

PUBLIC POLICY

THE PROBLEM WITH PRIVATE PRISONS

PATIENCE FOSTER (APRIL 2019)

The growing problem of the private prison industry and appropriate policy solutions.

8.5%

Private prisons hold 8.5 % of all prisoners in the United States.⁴

Private For-profit prisons are facilities managed by a for-profit organization through a public-private partnership with a government contract.²

Why is this a problem?

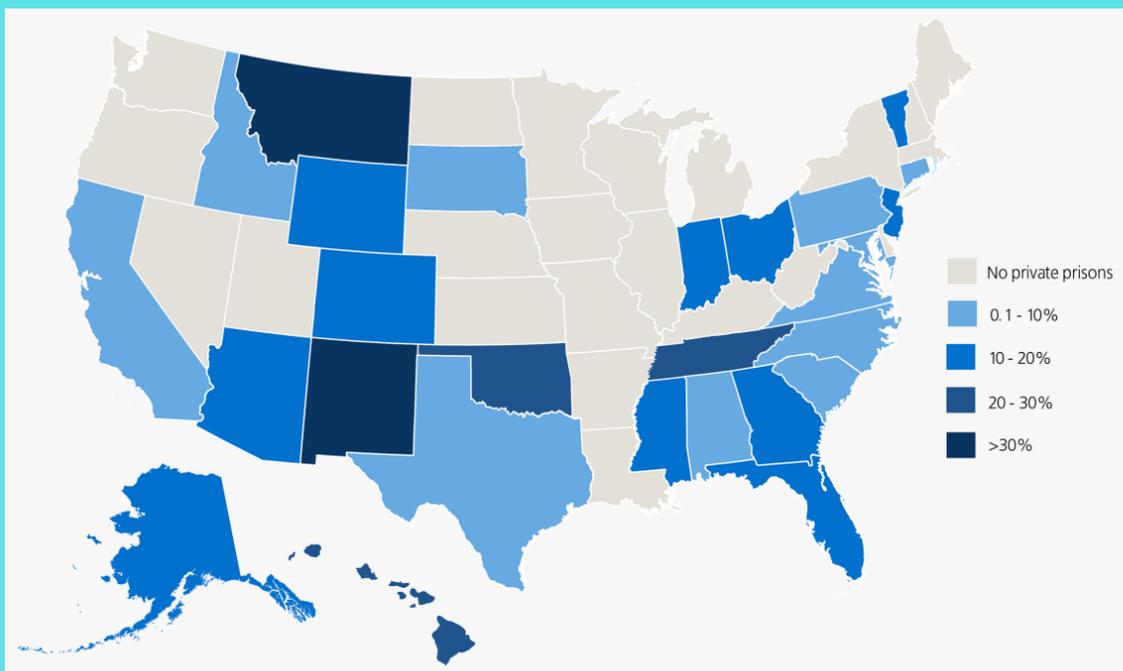
Private prisons were initially intended to alleviate overcrowding in prisons and reduce correction costs. However, over time they have instead generated structural, societal, and legal problems.²

SINCE 2000

47%

Increase in the number of prisoners in private prisons⁴

Proportion of incarcerated population in private prisons, 2016



Private Prisons in the United States⁵

Negative Implications of private prisons

Structural: In order to reduce overhead costs, private prisons often reduce their services to the minimum. This reduces the ability of the prison to effectively rehabilitate and incapacitate the prisoners.¹ The profit business model used by private prisons encourages operators to spend less on inmate services and prison staffing. This often leads to impaired safety and the overlooking of basic human rights.³

PRIVATE PRISON GUARDS MAKE ON AVERAGE

\$7,000

LESS THAN PUBLIC PRISON GUARDS³

Societal: Prison privatization has contributed to the United States mass incarceration problem on a large scale. The US has the highest incarceration rate in the world at 5 times the international average.³

Disproportionate rates of incarceration have been increased through prison privatization. Incarceration of African-American men is six times higher in the US than the incarceration of white men. African Americans make up 38% of incarcerated individuals but only 13.6% of the U.S. population.¹



Legal: Private prisons directly violate due process. Prison administration is a governmental function and delegating prisons to private institutions violates Due Process Requirements and the Nondelegation Doctrine.¹

For-profit private prisons use three main tactics to influence policy: lobbying, direct campaign contributions, and networking/association. These tactics have allowed private prisons to increase incarceration over time through policy to gain greater profit.²

HOW CAN THIS PROBLEM BE ADDRESSED?

New York

CORRECTION LAW §§ 120-121 OF 2007

This 2007 law prohibits the private operation of any correctional facility.¹

Illinois

PRIVATE CORRECTIONAL FACILITY MORATORIUM ACT

This 1990 Act amended Illinois state charter. It prohibits private parties from creating contracts with public prisons.¹

These two states currently have legislation in place to prohibit the use of private prison contracts. A federal version of the New York and Illinois laws should be passed to end prison privatization nationally.

Providing alternatives to incarceration could reverse the negative effects of the private prison industry. Rehabilitative measures need to be introduced nationwide as an alternative to imprisonment.³

30%

Intervention can reduce recidivism rates by around 30 percent.³

Misconceptions

Supporters of private prisons often believe that private contracts reduce bureaucracy and perform corrections at a cheaper rate and higher standard. However, numerous studies have found that prison privatization causes indirect financial costs and creates negative effects on inmate treatment, care, and rehabilitation.⁶

It is false that it is impossible to end prison privatization because it would mean a breach of contract with private companies. This is, in fact, legal because states can alter private prison contracts for multiple reasons. One reason is for the benefit of prisoner rehabilitation and incapacitation which is often lacking in private prisons.⁶

Counterargument: Those in favor of private prisons argued that Illinois and New York's correction budgets would suffer when governments regain control. However, this was not the case as abolishing private prisons promoted long-term cost saving in these states.¹

Works Cited

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