

GAMING THE SYSTEM:

HOW THE POLITICAL STRATEGIES OF PRIVATE PRISON COMPANIES PROMOTE INEFFECTIVE INCARCERATION POLICIES

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JUSTICE POLICY INSTITUTE

Justice Policy Institute is a national nonprofit organization that changes the conversation around justice reform and advances policies that promote well-being and justice for all people and communities.

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PART 1

INTRODUCTION

At a time when many policymakers are looking at criminal and juvenile justice reforms that would safely shrink the size of our prison population, the existence of private prison companies creates a countervailing interest in preserving the current approach to criminal justice and increasing the use of incarceration.¹

Approximately 129,000 people were held in privately managed correctional facilities in the United States as of December 31, 2009;² 16.4 percent of federal and 6.8 percent of state populations were held in private facilities. Since 2000, private prisons have increased their share of the “market” substantially: the number of people held in private federal facilities increased approximately 120 percent, while the number held in private state facilities increased approximately 33 percent. During this same period, the total number of people in prison increased less than 16 percent. Meanwhile, spending on corrections has increased 72 percent since 1997, to \$74 billion in 2007.³ The

two largest private prison companies, Corrections Corporation of America (CCA) and GEO Group, combined had over \$2.9 billion in revenue in 2010.⁴

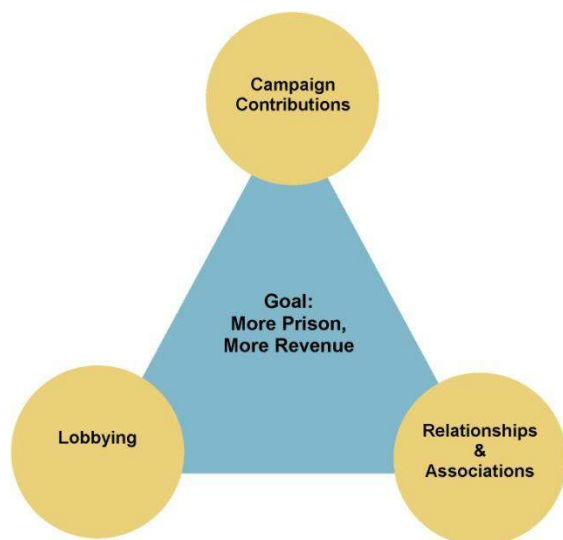
While private prison companies may try to present themselves as just meeting existing “demand” for prison beds and responding to current “market” conditions, in fact they have worked hard over the past decade to create markets for their product. As revenues of private prison companies have grown over the past decade, the companies have had more resources with which to build political power, and they have used this power to promote policies that lead to higher rates of incarceration.

The pro-incarceration policies that private prison companies promote do nothing to

The demand for our facilities and services could be adversely affected by the relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalization of certain activities that are currently proscribed by our criminal laws. For instance, any changes with respect to drugs and controlled substances or illegal immigration could affect the number of persons arrested, convicted, and sentenced, thereby potentially reducing demand for correctional facilities to house them. Legislation has been proposed in numerous jurisdictions that could lower minimum sentences for some non-violent crimes and make more inmates eligible for early release based on good behavior. Also, sentencing alternatives under consideration could put some offenders on probation with electronic monitoring who would otherwise be incarcerated. Similarly, reductions in crime rates or resources dedicated to prevent and enforce crime could lead to reductions in arrests, convictions and sentences requiring incarceration at correctional facilities.

~ CORRECTIONS CORPORATION OF AMERICA 2010 ANNUAL REPORT

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improve communities or cut costs, and may actually have the opposite effect. Policymakers should be focused on long-term solutions to improving public safety, saving money and promoting healthy communities by looking at ways to reduce the number of people in prison, not increase them, and by finding ways to keep people out of the justice system before they become involved. Private prison companies are in it for the money. Policymakers should be in it for healthy, safe communities.

THE TRIANGLE OF PRIVATE PRISON POLITICAL INFLUENCE

While there are many pieces of the for-profit private prison industrial complex, this report will focus on for-profit private prison companies' political strategies to influence legislators responsible for criminal justice policy and, in some cases, influence legislation and policy, themselves. Therefore, any use of the term private prison refers only to for-profit private corrections companies and facilities.

For-profit private prison companies primarily use three strategies to influence policy: lobbying, direct campaign contributions, and

building relationships, networks, and associations.⁵

Over the years, these political strategies have allowed private prison companies to promote policies that lead to higher rates of incarceration and thus greater profit margins for their company. In particular, private prison companies have had either influence over or helped to draft model legislation such as “three-strikes” and “truth-in-sentencing” laws, both of which have driven up incarceration rates and ultimately created more opportunities for private prison companies to bid on contracts to increase revenues. The recent Supreme Court decision in *Citizens United vs. FEC* further facilitates this influence by allowing corporations to engage freely in paid political speech such as television and radio ads and programs.

As policymakers and the public are increasingly coming to understand that incarceration is not only breaking the bank, but it's also not making us safer,⁶ will this shrink the influence of the private prison companies? Or will they use their growing financial muscle to consolidate and expand into even more areas of the justice system? Much will depend on the extent that people understand the role for-profit private prison companies have already played in raising incarceration rates and harming people and communities, and take steps to ensure that in the future, community safety and well-being, and not profits, drive our justice policies. One thing is certain: in this political game, the private prison industry will look out for their own best interests.

WHAT IS A FOR-PROFIT PRIVATE PRISON?

While the private sector provides services to correctional institutions including health care, education, transportation and counseling, for the purpose of this report, a for-profit private prison is a facility managed by a for-profit organization through a public-private partnership with a government contract. Private prison companies contract with federal and state governments to either take over management of a state-run facility or to house people in a privately constructed prison. Private prisons generally charge a daily rate per person incarcerated to cover investment, operating costs, and turn a profit.⁷ This daily rate varies depending upon facility, population and security level, but usually pays for correctional officers, support staff, food services, programmatic costs and partial medical care among other services.⁸

PART 2

THE PLAYERS: TWO COMPANIES ARE AT THE CENTER OF PRIVATE PRISON POLITICAL INFLUENCE

In 2011, the major players of the political game to sustain incarceration are the Corrections Corporation of America and the GEO Group, having recently acquired Cornell Companies in 2010. These companies have the most to gain by influencing legislation that could lead to more or less incarceration.

The involvement of the private sector in public corrections dates back to the late 18th century, when local jails were run by for-profit providers paid by local governments to hold people awaiting trial.⁹ The shift from private for-profit run jails to a government-run penitentiary system began with the first U.S. state prison established in Philadelphia in 1790.¹⁰ Shortly after government assumed the role of incarcerating people, private firms began contracting with prisons for the use of labor,¹¹ as well as to provide medical, food and a variety of other services.¹²

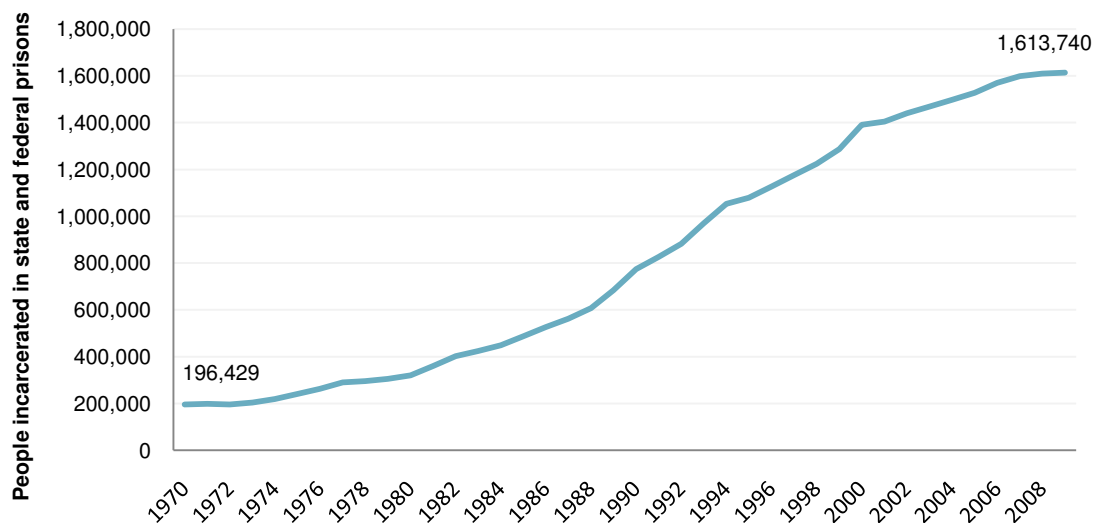
Correlating with the increased use of incarceration, prison overcrowding, and rising corrections costs, private sector involvement in prisons moved from contracting of services to complete management and operations of entire prisons.¹³

The incarceration rate of people sentenced to more than a year of prison more than tripled

over the past 30 years, growing from 139 people in prison per 100,000 in the general population in 1980 to 502 per 100,000 in 2009.¹⁴ The number of people in state and federal prisons alone increased 722 percent since 1970 from 196,429 people to 1.6 million people in 2009.¹⁵

The incarceration explosion created two practical problems: where to put the increasing number of people being sentenced to prison and how to pay for it. In 1984, Hamilton County, Tennessee and Bay County, Florida were the first local governments in modern times to enter into contracts with the private sector for operating correctional facilities.¹⁶ With the promise of comparable corrections services at a greatly reduced cost,¹⁷ state, federal, and local governments have increasingly contracted with the private sector for the financing, design, construction, management, and staffing of prisons, jails, and other correctional facilities.¹⁸

The state and federal prison population increased 722 percent between 1970 and 2009.



Sources: Heather C. West, William J. Sabol and Sarah J. Greenman, *Prisoners in 2009 - Statistical Tables*. Table 1 (Washington, D.C.: Bureau of Justice Statistics, 2010); Allen J. Beck and Paige M. Harrison, *Prisoners 2000* (Washington, D.C.: Bureau of Justice Statistics, 2001); Allen J. Beck and Darrell K. Gilliard, *Prisoners 1994* (Washington, D.C.: Bureau of Justice Statistics, 1995); Paige M. Harrison, *Prisoners in Custody of State or Federal Correctional Authorities, 1977-98* (Washington, DC: Bureau of Justice Statistics, 2000); Sourcebook of Criminal Justice Statistics Online, Table 6.28.2006: Number and rate (per 100,000 resident population in each group) of sentenced prisoners under jurisdiction of State and Federal correctional authorities on December 31. www.albany.edu/sourcebook/pdf/t6282006.pdf

The basis for the belief that private prisons would be more economical is that market competition would drive down costs.¹⁹ And since private firms must compete not only with industry rivals, but also the government, it was assumed they'd have increased incentives to develop less expensive corrections practices and streamlined operations in order to win government contracts.²⁰ Despite no conclusive evidence in the cost savings of private corrections,²¹ and growing evidence of significant collateral expenses borne by the public of incarcerating people in private prisons,²² the trend of for-profit prison privatization continues.

Today, two companies own and/or operate the majority of for-profit private prisons, with a number of smaller companies running facilities across the country.

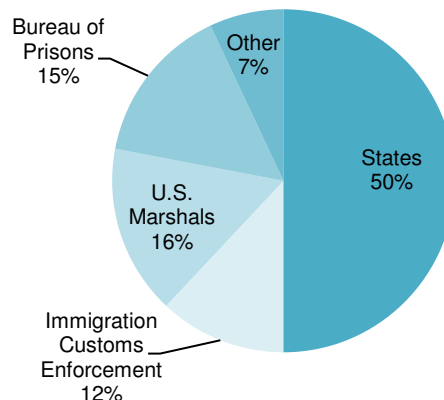
CORRECTIONS CORPORATION OF AMERICA

Founded in 1983, the Corrections Corporation of America (CCA) is the first and largest private prison company in the U.S.²³ According to the company's website, CCA specializes in owning, operating, and managing prisons and other correctional facilities. In 2010, CCA operated 66 correctional and detention facilities, 45 of which they owned with contracts in 19 states, the District of Columbia and with the three federal detention agencies: Bureau of Prisons, Immigration and Customs Enforcement and the U.S. Marshal Service.²⁴

In 2010, CCA saw record revenue of \$1.67 billion, up \$46 million from 2009.²⁵ The majority of that revenue (50 percent or \$838.5 million) came from state contracts, with 13

percent (\$214 million) from the state of California;²⁶ approximately 10,250 people from the state of California are held in prisons run by CCA.²⁷ The other significant portion of their revenue was from federal contracts, which accounted for 43 percent of revenue in 2010.

50 percent of CCA's revenue comes from state contracts.



Source: Corrections Corporation of America, *2010 Annual Report* (Nashville, TN: Corrections Corporation of America, 2010).

CCA HAD POLITICAL CONNECTIONS FROM THE BEGINNING.

A prime example of the influence underscoring the private prison industry is the development of Corrections Corporation of America (CCA). CCA cofounder, Tom Beasley, then-chairman of the Tennessee Republican Party, had served on a committee tasked with choosing a new state corrections officer.²⁸ Beasley's research uncovered a system plagued by overcrowding, tight budgets and high turnover, convincing him that with a few simple applications of business practices the corrections system could be transformed from an inefficient bureaucracy to a profitable business.²⁹ Joined by two friends, Doctor Crants, a lawyer and MBA Harvard graduate and Don Hutto, who at the time was the president of the American Correctional Association, CCA entered the market by attempting to take over the entire Tennessee prison system.³⁰ The combination of Beasley's political connections, Crants' business savvy, and Hutto's correctional credentials allowed for easy access to the necessary contacts and investors to launch America's first private prison company.

GEO GROUP (FORMERLY WACKENHUT CORRECTIONS CORPORATION)

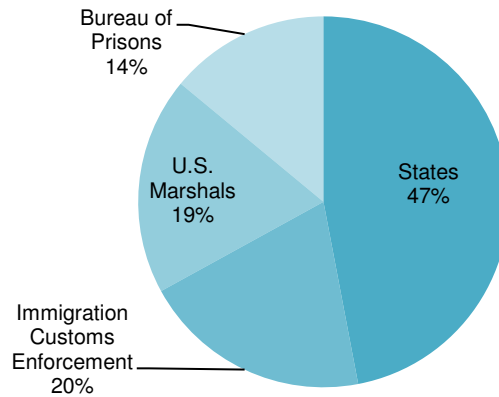
According to their website, the GEO Group is a private corporation that specializes in correctional and detention management, community residential re-entry services and behavioral and mental health services.³¹ Currently, GEO operates 118 correctional, detention, and residential treatment facilities

encompassing approximately 80,600 beds in the United States, Australia, South Africa, and the United Kingdom.³² The U.S. Corrections Business Unit is the company's founding operating unit and accounts for over 60 percent of GEO's total annual revenue.³³ Founded in 1984 under the name Wackenhut Corrections Corporation, the company solidified its first contract, the Aurora ICE Processing Center with the Bureau of Immigration and Custody Enforcement, in 1987.³⁴

Wackenhut was acquired by Group 4 Falck (now G4S) in 2002, and a year later repurchased all of its stock shares to become an independent company. In 2003 Wackenhut Corrections Corporation officially changed its name to The GEO Group, Inc.³⁵ As of 2010, GEO contracts with 13 states, the Federal Bureau of Prison, the U.S. Marshals Service, and U.S. Immigration and Customs Enforcement.³⁶ In 2010, 66 percent (\$842 million) of GEO's \$1.27 billion in revenue was from U.S. corrections contracts.³⁷ Of the \$842 million in revenue, 47 percent came from corrections contracts with 11 states.³⁸

On August 12, 2010 the GEO Group acquired Cornell Companies—a for-profit private prison company with revenues of over \$400 million in 2009³⁹—in a merger estimated at \$730 million.⁴⁰ The acquisition of Cornell by GEO signifies a change in the landscape of the private prison industry with the majority of private prisons now under the management of either GEO or CCA.

The majority of GEO's corrections revenue comes from state contracts.



Source: The GEO Group, *2010 Annual Report* (Boca Raton, FL: The GEO Group, 2011).

PART 3

THE STAKES: MORE PRISON MEANS MORE REVENUES FOR PRIVATE PRISONS

Over the past 15 years, while the incarceration rate in the U.S. has grown, it has been outpaced by the growth in the number of people placed in private prisons.

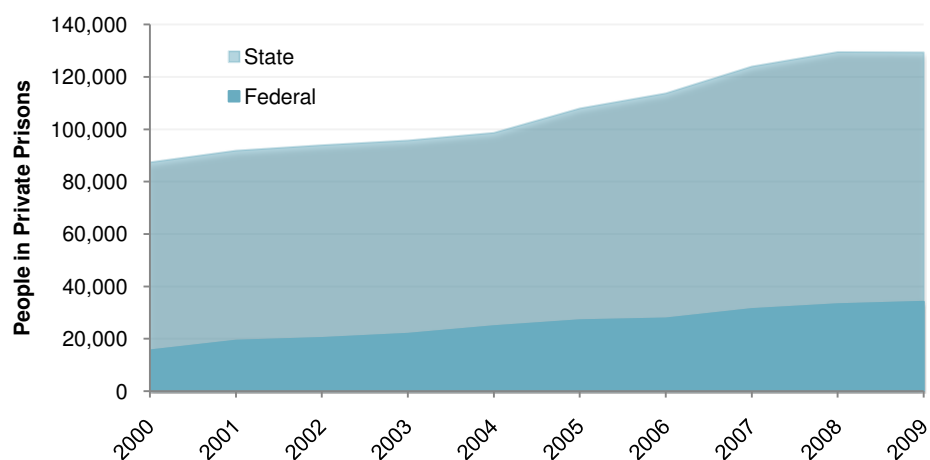
Due to ineffective criminal justice policies that promote incarceration over more effective alternatives, an increasing need for prison beds has resulted in more private prison contracts and subsequently more revenue for private prison companies as states have less money to pay for the construction of their own prison beds. As a result of this increasing trend of incarceration, private prison companies have seen exponential growth in revenues, benefiting greatly from more people being placed behind bars. However, between 2008 and 2009 the number of people in state prisons declined for the first time in 40 years.⁴¹ While the number of people in federal prisons continues to rise, the decline in the state prison population—private prison companies' largest revenue stream—sets the stage

for private prison companies to implement an aggressive, multipronged strategy to ensure their growing revenues.

MORE PRISON...

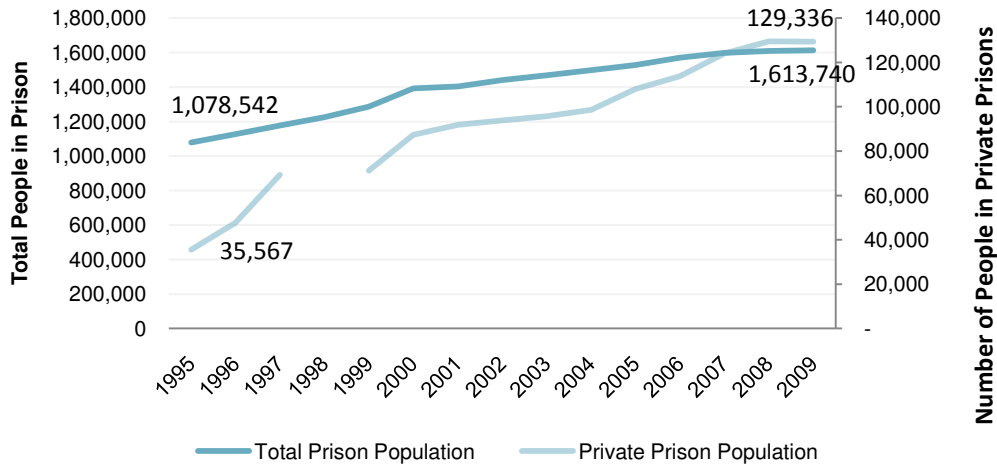
Some of the most rapid increases in incarceration occurred during the 1980s and 1990s, in part fueled by a policy shift toward “tough on crime” measures such as mandatory sentencing and “three strikes” laws, “truth-in-sentencing” laws that limit

The number of people in private facilities grew between 2000 and 2008.



Source: Heather C. West, William J. Sabol and Sarah J. Greenman, *Prisoners in 2009* - Appendix table 19 (Washington, D.C.: Bureau of Justice Statistics, 2010).
<http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>

Similar to the overall number of people in prison, the number of people housed in private prisons has steadily increased over the past decade.

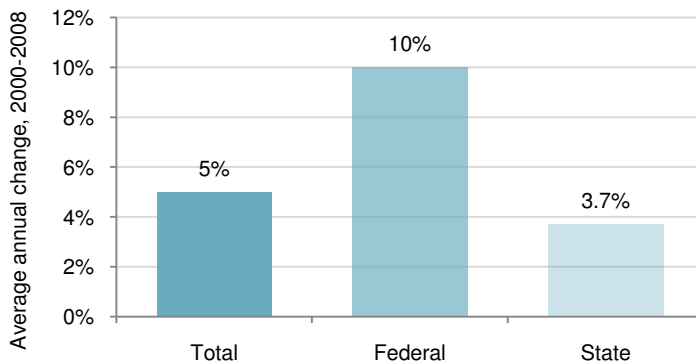


Sources: Allen J. Beck, *Prisoners 1999* (Washington, D.C.: Bureau of Justice Statistics, 2000) <http://bjs.ojp.usdoj.gov/content/pub/pdf/p99.pdf>; Kathleen Maguire and Ann L. Pastore, eds. *Sourcebook of Criminal Justice Statistics 1995*. Table 1.96: Private Correctional Facility Management Firms (Washington, D.C.: Bureau of Justice Statistics, 1996); Heather C. West, William J. Sabol and Sarah J. Greenman, *Prisoners in 2009 - Statistical Tables*. Table 1 and Appendix Table 19 (Washington, D.C.: Bureau of Justice Statistics, 2010); Allen J. Beck and Paige M. Harrison, *Prisoners in 2000* (Washington, D.C.: Bureau of Justice Statistics, 2001); Paige M. Harrison, *Prisoners in Custody of State or Federal Correctional Authorities, 1977-98* (Washington, DC: Bureau of Justice Statistics, 2000); Sourcebook of Criminal Justice Statistics Online, Table 6.28.2006: Number and rate (per 100,000 resident population in each group) of sentenced prisoners under jurisdiction of State and Federal correctional authorities on December 31. www.albany.edu/sourcebook/pdf/t6282006.pdf

parole eligibility and keep people in prison longer, and the “war on drugs.” Such policies have sent more people — especially people convicted of drug offenses⁴² — to prison, and

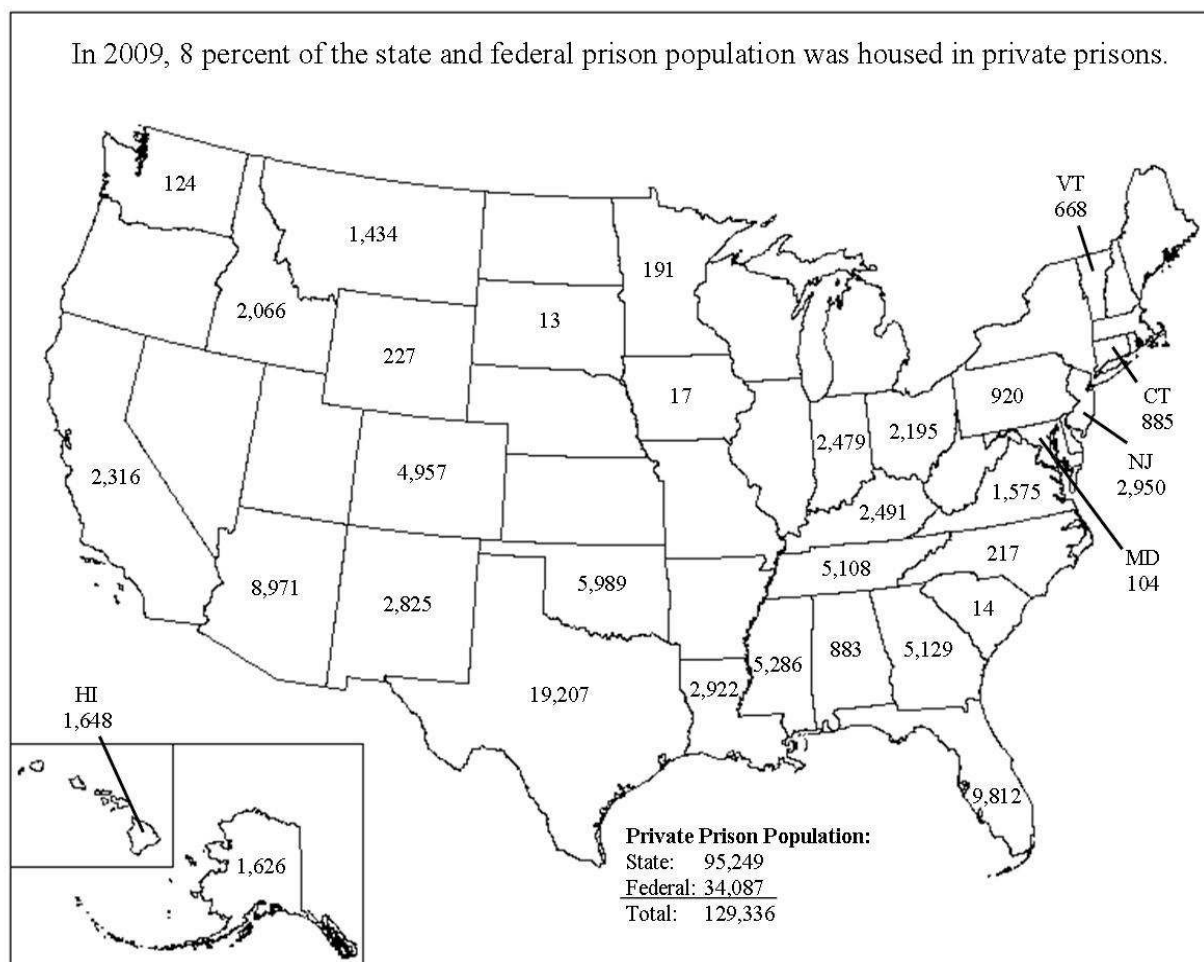
keep them there longer, thus increasing the total number of people in prison. Such sentencing policies have been a primary contributor to the number of people in prison.⁴³

Over an 8-year span, federal prisons have seen the largest average annual increase in their private prison populations.



During the time that prison populations grew, so, too, did the number of people in private prisons. By 1995 there were 36,567 people housed in private prisons in the U.S.,⁴⁴ in 2000 that number climbed to 87,369 and in 2009 there were 129,336 people housed in private correctional facilities in the U.S.⁴⁵

Source: Heather C. West, *Prison Inmates at Midyear 2009* - Table 11 (Washington, D.C.: Bureau of Justice Statistics, 2010). <http://bjs.ojp.usdoj.gov/content/pub/pdf/pim09st.pdf>



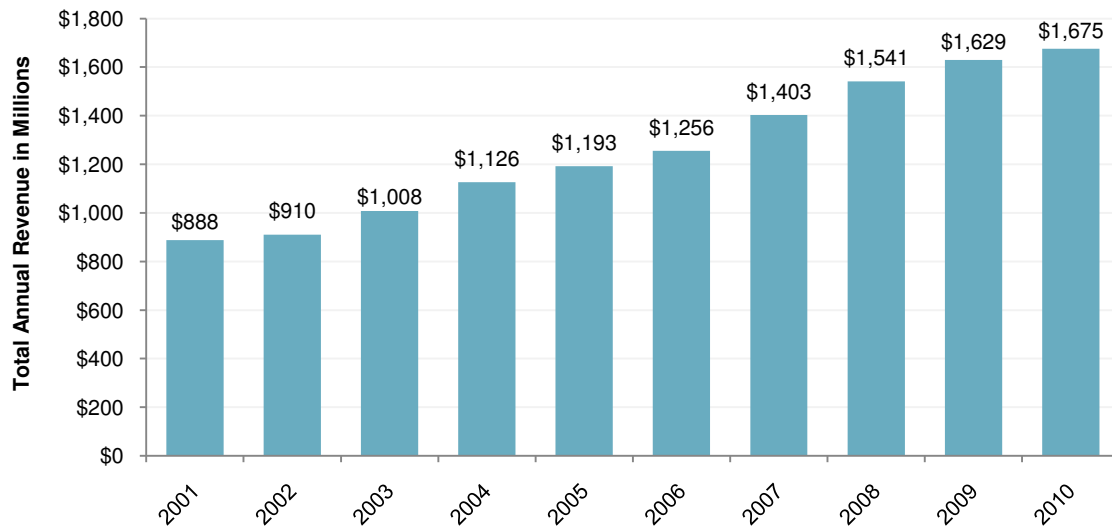
Number of people in private prisons by state.

Source: Heather C. West, William J. Sabol and Sarah J. Greenman, *Prisoners in 2009* - Appendix table 20 (Washington, D.C.: Bureau of Justice Statistics, 2010). <http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>

In 2009, the majority of people in private prisons were in state contracted facilities, with 8 percent of the total state and federal prison population in private prisons. Out of the 129,336 people housed in private prisons in 2009, 74 percent were within state contracted facilities.⁴⁶ The federal government accounted for the remainder of the private prison contracts – housing 34,087 people⁴⁷ for the U.S. Marshals, Federal Bureau of Prisons, and Immigration and Customs Enforcement. The five states with the highest number of people in private prisons in 2009 were Texas, Florida, Arizona, Oklahoma, and Mississippi – all of which had over 5,000 people housed in private prisons.

In the last decade, the federal government has had the fastest growing number of people in private prisons, largely due to federal agencies contracting with private prisons for immigration detention. Between 2000 and 2008, the largest annual percent change in the private prison population was from federally contracted private prisons, potentially making the federal government a more important source of revenue than states for private prisons in years to come.

Corrections Corporation of America revenues continue to increase.



Source: 2010 Annual Report (Nashville, TN: Corrections Corporation of America, 2010); 2006 Annual Report (Nashville, TN: Corrections Corporation of America, 2007); 2002 Annual Report (Nashville, TN: Corrections Corporation of America, 2003).

MORE REVENUE...

Steady increases in the number of people in private prisons, especially those coming from federally contracted beds, translate into increased revenues for private prison companies. Since private prison companies are in the business to make money, policies that maintain or increase incarceration boost their revenues; from a business perspective, the economic and social costs of mass incarceration are “externalities” that aren’t figured into their corporate bottom line.

Since securing their first contracts in the 1980s, private prison companies have experienced over two decades of growth. In 2010 alone, GEO and CCA saw combined revenue of over \$2.9 billion.⁴⁸ Since 2001, CCA has seen an 88 percent increase in their revenue, consistently earning over \$1 billion annually for the past eight years. From 2002-2010, GEO’s total revenue increased by 121

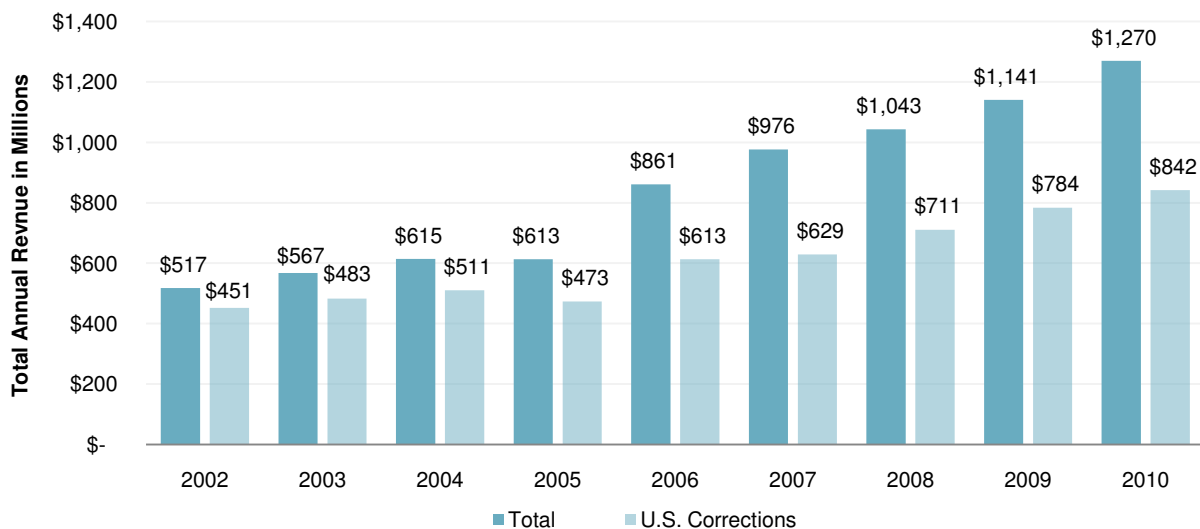
percent, with the portion of their revenue coming from their U.S. corrections division seeing a 87 percent increase – earning the company \$842 million in 2010.

Despite their increasing portfolios of federal facilities, the largest portion of CCA and GEO Group’s contracts are still with state governments, which accounted for about half of their revenues in 2009.⁴⁹ About three-quarters of the people held in private prisons that year were under state custody, adding up to 95,249 people.⁵⁰ Therefore, state criminal justice policies play a significant role in the profitability of both companies.

Our industry benefits from significant economies of scale, resulting in lower operating costs per inmate as occupancy rates increase. We believe we have been successful in increasing the number of residents in our care and **continue to pursue a number of initiatives intended to further increase our occupancy and revenue.** Our competitive cost structure offers prospective customers a compelling option for incarceration.

~ CCA 2010 ANNUAL REPORT

The GEO Group has seen increasing revenues in corrections the past six years.



Source: The GEO Group, *2010 Annual Report* (Boca Raton, FL: The GEO Group, 2011); The GEO Group, *2006 Annual Report* (Boca Raton, FL: The GEO Group, 2007); *2005 Annual Report* (Boca Raton, FL: The GEO Group, 2006).

BUT, STATE PRIVATE PRISON POPULATIONS ARE FALLING.

The trend of increasing incarceration and revenues for private prison companies which has existed over the last 15 years may be changing. Recently, a number of states have been working to reduce the number of people sentenced to prisons,⁵¹ resulting in 4,574 fewer people in state prison - 1,071 of whom were serving their time in private prisons.⁵² The number of people in prison continued to rise in 2009, in part, because more people are entering and staying in federal prisons, largely due to increased penalties for drug law violations. Between 2008 and 2009, the number of people sentenced to a year in federal prison increased by 5,553 people or 3 percent, with the number of people in private, federal facilities, increasing by 925 people or 2.8 percent.⁵³

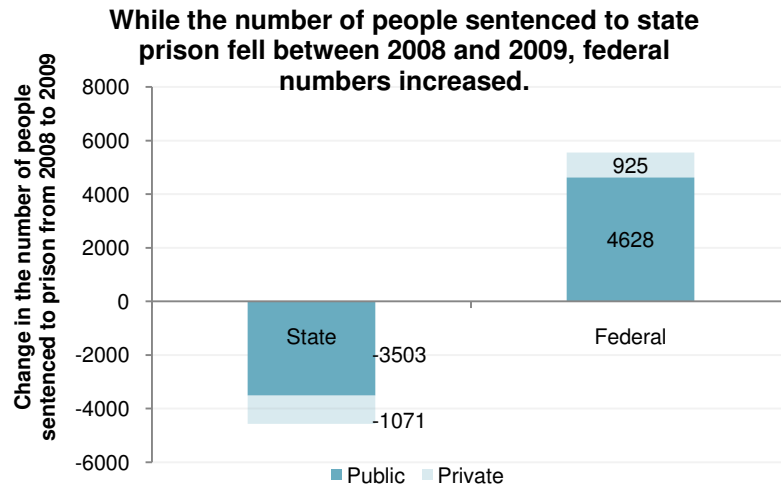
It is hard to say exactly how much money states and the federal government spend on private prisons in a year, but an estimate based on the average cost to incarcerate one person for one day in 2008 (\$78.88)⁵⁴ sets the figure at approximately \$3.7 billion. At that rate, the loss of 1,071 people in prison at the state level translates to about \$30 million in savings.

Recognizing the opportunities behind increasing federal incarceration and the challenges around decreasing state incarceration, private prison companies must work hard to expand or maintain their market share. At the same time that some states may be looking to close private facilities, others may continue to move people to private facilities for a variety of reasons.⁵⁵ Stricter

We believe the long-term growth opportunities of our business remain very attractive as insufficient bed development by our customers should result in a return to the supply and demand imbalance that has been benefiting the private prison industry.

~ CCA 2010 ANNUAL REPORT

immigration laws and enforcement increase the number of people in federal detention facilities, and increases in the number of offenses listed as federal crimes leads to more people held in federal prisons.⁵⁶ While private prison companies may claim that changes in criminal justice legislation are “outside our control,”⁵⁷ they are in fact engaged in a number of activities aimed at increasing their control of the market; this includes applying political pressure to lawmakers, working to influence elections, and building relationships within agencies or with government officials to directly formulate policy.



Source: Heather C. West, William J. Sabol, and Sarah J. Greenman, *Prisoners in 2009* (Bureau of Justice Statistics, Washington, DC: 2010). <http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>

PART 4

THE STRATEGIES: A THREE-PRONGED APPROACH TO INFLUENCING POLICY, CREATING MORE INCARCERATION, AND MAKING MORE MONEY

Since private prison contracts are written by state and federal policymakers and overseen by state and federal agency administrators, it is in the best interest of private prison companies to build the connections needed to influence policies related to incarceration.

In order to ensure that they have a stable or increasing “market share” of incarceration (and therefore increasing revenue), private prison companies engage in a political game to influence policy and incarceration. Over the last two decades private prison companies have developed a three-pronged approach to influence incarceration policy and secure government contracts. Through campaign contributions, lobbying and building relationships and associations, private prison companies engage in an aggressive political strategy to influence criminal justice policies in ways that lead to more people in prison and more money in their pockets.

STRATEGY 1: CAMPAIGN CONTRIBUTIONS

As elected policymakers initiate or approve decisions to enter into private prison

contracts, establishing positive connections to politicians is an important business strategy for private prison companies. By maintaining contacts and favorable ties with policymakers, private prison companies can attempt to shape the debate around the privatization of prisons and criminal justice policy. One way to do that is to make direct, monetary contributions to political campaigns for elected officials and specific policies.

Where do the Big Private Prison Companies Spend their Money?

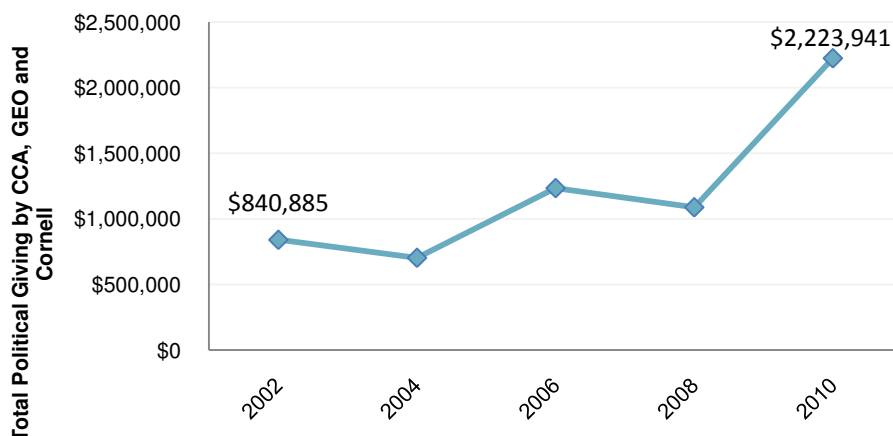
Private prison companies, through their Political Action Committees (PACs) and contributions by their employees, give millions of dollars to politicians at both the state and federal level.⁵⁸ Since 2000, the three largest private prison companies—CCA, GEO

and Cornell Companiesⁱ—have contributed \$835,514 to federal candidates, including senators and members of the House of Representatives.⁵⁹ Giving to state-level politicians during the last five election cycles was much higher: \$6,092,331.⁶⁰ This likely reflects two factors: that states collectively

continue to be their largest client, and that at the federal level, elected officials may be less involved in the decisions to award private prison contracts than non-elected bureaucrats. Contributions to state politicians have been increasing over the past five major election cycles. For instance, 2010 marked the highest recorded year of state political giving by these private prison companies since 2000.⁶¹

These private prison companies tend to concentrate their efforts in specific states, particularly California, Florida, and to a lesser degree, Georgia. Florida, the home of the GEO Group, not only has the second highest private prison population in the country,⁶² but has budgetary mandates that certain prison beds be privatized.⁶³ Attention to California is likely based on the state having the largest incarcerated population, and the existence of a U.S. Supreme Court-order to reduce its overcrowded prison system by as many as 46,000 people over the next two years;⁶⁴

State political giving by these private prison companies has been increasing over the past five major election cycles.



Source: National Institute on Money in State Politics, "Correctional facilities construction & management/for-profit Contributions to All Candidates and Committees," accessed May 3, 2011. [www.followthemoney.org/database/IndustryTotals.phtml?f=0&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=0&s=0&b[]=G7000)

private prison companies are offering policymakers a way to transfer, rather than reduce, the number of people they lock up.⁶⁵ CCA gave \$1 million in these three states combined between 2003 and 2010, accounting for two-thirds of its total giving in all states.⁶⁶ GEO Group had a similar pattern, with more than two-thirds of giving focused on California, Florida, and New Mexico.⁶⁷ These contributions signify a concentrated effort to influence policy in those states.

With most states and the federal government operating under record deficits and decreasing budgets, private prison companies have a growing desire to establish influential connections with policymakers, with two goals: pitching private prisons as a lower cost alternative to building or maintaining state facilities; and fighting policies that might reduce the use of incarceration.

ⁱ Cornell Companies was bought by The GEO Group in August of 2010. The impact of this merger on campaign contributions and prison policy is yet to be seen.

State Campaign Contributions

Corrections Corporation of America (2003 to 2010)	
State	Contributions
California	\$459,150
Florida	\$300,000
Georgia	\$241,750
Three-state TOTAL	\$1,000,900
Total in 27 states	\$1,552,350
GEO Group (2003 to 2010)	
Florida	\$1,455,609
California	\$227,000
New Mexico	\$220,150
Three-state TOTAL	\$1,902,759
Total in 23 states	\$2,400,679
Cornell Companies (2006 to 2009)	
Georgia	\$25,000
Texas	\$24,000
Pennsylvania	\$16,050
Three-state TOTAL	\$65,050
Total in 6 states	\$72,650
<p>Source: National Institute on Money in State Politics, "Lobbyist Link – Corrections Corp of America," accessed May 3, 2011. www.followthemoney.org/database/lobbyistclient.phtml?lc=100552; National Institute on Money in State Politics, "Lobbyist Link – GEO Group," accessed May 3, 2011. www.followthemoney.org/database/lobbyistclient.phtml?lc=100516&y=0; National Institute on Money in State Politics, "Lobbyist Link – Cornell Companies," accessed May 3, 2011. www.followthemoney.org/database/lobbyistclient.phtml?lc=103304</p> <p>Notes: For a better picture of contributions given by this client, see the Noteworthy Contributor on the Institute for Money in State Politics website for Corrections Corporation of America, GEO Group, and Cornell Companies.</p>	

FOR PROFIT PRISONS AND THE DANGER OF CORRUPTION AND ABUSE

The extent to which corporate campaign contributions influence elected officials' decision-making is a matter of much debate. But in one recent case, a private juvenile correctional facility crossed the line, making outright payments to judges in a clear quid pro quo with tragic results.

In Luzerne County, Pennsylvania, two local private youth prisons made illegal payments to two judges totaling over \$2.6 million. In what came to be known as the “kids for cash” scandal, the Mid Atlantic Youth Service Corporation paid the judges for sentencing youth to confinement in their two private youth prisons. It is estimated that over 5,000 children appeared before the two judges over the past decade, and half of those who waived their right to counsel were sentenced to serve time in one of the private correctional facilities. According to the Office of Juvenile Justice and Delinquency Prevention, privately owned corporations operate more than 50 percent of youth correctional facilities in the United States.ⁱ

Over the years, media attention has brought to light allegations of child abuse, sexual assault, and neglect regarding privately owned and operated youth correctional facilities. For instance, in 2003, the Department of Justice concluded that the private prison company operating the Swanson Correctional Center for Youth in Tallulah, Louisiana was unfit to manage the facility. Such allegations raise questions about the human cost of privatization of prisons, especially when private prisons profit when more youth are incarcerated – which research shows produces the worst outcomes for youth (and for public safety as well).

Sources:

Stephanie Chen. February 23, 2009. “Pennsylvania rocked by ‘jailing kids for cash’ scandal.” CNN Justice. http://articles.cnn.com/2009-02-23/justice/pennsylvania.corrupt.judges_1_detention-judges-number-of-juvenile-offenders?_s=PM:CRIME

ⁱ Private facilities amount to 56 percent of all entire correctional institutions for persons under the age of 20.

Department of Justice, *Louisiana Juvenile Findings Letter 1*. United States of Department of Justice, Civil Rights Division. www.justice.gov/crt/split/documents/lajuvfind1.php

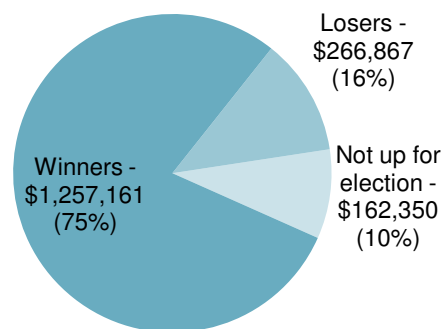
Justice Policy Institute, “Costs of Confinement” (Washington, D.C.: 2009).

Contribution Strategies

Private prison companies have developed a strategic method of political giving and are less interested in political party, values or philosophy than in access to policymakers.⁶⁸ According to the Institute on Money in State Politics, private prison companies support incumbents who win elections, regardless of party.⁶⁹ Access to power, clearly, is more important than supporting particular political beliefs.

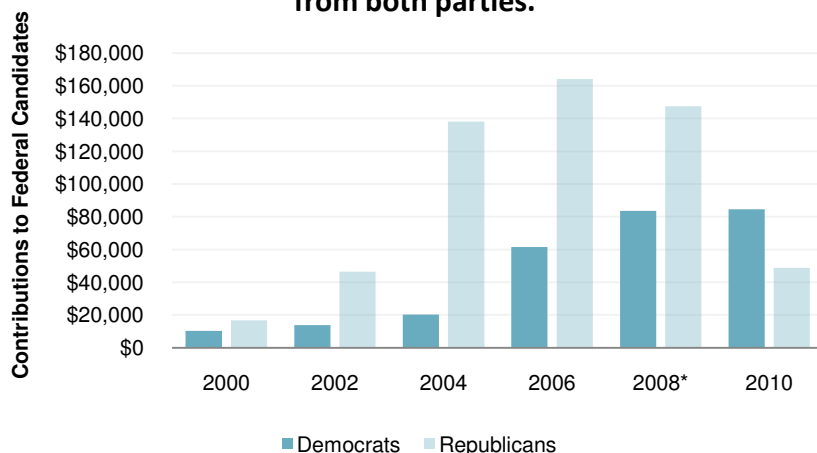
Recent giving, when analyzed by political party, reinforces the lack of adherence to a political ideology. Although on the whole, most private prison

From 2003-2010, CCA, GEO, and Cornell largely contributed to winning campaigns.



Sources: National Institute on Money in State Politics, “Corrections Corp of America – Figure C: Contributions to Candidates by Election Status from 2003 to 2010,” accessed May 3, 2011. www.followthemoney.org/database/topcontributor.phtml?u=695&y=0; National Institute on Money in State Politics, “GEO Group – Figure C: Contributions to Candidates by Election Status from 2003 to 2010,” accessed May 3, 2011. www.followthemoney.org/database/topcontributor.phtml?u=1096&y=0; National Institute on Money in State Politics, “Cornell Companies – Figure C: Contributions to Candidates by Election Status from 2003 to 2010,” accessed May 3, 2011. www.followthemoney.org/database/topcontributor.phtml?u=6448&y=0

Private prison companies give to federal candidates from both parties.



Source: Center for Responsive Politics, "Miscellaneous Business: PAC Contributions to Federal Candidates – 2000, 2002, 2004, 2006, 2008, 2010," February 2011.
www.opensecrets.org/pacs/industry.php?txt=N12&cycle=2010

company contributions have gone to Republican candidates (67.2 percent), 2010 saw the majority of contributions from these private prison companies going toward federal Democratic candidates (63.4 percent).⁷⁰

At the state level, both Democrats and third party candidates have received a combined total of over \$2.4 million in contributions since 2000.

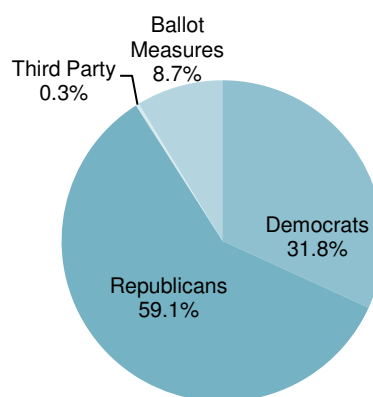
In addition to mainly supporting winning candidates over those from a particular party, private prison companies are strategic in the timing of giving to campaigns. The pattern of giving shows these companies tend to contribute early and late in campaigns.⁷¹ By contributing early and late in election cycles, private prison companies are able to achieve two goals: 1) solidifying a positive association with the candidate early and 2) reinforcing their connections to candidates who will become policymakers.

An example of CCA's strategic giving can be seen in its contribution to former

Hawai'i Governor Linda Lingle. Prior to 2009, Hawai'i primarily relied on private prisons in the continental U.S. to help manage their prison population. During Governor Lingle's administration the number of people in private prisons grew 58 percent from 1,347 in 2002 to an all-time high of 2,129 in 2007.⁷² In 2004, CCA– the largest beneficiary of Hawai'i's use of private prisons– contributed \$6,000 to Governor Lingle.⁷³

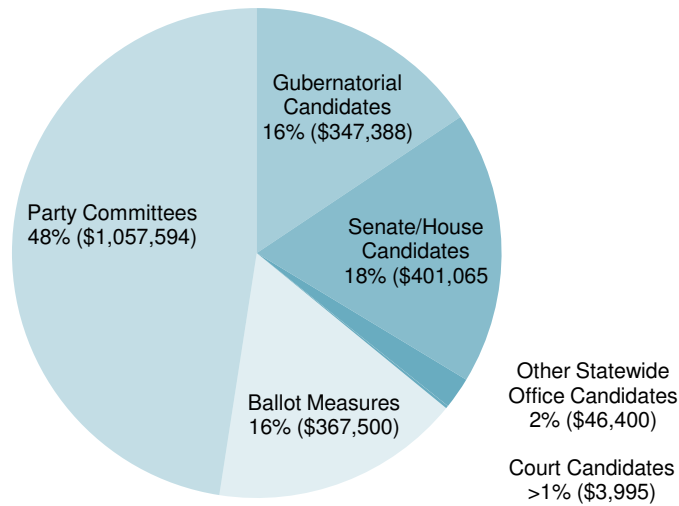
Interestingly, CCA's contribution, the maximum contribution limit for a gubernatorial candidate,⁷⁴ was given on an off election year – Lingle wasn't up for reelection until 2006. CCA's contribution to Governor Lingle's successful reelection bid came in the middle of the rapid increase of Hawai'i's efforts to ship people to private prisons on the "mainland." Although there is

While most state money goes to GOP candidates, almost a third goes to Democrats and almost 9% to ballot measures.



Source: National Institute on Money in State Politics, "Correctional facilities construction & management/for-profit Contributions to All Candidates and Committees," accessed May 3, 2011.
[www.followthemoney.org/database/IndustryTotals.phtml?f=0&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=0&s=0&b[]=G7000)

In 2010, these private prison companies spent over \$2 million on state politics.



Sources: National Institute on Money in State Politics, "Correctional facilities construction & management/for-profit Contributions to All Candidates and Committees," accessed May 3, 2011.

[www.followthemoney.org/database/IndustryTotals.phtml?f=0&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=0&s=0&b[]=G7000); National Institute on Money in State Politics,

"Correctional facilities construction & management/for-profit Contributions to Gubernatorial Candidates," accessed May 3, 2011.

[www.followthemoney.org/database/IndustryTotals.phtml?f=G&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=G&s=0&b[]=G7000); National Institute on Money in State Politics,

"Correctional facilities construction & management/for-profit Contributions to Senate Candidates," accessed May 3, 2011.

[www.followthemoney.org/database/IndustryTotals.phtml?f=S&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=S&s=0&b[]=G7000); National Institute on Money in State Politics,

"Correctional facilities construction & management/for-profit Contributions to House/Assembly Candidates," accessed May 3, 2011.

[www.followthemoney.org/database/IndustryTotals.phtml?f=H&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=H&s=0&b[]=G7000); National Institute on Money in State Politics,

"Correctional facilities construction & management/for-profit Contributions to Other Statewide Candidates," accessed May 3, 2011.

[www.followthemoney.org/database/IndustryTotals.phtml?f=O&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=O&s=0&b[]=G7000); National Institute on Money in State Politics,

"Correctional facilities construction & management/for-profit Contributions to High Court Candidates," accessed May 3, 2011.

[www.followthemoney.org/database/IndustryTotals.phtml?f=J&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=J&s=0&b[]=G7000); National Institute on Money in State Politics,

"Correctional facilities construction & management/for-profit Contributions to Appellate Court Candidates," accessed May 3, 2011.

[www.followthemoney.org/database/IndustryTotals.phtml?f=K&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=K&s=0&b[]=G7000); National Institute on Money in State Politics,

"Correctional facilities construction & management/for-profit Contributions to Ballot Measure Committees," accessed May 3, 2011.

[www.followthemoney.org/database/IndustryTotals.phtml?f=B&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=B&s=0&b[]=G7000); National Institute on Money in State Politics,

"Correctional facilities construction & management/for-profit Contributions to Party Committees," accessed May 3, 2011.

[www.followthemoney.org/database/IndustryTotals.phtml?f=P&s=0&b\[\]=G7000](http://www.followthemoney.org/database/IndustryTotals.phtml?f=P&s=0&b[]=G7000)

no clear "quid pro quo" between CCA's contribution to Lingle and increased contracts, the company did benefit greatly from the Lingle administration's increased use of exporting people in prison from Hawai'i to their private prisons on the "mainland." The number of people in private prisons continued to grow during the Lingle administration, until reports of sexual abuse and other abuse allegations of Hawaiians in private prisons forced the administration to start bringing women home in 2009.⁷⁵

In addition, these private prison companies have contributed over \$600,000 to ballot measure campaigns since 2000.⁷⁶ Such a wide range of state contributions by these companies indicates the attempt to influence both the public and policymaking debate around criminal justice and the privatization of prisons.

In 2010, the three largest private prison companies spent \$2,223,941 on state political contributions with the majority (\$1,057,594) of

REDUCING THE NUMBER OF PEOPLE IN PRISONS IN HAWAII: COMMUNITY ALLIANCE ON PRISONS

Community Alliance on Prisons (CAP) works on a variety of issues related to criminal justice reform and maintains a strong presence in the Hawai'i Legislature and media.

CAP supported the effort to bring women home who were held on the continent in the Corrections Corporation of America (CCA)-operated Otter Creek Correctional Center after Hawaiian officials discovered that the women housed there were subjected to sexual abuse. CAP also is monitoring Governor Neil Abercrombie's proposal to bring home men currently housed in another CCA-owned facility in Arizona. For the last several years, suspicious deaths and complaints regarding the ability of people in the prison to participate in Native Hawaiian rituals have concerned advocates in Hawai'i.

CAP has recently been advocating for the passage of a bill (SB106/HD141),¹ which addresses the 2005 decision by the Department of Public Safety (PSD) to recalculate the sentences of all the people serving multiple terms of imprisonment. Previously, unless otherwise specified by a judge, sentences were concurrent. PSD, without approval from the judiciary or legislature, recalculated all concurrent sentences to be consecutive, thus adding to the length of time that a person serves behind bars. Given that in 2005 around half of the people serving a sentence of a year or more were serving their sentences in a CCA facility, such an extension of the length of confinement would be in the interest of CCA.

A previous bill had made legislation conform to the practice of giving concurrent sentences unless otherwise specified, but it was prospective. The current bill would make the practice retroactive, potentially reducing the number of people in prison, especially in CCA facilities.

For more information about the Community Alliance, please visit:
www.lifeofthelandhawaii.org/Community_Alliance_on_Prisons.html

money going to state party committees.⁷⁷ Most notable is that every possible avenue of influence was covered in the contribution period – from work on state ballot measures to high court candidates. While the majority of contributions in 2010 went to state party committees over 30 percent of political contributions went directly to candidates running for various positions in state government.⁷⁸

STRATEGY 2: LOBBYING

Lobbying efforts by companies, organizations, and constituencies are a well documented part of politics in the United States. Similar to other industries, private prison companies employ lobbying firms and lobbyists to advocate for their business interests in Congress and state legislatures. While giving

to political candidates must be coordinated through employee contributions and PACs and is governed by donation limits, corporations can directly fund lobbyists without any spending limitations to push their business agenda. Since private prisons make money from putting people behind bars, their lobbying efforts focus on bills that affect incarceration and law enforcement, such as appropriations for corrections and detention.

Limited information is available to the general public regarding the paid lobbying efforts of private prison companies, and when this information is available it is often unclear how the company lobbied on a particular piece of legislation. The chart on page 23 highlights CCA's 2010 lobbying efforts on federal legislation; lobbyists are not required to report whether they supported or opposed the bills.

A NEW WAY TO INFLUENCE CAMPAIGNS

Citizens United v. Federal Election Commission

On January 21, 2010 the U.S. Supreme Court ruled on a challenge to a portion of the McCain-Feingold Campaign Reform Act barring corporations from using their general treasury funds to participate in independent election-season activities.¹ In *Citizens United v. Federal Election Commission*, the court knocked down this restriction on corporate spending on political advertising, saying the use of their funds for such actions was protected under the First Amendment's freedom of speech provision. The ruling did affirm however, the requirement that corporations making election-related speech must be clearly identified as the author of such messaging.

The controversial 5-4 decision has been met with criticism largely concerning the effect of corporate money in politics. Retired Justice Sandra Day O'Connor stated "no state can possibly benefit from having that much money injected into a political campaign." Justice O'Connor's concerns also extended to the justice system and the potential impact of the ruling on an independent judiciary. Considering 80 percent of state court judges face elections at some point during their careers, the impact of corporate involvement in the judicial election process is unclear. With the increased ability for corporations to be actively involved in the political dialogue, it remains to be seen whether private prison corporations will use general funds for independent campaign expenditures, but the *Citizens United* ruling certainly opens the door for them to do so.

Sources

Citizens United v. Federal Elections Commission, No. 08-205, Supreme Court of the United States (2010). www.scotusblog.com/wp-content/uploads/2010/01/citizens-opinion.pdf

¹This includes for-profit and non-profit corporations as well as unions.

Matthew Mosk, "O'Connor Calls Citizens United Ruling 'A Problem,'" ABC News, 26 January 2010.

<http://abcnews.go.com/Blotter/oconnor-citizens-united-ruling-problem/story?id=9668044>

Knowing that private prison companies bring in revenue from holding people in prison, it is likely that their lobbying efforts contribute to promoting the current approach to incarceration, and decrease the impetus for reform. By working to shape the debate on penalties, sentencing, and privatization of correctional services, private prison companies can galvanize the support from policymakers they need to secure private prison contracts for correctional services. Over the last decade, CCA, GEO and Cornell Corrections spent, on average, hundreds of thousands of dollars to employ lobbyists to represent their business interests to federal policymakers. Since 2003, CCA has spent upwards of \$900,000 annually on federal lobbying.⁷⁹ In addition to direct political giving and work on model legislation, companies like CCA and GEO continue to pay lobbyists hundreds of thousands of dollars to promote their business interest in Congress.

These three companies also hire lobbyists for state legislation, as their clients are currently primarily states. In Florida alone, these companies utilized 30 lobbyists to advocate for private prison contracts and policies to promote the use of these prisons.⁸⁰

Tracking state-level lobbying can prove challenging, as private prison company lobbyists often meet behind closed doors and do not necessarily testify in public,⁸¹ and reporting requirements vary by state. The combined executive and legislative branch lobbying reported for GEO in the state of Florida from January 1 through March 31, 2011 ranged between \$120,000 and \$199,992,

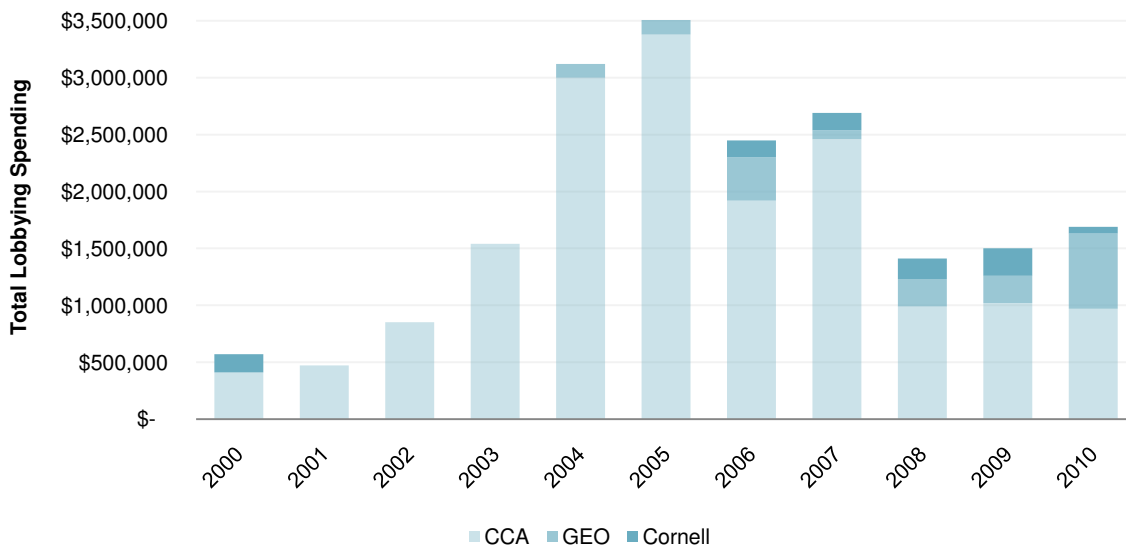
CCA LOBBIED ON SEVERAL PIECES OF FEDERAL LEGISLATION IN 2010.

Bill Number	Bill Title	Bill Description	Specific Issues Lobbied	Outcome of Bill
H.R. 2450	Private Prison Information Act of 2009	To require non-Federal prisons and correctional facilities holding people in federal custody under a contract with the federal government to make the same information available to the public that Federal prisons and correctional facilities are required to make available	All provisions	Died in House subcommittee
S. 251	Safe Prisons Communications Act of 2009	Prohibit the provision of federal funds to state and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting state and local governments, and for other purposes	All provisions	Passed Senate, died in House subcommittee
S. 3607	Department of Homeland Security Appropriations Act, 2011	Appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2011	FY2011 provisions and funding related to Immigration and Customs Enforcement (ICE); provisions related to ICE detention; FY2012 budget - provisions and funding related to the Office of Federal Detention Trustee and ICE.	Continuing resolution for FY 2011 budget included 5.3% increase in funding for the Federal Detention Trustee, while Department of Justice generally had a 17% decrease in funding.
S. 3636	Commerce, Justice, Science, and Related Agencies Appropriations Act, 2011	Appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2011	FY2011 provisions and funding related to the Bureau of Prisons and the Office of the Federal Detention; provisions related to private prisons.	Continuing resolution for FY 2011 budget included a 3.4% increase for the Bureau of Prisons, while the Department of Justice generally had a 17% decrease in funding.
H.R. 3082	Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010	Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.	FY2011 provisions and funding related to the Bureau of Prisons, the Office of the Federal Detention Trustee and ICE; FY2012 budget -provisions and funding related to the Office of Federal Detention Trustee and ICE.	Became Public Law No: 111-322

Sources: Center for Responsive Politics, "Lobbying Corrections Corp of America – Bills 2010," February 2011. www.opensecrets.org/lobby/clientbills.php?Name=Corrections+Corp+of+America&year=2010; Govtrack, "Federal Legislation," May 2011. www.govtrack.us/congress/legislation.xpd

Note: Blue rows are justice-related pieces of legislation. All bills were introduced in the 111th Congress.

Total expenditures on federal lobbying by CCA, GEO and Cornell have fluctuated over the past decade.



Sources: Center for Responsive Politics, "Lobbying Corrections Corp of America – Summary 2010," February 2011. www.opensecrets.org/lobby/clientsum.php?lname=Corrections+Corp+of+America&year=2010; Center for Responsive Politics, "Lobbying GEO Group – Summary 2010," February 2011. www.opensecrets.org/lobby/clientsum.php?lname=GEO+Group&year=2010; Center for Responsive Politics, "Lobbying Cornell Companies – Summary 2010," February 2011. www.opensecrets.org/lobby/clientsum.php?lname=Cornell+Companies&year=2010

while in that same time period, CCA's combined legislative and executive branch lobbying ranged between \$10,000 and \$29,998.⁸² That the private prison industry sees lobbying as critical to its bottom line is clear. Even in Montana, which has only 1.5 percent of the total population of people under state jurisdiction held in private prisons, CCA spend \$36,666 in the off-year of a biennial session cycle.⁸³

While the broad scope of private prison lobbying makes it too numerous to catalog, below are a few examples that have garnered media attention:

- In 1996, three former lobbyists from Wackenhut (now The GEO Group) sued the Texas Department of Corrections, alleging that agency officials pressured Wackenhut to have them fired because they were too successful at expanding private prisons at a time when the Department of Corrections did not want private contracts.⁸⁴
- Due to lobbying largely led by the GEO Group, the Florida state legislature approved a budget deal that would require privatizing all of the prisons in South Florida – home to about one-fifth of the statewide prison population of 101,000.⁸⁵
- Although there has been a lengthy courtship by CCA of the town of Milo, Maine to build a private prison, a CCA lobbyist recently assured a legislative panel that there had been no "quid pro quo" involved. Currently Maine does not house any of its prison population in private facilities because Maine Law forbids people under state custody from being sent to private facilities.⁸⁶

State Lobbying

Corrections Corporation of America (2003 to 2010)	
State	Number of State Lobbyists
Florida	17
Tennessee	12
Nevada	12
Three-state TOTAL	41
Total in 32 states	179
GEO GROUP (2003 to 2010)	
Florida	13
Texas	8
California	7
Three-state TOTAL	28
Total in 16 states	63
Cornell Companies (2006 to 2009)	
Illinois	5
Ohio	1
Alaska	1
Three-state TOTAL	7
Total in 4 states	8
Source: National Institute on Money in State Politics, "Lobbyist Link – Corrections Corp of America," accessed May 3, 2011. www.followthemoney.org/database/lobbyistclient.phtml?lc=100552 ; National Institute on Money in State Politics, "Lobbyist Link – GEO Group," accessed May 3, 2011. www.followthemoney.org/database/lobbyistclient.phtml?lc=100516&y=0 ; National Institute on Money in State Politics, "Lobbyist Link – Cornell Companies," accessed May 3, 2011. www.followthemoney.org/database/lobbyistclient.phtml?lc=103304 Notes: Total # of lobbyists may include the same lobbyist working in multiple states. For a better picture of contributions given by this client, see the Noteworthy Contributor on the Institute for Money in State Politics website for Corrections Corporation of America, GEO Group, and Cornell Companies.	

STRATEGY 3: RELATIONSHIPS AND ASSOCIATIONS

Networks and relationships are immensely important to all businesses. Organizational theories about relationships and leadership indicate that individual people influence the operations and behavior of an organization

through prior relationships, associations, experiences, and networks.⁸⁷ In other words, people bring with them the lens of previous affiliations, and a sense of obligation to represent their world view; they may also be subject to pressure from previous professional relations to act in ways that benefit these relations.

As government regulation impacts all businesses, there is always a desire for relationships with government officials. But for private prison companies, whose profits are almost completely dependent on public policies and funding, their relationships with those who can influence government decision making are paramount. Private prison companies have benefited from their relationships with government officials as evidenced by appointments of former

employees to key state and federal positions.

The relationship between government officials and private prison companies has been part of the fabric of the industry from the start; Tom Beasley, one of the founders of CCA, was a former government official in Tennessee. The pervasiveness of these connections is evidenced with these recent examples:

AN IMPOSSIBLE TASK: TOTALING UP STATE LOBBYING EXPENDITURES

Each state has different laws around the disclosure of lobbying activities. Some states require lobbyists to disclose the dollar amounts of lobbying contracts, either in exact figures or in ranges; others just require lobbyists to identify tangible expenditures, such as meals and gifts. Some don't require lobbyists to say what legislation they are being paid to try to influence, while others require both the bill numbers and whether the lobbyists are in support of or opposition to the legislation.

To show the challenges facing those trying to "follow the money," below is one example of one lobbyist in New Mexico, the state with the highest percentage (43.3 percent) of people in prison being held in private facilities. The Secretary of State's website allows a search by "Groups" engaging lobbyists; both CCA and Geo Group employ lobbyists. Judging by the disclosure reports, CCA's principal lobbyist in 2010 and 2011 was Edwin T. Mahr. In his May 1, 2010 report, Mahr indicated spending on meals and beverages in January and February of \$1,938.22, including four dinners with named elected officials and \$1,123.01 in undisclosed "lump sum expenditures under \$75," there were also expenditures for an "HB100 Party" and the "Senate Demo Caucus." In 2011, Mahr reported 10 dinners in January and February with individual legislators or committees totaling \$2,033. In these reports, Mahr was not required to report what legislation he was lobbying for, or the cost of his services. Additionally, Mahr represented several other clients, and was not required to identify which client's account paid for each dinner.

New Mexico also requires lobbyists to disclose their political contributions; Mahr made a \$200 donation to the re-election campaign of Sen. Tim Eichenberg (D) on 4/25/2011, whose website reads, "A healthy, robust democracy is one in which legislators listen to and are beholden solely to the voters in their districts -- not big campaign donors and lobbyists." Sen. Eichenberg is a member of the Judiciary Committee; two bills he sponsored but which died in committee, S.B. 453 and S.B. 519, would likely have resulted in longer sentences of incarceration and greater costs. Mahr's January 15, 2011 report of political contributions showed 68 donations totaling \$20,700, all made either before May 15th or after October 1st; \$6,500 of these were noted as being "CCA" donations.

Sources:

Edwin T. Mahr, *2010 Lobbyist Reporting Form* (Santa Fe, NM: New Mexico Secretary of State, April 2010).

<http://www.sos.state.nm.us/2010LobbyistReports/MahrE512.pdf>

Edwin T. Mahr, *2011 Lobbyist Reporting Form* (Santa Fe, NM: New Mexico Secretary of State, January 2011).

<http://www.sos.state.nm.us/2011LobbyistReports/MahrET.pdf>

Edwin T. Mahr, *2011 Lobbyist Reporting Form* (Santa Fe, NM: New Mexico Secretary of State, April 2011).

New Mexico Secretary of State, "Lobbyist Information," May 2011. <http://www.sos.state.nm.us/sos-Lobbyist.html>

New Mexico State Legislature, "Bill Locator," May 2011. http://www.nmlegis.gov/lcs/_locatorcom.aspx?year=11

Tim Eichenberg, "Issues," May 2011. <http://eichenbergfornewmexico.com/issues>

- Stacia Hylton and The GEO Group:**
 President Obama's appointed Director of the United States Marshals Service, Stacia Hylton, has strong ties to the private prison industry.⁸⁸ In 2010, Hylton started a private prison consulting firm, called Hylton Kirk and Associates, while still working at the Department of Justice as the Federal Detention Trustee.⁸⁹ After retiring from the trustee position, Hylton agreed to a consulting contract with The GEO Group worth \$112,500.⁹⁰ As Director of the U.S. Marshals, Hylton will head an agency that has a long-standing contractual relationship with The GEO Group. In 2010, the U.S. Marshal's accounted for 19 percent of GEO's revenue.⁹¹ With Hylton in a position to oversee government contracts with private prisons, the ongoing influence of private prison companies in the public sphere is virtually guaranteed.
- John Kasich, Lehman Brothers and CCA:**
 After serving 18 years in the U.S. House of Representatives John Kasich retired in 2000 and took a managing director position in Ohio with Lehman Brothers.⁹² Lehman Brothers has a long standing history with private prison companies, spending most of the late 1990s and 2000s before their collapse underwriting bonds and managing credit for both CCA and Cornell.⁹³ After winning the governorship of Ohio in 2010, Kasich laid out his plans for privatizing state prison operations along with appointing a former CCA employee to head the Ohio Department of Rehabilitation and Correction.⁹⁴ Rounding out Kasich's connections to CCA is his close friend and former Congressional chief of staff whose lobbying firm was hired to represent CCA in January 2011.⁹⁵
- Former CCA Warden and Maine:**
 Governor Paul LePage appointed former CCA Warden Joe Ponte as the Commissioner of the Maine Department of Corrections.⁹⁶ While Maine currently does not have any private prisons, according to news reports, CCA has been in discussions with the town of Milo for the past 3 years over the possibility of building a \$150 million facility.⁹⁷ The appointment of Ponte and the \$25,000 in campaign contributions LePage received from CCA raise concerns of increased access for CCA to open private prisons in Maine.⁹⁸

TENNESSEANS AGAINST PURYEAR: A FIGHT FOR JUSTICE

In 2007, President George W. Bush nominated CCA's general counsel, Gustavus Puryear IV, to a lifetime appointment on the U.S. District Court for the Middle District of Tennessee.

Alex Friedmann, currently of *Prison Legal News*, organized a campaign to prevent his appointment. Beyond the concern that general counsel of CCA would be serving as judge in a district where CCA Headquarters is also located, Puryear did not have the qualifications to hold the position. Among the most prominent issues, Puryear lacked litigation and trial experience, received a comparatively low rating in the American Bar Association's review of judicial nominees, had close, personal and professional ties to Vice President Dick Cheney, and was involved in representation of people involved in the case of a suspicious death of a woman held in a CCA facility.

In addition to compiling information about Puryear for the Senate Judiciary Committee tasked with approving the appointment, Friedmann also organized other organizations, including Alliance for Justice, Grassroots Leadership, and the American Federation of State, County and Municipal Employees, among others, to oppose his nomination. On January 2, 2009, the nomination was returned to the White House, effectively denying Puryear the appointment.

Source: Paul Wright and others, "Deconstructing Gus: A Former CCA Prisoner Takes On, and Takes Down, CCA's Top Lawyer," *Prison Legal News*, March 2009. www.againstpuryear.org/plncoverstory.pdf

- **Former New Mexico Secretary of Corrections and GEO:** Former New Mexico Secretary of Corrections Joe Williams was criticized in 2010 by a state senator for not fining GEO and CCA for contract violations. Prior to being Secretary of Corrections, Williams had served as a warden in one of GEO's correctional facilities.⁹⁹

For private prison companies, their connections between the private and public spheres has provided access to the people with the most influence over policies that drive incarceration rates. Certainly, the firms might argue that this access is used primarily to secure their market share. But with two companies now controlling most of the private prisons, it is clear that increasing the size and scope of their business – is an ever more important target.

Arguments that political contributions and lobbying from private prison companies have little influence over policymaking because public facilities and agencies do their own lobbying¹⁰⁰ ignore the relationships that influence policymaking and the appointment of former private prison company officials and friends.

Moving Policies Forward Through “Friendly” Associations

With former employees in positions within state and federal administrations, private prison companies have been able to gain access to the executive branch. In order to build relationships with the legislative branch, these firms have become active members of associations that include policymakers and are involved in formulating new policies. In this way, private prison companies have been able to insert their own agenda into the process of drafting new legislation that strengthens their bottom line.

The American Legislative Exchange Council (ALEC) is a Washington D.C.-based public policy non-profit organization whose stated mission is to advance conservative principles of free markets, limited government and individual liberty.¹⁰¹ It is a membership organization comprised of state legislators, business professionals, and private corporations and seeks to build partnerships between state legislators and the private business sector. State legislators can join by paying an annual \$50 membership fee, while private corporations such as Exxon Mobil, Pfizer, and CCA pay tens of thousands of dollars in dues annually.¹⁰² According to an investigative report by NPR, ALEC's tax records show that corporations, collectively, pay as much as \$6 million a year for membership and access to legislators at three yearly conferences.¹⁰³

In 1981, ALEC's chairman was selected as a member of President Reagan's national Task Force on Federalism,¹⁰⁴ which encouraged direct interaction between ALEC's corporate members and administration officials. Subsequently, in 1986, ALEC developed internal Task Forces to respond to state policy¹⁰⁵ and develop model legislation. Now, ALEC primarily functions to develop model legislative proposals that advance free market principles with a significant focus on privatization.¹⁰⁶

On average, ALEC drafts approximately 1,000 pieces of model legislation in a year, which are then introduced by ALEC's legislative members.¹⁰⁷ Annually, approximately 20 percent of its proposed legislation is passed and enacted as laws in various states throughout the country.¹⁰⁸

Since its inception, ALEC has taken a strong interest in public safety and criminal justice policy, directing the Public Safety and Elections Task Force (formerly the Criminal

Justice and Homeland Security Task Force) that drafts legislation designed to “hold criminals accountable for their actions ... and provide swift and certain punishment for their crimes – without adding more government intrusions into law abiding citizens’ lives.”¹⁰⁹

Both CCA and GEO are members and supporting contributors of ALEC, with both companies represented on ALEC Task Forces. CCA pays an additional annual membership fee for a seat on the Public Safety Task Force,¹¹⁰ having, at times co-chaired the Task Force.¹¹¹ Belonging to ALEC allows these companies the opportunity to advocate for continued reliance on incarceration, generally, and the use of privately-run prisons, specifically, to state policymakers and even provide the legislation that meets that agenda.

Since the 1980s and 1990s, ALEC facilitated the production of model bills focusing on mandatory minimums, three strikes laws (giving 25 years to life in prison for repeat offenses), and “truth-in-sentencing” legislation (requiring people to serve most or all of their time without chance for parole),¹¹² all of which are significant contributors to the dramatic increase in incarceration in the last 30 years.¹¹³ Although ALEC did not invent these ideas, they did play a significant role in helping to make them law in states.¹¹⁴

Being able, through ALEC, to have a hand in drafting model legislation and promoting its passage was a strategic move by the industry that has to date helped ensure continued profits.¹¹⁵ However, with all legislators—including ALEC members—becoming increasingly interested in reducing correctional costs, there is no longer a guarantee that ALEC will support policies that result in higher rates of state incarceration. In competition with private prisons are other industries which are coming up with solutions to reduce incarceration costs that will benefit them. For instance, a 2007 brief by ALEC recommended releasing people early from prison with conditional release bonds, similar to bail bonds, effectively setting up bonding companies as private parole agencies.¹¹⁶ ALEC’s workgroup platform states that legislators should “pass legislation that expands community supervision, reinvest in and create treatment programs that work, and identify the individual needs of offenders and address those needs directly to help ensure successful reentry into the community.”¹¹⁷ Interestingly, much of CCA’s lobbying in at least one state (Montana) was directed toward making it possible for a for-profit corporation such as themselves to provide such services.¹¹⁸

CCA AND THE IMMIGRATION DEBATE IN ARIZONA

In the spring of 2011, National Public Radio (NPR) investigated the role that CCA played in influencing Arizona legislation that would increase one of its fastest growing revenue bases – immigration detention. The Support Our Law Enforcement and Safe Neighborhoods Act (SB 1070) increases police power to question and detain anyone who cannot prove they are in the country legally. It was originally conceived and drafted at an ALEC meeting that included officials from CCA. When the legislation was brought to the Arizona statehouse floor as a bill in January 2010, 36 legislators co-sponsored it – two-thirds of whom either attended the meeting where the bill was written or were members of ALEC. Over the next six months, 30 of the bill's co-sponsors received campaign contributions from private prison lobbyists or companies, including CCA and The GEO Group.

While CCA played a significant role in influencing state legislators, the connection between the private prison industry and SB 1070 did not end on the statehouse floor. Two of Arizona Governor Jan Brewer's top advisers had direct ties to the private prison industry. Prior to joining the Brewer administration, two senior advisors both worked as lobbyists with private prison companies as clients.

SB 1070 is expected to result in more people being placed into Immigration and Customs Enforcement custody, increasing the need for immigration detention beds and the likelihood of private prison contracts. The events surrounding the passage of SB 1070 in Arizona demonstrates the ability private prison companies have to influence policymakers and legislation to increase profits. As GEO Group President Wayne Calabrese put it, "... [Now] there's going to be enhanced opportunities for what we do."

Since SB 1070 was signed into law in April 2010, five other state legislatures have introduced similar bills, including HB 87 in Georgia which became law on May 13, 2011. In Tennessee, home to CCA, 2011 immigration legislation may be stalled due to projected increased costs to law enforcement.

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PART 5

LOSING THE GAME

When private prison companies are successful at the game of political influence, their profits rise, benefitting their stockholders and top management. However, growing evidence shows that many people lose in this political game at the individual and community levels.

The policies that private prison companies promote negatively impact communities in terms of costs and public safety. And the increasing use of private prisons due to rising incarceration rates negatively impacts private prison employees. But the biggest losers in this political game are the people who are taken away from their families and communities due to the policies private prison companies promote to increase the number of people going into prisons and the length of time they spend behind bars.

TAXPAYERS LOSE

Policies that promote incarceration over more effective public safety strategies cost more in both the short and long term. The average cost to incarcerate one person for one day in the U.S. is \$78.88.¹¹⁹ Thus, policies that increase the length of time that someone is incarcerated can have a significant fiscal impact. For example, one study found that 10 years after California enacted its Three Strikes law, the people added to the prison system under the law between March 1994 and September 2003 would cost taxpayers an additional \$10.5 billion in prison and jail expenditures, including \$6.2 billion in added

costs attributed to longer prison terms for nonviolent offenses.¹²⁰

Most people agree that they would pay anything to be safe, but incarceration does not satisfy this requirement. Some of the most prominent criminologists in the country have found that incarceration has minimal, if any impact on public safety.¹²¹ And serving time in prison has been shown to increase the risk of future offending, not decrease it.¹²²

Additionally, the trend of increasing prison sentences does not improve public safety. Data from the Department of Justice shows little difference in recidivism rates for people who spend short sentences in prison compared to those who are in prison longer.¹²³

Research shows that investing in services and programs that keep people out of the justice system is more effective at improving public safety and promoting community well-being than investing in law enforcement.¹²⁴ Despite evidence that investing in education and other positive social institutions can improve public safety and save states money, policymakers continue to invest in incarceration.¹²⁵ Over the past 38 years corrections' spending has increased to three times that of state spending on education.¹²⁶ This misallocation of funding

has the potential for a significant negative impact on the future of our youth and communities.

THE COMMUNITY LOSES

Communities primarily lose out when it comes to private, for-profit prisons in two ways: hidden costs and public safety. There may appear to be an immediate cost savings compared to that of facilities run by a government, but long-term costs negate those savings. In addition, the safety of communities is compromised as increasing incarceration rates are not shown to improve public safety—and may even make it worse—and adequate and appropriate reentry services are not available to ensure that people returning to the community are prepared to succeed in terms of employment and reintegration.

Private Prisons are not Necessarily Cheaper than Government Facilities.

Communities often build private prisons because they are promised that they are cheaper and more quickly constructed than going through a typical governmental approval process to site, fund, and build a government-owned and operated prison. However, hidden costs related to the actual operation, lawsuits, and instances in which private prison companies don't fill their facilities end up costing communities more than anticipated.

Some studies, like those cited on CCA's website, purport to bring significant savings to communities.¹²⁷ Those studies, however, do not include assessments by the General Accounting Office, the National Institute of Justice, and the University of Utah, which find

little to no cost savings from private prisons.¹²⁸

- A 2008 National Institute of Justice report compared a Bureau of Prisons study¹²⁹ with another study by Abt Associates on the same facilities and found that Abt Associates did not include overhead and indirect costs, thus making private facilities appear most cost effective.¹³⁰
- In 1996, the General Accounting Office compared public and private prisons in five states (Texas, California, Tennessee, New Mexico, and Washington) and found little difference in costs.¹³¹
- A 2009 meta-analysis by researchers at the University of Utah found minimal cost-savings associated with prison privatization and that any cost savings are not guaranteed.¹³²
- An Arizona Department of Corrections study looking at 2007 comparison costs between state and private prisons, found some savings for private medium security facilities, but significant losses for minimum security private prisons, \$954,069 and \$1,297,308 respectively.¹³³

Many studies, including those by the General Accounting Office and National Institute of Justice, cite the difficulty in comparing private and public facilities. This is due to differences in how each facility operates under separate organizational styles, prison size, location, types of people they house, and programs and services provided,¹³⁴ as well as inadequate data and oversight of private facilities.¹³⁵

Private prison firms generally only run minimum- to medium-security facilities and can choose not to house people with serious medical or mental health issues.¹³⁶ One advocate in Hawai'i mentioned that Corrections Corporation of America prefers Native Hawaiians for their facilities in

Arizona because they believe them to be docile.¹³⁷ By contrast, public facilities cannot choose who they imprison and are responsible for maintaining security and services regardless of the cost.

Issues related to a lack of available medical care, safety incidents in prisons, and poorly trained staff also result in lawsuits. The state or jurisdiction could be named in the suit in addition to the private prison company, but in some cases the state sues the private prison company directly. Either way, taxpayers shoulder the burden of the cost of damages and legal fees, either directly or through increased costs for future prison contracts. Examples include:

- In November 2008, the State of Texas indicted The Geo Group in the death of Gregorio de la Rosa, Jr.¹³⁸ One of the outcomes of the case was a \$42.4 million dollar civil suit settlement out of court.¹³⁹
- In 2010, the Southern Poverty Law Center and the ACLU National Prison Project filed a law suit against The GEO Group, the prison administration, and state officials for abuse, violence, sexual contact with staff, and other conditions at the Walnut Grove Youth Correctional Facility in Mississippi.¹⁴⁰
- On March 11, 2011, the American Civil Liberties Union filed a class action lawsuit regarding the violent conditions inside the Idaho Corrections Center, which became known as “Gladiator School.” The state corrections agency was originally implicated in the lawsuit as well as CCA and facility staff. However, the ACLU dropped the IDOC from the lawsuit to save the state taxpayers money.¹⁴¹

The community can also be hurt if they decide to pay for the construction of a private prison, in anticipation of future ongoing contract

revenues. There is no guarantee that once a private prison facility is built that it will be filled and stay filled.

- In 2000, the town of Littlefield, Texas borrowed \$10 million to build a prison that would be operated by The GEO Group and filled with contract beds from Idaho and Wyoming. But, given ongoing state budget crisis, Idaho removed all out of state prison contracts and the prison is now empty. GEO abandoned the prison too, which is now for sale or contract. As of early 2011, Littlefield was paying \$65,000 per month against the original loan for construction.¹⁴²
- In Hardin, Montana the city entered into a deal with a group of private investors to finance the construction of a private prison in 2006.¹⁴³ The idea behind footing the bill for the prison was that opening such a facility would bring jobs and revenue to the small town of 3,600 people. However, since construction was completed in 2007 the facility has remained vacant, leading to a technical default on \$27.4 million in revenue bonds, further devastating the town’s economic development prospects.¹⁴⁴

Private Prisons do not Improve Public Safety.

Non-monetary costs to taxpayers for private prisons are difficult, if not impossible, to capture. For instance, cost cutting techniques create safety concerns both for the people in the facility, as well as after a person is released.¹⁴⁵

By 2008 there were only four known academic studies attempting to compare public and private prison recidivism rates.¹⁴⁶ At best, the most recent found no empirical evidence that private prisons reduce recidivism better than public prisons.¹⁴⁷ At worst, holding people in

private prisons far from home, like the in case of the 1,500 people from Hawai'i held in Arizona, does little to ensure their success upon release from prison.

While the overall lack of research¹⁴⁸ measuring recidivism rates for people serving time in private prisons makes it difficult to draw any substantial comparative conclusions,¹⁴⁹ it can be reasoned that without the same types and levels of services as public facilities that are intended to prevent returns to prison upon release,¹⁵⁰ recidivism may be higher for private facilities than public. Given that private prisons tend to hold people at minimum and medium-security levels, most of the people held in these facilities will be released and many will need services to succeed in the community.

PRIVATE PRISON EMPLOYEES

People held in prison are the most vulnerable to abuse and violence, but people who work in private prisons are not immune from injury. Poor training and other cost-saving measures make the people who staff private prisons losers in the political battle for private prisons, too.

Training and Benefits

Private run facilities often provide less training, pay substantially less, and have a higher turnover rate of staff than most state-run public facilities.¹⁵¹ Private prisons often hire correctional officers who have less education and less training than those in public facilities. By using cheap and less skilled labor, private prisons are able to further reduce their spending and increase revenue. Most private prisons do not allow the formation of correctional officer unions, which helps to reduce the overall cost of

running a private prison, but limits the staff's ability to negotiate pay, benefits, and proper training. Although proponents of private prisons argue that unions drive up prison costs, they appear to offer a level of stability and training that is not present in most private prisons.¹⁵²

Worker Safety

As a result of lower pay, less training and higher staff turnover in private facilities there is an increased likelihood of conflict between people in prison and prison staff. Working in a prison is a stressful job and training is key to preventing staff from abusing people in the prison, minimizing injuries to staff and to prevent violence between people held in prison.¹⁵³ When staff lacks adequate training covering topics such as procedures and conflict resolution it can often lead to more incidents occurring between officers and those incarcerated.¹⁵⁴

Although some research shows similar rates of violent incidents between public and private facilities,¹⁵⁵ other studies comparing private and public prisons found that assaults on people in private facilities were nearly double that of public facilities, while assaults on correctional officers remained largely the same.¹⁵⁶ Since private prisons have greater control over who enters their facilities, likely if they held the same types of people as public prisons, there would be significant safety concerns due to under-qualified, poorly-trained staff. Given that private prisons are generally not subject to state or federal

The data presented here indicate that less costly workers in private prisons have not produced an acceptable level of public safety or inmate care to date.

~ SCOTT D. CAMP AND GERALD G. GAES,
FEDERAL BUREAU OF PRISONS, *GROWTH AND
QUALITY OF U.S. PRISONS*, 2001

“Freedom of Information” or “Sunshine” laws, it can be difficult to obtain accurate information.¹⁵⁷

PEOPLE IN THE PRISONS

The people who lose the most in the game that private prison companies play to increase incarceration are people in prison. Between the lack of services, violence, abuse, and an incentive to hold people for as long as possible, people in private prisons are the most vulnerable. And as incarceration disproportionately affects communities of color, it follows that private prisons also disproportionately affect communities of color.

While even public prisons have these problems, evidence suggests that private prisons are worse.¹⁵⁸ Incentives to keep costs low drive many of the problems that make private prisons more detrimental than public ones.

Violence and Assault

Numerous reports have listed the abuses that people in private prisons have experienced. The Private Corrections Working Group keeps a list of cases involving abuses at private facilities.¹⁵⁹ Some of the more recent cases include:

- **Otter Creek Correctional Center, Kentucky:** Investigators from the Hawai’i Department of Public Safety found that at least five staff members at the facility, including a chaplain, had been charged with having sex with the women in the prison, including three cases of rape. As a result, all of the women returned to facilities in Hawai’i.¹⁶⁰ According to the *New York Times*, the rate of sexual assault at the facility was four times higher than

the state-run facility for women in Kentucky. Kentucky also removed women from the facility.

- **Walnut Grove Youth Correctional Facility, Mississippi:** In a lawsuit filed by the Southern Poverty Law Center and the ACLU, boys and young men held in the facility operated by The GEO Group were subjected to physical, psychological, and sexual abuse, unlawful solitary confinement, abuse of youth with disabilities, withholding of medical treatment for youth who were injured during abuse, and withholding of educational opportunities for students with learning disabilities.¹⁶¹

Services

Private prisons have an incentive to minimize costs by cutting services and treatment.¹⁶²

Whether a private prison provides rehabilitative services (such as job training or drug treatment) is dependent upon the private prison company’s contract, which is drafted by legislators and susceptible to political influence by private prison companies.¹⁶³ Although most private prisons offer similar programming as state-run facilities as stipulated in their contracts, they are often not of the same caliber as those offered within public institutions.¹⁶⁴ For instance, most private prisons have control over who is placed in their care, often leaving people with the most expensive needs, like those who are the highest security risk and those with serious medical or mental health issues, in state run facilities.¹⁶⁵ Additionally, most private prison companies provide limited medical coverage, with advanced and additional costly care falling on the state.¹⁶⁶ For instance, when a person in a privately run facility requires medical treatment beyond the established contractual coverage of the private-prison, the private prison company

then bills the state for the additional medical costs.

This lack of services not only causes harm to the people in prison, but it also affects the

community when people are eventually released without proper treatment or skills to effectively re-enter the community.

FIGHTING FOR-PROFIT PRISONS IN TEXAS AND BEYOND: GRASSROOTS LEADERSHIP

For over 30 years, Grassroots Leadership has helped organize people on the ground to fight injustice. Based in the south and southwest, Grassroots Leadership works to abolish for-profit private prisons and reduce reliance on detention and criminalization.

Grassroots Leadership's victories include a campaign that successfully stopped Shelby County, Tennessee (the county that includes Memphis) from privatizing its massive county jail and doubling its size. Grassroots Leadership also played a pivotal role in the movement that successfully ended immigrant family detention at Corrections Corporation of America's T. Don Hutto Prison in Taylor, Texas. In 2007, a campaign to prohibit the construction of a private prison in Pike County, Mississippi resulted in the plans being defeated in a special election, the first time that had ever happened in Mississippi.

"In the south and southwest, the private prison industry has consistently targeted poor communities. We believe that it's important to fight in these places to end for-profit incarceration and reduce reliance on criminalization and detention, and ultimately build lasting movements for social justice," said Bob Libal, Texas Campaigns Coordinator for Grassroots Leadership.

For more information on Grassroots Leadership, please visit: www.grassrootsleadership.org.

PART 6

RECOMMENDATIONS

States and the federal government should look for real solutions to the problem of growing jail and prison populations. A number of states are already utilizing innovative strategies for reducing the number of people behind bars in their state.ⁱⁱ Reducing the number of people entering the justice system, and the amount of time that they spend there, can lower prison populations, making private, for-profit prisons unnecessary, and improving public safety and the lives of individuals.

Invest in front-end treatment and services in the community, whether private or public.

Research shows that education, employment, drug treatment, health care, and the availability of affordable housing coincide with better outcomes for all people, whether involved in the criminal justice system or not. Jurisdictions that spend more money on these services are likely to experience lower crime rates and lower incarceration rates.¹⁶⁷ An increase in spending on education, employment and other services not only would improve public safety, but also would

enhance and enrich communities and individual life outcomes.

Additional research is needed to effectively evaluate the cost and recidivism reduction claims of the private prison industry. With conflicting research on both the cost savings and recidivism reduction of private prisons, additional research is needed to determine the accuracy of such claims. Moreover, a clearer dialogue surrounding the difficulties of comparative research between private and public facilities would also be beneficial in providing a better understanding of the implications of prison privatization.

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