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## Private and Public Sector Prisons—A Comparison of Select Characteristics

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**WITH THE ADVENT** of get-tough sanctions, the demand for prison space is great. As state and federal facilities are forced to operate at or above capacity, solutions are increasingly being sought from the private sector. One solution that has gained increased popularity is the privatization of the prison. A private prison is a facility that incarcerates offenders for profit. Recent figures from the Bureau of Justice Statistics indicate that about 7% (94,948) of America's state and federal prisoners are incarcerated in privately operated prisons (Bureau of Justice Statistics, 2002). By all accounts, this trend is expected to continue. For example, the U.S. Bureau of Prisons has announced its intention to increase the number of federal prisoners housed in private facilities to an anticipated 20,000 within the next few years (Camp et al., 2002: 28). This suggests that correctional privatization will continue to gain momentum (GAO, 1996: 3; Welch, 2000: 82).

The increased momentum of prison privatization makes it vital to determine if the private sector ascribes to similar or different ideologies than those that have traditionally driven public operations. This determination is valuable since the objectives of the contemporary prison are increasingly ambiguous (Garland, 1990: 3). The lack of a clearly defined ideology is resulting in a growing sense of doubt and dissatisfaction with modern penal practice. Thus, our nation's prisons and correctional departments adhering to a variety of ideologies that make the system appear more philosophically disjointed than in the past. This confusion not only exists at the institutional level but is also prevalent among prison employees. Garland notes that prison employees have historically been able to justify various practices by placing them within established ideological frameworks. However, those now employed in the prison are left with little direction or even a widely accepted justification for their efforts. By considering prison privatization, insight can be obtained about the role of the contemporary prison (both private and public) as well as the role that a profit ideology may play in the future application of punishment.

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## **Privatization: A History**

Prison privatization is historically grounded (Cohen, 1985: 63; Lichtenstein, 2001: 189). Similar practices were common in parts of Europe during the seventeenth century, having their birth in Amsterdam and Hamburg (Spierenburg, 1998: 66). Simon observes that in Europe, it was possible to "obtain public authority to confine troublesome people" in private facilities (1993: 22). The operators of these facilities sought profit and self-sufficiency by charging fees for admittance and discharge, food and water, and even lodging (Austin & Coventry, 2001: 9; Lichtenstein, 2001: 193). Sellin, too, notes that early prisons sought "financial profitability" (1958: 11).

Cohen traces the roots of contemporary privatization to the 1960's when there arose a social desire to "divest[ing] the state of certain control functions" (1985: 31). This movement is also being fueled by a growing dissatisfaction with government and its inability to fulfill its correctional responsibilities (Austin & Coventry, 2001: 9; Cohen, 1985: 35; Jacobs, 2001: 184; Lichtenstein, 2001: 191). The recent trend to privatize prisons began in earnest in 1984 when Hamilton County, Tennessee and Bay County, Florida entered into contracts with the private sector. Currently, 158 private correctional facilities operate in 31 states (Thomas, 2000).

The shift from a publicly operated correctional system to one that contains a corporate component has led to concerns about an inherent conflict between public and private interests (Christie, 2000: 149; Logan, 1990). This concern hinges upon the belief that profit will be of greater importance to the private sector than the constitutional, ethical, or fair treatment of its inmates and staff. Some scholars have even suggested that the pursuit of profit may be done through substantial cuts in staffing, training, and ancillary services (Brister, 1996; Logan, 1996; Thomas, 1996;). Since labor accounts for approximately 70% of all prison expenses, "the secret to low-cost operations is to have "the minimum number of officers watching the maximum number of inmates" (Austin & Coventry, 2001: xi & 16; Welch, 2000: 82). Thus, conventional wisdom suggests that the private sector will operate at or above capacity and employ proportionately fewer staff than does the public sector.

Furthermore, the movement to privatize prisons is reflective of a larger socio-economic and political movement occurring worldwide. Referred to as "neo-liberalism," corporations involved in this movement embrace a capitalistic fervor that seeks the abolition of government intervention and the expansion of economic free enterprise (Martinez & Garcia, 2000: 1; Passas, 2000: 21; Starr, 1988: 8). This desire to expand into new avenues of profit has lead corporations to consider prison operations. It is the possibility that these corporations will cut wages and employee benefits (Martinez & Garcia, 2000; Passas, 2000) that make prison privatization one of the most significant issues facing contemporary society (Passas, 2000: 16).

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## **Ideological Orientation**

The ideological orientations of "normalization" and "less eligibility" have long been used to describe prison operations (Feest, 1999: 100) and were instrumental in providing the ideological framework for this study. Prisons operating under a "normalization" orientation emphasize treatment and rehabilitation (Downes, 2001: 66; Simon, 1993). These facilities also value civil rights and offender reformation. In an opposite fashion, under the philosophy of "less eligibility" inmates are seen as possessing "reduced citizenship" and few rights (Jacobs, 1980: 432; Simon, 1993: 265). Little concern may exist for inmate reformation. These characteristics combined with a desire for low-cost operations (Welch, 2000: 74) or even profit may increase the likelihood that inmate populations and facility staff will be targeted for cost-cutting measures.

These ideologies provide a natural continuum upon which the public and private correctional sectors may be situated. By placing normalization and less eligibility at opposite ends of this continuum, analysis of each sector's characteristics can reveal toward which ideology either sector is located in relation to the other. It was hypothesized that since the private sector operates

with a "for-profit motive," less eligibility would be its dominate operational ideology (see [Table 1](#) for ideological characterizations).

Much of the contemporary literature suggesting differences between the sectors are based largely upon speculation rather than observation and research. Some of this literature suggests that the treatment of inmates held by the private sector will be of a lower standard than that accorded inmates held in public sector prisons. For example, Pha asserts that corporations tend to treat people as commodities with financial factors "overriding" all other considerations (1996: 20; Peck, 2001: 1; Wright, 2000: 21). This body of literature suggests that privatization will have negative effects upon staff and inmates, alike (Kicenski, 1998: 11; Lotke, 1996: 3). In an opposite fashion, other scholars have identified ways in which privatization may benefit inmates and prison employees (Logan, 1990). The lack of research and the myriad of opinions and speculative statements in the literature suggests that no study has yet determined the ideology driving private sector operations.

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## **Methodology**

Data were obtained from the Criminal Justice Institute's (CJI) Corrections Yearbook. The 1998 and 2000 editions were initially selected for comparative analysis. However, data on the private sector were incomplete for 2000. During 1998, approximately 74% of the prisoners held by the private sector and 53% of the private prisons were represented in the data set. However, by 2000, only 35% of the prisoners held by the private sector and 36% of the private prisons were represented. Specific areas of prison operations for 2000 fared even worse. For example, only 12 private prisons (down from 53 in 1998) provided information on employee turnover rates. Since data for 2000 were incomplete, data were obtained solely from 1998. During both 1998 and 2000, 88% of all public sector prisoners were represented in the CJI data-sets.

Once selected, data were entered into SPSS to obtain descriptive analyses including frequencies and means. Additional statistical information was obtained directly from the Yearbook. Data were provided by 6 private corporations, including 47 prisons operated by Corrections Corporation of America (representing 59% of the data), 21 prisons operated by Wackenhut (representing 26% of the data), 6 prisons operated by Management and Training Corporation (representing 8% of the data), 4 prisons operated by Avalon (representing 5% of the data), and 1 prison each for Capital Corrections and Australian Correctional Management (2% of the data combined).

The hypotheses for this project include an expectation that (when compared to the public sector):

- the private sector will pay less, provide less training, will have proportionately fewer officers per inmate, and will have lower officer retention and retirement rates,
- the private sector will suffer from increased levels of violence,
- the private sector will have a smaller percentage of its inmate population participating in drug treatment, and
- the private sector will pay inmate laborers proportionately less.

For a hypothesis to be considered supported and for its related findings to be used to place the sectors upon the ideological continuum, the difference between the sectors must reflect a minimum difference of 25 percent. If a specific difference between the sectors is less than 25%, it will not be used to place either sector upon the continuum. By using such a high percentage as the criteria for comparative purposes, the reader is presented with a conservative test of practical and substantive significance.

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## Findings

### *Demographic, Custody & Sentencing Data*

When considering the data provided on [Table 2](#), it is evident that a large percentage of those incarcerated by both sectors are African American. Furthermore, the private sector reports housing a higher percentage of female inmates than does the public sector. Both sectors reported that the average age of their inmates at admission was approximately thirty. Likewise, the total percentage of inmates 49 years of age or less, for all practical purposes, is also too similar to be distinguished.

When considering custody levels, the private sector houses approximately 21% fewer inmates at the maximum and close security levels and approximately 15% more inmates at the minimum security level than does the public sector. Thus, 90% of the private sector's inmate population is classified at the medium or minimum levels, whereas only 69% of the public sector's inmate population are so designated. When considering the average number of months served by inmates prior to release, the private sector reported a stay of 11 months versus approximately 28 months for the public sector. Thus, the average length of stay for inmates in private sector prisons was over 16 months less than for inmates incarcerated by the public sector. This is consistent with differences in classification where higher security designations are often tied to offence seriousness and sentence length. Finally, the private sector operated at 82% capacity while public sector prisons operated on average at 113% capacity. Thus, private prisons were operating at 18% below their capacity levels while public prisons were operating at 13% above their designed capacity levels.

### *Salaries, Training Levels, Staffing Ratios and Turnover Rates*

In 1998, the private sector paid officers \$15,919 to \$19,103. This range represents a difference of \$3,184. During this same year, public prisons paid their officers \$21,246 to \$34,004. This range represents a difference of \$12,758. Thus, the private sector paid new officers approximately \$5,327 less than did the public sector while offering less advancement in salary, with the difference in maximum salaries being \$14,901. This finding supports the hypothesis that the private sector will pay its correctional officers less than the public sector. This finding also indicates that the private sector, with regard to correctional officer salary, is located nearer the less eligibility end of the ideological continuum than is the public sector.

The private sector required correctional officers to undergo an average 174 hours of pre-service training and 42 hours of annual in-service training. In comparison, the public sector required correctional officers to undergo an average 232 hours of annual pre-service training and 42 hours of in-service training. This suggests that the public sector required 58 additional hours of pre-service training above that provided by the private sector. This finding supports its related hypothesis and suggests that the private sector is nearer the less eligibility end of the ideological continuum than is the public sector.

The private sector also reported an average correctional officer turnover rate of 43%. Turnover refers to the total number of officers leaving a particular prison during a specific year. Similar information was also available regarding total staff turnover rates and their causes. Figures indicate that 71% of those individuals leaving private prisons resigned their position, while 0.6% retired, 21% were terminated/dismissed, and 7% transferred to another facility. In comparison, the public sector reported an average correctional officer turnover rate of 15%. This suggests that the private sector experienced officer turnover rates approaching three times that of the public sector. Total staff turnover rates were also available for the public sector, indicating that 63% resigned their position, 15% retired, and 22% left for unknown reasons. Thus, the private sector had approximately 9% more of their staff resign and 15% fewer of their staff retire. This finding supports its related hypothesis and suggests that the private sector is nearer the less eligibility end of the ideological continuum.

When considering staff to inmate ratios, the private sector reports an average 6.7 inmates per

correctional officer and 3.7 inmates per staff member. The public sector, in comparison, reported an average 5.6 inmates per correctional officer and 3.1 inmates per staff member. This finding suggests that the private sector had higher inmate to officer and staff ratios than did the public sector. This finding is not surprising considering private prisons are newer (Pratt & Maahs, 1999), may employ advanced security measures, and incarcerate a less serious inmate population. Because the differences between the sectors did not exceed 25%, this particular finding will not be used to place either sector upon the ideological continuum.

#### *Frequency of Assaults (Homicide Excluded)*

The private sector reported an average of 40 assaults on inmates and 9 assaults on staff per prison. An assault is generally considered to have occurred when an inmate causes another person bodily harm. The public sector reported 19 assaults on inmates and 10 assaults on staff per prison. This suggests that the private sector experienced more than twice the number of assaults against inmates than did the public sector and slightly fewer assaults against staff. The findings pertaining to inmate to officer assaults were almost indistinguishable. However, the difference between the sectors regarding inmate on inmate violence is interpreted as supporting its related hypothesis, suggesting that the private sector is nearer the less eligibility end of the ideological continuum than is the public sector.

#### *Drug Treatment*

The private sector reported on average 28% of their inmate population participated in drug treatment programs. Drug treatment includes counseling, group therapy, and specialized drug addition programs. On the other hand, the public sector reported that 14% of their inmate population participated in similar treatment programs. This suggests that private sector prisons had, on average, twice the number of inmates participating in drug treatment than did the public sector. Thus, the related hypothesis was not supported and suggests that the private sector is nearer the normalization end of the ideological continuum than is the public sector.

#### *Inmate Wages*

The private sector reported that it paid its inmates a wage of \$1.09 to \$2.75 per day for non-industry labor (6.5 hours per day). The public sector reported that it paid its inmates an average wage of \$0.99 to \$3.13 per day for non-industry labor (6.5 hours per day). This suggests that the private sector paid \$0.10 per day more than did the public sector for their average minimum wage, but approximately \$0.38 per day less for its average maximum wage. The differences between the sectors did not exceed 25% and will not be used to place either sector upon the ideological continuum.

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### **Discussion**

When considering the distribution of the findings presented here, it is apparent that there are two separate areas of private prison operations being considered—those more easily controlled by a prison's administration in their pursuit of profit, and those that are more likely to be contractually obligated and beyond an administration's direct control, thereby making cutbacks more difficult. Knowing that the single largest cost associated with prison operations is staffing, it becomes significant that this is the area where substantial differences were found. While data could not be located regarding typical contractual obligations, enough material exists in the literature to suggest that staffing is usually not an area where specific requirements are specified. Not only were major differences found in staff pay and training, but these differences may contribute to the elevation of the private sector's employee turnover rate. Furthermore, pay, training, and turnover may all contribute to the higher levels of violence seen in the private sector.

With regard to the placement of the sectors upon the ideological continuum, three of the four characteristics that situate the private sector closer to the principle of less eligibility are related to its employees. In an opposite fashion, inmate participation in drug treatment suggests that the

private sector is nearer the normalization end of the ideological continuum. This somewhat debunks the popular belief that the private sector will fail to offer treatment as a way to increase profit and ensure a continued clientele. Furthermore, this finding fits well with the overall nature of the private sector as housing the less hardened offender - the very type that is more willing to participate in rehabilitative endeavors. Therefore, higher participation rates may be related more to the type of inmate housed by the private sector than to a specific ideology to which it may ascribe. Therefore, the overall significance of this finding is somewhat lessened.

Furthermore, the private sector incarcerates a greater percentage of females than does the public sector. This runs counter to popular belief that suggests that incarceration of females is more expensive and problematic, making their incarceration financially prohibitive. Such a finding is noteworthy, since it challenges previous speculation suggesting that the incarceration of the female would largely be left to the public sector. Again, this finding fits well with the overall nature of the private sector as housing the less serious and less dangerous offender. Information concerning specific arrangements between the sectors with regard to male and female per diem fees were unavailable; therefore, little is currently known about differences in the quality of their incarceration, the types of services provided during their incarceration, or the costs associated with their incarceration. Additional research should be conducted with regard to the relationship existing between the private sector and the female inmate.

The private sector is also much less crowded than previous speculation has suggested. The belief that the private sector operates at or above capacity to maximize profit has not been substantiated by this study. In fact, the private sector operated, on average, 24% below that of the public sector. Again, this may be due more to the nature of the private sector as an "overflow mechanism" for the public sector than to any specific ideology or operating objective that it may ascribe to. Finally, since the private sector operates below capacity and houses less serious offenders it should, by all conventional thinking, also be a safer place to be incarcerated. However, findings suggest otherwise. Precisely why the private sector is a more dangerous place to be incarcerated remains unexplained. Further research would be useful to support or discredit observations similar to those made in *Kesler et al. v. Brazoria County* (1998) where the court suggested that private sector violence may be associated with staffing practices.

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## **Conclusion**

Similar to the public sector, a majority of those incarcerated within the private sector are young minority males. However, the difference between the sectors is marked with regard to the custody levels at which these individuals are held. In essence, the private sector incarcerates the less serious offender, whereas the public sector retains those of a more serious nature. Likewise, the average number of months served by those incarcerated by the private sector is less than half that served by those in public sector prisons. Therefore, the general demographic makeup of each sector's prisoner population with regard to age and race appear similar but the dangerousness and average length of stay differ markedly. This notwithstanding, the private sector is a more dangerous place to be incarcerated. The private sector also appears to have a greater proportion of its inmate population participating in drug treatment than does the public sector. Overall, findings suggest that the private sector adheres more closely to a less eligibility ideology than does the public sector.

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## **References**



**TABLE 1***Hypothesized Indicators of Ideology's Effect upon Prison Operations*

<b>Less Eligibility</b>	<b>Normalization</b>
Emphasis upon profit/efficiency	Reduced emphasis upon profit/efficiency
Low officer wage	Higher officer wage
Low officer retirement rate	Higher officer retirement rate
Low staff to inmate ratio	Higher staff to inmate ratio
Low levels of staff training	Higher levels of staff training
Low officer retention rate	Higher officer retention rate
Reduced emphasis on rehabilitation	Increased emphasis on rehabilitation
Increased levels of violence	Decreased levels of violence

**TABLE 2***Demographic, Custody,  
and Sentencing Data*

<b>Characteristic</b>	<b>Private %</b>	<b>Public %</b>
<b>Race</b>		
African American	42.8	47.4
White	31.9	43.3
Other/Unknown	25.3	9.3
<b>Gender</b>		
Male	90.0	93.6
Female	10.0	6.4
<b>Age at Admission</b>		
	30	31
% 49 or less	94.0	92.8
% 50 or older	6.0	7.2
<b>Custody Levels*</b>		
% Maximum	1.8	12.4
% Close	4.1	14.1
% Medium	42.7	36.7
% Minimum	47.3	32.4
<b>Average Length of Sentence**</b>		
Served by releasees (months)	11.3	27.7
% Capacity	82	113

\* Due to facility exclusions, custody figures total 95%. Custody levels reflect the percentage of the inmate population so designated.

\*\* Figure based upon information provided by 28 private prisons.

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