prison accountability and removed prisoners from private hands in 1910. Inmates were only allowed to labor on state-owned or state-leased land. In 1940, the United States Congress passed the Ashurst-Sumners Act which restricted prison labor for the private sector nationwide, but because of the financial burden prisoners and prisons became on the state and federal governments in the 1980’s, the reemergence of private prisons took hold again in the United States.

Although modeled after their own plantation system, Texas did not create prison leasing and privatization. Privatization of criminal justice has been occurring on a smaller scale since the 16th century in the United Kingdom and the 17th century in the United States (King, 2012). Workhouses in England were not originally used for punishment.

The poor would work and live in them to repay debts and make money. However, local criminal offenders began working and living at these private workhouses to pay off their debts to the jailer. Therefore, public jails were allowing inmates to work in private houses as punishment and repayment. In the 17th century, England began sending their prisoners to the United States. In 1607, England began transporting felons to the Americas. Instead of serving their sentence in England, prisoners could petition to move to the American colonies to work as a slave in exchange for a pardon (King, 2012). In 1718, a law in England was passed that allowed judges to send convicts directly to the Americas as punishment. This did not last long as the American Revolution ended all slave labor sentences from England.

War on Crime and Drugs

The crime and punishment methods reflected in each of the previously discussed systems were not prevalent in the United States until the 1960s. Until then, the standard response to delinquency was to care for and treat offenders to improve their chances of being a productive citizen. The turning point on the view of crime and punishment was when sociologist Robert Martinson's research on the efficacy of rehabilitation concluded that no treatment program had truly worked the way it was intended (Eisen, 2018). This nearly coincided with the protests against the Vietnam War which escalated into riots that killed many people and caused millions of dollars in property damage. Other large riots occurred around the United States at the same time. These riots caused President Lyndon B. Johnson to establish the Commission on Law Enforcement and Administration of Justice, stating his hope that "1965 will be regarded as the year when this country began

in earnest a thorough, intelligent, and effective war against crime” (Eisen, 2018, p. 19). Since this declaration, many policymakers, like Johnson, have chosen to run on the same platform: being tough on crime.

Of all the policymakers that have led with a tough on crime attitude, President Richard Nixon’s policies have increased incarceration rates the most with his ‘War on Drugs’. In 1970, one year into his first term, President Nixon signed into law the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 (Eisen, 2018). Within this law are three titles. Title I discusses the establishment of rehabilitation facilities and programs for people addicted to drugs. Title III considers the possible issues relating to the importation and exportation of drugs, especially controlled substances discussed under Title II. Also within this title is the establishment of no-knock warrants. Title II is the most cited title as it created the schedules of controlled substances. Schedule I drugs, such as heroin, are defined as having a high potential for abuse and no legal medical use (Gabay, 2013). This schedule was very strict when it was created. However, marijuana has become legal in many states, both medically and recreationally, despite it remaining a Schedule I drug federally. Drugs that are considered Schedule V are controlled substances that have a low potential for addiction (Gabay, 2013). Today, this includes many over-the-counter cough syrups containing small amounts of codeine. Between those are Schedule II, III, and IV controlled substances that have less and less abuse potential, respectively. Because of this law, politicians continue to focus on the abuse potential of Schedule I drugs, like heroin.

In 1971, Congressmen Morgan Murphy and Robert Steele released an in-depth report about the heroin epidemic plaguing the United States as a whole, but they

especially focused on military personnel stationed in Southeast Asia during the Vietnam War. At the time, the United States population was approximately 207.7 million people. A quarter of a million of those people were addicted to heroin. This means that 120 people per 100,000 were addicted to heroin at that time. In addition to those 250,000 civilians, there were over 30,000 U.S. soldiers in Vietnam who were addicted to heroin in 1971 (Murphy & Steele, 1971). Steele and Murphy suggested that the only way to stop the distribution of heroin into troops' hands is to stop the production of heroin and the harvesting of poppy for such. In their report, they continue to make several recommendations to the United States government and President Nixon, including working with other Southeastern Asian governments and working within Congress to reduce the distribution of heroin and to help those addicted to heroin (Murphy & Steele, 1971). For the first time, many Americans recognized how severe the heroin crisis really was.

Less than one month after the release of this report in 1971, President Nixon started the 'War on Drugs', claiming that "America's public enemy number one is drug use" (Eisen, 2018, p. 21). In 1973, President Nixon established the Drug Enforcement Administration to combat the growing drug epidemic. There were six major benefits that the federal government hoped to get out of the creation of the Drug Enforcement Administration. The first was to decrease the arguments between U.S. Customs and the Bureau of Narcotics and Dangerous Drugs over drug-related law enforcement. The second being that the DEA would be forced to use the Federal Bureau of Investigation's expertise in drug-related matters. Another benefit would be the establishment of a single channel for communication with state, local, and foreign parties. The fourth is that one

central administration can be held accountable more than multiple peripheral organizations. The fifth is that a single organization can efficiently coordinate investigations with the newly created Narcotics Division in Justice and their prosecutions. The final benefit considered was that the creation of the DEA also created a momentum for coordination with all other related federal administrations (Drug Enforcement Administration). Although President Nixon resigned shortly after the creation of the Drug Enforcement Administration, the DEA remains a crucial part of drug-related investigations and law enforcement.

Despite more than 98% of Americans believing there were more important issues to address in the country, President Ronald Reagan promised to crack down on street crime and drug use just like President Nixon. The first lady, Nancy Reagan, built upon President Nixon's legacy by founding the "Just Say No" campaign against drugs like crack cocaine (Eisen, 2018). During President Reagan's terms in office, he signed the Sentencing Reform Act of 1984. This law established the United States Sentencing Commission which created sentencing guidelines for varying crimes. It was established to be apolitical, so they could develop logical sentencing guidelines without being influenced by a political party's agenda; yet many claimed that the Commission was decisively political and pro-prosecution (Gertner, 2010). There was much debate on how closely these guidelines should have been followed. Some believed that these sentencing guidelines were recommendation to be taken under consideration, and some believed that these guidelines were mandatory with few exceptions. Despite how they were used, these guidelines were exceptionally harsh. According to the Commission, they were based on precedent. However, their sentences were longer than previously established ones.

Additionally, more convicted offenders received prison-time, when previously they would have likely been sentenced to probation. Because they were the recommendations by an official commission, many came to assume these sentences were fair (Gertner, 2010). Judges used them strictly, regardless of case circumstances. After this was established federally, many states started passing mandatory sentencing laws and three-strikes laws, which often imposed a mandatory twenty-five-year sentence for someone who has committed a violent crime and has two prior convictions (Parent et al., 1997). This was a large step in his presidency towards his goal of cracking down on drug-related offenses.

President Ronald Reagan signed into law the Anti-Drug Abuse Acts of 1986 and 1988. The Anti-Drug Abuse Act of 1986 instituted mandatory minimum sentences and increased the penalties for drug-related crimes. It also lowered the possession threshold for a drug-related charge. This act not only strengthened national statutes regarding drug possession and distribution, but it also implemented international control of narcotics. Two years later, this act was built upon in the Anti-Drug Abuse Act of 1988, which increased federal spending towards anti-drug measures by \$2.7 billion (Perl, 1988). Most of this money was set to go toward reducing drug supply in the United States. However, much of this money remains allocated to reducing the demand for drugs. It also extended funds for international narcotics control measures (Perl, 1988). After these laws were enacted, incarceration rates began to rapidly increase.

The growth in prison population also brought significant costs increase to state governments. Eighty percent of prisoners who are incarcerated post-conviction are in state prison (The Sentencing Project, 2020). Between 1980 and 1990, the costs of housing

prisoners grew significantly. In 1980 states paid \$6.7 billion to house prisoners. By 1990 those costs had increased to \$16.9 billion, an increase of 152%. The increasing costs of incarceration had to be combatted somehow: through privatization. In the next chapter, I will discuss the specific events leading up to prison privatization in the United States.

CHAPTER TWO

Prison Privatization

Modern Privatization

Earlier in President Reagan's administration, a strike in the public sector prompted him to look into privatization. In 1981, air traffic controllers protested their poor working conditions and low salaries. This strike caused interruptions on critical services within the public sector (Eisen, 2018). To combat this, President Reagan asserted that this strike violated a federal law and ordered the air traffic controllers to return to work. All people who chose not to return to work were fired. This strike was the event that prompted President Reagan to establish a commission to investigate how the private sector could better perform the tasks that had been previously executed through the unionized public sector. He established the President's Private Sector Survey on Cost Control in 1982 which allowed private contractors to explore options related to cost control for the federal government.

This commission recommended almost 2,500 cost-reducing measures that amounted to more than \$424 billion in savings for the government over a three-year period (Eisen, 2018). These proposals included many conflicts of interest as third-party corporate executives would deem any federal expenditure as excessive if it would benefit their profits by doing so. Despite these conflicts, many states and localities followed President Reagan's lead and established their own commissions (Eisen, 2018). Private actors started to offer to build prisons or assume control over the management of prisons themselves to reduce cost and improve efficiency. Private prisons were projected to

reduce costs in many ways. Private companies do not have to employ union workers, so these corporations can get away with lower wages and cross training (Kish & Lipton, 2013). The Corrections Corporation of America was the first company to do so when they were awarded control of the operations and management at a jail in Tennessee in 1983 (King, 2012). Currently, two companies, CCA and Wackenhut/GEO Group now operate 75% of all privately owned prisons in the United States.

In 1987, President Reagan established another commission: The President's Commission on Privatization. Its purpose was to plan the transfer of public services to the private sector. This commission developed paths to privatize most services typically provided by the federal government. One of the commission's justifications was that the private sector has less regulations than the public sector (Eisen, 2018). They do not have to follow the rigorous protocols that the public sector must adhere to. Therefore, they might be able to cut costs where the government cannot. Additionally, the commission found that forty-one states and the District of Columbia had been ordered to improve their prison conditions and operations. Therefore, contracting prisons and turning them over to private companies gave people in public offices a way to provide quality institutions in a more costly manner (Eisen, 2018). While these findings were not implemented immediately, many of them begged for further research and consideration.

Until 1994, most legislation regarding prisons was aimed towards public prisons. In 1994, the Violent Crime Control and Law Enforcement Act granted billions of dollars towards prison funding. While it did not specifically mention prison privatization, the intent behind this act was clear. Soon, the Corrections Corporation of American began making plans to build its first private prison (King, 2012). In 1996, the act was amended

to allow states to delegate the responsibilities of the 1994 acts to private facilities. At the time of these acts, incarceration rates were at an all-time high as 389 per 100,000 Americans were behind bars (Eisen, 2018).

Reagan and Neoliberalism in the United States

The election of Ronald Reagan in 1980 signaled a shift in national ideology. A presidential primary candidate in 1968 and 1976, former California Governor Ronald Reagan promised to reduce government spending and regulations, cut taxes, strengthen the military, and confront the Soviet Union on each continent (Busch, 2005). The hostage crisis, domestic economic uncertainty, and perception that the United States was losing its influence in world events created the conditions for a landslide defeat of an incumbent president. Ronald Reagan won 489 electoral votes. The coattails of this win returned control of the U.S. Senate to Republicans for the first time in 28 years. It was considered an ideological revolution and changed the shape of the electoral map for the foreseeable future. Reagan was able to put together a coalition of religious conservatives in the South, which voted overwhelmingly for Carter in 1976, and Midwest with working class/blue collar Democrats. He promised America's best days were ahead. What he delivered is several decades of neoliberal economic policies that radically altered the role of the government in all aspects of life, including the criminal justice system.

The Reagan Administration did not invent neoliberalism. Hartwick and Peet (2003) state that it is a 20th Century tradition that emerged from the Austrian School, primarily the work of Ludwig von Mises (1881-1973) and Friedrich von Hayek (1899-1992). The American version was promoted by many, but most prominently Milton

Friedman (1912-2006) and the Chicago School. Peck and Tickell muse that neoliberalism began as a utopian movement with one guiding metaphor: market forces are natural law (Peck and Tickell, 2002). Peet and Hartwick argue that this was a relatively obscure movement until 1974, when Friedrich von Hayek and Swedish economist Gunnar Myrdal were awarded the Nobel Memorial Prize in Economic Sciences.

While most conflate this award to the Nobel Prize given in Physics, Chemistry, and other disciplines, it is actually a prize awarded by a Swedish bank in the memory of Alfred Nobel. The ‘Nobel’ label propelled neoliberalism into the academic and policy spotlight. The election of Margaret Thatcher’s Conservative party in 1979, and the election of Ronald Reagan to the Presidency of the United States ended Keynesian influence in US and UK politics. Both were staunch adherents of von Hayek, and both utilized Milton Friedman in some advisory capacity. Thatcher is said to have famously claimed, in reference to neoliberal principals of minimalist government and free markets, that “there is no alternative.” (Peck and Tickell, 2002, p. 391).

Neoliberalism might best be described as a combination of neoclassical economic thought and classical liberal political thought. It has three principal foundations: active individualism, free trade, and flexible labor (Hartwick & Peet, 2003). Neoliberals proposed that harmony and cooperation were the primary relationship among producers, and consumers, management, and labor; that state intervention into markets does not work; the welfare state was a tool to transform capitalism into socialism; and market forces would harmonize individual interests to create stable markets and stable societies. Neoliberal thought proposes that the order emerges from consumers maximizing their individual freedoms in pursuit of their interests. At some point consumers realize that

they can achieve greater utility from cooperating in a division of labor, than going it alone. The only roles of government are to protect the property of these consumers and create an environment in which this utility maximization can thrive. And in this role, the free market could deliver services more freely. President Reagan brought neoliberalism into all facets of U.S policy. His influence lasted well-beyond his 8 years in office. President Bill Clinton endorsed neoliberalism and signed sweeping legislation to transform the way social services and welfare were delivered in the United States.

Mass Incarceration

Private prison facilities represent a strong commitment at the federal, state, and local levels to neoliberalism, assuming that free markets in the private sphere would drive downward incarceration costs. Because of this, the nation has seen a large increase in private prisons since the Crime Act of 1994. From 1994 to 2000, the number of private prisons in the United States more than tripled. Currently, more than 7% of all prisoners are held in private prisons, and private prisons house more than 20% of all inmates in ten states (Makarios & Maahs, 2012). They were hoping by increasing incarceration rates temporarily, they would be decreasing crime rates. Instead, we have seen incarceration rates continue to increase despite crime rates dramatically decreasing. Since 1991, crime rates, both violent crime and property crime, have declined by around 50%, but the incarceration rate is still between 400 and 500 per 100,000 Americans adding up to over 2.1 million people incarcerated (Eisen, 2018). This means that the tough-on-crime attitude of the last fifty years has had little yield.

While private prisons and mass incarceration have occurred parallel to one another, this does not necessarily mean one causes the other. Because only 7% of incarcerated persons are in private institutions, it is impossible to conclude that the mass incarceration seen in the United States is a result of privatization alone (Eisen, 2018). Neoliberalism, or general capitalist ideologies, place profit above almost everything else. And according to Aviram (2016), this plays out through privatization in which private corporations become “complicit in overcrowding and mass incarceration” to improve their bottom line (p. 423). This is especially due to the demand for increased levels of incarceration in the 1980s could not be met solely through the use of public institutions. These increased levels result from neoliberalism, but also from an increasing focus on retribution, rather than the original intent of prisons: rehabilitation (Sigler, 2010). Ultimately, privatization results from mass incarceration and the ideologies surrounding it, including profit, retribution, and cost-minimization.

CHAPTER THREE

Do Private Prisons Work?

Cost Effectiveness

One of the reasons prison privatization arose in the United States was to manage and reduce costs associated with incarcerating people convicted of crimes. Immediately, there had to be limits and restrictions to these cost-saving measures as to not jeopardize the quality of the prisons. Director Jenni Gainsborough of the Washington Office of Prison Reform International sites potential issues with quality being escape attempts and successes, violent relationships between inmate and prison guards, inadequate inmate care, and lack of transparency with paperwork (Kish & Lipton, 2013). To avoid these issues, the government gave private prisons contractual standards in which to adhere. One of these standards mandates that privatization maintain a 5-10% cost savings over public prisons. The other being that the private facilities maintain or exceed the quality of the public institutions at an equal or lower cost (Thomas, 1997). However, the Bureau of Prisons does not collect aggregate cost data from private prisons like it does from public prisons because collecting this data would be another large cost (Kish & Lipton, 2013). Therefore, it is hard to measure how much money, if any, private prisons save compared to their public counterparts.

There are multiple different aspects of a prison that can contribute to its costs and cost-effectiveness. The wages and benefits received by the staff as well as their respective training programs are a large part of these costs. However, it can be difficult to definitively measure these costs because the money can come from multiple different

budgets (Baćak & Ridgeway, 2018). Both public and private prisons have similar staff-to-inmate ratios at three staff members per ten inmates so one type of facility is not more staffed than the other. This can be indicative of similar costs, but some outliers have been found. There are some large private prisons who will have five correction officers assigned to guard 750 inmates, a rate of less than one staff member per ten inmates (James, 2012).

Private facilities also pay their employees significantly less than public ones, thus causing higher turnover rates. In 1998, the maximum annual salary for a correctional officer was \$19,103 with a turnover rate of 43% in the private sector and \$34,004 with a turnover rate of 15% in the public sector (Burkhardt, 2017). Almost twenty years later, in 2019, the average salary for a correctional officer in the private sector was still \$19,000 per year, and they maintained their high turnover rate. Some of this difference can be explained by the people private prisons employ. Private prisons are more likely to hire Hispanic workers than public prisons. Hispanic workers, on average, earn two-thirds the income of white workers (Monnat et al., 2012). Private prisons are also more likely to employ women than public prisons. Women, on average, make 80% of what men do (Kim, 2015). This potentially indicates an attempt to improve diversity, but it can also be indicative of wanting to keep their costs low.

Training costs are another consideration when comparing private and public prisons. However, private prisons are less than forthcoming with their training costs. In 2000, an audit performed on the Texas Department of Criminal Justice revealed that the costs associated with turnovers, including finding and training replacement staff, were over \$40 million in the public sector in the state (Alwin, 2001). The costs to the private

sector have not been explicitly stated, but each sector must spend money training new corrections officers as old ones leave. This audit also revealed that the public sector was fully training less than eighty percent of its new corrections officers and less than forty percent of its existing corrections officers that have been promoted to sergeants. Therefore, this \$40 million cost does not include the full training of new or existing public corrections officers. Regarding the cost of turnover and training at private facilities, I was unable to find any data to compare to public facilities as private facilities are not required to share all their financial records (Kish & Lipton, 2013). Therefore, I can only infer that their costs are large due to the private institutions' higher turnover rates.

Inmate costs are a significant factor that must be considered, including healthcare, food, activities, and programming. Age and health-status are large contributors to these inmate costs. Older or sicker inmates will have higher costs associated with them, sometimes up to five times the cost of housing and caring for young, healthy inmates (Eisen, 2018). Therefore, many private prisons will choose to restrict the number of elderly or sick inmates they house (Burkhardt, 2017). This does not reduce the costs of imprisoning elderly inmates or inmates with medical problems. Rather, it displaces the costs back to the public sector.

Activities and programming are crucial to reducing recidivism rates as they prepare inmates to become productive members of society after their release. Due to being less regulated than the public sector, private prisons should be able to provide these programs at a lower cost, thus allowing them to have more programs available to their inmates (Kish & Lipton, 2013). These programs can be educationally or medically

rehabilitating. According to one study, private prisons had significantly less education programs than its public counterparts (Baćak & Ridgeway, 2018): 58.7% of public facilities had some form of educational programming whereas only 43.6% of private facilities had similar programs. The same study also looked at three different programs that could fall under the domain of care relating to HIV/AIDS, substance abuse, and psychiatric care. This study found that there were actually more of these programs available to inmates housed at public prisons, but these differences were not large enough to be significant after any statistical adjustments (Baćak & Ridgeway, 2018). However, there are not enough of these programs in either type of facility.

The facility security level is also crucial in determining costs. Private prisons are mostly minimum-security prisons. 88.1% of private prisons are minimum-security, 10.3% are medium-security, and 1.7% are maximum-security. This is significantly different than public prisons where 74.2% are minimum-security, 15.8% are medium-security, and 10% are maximum-security (Baćak & Ridgeway, 2018). Therefore, private prisons should have lower facility and security costs than public prisons because minimum-security prisons are less costly than maximum-security ones.

There have been numerous attempts to compare public and private prisons with respect to cost, but none of these studies have been conclusive for a variety of reasons. In a large-scale literature review performed by Perrone and Pratt (2003), they found that the majority of studies did find that private prisons averaged a savings of \$3.40 per diem, or per inmate per day, when compared to public facilities. Of the studies they reviewed, only one found that public prisons were cheaper, and only one found that there was no difference between the two facility types. Within these, there are a myriad of

inconsistencies in the methods that make it impossible to determine, from the studies that have been performed, if private prisons actually provide cost savings. Additionally, with each study's small sample size, none of the results can be deemed generally applicable.

The first study is Thomas's study on Arizona prisons. Thomas (1997) found that one private prison operated at a lower cost than the average of fifteen state-run prisons. The Marana Community Correctional Treatment Facility had an estimated unadjusted cost per diem of \$43.10 whereas the average of the public prisons was \$46.99 per diem. However, three of the fifteen public prisons had per diem costs lower than Marana's. One had it as low as \$33.06. There were, however, many limitations to his study including different inmate populations and demographics, different program availability, different cost calculation methods, and a general inability to account for all indirect costs (Thomas, 1997; Perrone & Pratt, 2003). Despite arriving at these numbers, Thomas (1997) emphasizes that these are not precise numbers and the limitations he had deriving these numbers prevent them from being extrapolated and applied to other studies.

The Office of Program Policy Analysis and Government Accountability did two studies comparing public and private facilities in Florida. In their first comparison, they compared Bay and Moore Haven private prisons with the hypothetical Lawtey state prison. In both their unadjusted and adjusted per diem costs, the hypothetical state prison fell somewhere between the two private prisons, with the private averaging a savings over public prisons of less than one dollar per diem (Office of Program Policy Analysis and Government Accountability, 1998). Overall, Bay did not provide any cost savings and Moore Haven provided less than 5% cost savings, which does not fulfill contractual obligations. In their second study, they compared South Bay private prison and

Okeechobee state prison, both being real prisons, where they found that South Bay did fulfill its contractual obligations by producing a cost savings of seven percent (Office of Program Policy Analysis and Government Accountability, 2000). Both studies, however, had severe limitations. Addressed by Perrone and Pratt (2003), the first study's major limitation is the hypothetical nature of the public prison whereas the second study's limitations are a result of indirect costs not being accounted for. While both studies conclude that private prisons narrowly operate at a reduced cost, the nature of the limitations prevent them from being widely applicable.

The Urban Institute (1989) did a study comparing one public and one private prison in Kentucky. In their study, they found that the daily operating cost of the private facility was ten percent per diem higher than that of the public prison. If they accounted for construction costs, the public institutions would have been greater than twenty percent more per diem, as there was no construction cost associated with the private facility. In the Urban Institute's study, they compared real prisons using identical cost calculation methods that accounted for indirect costs, but according to Perrone and Pratt (2003), they used poor techniques to match the prisons. This was the only study that Perrone and Pratt looked at that found private prisons to cost more than public prisons. However, this study is still not generalizable because only one of each type of prison was studied.

Archambeault and Deis (1996) compared two private prisons to one public prison. The private prisons, Allen and Winn, had per diem costs of \$22.93 and \$23.49, respectively. This is compared to the public prison, Avoyelles, which had a per diem cost of \$26.60. In this study, the private prisons both met their contractually obligated 5-10% minimum savings. The Archambeault and Deis study did not use identical cost

calculations nor did they match the inmate program availability between facilities (Perrone & Pratt, 2003). Again, these are not applicable to other prisons due to the small sample size used.

In 1996, the General Accounting Office reviewed several different studies from different states. After analyzing the California, Tennessee, and Washington studies, they concluded that they did “not offer substantial evidence that savings have occurred” (General Accounting Office, 1996, p. 3). Of these studies, only one demonstrated that a private facility was less costly than a public one. In two, there was no significant difference, and one of them showed that the public prison in the study was more costly than the private prison. Because of these discrepancies, the General Accounting Office (1996) would not offer a firm conclusion on whether public or private prisons were more cost effective.

In Perrone and Pratt’s research (2003), the Texas Sunset Advisory Commission’s 1990 study was the only study to do all of the following: utilize identical cost calculation methods, account for indirect costs in their calculations, match the prison security levels and prisoner capacity, and find parallels between the programs provided at both the public and private prison. Despite finding that private prisons result in a fourteen percent cost savings when compared to public prisons, they failed to use a real public facility (General Accounting Office, 1996). Rather, they used a hypothetical public facility, like the Office of Program Policy Analysis and Government Accountability’s 1998 study, and a very real private facility to make all their calculations which concluded that the private facility was more cost-effective. Therefore, this study cannot be applicable.

Of the studies reviewed by Perrone and Pratt, only two performed a significance test on their data. Within these two studies, Archaubeault and Deis (1996) found that private prisons were less costly in Louisiana. However, they were unable to use identical cost calculation methods, and the prisons they compared did not have similar programs provided to the inmates. The other study, conducted by the Urban Institute (1989), found that public prisons were less costly in Kentucky. While they did use identical cost calculation methods, the public prisons they used was much larger than the private prison and it did not have similar programs provided to inmates. While these were the only studies of the nine investigated by Perrone and Pratt (2003) that had conclusive results, they had conflicting results which indicates that they are not applicable to all prisons. They were performed in different states and both compared only a few of the prisons in their respective states. With all this conflicting data, neither private prisons nor state prisons can prove that they are more cost-effective.

Domains of Quality

There are seven domains of prison quality that can be improved or worsened by privatization. These domains are condition, management, activity, care, security, safety, and order (Makarios & Maahs, 2012). To compare the confinement quality of private and public prisons, the Prison Quality Index was created. This index contains 333 indicators that attempt to measure the domains of quality. It was originally created to measure eight domains, the additional one being justice (Logan, 1992). Each domain has evidence indicating that private prisons are both better and worse, or equal to, private prisons.

Condition is best explained by the quality of the facilities and the passive treatment of its inmates, including how crowded the prison is, the quality of food the prisoners are given, and the sanitation levels within the prison itself. It also includes how free inmates are to move around the prison, how often and how quickly maintenance is performed, general noise levels, and visitation standards (Makarios & Maahs, 2012).

When Logan (1992) did a comparison of private and state prisons, he found that private prisons narrowly outperformed the state prisons by a margin of 3%. However, a comparison between private prisons and federal prisons showed that they outperformed federal prisons by 200%. When interviewed, inmates and staff said they felt their conditions were more regimented and prison-like at private prisons than state prisons. Due to their differing power dynamics, corrections officers gave private prisons higher marks whereas inmates gave them lower marks (Logan, 1992). This study indicates that private prisons and state prisons have similar conditions and that these conditions are significantly better than federal prisons. In 1995, Drowota performed inspections on two state prisons and one private prison. Upon the first inspection, the private prison had significantly lower compliance rates overall. They had especially low compliance rates for food service, fire and occupational safety, maintenance and physical plant conditions, and sanitation practices (Drowota, 1995). Upon second inspection, the private facility improved in most areas, but compliance rates remained low in the areas of fire and occupational safety and sanitation practices. The conflicting data indicate that private prisons do not significantly and consistently improve the conditions of a prison.

Management involves the efficiency and effectiveness of the corporation that runs the prison, including staff turnover rates, job satisfaction, salary, and training. Logan

(1992) found that private prisons had a higher index than state prisons by 76% .

According to a study performed by the Urban Institute (1989), private prisons had better management by a slight margin. However, private facilities have higher turnover rates due to paying their employees significant less than public facilities (Burkhardt, 2017).

This data may indicate that the public sector has an advantage in the management domain. In Drowota's study (1995), a private prison, when compared to two state prisons, had a lower compliance rate for management personnel upon both first and second inspection. Again, conflicting evidence indicates that private prisons are not outrightly superior to their public counterparts.

Activity refers to the programs available to inmates to keep them involved in prison life, such as rehabilitation programs and labor opportunities. These are important because it would be inhumane for a prison to have inmates without any form of activity (Logan, 1992). In one study, private prisons had a higher rate of inmates completing courses training them for vocations as well as training for general education and literacy. However, this same study showed that the public prison offered more programs and a wider variety of programs compared to private prisons (Archambeault & Deis, Jr., 1996). Conversely, Drowota (1995) showed that a private prison had less inmates going through academic programs when compared to state prisons, and the private prison had less inmates on the worklines. Similarly, Baćak and Ridgeway (2018) found that public prisons offer 20% more educational programs than private prisons. These contradictory results indicate that neither form of prison outperforms the other in the domain of activity.

Care includes the direct treatment of inmates via medical and psychiatric programs and services. In their study, Baćak and Ridgeway (2018) found that, before weighting their results, public prisons offered significantly more psychiatric counseling, substance dependency, and HIV/AIDS-related programs. Public prisons offered 29.2% more psychiatric counseling services, 15.4% more substance dependency programs, and 13.5% HIV/AIDS-related programs. However, after weighting their results, they found these differences to be insignificant (Baćak & Ridgeway, 2018). When the Correctional Medical Authority compared the health care services offered at two prisons, they found that the private prison had less deficiencies than the public one. The public prison was cited with “9 level one and 19 level two deficiencies” whereas the public prison only had “2 level one and 3 level two deficiencies” (Office of Program Policy Analysis and Government Accountability, 2000). According to the Correctional Medical Authority, level one problems are dangerous and potentially life threatening, and level two problems are associated with less risk than level one. This indicates that while public prisons may offer, insignificantly, more programs in the domain of care, they may be more deficient than private prisons.

Security is the ability of a prison to prevent inmates and outsiders from interacting. This includes both inward and outward interactions, namely prisoner escapes and contraband penetration (Logan, 1992). There are not data that show a significant difference between public and private prisons regarding security. In a comparison between one private prison and fifteen state-run prisons, Thomas (1997) found that there were four escapes from the public prisons and zero escapes from the private prison. However, when expressed as a rate, that is only 0.17 escapes per 100,000 inmates at a

public facility. For this reason, he concludes that the difference between these prison types is not significantly significant (Thomas, 1997). This finding mirrors other studies done on the matter. Logan (1992) found that state, federal, and private prisons all have 0.00 escapes per capita. Logan did find that private prisons had less positive drug tests when inmates were suspected of opiate use. Over a one-month period, the proportion of positive tests was 0.31 for state prisons, 0.40 for federal prisons, and 0.10 for private prisons (Logan, 1992). However, private prisons tested their inmates less overall. Despite this, Logan (1992), found that private prisons had a higher quality index than both state and federal prisons regarding security. Once again, these are conflicting results, but private prisons seem to do slightly better at securing their inmates.

Safety encompasses both inmate and staff well-being and protection from violent outbursts. As in the domain of security, Logan (1992) found that private prisons had a higher quality index than both federal and state prisons. When doing a comparison between one public prison and two private prisons, Archambeault and Deis (1996) found that the public prison had twice as many critical and non-critical incidents per month than the two private prisons. These reported incidents include assaults on staff by inmates and assaults on inmates by other inmates. Some of these incidents may have involved a weapon or bodily harm. They also found that the public prison had slightly fewer aggravated sexual offenses per month than the private prisons (Archambeault & Deis, 1996). According to Austin and Coventry (2001), the opposite is true. They found that private prisons had 8.2 more incidents per 1,000 inmates than public prisons. These incidents included assaults on inmates, riots, fires, and other general disturbances. They did, however, find that private prisons had slightly less assaults on staff than private

prisons did (Austin & Coventry, 2001). Balancing these contrasting findings, Thomas (1997) found that there is no significant difference between inmate-on-staff, inmate-on-inmate, and staff-on-inmate homicides, assaults involving weapons, and assaults not involving weapons. The exception being he found that there were more inmate-on-inmate assaults not involving weapons in public prisons than in private prisons (Thomas, 1997). Overall, there is evidence to indicate that either form of prison could be superior to the other regarding the safety of its staff and inmates.

Finally, the domain of order is the control a prison has over its population. This includes a prison's ability to manage and prevent disturbances and minimize inmate rule-breaking (Logan, 1992). In a study performed by the Urban Institute (1989), both public and private prisons had similar levels order. However, Logan's study found that private prisons were favorable in the domain of order. According to him, private prisons outranked state prison by a margin of 92% (Logan, 1992). This domain is hard to study, but private prisons seem at least somewhat favorable.

The numerous studies comparing public and private prisons are consistent in their inconsistency. In each domain, multiple studies support the case for both public and private prison. Logan (1992) found that staff and inmate interviews showed a similar juxtaposition. When inmates are interviewed regarding the domains of quality, they indicate that state prisons have favorable conditions whereas staff interviews indicate that private prisons are favorable. These differences make it difficult, if not impossible, to determine which form of prison is superior in the domains of quality.

Private Corruption

Private prisons have proven themselves to violate the human rights of their inmates. Prisons were founded, according to Sigler (2010), with the intention to deprive convicts of their rights to life, liberty, and property in order to punish them for their misdeeds against society. This temporary deprivation should serve as an incapacitation—so that they cannot commit crimes, as a deterrence—so that they will not commit crimes in the future, and as a rehabilitation agent—so that they will not want to commit crimes in the future. However, private prisons have taken a different approach: retribution (Sigler, 2010). Retribution is punishing for the sake of punishing, as it does not have an end goal other than that of punishment. It is not intended to bring about positive change in society or an inmate, and any change it does bring, positive or negative, is incidental. This theory of retribution is indicative by private prisons adding time to their inmates' prison sentences for nearly any rule broken, up to thirty days per incident (James, 2012). Private prisons are paid per bed they fill. Therefore, they are incentivized to extend sentences due to rule breaking rather than reduce sentences due to good behavior. This maximizes profit, but extending sentences also increases cost. If private prisons were truly lowering costs, they would be motivated to reduce sentences through a focus on rehabilitation.

They should also have a better grasp on the domains of security and order, but there are case studies showing where private prisons have fallen short of this. The Northeast Ohio Correctional Center in Youngstown, Ohio has received numerous complaints in relation to the security domain. In fact, they were found to be housing maximum-security inmates at their medium-security facility, and they only trained their

correction officers to handle medium-security inmates (James, 2012). They have had numerous escape attempts, having had six prisoners successfully escape in 1998 alone. A private Arizona medium-security prison was also found to have neglected its role in prison security when three inmates managed to escape. They did not maintain the facility properly as they did not ensure the function of many security measures. Additionally, they did not have security guards at possible exit points around the perimeter (Brickner & Diaz, 2011). The decision to under train and under staff the prisons and house inmates at lower security levels to lower costs drastically impacts their ability to maintain a secure prison as well as keep the surrounding community safe.

Two private prisons have been proven to be especially corrupt because they offered kickbacks to judges who sentenced juveniles to long stays in their facilities. Mark Ciavarella, Jr. and Michael Conahan accepted \$2.8 million in exchange for shutting down the county's juvenile detention facility and sending juvenile offenders to two privately owned facilities (James, 2012; Benekos, et al., 2013). This scandal was uncovered after multiple complaints by parents about their children being given harsh sentences, which did not follow state sentencing guidelines, despite committing relatively minor crimes. Sometimes, these were crimes that did not have mandatory jailtime. They were, instead, supposed to be handled with in-home judicial punishment (Guggenheim & Hertz, 2016). These facilities, and the judges, were found to have violated the juvenile's human rights by falsely imprisoning them and denying them their Sixth Amendment right to counsel. Ciavarella was charged with racketeering, found guilty, sentenced to twenty-eight years in prison, and forced to pay \$1.7 million in restitution to the juveniles and their families that he falsely imprisoned (James, 2012; Benekos, et al., 2013). Conahan was sentenced

to seventeen years in a federal prison, also for racketeering. This infamous case was the basis of an episode of NBC's popular *Law and Order: Special Victims Unit*. These actions do not reflect on a company that wants to reduce the cost of imprisonment and rehabilitation.

CHAPTER FOUR

Conclusion

When I began my preliminary research for this thesis, I believed that I would find private prisons to be largely contributing to mass incarceration, falling short of their contractual obligations to reduce costs, and wholly corrupt. Instead, what I discovered was a largely nuanced, inconclusive, and outdated body of research in which I was to sort through to find my answers. However, through this research, I was able to draw some conclusions.

The first of which, ironically, is that more research needs to be performed. Due to time and budget restraints, no large-scale comparison between private and public prisons has ever been attempted, let alone completed. For a study to be applicable outside the realm of the individual prisons it compares, there must be a large enough sample size. All of the studies I have discussed in this thesis have had less than five prisons in the sample. There are over two million people incarcerated in more than one thousand prisons in the United States (Eisen, 2018). To truly determine whether private prisons are more cost effective than public prisons, a much larger study needs to take place.

These constraints notwithstanding, there is a severe complexity to these comparisons that needs to be addressed before any modern research can take place: transparency. Because they are private entities, private prisons do not have to release certain financial records (Kish & Lipton, 2013). This can cause hardships in ensuring that their contracts are being fulfilled. Namely, they need to have a 5-10% cost savings over

public prisons which cannot be measured because the government does not require the private facilities to release all applicable data (Kish & Lipton, 2013). Therefore, these private prisons should be held accountable to release their financial records, so comparisons can be properly analyzed, and conclusions can be formally drawn. Even though comparing these two types of institutions will continue to harbor many complexities, including the various indirect costs that are associated with running a prison, it will be far easier to compare them when private institutions are forthcoming with their records.

With the data that has been gathered, even lacking the needed transparency, I can conclude that private prisons are not undeniably meeting the standards that have been set for them. There are far too many studies with conflicting or inconclusive results regarding the quality and cost-effectiveness of private prisons (Makarios & Maahs, 2012). For every study that asserts private prisons maintain a higher quality of confinement than public prisons, there is a study that shows an inconclusive or opposite result. Additionally, every study that has been done regarding the reduced cost of private prisons is riddled with such severe limitations and contradictions (Perrone & Pratt, 2003). Therefore, I would argue that because of these limitations and contradictions, it is irresponsible for any researcher to make definitive statements regarding their conclusions until there is more transparency. Rather, they should err on the side of caution like Thomas (1997) does by emphasizing that any results are not precise, and any conclusions are not generalizable.

While I did find that there is corruption and abuse within private facilities, it is not unique to private prisons. There are certain scenarios that can only occur in the private

sector like the Kids for Cash scandal (Guggenheim & Hertz, 2016). This scandal could not have occurred otherwise because government-run operations cannot incentivize judges to sentence offenders to their facilities, as their budgets are a matter of public record. However, both types of facilities are guilty of cutting corners and treating the inmates inhumanely. A notable example from the private sector is that a state facility, in 2013, was found to be performing unnecessary sterilization procedures on nonconsenting inmates (Aviram, 2014). These are both extreme examples, and they serve to demonstrate that monumental change is needed within both sectors. While there are already regulations in place, both public and private prisons need to be held accountable for them.

While it would be unempirical and dishonest for me to claim that private prisons are causing mass incarceration, there is a trend connecting them. As only 7-8% of all inmates are housed in private prisons, it is obvious that they are not the primary contributor to rising incarceration rates (Aviram, 2014). However, the increasing number of both inmates and private prisons is indicative of an evolving opinion towards the purpose of incarceration (Sigler, 2010). Where prisons were once a sign of progress and rehabilitation, they have become a means to dole out retribution and punishment. To reduce mass incarceration, this philosophy needs to revert to the way it once was. This can happen through two different means. First, the opinion of the people can change then new laws will be created based on this changed opinion. Conversely, the second option is that as laws change, public opinion will follow. I tend to lean somewhere between the two. To reduce mass incarceration, mandatory sentencing laws need to be reformed and certain morals need to be addressed. What may have been necessary during the 'War on Drugs' era is no longer needed with the positively evolving view on marijuana use

(Felson et al., 2019). However, there is still a push towards permanently incapacitating people for serious offenses. Only policies geared towards rehabilitation backed by research that has yet to be done can change this.

This thesis has opened my eyes to the need for objective research. I began this study with the expectation that many of today's prison issues could be traced to the bifurcation of incarceration into private and public. I fully expected to find that private prisons had significantly more issues than public prisons. My dive into the literature did not find a clear conclusion to the questions I raised at the beginning of this study. I have learned not to let your research assumptions create observation bias, in which the researcher only focuses on those observations that fit her assumptions. The lack of clear conclusions in the prison literature does not negate the prison crisis in America. As a nation we incarcerate a significantly greater proportion of our population. In 1970 there were 300,000 people in federal/state prisons. This trend began in 1982 and has not abated. Today there are over 2.3 million. This growth is despite a precipitous annual drop in violent crime since 1993. Moreover, we have only scratched the surface of a larger incarceration issue: the racial disparities among male prisoners. Currently forty percent of incarcerated males are Black, and ten percent of Black males between the age of 20-30 years of age are in prison. As a society, we must find alternatives to dealing with deviant behavior other than warehousing.

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