

# Private Prison Elimination: *closures not transitions*

Nathan Craig, Ph.D.

# 2018 CCJ Interim Committee: Private Immigration Detention Facilities



Video recording of 4-hour hearing

<http://sg001-harmony.sliq.net/00293/Harmony/en/PowerBrowser/PowerBrowserV2/20180716/-1/52538>

2019 CCJ Committee:

Presentation by CCP on Private Incarceration

CENTER FOR CIVIC POLICY



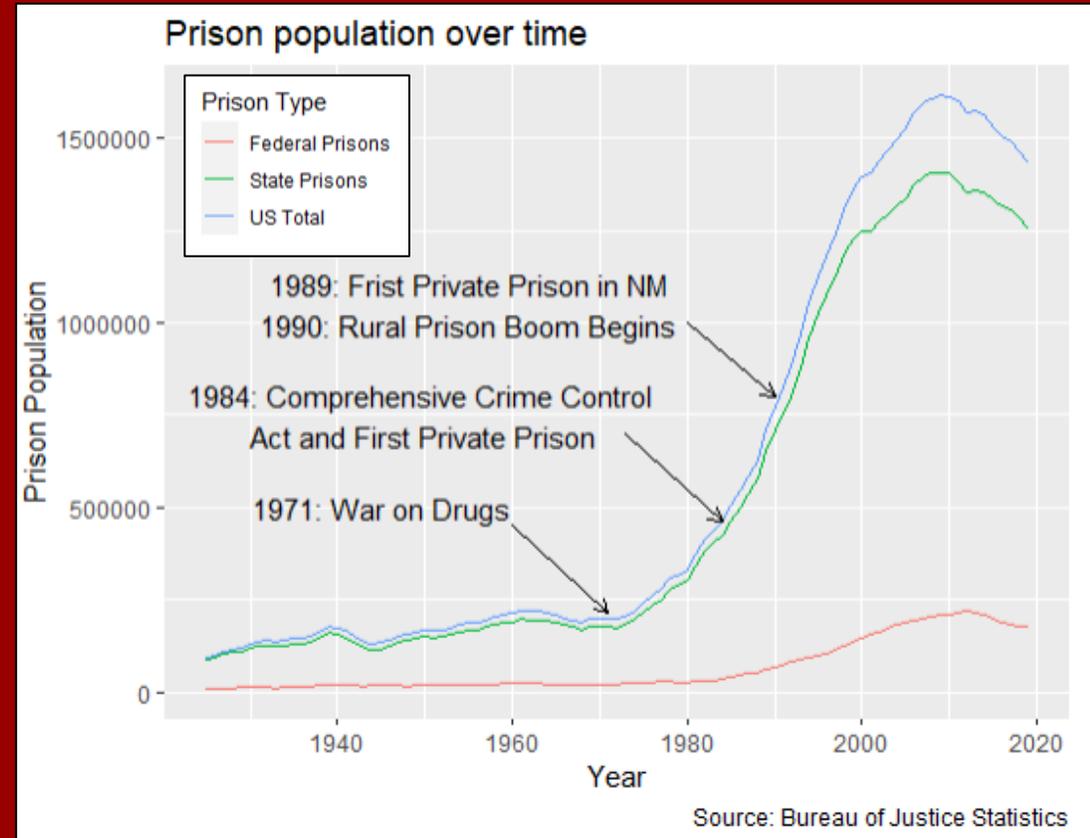
# Private Prisons Divestment to Further Economic Development Opportunities

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Presented by Isaac De Luna & James Povijua

# History of Mass Incarceration

- 1970's War On Drugs begins era of Mass Incarceration
- 1980's Private Immigration Detention and Prisons
- 1990's -2010 National Rural Prison Building Boom
  - 1989: Northwest NM Correctional Center: CoreCivic
  - 1990: Torrance County Detention Facility: CoreCivic
  - 1998: Cibola County Correctional Center: CoreCivic
  - 1998: Lea County Correctional Facility: GeoGroup
  - 1999: Guadalupe County Correctional Facility: GeoGroup
  - 2003: Otero County Prison Facility: MTC
  - 2008: Otero County Processing Center: MTC
- 2000-2016 Peak Mass Incarceration
  - 2018 NM prison population begins decline



Expectations	Outcomes
Lower Cost	Higher Cost
Better Services	Poorer Services
Rural Development	Economic Scarring

# Data:

## Higher Cost

Anderson, Patrick, Charles R. Davoli, and Laura J. Moriarty. 1985. "Private Corrections: Feast or Fiasco?" *The Prison Journal* 65 (2): 32–41. <https://doi.org/10.1177/003288558506500204>.

GAO. 1991. "Private Prisons: Cost Savings and BOP's Statutory Authority Need to Be Resolved." Report to the Chairman, Subcommittee on Regulation, Business Opportunities and Energy, Committee on Small Business, House of Representatives GAO-91-21. Washington, D. C.: United States Government Accounting Office (GAO). <https://www.gao.gov/products/GGD-91-21>.

———. 1996. "Private and Public Prisons: Studies Comparing Operational Costs and/or Quality of Service." Report to the Subcommittee on Crime, Committee on the Judiciary, House of Representatives GAO/GGD-96-158. Washington D.C.: U. S. Government Accountability Office (GAO). <https://www.gao.gov/products/GGD-96-158>.

Kish, Richard J., and Amy F. Lipton. 2013. "Do Private Prisons Really Offer Savings Compared with Their Public Counterparts?" *Economic Affairs* 33 (1): 93–107. <https://doi.org/10.1111/ecaf.12005>.

Mamun, Saleh, Xiaoxue Li, Brady P. Horn, and Janie M. Chermak. 2020. "Private Vs. Public Prisons? A Dynamic Analysis of the Long-Term Tradeoffs Between Cost-Efficiency and Recidivism in the US Prison System." *Applied Economics* 52 (41): 4499–4511. <https://doi.org/10.1080/00036846.2020.1736501>.

McDonald, Douglas, Elizabeth Fournier, Malcolm Russell-Einhorn, and Stephen Crawford. 1998. "Private Prisons in the United States: An Assessment of Current Practice." Washington, D.C.: National Institute of Corrections Address. <https://www.ojp.gov/library/abstracts/private-prisons-united-states-assessment-current-practice>.

Nathan Craig. 2020. "A Synthesis of New Mexico Legislative Finance Committee Documents Related to Private Prisons." Las Cruces, NM: Advocate Visitors with Immigrants in Detention (AVID). <https://avid.chihuahuan.org/2020/10/11/review-of-nm-legislative-finance-committee-documents-regarding-private-prisons/>.

Pratt, Travis C., and Jeff Maahs. 1999. "Are Private Prisons More Cost-Effective Than Public Prisons? A Meta-Analysis of Evaluation Research Studies." *Crime & Delinquency* 45 (3): 358–71. <https://doi.org/10.1177/001128799045003004>.

Robbins, Ira. 2006. "Privatization of Corrections: A Violation of U.S. Domestic Law, International Human Rights, and Good Sense." *Human Rights Brief*, January, 12–16.

## Poorer Services

Ashton, Paul, and Amanda Petteruti. 2011. "Gaming the System: How the Political Strategies of Private Prison Companies Promote Ineffective Incarceration Policies." Washington D.C.: Justice Policy Institute (JPI). [http://www.justicepolicy.org/uploads/justicepolicy/documents/gaming\\_the\\_system.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/gaming_the_system.pdf).

Aviram, Hadar. 2016. "Are Private Prisons to Blame for Mass Incarceration and Its Evils? Prison Conditions, Neoliberalism, and Public Choice." *Fordham Urban Law Journal* 42 (2): 411.

Camp, Scott D, and Gerald G Gaes. 2000. "Private Prisons in the United States, 1999: An Assessment of Growth, Performance, Custody Standards, and Training Requirements." Washington, DC: Federal Bureau of Prisons (BOP), Office of Research and Evaluation. [https://www.bop.gov/resources/research\\_projects/published\\_reports/prison\\_mgmt/oreprcg2000.pdf](https://www.bop.gov/resources/research_projects/published_reports/prison_mgmt/oreprcg2000.pdf).

Crewe, Ben, Alison Lieblich, and Susie Hulley. 2015. "Staff-Prisoner Relationships, Staff Professionalism, and the Use of Authority in Public- and Private-Sector Prisons." *Law & Social Inquiry* 40 (02): 309–44. <https://doi.org/10.1111/lsi.12093>.

Dilulio, John J. Jr. 1988. "What's Wrong with Private Prisons." *The Public Interest* 92: 66–83.

Duwe, Grant, and Valerie Clark. 2013. "The Effects of Private Prison Confinement on Offender Recidivism: Evidence From Minnesota." *Criminal Justice Review* 38 (3): 375–94. <https://doi.org/10.1177/0734016813478823>.

Galinato, Gregmar I., and Ryne Rohla. 2020. "Do Privately-Owned Prisons Increase Incarceration Rates?" *Labour Economics* 67 (101908): 1–20. <https://doi.org/10.1016/j.labeco.2020.101908>.

Geis, Gilbert, Alan Mobley, and David Shichor. 1999. "Private Prisons, Criminological Research, and Conflict of Interest: A Case Study." *Crime & Delinquency* 45 (3): 372–88. <https://doi.org/10.1177/001128799045003005>.

ITIP. 2016. "How Private Prison Companies Increase Recidivism." Washington, DC: In the Public Interest (ITPI). <https://www.inthepublicinterest.org/wp-content/uploads/ITPI-Recidivism-ResearchBrief-June2016.pdf>.

Lanza-Kaduce, Lonn, Karen F. Parker, and Charles W. Thomas. 1999. "A Comparative Recidivism Analysis of Releasees from Private and Public Prisons." *Crime & Delinquency* 45 (1): 28–47. <https://doi.org/10.1177/001128799045001002>.

Lilly, J. Robert, and Mathieu Deflem. 1996. "Profit and Penalty: An Analysis of the Corrections-Commercial Complex." *Crime & Delinquency* 42 (1): 3–20. <https://doi.org/10.1177/001128796042001001>.

Lilly, J. Robert, and Paul Knepper. 1993. "The Corrections-Commercial Complex." *Crime & Delinquency* 39 (2): 150–66. <https://doi.org/10.1177/001128793039002002>.

Mattera, Philip, Mafruz Khan, and Stephen Nathan. 2003. "Corrections Corporation of America: A Critical Look at Its First Twenty Years." Austin, TX: Grassroots Leadership. <https://grassrootsleadership.org/sites/default/files/uploads/CCAAnniversaryReport.pdf>.

Mukherjee, Anita. 2020. "Impacts of Private Prison Contracting on Inmate Time Served and Recidivism." *American Economic Journal: Economic Policy*, 1–39. <https://doi.org/10.2139/ssrn.2523238>.

Mumford, Megan, Diane Whitmore Schanzenbach, and Ryan Nunn. 2016. "The Economics of Private Prisons." The Hamilton Project. The Brookings Institute. [https://www.hamiltonproject.org/papers/the\\_economics\\_of\\_private\\_prisons](https://www.hamiltonproject.org/papers/the_economics_of_private_prisons).

Nuzum, Marlyce. 1998. "The Commercialization of Justice: Public Good or Private Greed?" *The Critical Criminologist* 8 (3): 1–8.

Selman, Donna, and Paul Leighton. 2010. *Punishment for Sale: Private Prisons, Big Business, and the Incarceration Binge*. Issues in Crime & Justice. Lanham, Md: Rowman & Littlefield Publishers.

Spivak, Andrew L., and Susan F. Sharp. 2008. "Inmate Recidivism as a Measure of Private Prison Performance." *Crime & Delinquency* 54 (3): 482–508. <https://doi.org/10.1177/001128707307962>.

The White House. 2021. "Executive Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities." The White House. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/executive-order-reforming-our-incarceration-system-to-eliminate-the-use-of-privately-operated-criminal-detention-facilities/>.

## Negative Rural Development

Beale, Calvin L. 1998. "Prisons, Population, and Jobs in Nonmetro America." *Rural Development Perspectives* 8 (3): 16–19.

Besser, Terry L., and Margaret M. Hanson. 2004. "Development of Last Resort: The Impact of New State Prisons on Small Town Economies in the United States." *Journal of the Community Development Society* 35 (2): 1–16.

Blankenship, Susan E., and Ernest J. Yanarella. 2004. "Prison Recruitment as a Policy Tool of Local Economic Development: A Critical Evaluation." *Contemporary Justice Review* 7 (2): 183–98. <https://doi.org/10.1080/1028258042000221184>.

Bonds, Anne. 2012. "Building Prisons, Building Poverty: Prison Sitings, Dispossession, and Mass Incarceration." In *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*, edited by Jenna M. Loyd, Matt Mitchelson, and Andrew Burridge, 129–42. Geographies of Justice and Social Transformation 14. Athens: University of Georgia Press.

Gilmore, Ruth Wilson. 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. American Crossroads 21. Berkeley: University of California Press.

Holley, William T. 2008. "Assessing the Impact of Prison Siting On Rural Economic Development." Doctoral Dissertation, Fairfax, VA: Gorge Mason University. <http://hdl.handle.net/1920/3351>.

Hooks, Gregory, Clayton Mosher, Shaun Genter, Thomas Rotolo, and Linda Lobao. 2010. "Revisiting the Impact of Prison Building on Job Growth: Education, Incarceration, and County-Level Employment, 1976-2004." *Social Science Quarterly* 91 (1): 228–44.

Hooks, Gregory, Clayton Mosher, Thomas Rotolo, and Linda Lobao. 2004. "The Prison Industry: Carceral Expansion and Employment in US Counties, 1969-1994." *Social Science Quarterly* 85 (1): 37–57. <https://doi.org/10.1111/j.0038-4941.2004.08501004.x>.

Huling, Tracy. 2003. "Building a Prison Economy in Rural America." In *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, edited by Marc Mauer and Meda Chesney-Lind, 221–39. New York: New Press.

King, Ryan S, Marc Mauer, and Tracy Huling. 2003. "Big Prisons, Small Towns: Prison Economics in Rural America." Washington D.C.: The Sentencing Project (TSP). <https://www.sentencingproject.org/publications/big-prisons-small-towns-prison-economics-in-rural-america/>.

Kish, Richard J., and Amy F. Lipton. 2013. "Do Private Prisons Really Offer Savings Compared with Their Public Counterparts?" *Economic Affairs* 33 (1): 93–107. <https://doi.org/10.1111/ecaf.12005>.

Lawrence, Sarah, and Jeremy Travis. 2004. "The New Landscape of Imprisonment: Mapping America's Prison Expansion." Washington D. C.: Urban Institute Justice Policy Center. <https://www.urban.org/sites/default/files/publication/57971/410994-The-New-Landscape-of-Imprisonment.PDF>.

Loyd, Jenna M., Matt Mitchelson, and Andrew Burridge, eds. 2012. *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*. Geographies of Justice and Social Transformation 14. Athens: University of Georgia Press.

Perdue, Robert Todd, and Kenneth Sanchez. 2016. "Imprisoning Appalachia: The Socio-Economic Impacts of Prison Development." *Journal of Appalachian Studies* 22 (2): 210–23. <https://doi.org/10.5406/jappastud.22.2.0210>.

Price, Byron E., and Richard Schwester. 2010. "Economic Development Subsidies and the Funding of Private Prisons." *International Journal of Public Administration* 33 (3): 109–15. <https://doi.org/10.1080/01900690903188784>.

Tootle, Deborah M. 2004. "The Role of Prisons In Rural Development: Do They Contribute to Local Economies?" 2004–02. Department of Agricultural Economics Working Paper. Baton Rouge, LA: Louisiana State University. [http://realcostofprisons.org/materials/Prisons\\_as\\_Rural\\_Development.pdf](http://realcostofprisons.org/materials/Prisons_as_Rural_Development.pdf).

Yanarella, Ernest J., and Susan Blankenship. 2006. "Big House on the Rural Landscape: Prison Recruitment as a Policy Tool of Local Economic Development." *Journal of Appalachian Studies* 12 (2): 110–39.

# General Problems with Private Prisons

- Higher incarceration rates associated with private prisons
- Longer sentences associated with private prisons
- Higher recidivism rates than public prisons
- Privates More dangerous for workers and inmates
- Privates More expensive than public prisons
- Privates Offer Fewer services

# Very incomplete list of issues with private prisons in NM

- 2012, GEO Group and CCA (now CoreCivic), got \$1.6 Mil in penalties for understaffing, contract violations, and holding inmates beyond release date
- > \$18 million in overlooked fines
- Prison companies over charged NM per diem rates for years
- Tens of millions in unpaid gross receipts taxes
- Private prisons struggle to maintain mandated staffing levels: 2 facility closures
- Multiple lawsuits for wrongful death and poor treatment
- Two facilities closed quickly due to bad practices.

# Currently Active Private Prisons and Detention Centers

- 7 private facilities
  - 7247 beds
- 
- 5 private facilities
  - 5814 beds

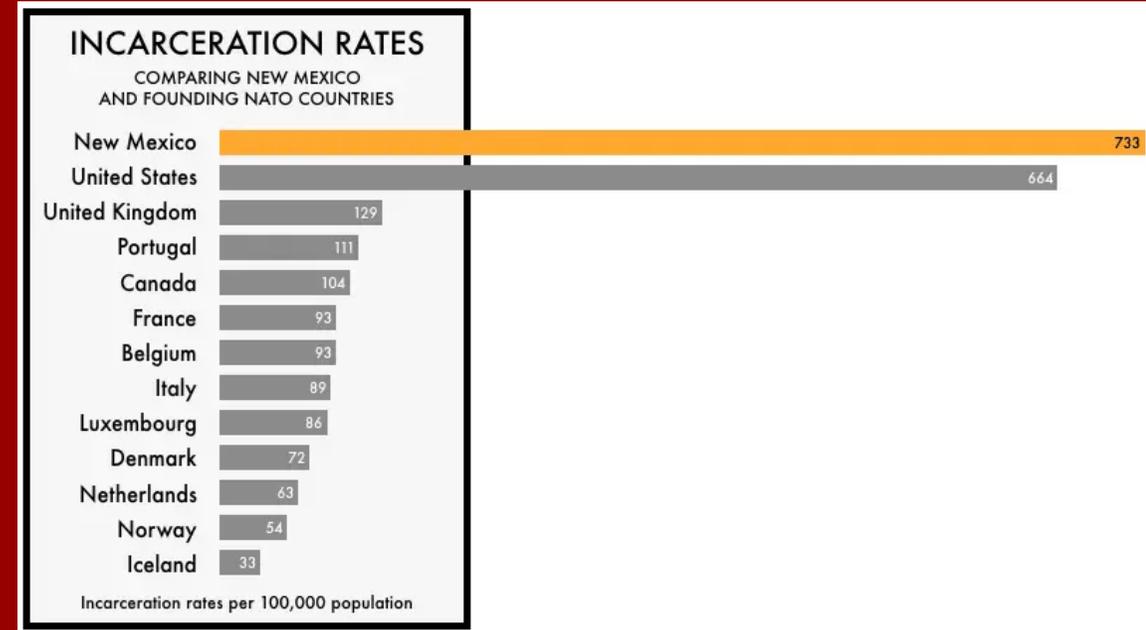
Facility	Town	County	Use	Contractor	Beds
Northwest New Mexico Correctional Center	Grants	Cibola	Prison	CoreCivic	823
Guadalupe County Correctional Facility	Santa Rosa	Guadalupe	Prison	GeoGroup	610
Lea County Correctional Facility	Hobbs	Lea	Prison	GeoGroup	1266
Otero County Prison Facility	Chaparral	Otero	Prison	MTC	1420
Otero County Processing Center	Chaparral	Otero	ICE	MTC	1089
Cibola County Correctional Center	Milan	Cibola	ICE	CoreCivic	1129
Torrance County Detention Facility	Estancia	Torrance	ICE	CoreCivic	910

# Incarceration Does Not Lower Crime Rate

- Since 2000, incarcerations impacts on:
  - property crime = < 0.01%
  - violent crime = 0%
- Declining marginal returns
- Not viable long term

# Prisons are Criminogenic

- Incarceration increases probability of future incarceration
  - Exacerbated when incarceration rates are high
  - 325-429 per 100,000 key tipping point
    - Increased incarceration raises crime rate
    - US average = 664
    - ***New Mexico = 733***
- New Mexico at twice the tipping point
- Non-violent technical parole violations major driver of recidivism
  - 50% of recidivism rate are drug violations
  - 1/3 of all admissions to NMCD are failed drug test or missed appointment



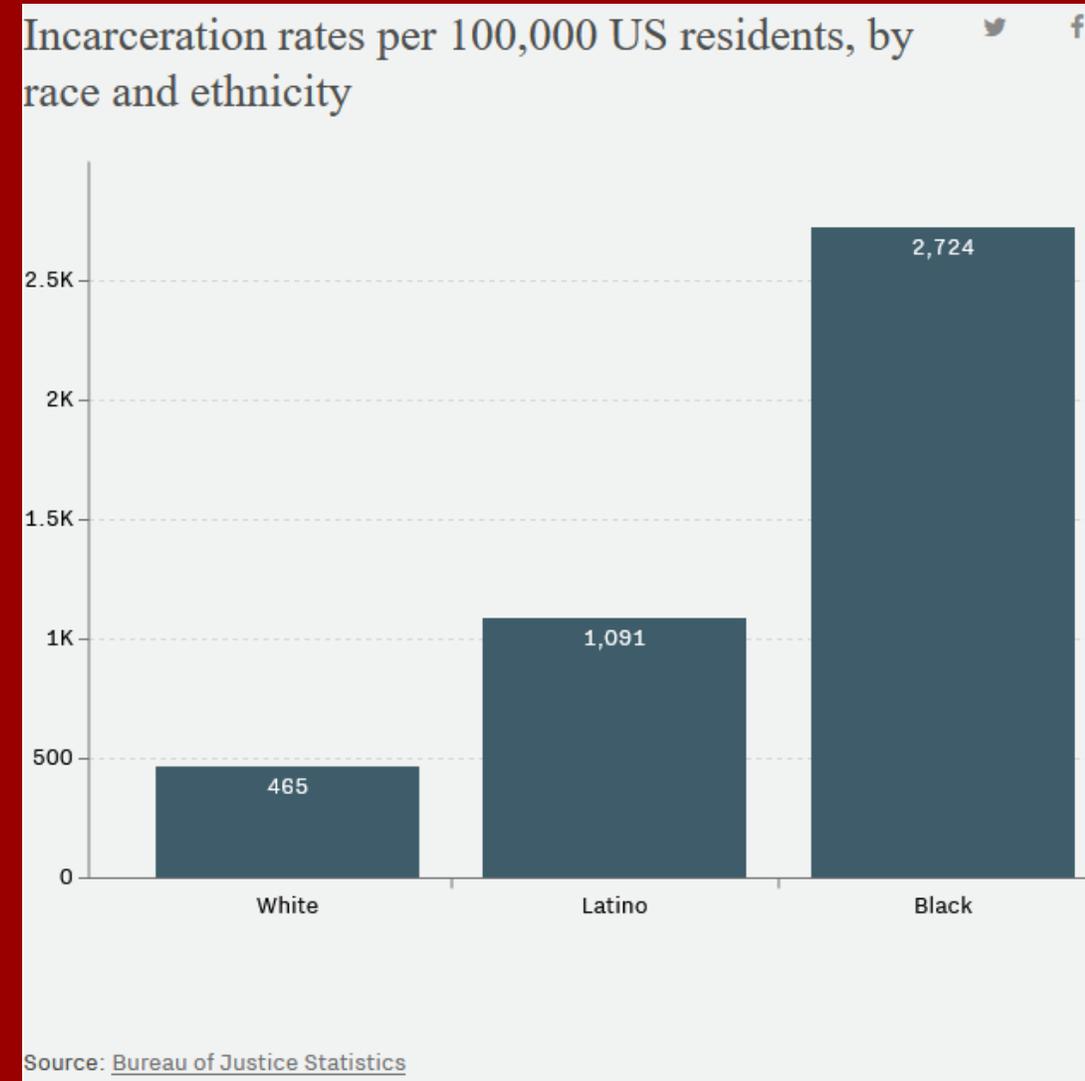
# Factors That Lower Crime Rates

- Lower unemployment
- Higher per capita income
- Higher consumer confidence
- Increased educational levels
- Lower alcohol consumption

*People need a pathway to make a living...*

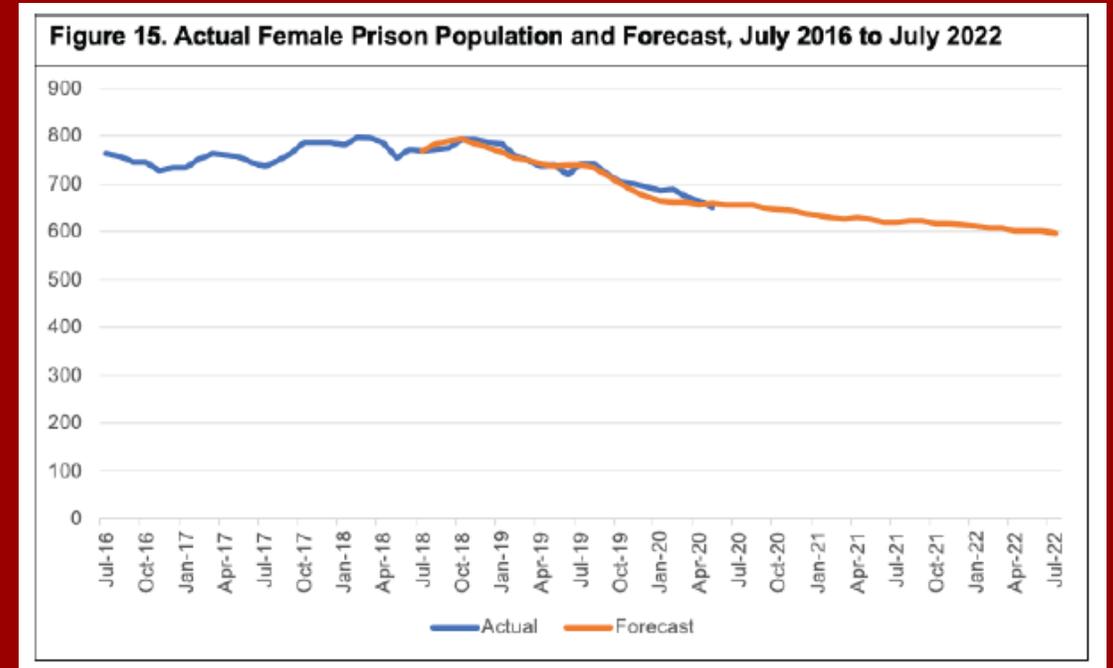
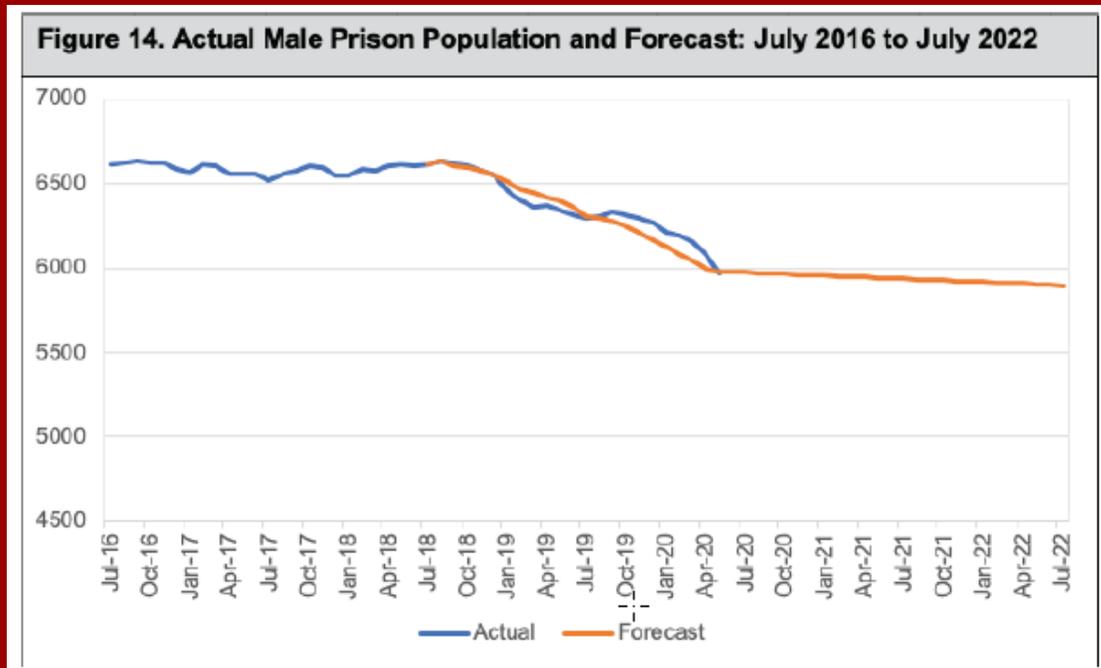
# Non “Criminal” Aspects of Incarceration

- Drug Use
  - ~ 25% new admissions for drug offenses
  - ~ 12% new admissions for public order, intoxication, offenses
  - ~ 32% admissions technical parole violation
- Mental illness
  - ~ 25% of prison population treated for serious mental illness
    - 85% of these suffer substance abuse issues
- Poverty



# NM Prison Population Declining

- ↓ 14% for males between FY17-FY21
- ↓ 23% for females between FY18-FY21
- *Projected to continue declining*



# We Call for

- ***Closing*** private prisons: don't transition them to public prisons
- ***Remove authority*** to enter into private prison contracts
- ***Cut prison population by 50%***: should be major priority
- ***Address parole revocation***: revisit HB 564
- Pursue ***Justice Reinvestment***