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Deprivation of Freedom Research Paper and Critical Analysis of the Utilization of Privately Operated Correctional Institutions

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Assignment 1 Topic 3 Deprivation of Freedom
Research Paper and Critical Analysis of the Utilization of Privately Operated Correctional Institutions

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Introduction

According to Merriam-Webster's dictionary, one of the definitions of deprivation is the state of being deprived of something. In addition, Merriam-Webster has one of its definitions of freedom as the liberation from slavery or restraint or from the power of another.

According to Meiners (2011), the United States of America has the unfortunate distinction of having the most incarcerated individuals than any other nation. The United States of America has 5% of the world's population, however incarcerates 25% of the world's total prison population (Meiners, 2011).

The incarceration numbers have only increased since the 1970's not due to increases in crime, but due to legislation such as New York State's Rockefeller Drug Laws, three strikes and you are out, mandatory minimum sentencing and the war on drugs (Meiners, 2011).

According to Anderson (2009), the nationwide inmate population increasing from 200,000 in 1971 to over two million in 2008 has presented fiscal challenges to federal, state, and local government in the United States. The growth in the inmate population has resulted in serious fiscal challenges for municipalities. The primary resolution to this challenge has been for governments to depend on private, non-governmental entities to build and operate correctional facilities to house inmates convicted and sentenced by the respective municipality (Anderson, 2009). When studying the population of inmates who take college courses, Anders and Noblit (2011), found that 62% of the student inmate population was african-american. Since the inmate student population, closely relates the overall prison population nationwide, the question can be asked if the advent of the private run correctional facilities is having a disproportionate effect on minorities being warehoused into the prison system. The writer will examine the utilization of privately operated correctional institutions to determine if their existence and purpose ultimately leads to a deprivation of freedom.

History and Growth of the Private Prison Industry

According to Marion (2010), in 2006 the number of individuals incarcerated in the United States topped 7.2 million individuals. This trend resulted in states as well as the federal government, spending billions of dollars annually to house and supervise inmates (Marion, 2010). In the 1980's the most efficient remedy that states decided to utilize to reduce these expenses was to enter into contracts with construction and management firms specializing in private corrections (Marion, 2010). These firms such as Corrections Corporation of America are publicly traded and only have the objective of making profits (for their stockholders) through the imprisonment of individuals (Marion, 2010). When a municipality seeks to have a new prison build, a bidding process is commenced in order to see which corporation will obtain the bid (Marion, 2010). Once the bid is approved, the prison is build and the inmates are provided by the municipality's department of corrections and then the private corporation receives a per diem for each inmate housed in the private facility (Marion, 2010).

The for-profit private prison operation originated as far back as the post-reconstruction era (Marion, 2010). In this era, the southern economy was devastated by the abolishment of slavery, however many businesses were still in need of a large pool of cheap labor (Marion, 2010). Many laws were passed allowing prisons to lease their prisoners to plantation owners and private firms that bore the cost of inmate upkeep, this is what was called convict leasing (Marion, 2010). In addition, many former slaves were homeless and could not find work and many of these new laws including laws of vagrancy which did not specify offenders by color however disproportionally these offenders were african-american which put many of these individuals square in the center of the convict leasing program which exposed them to conditions very similar to slavery (Marion, 2010). The practice of convict leasing would have offenders working for meager wages under abusive conditions, while contributing to the sustainability of the bottom line of plantation owners and private firms in which they had to serve. As we approached the 1920's the practice of convict leasing and private prisons were largely eradicated not due to social conscious but due to the advocacy of labor reform advocates that protested that cheap prison labor constituted unfair competition (Anderson, 2009).

As we approach the present day, according to Anderson (2009), the privatization of prisons began to become present in various admininstrative functions. The private industry presence began with the contracting of food and medical services and eventually various other operations functions until when the entire institution was privately managed (Anderson, 2009). The incarceration rate began to boom even more due to in part, the war on drugs and mandatory minimum sentences (Brewer & Heitzeg, 2008). The need for privatization became apparent in the eyes of municipalities when as recently as 2004, the United States had the highest incarceration rate in the world as for every 100,000 U.S. citizens, 699 of them were in prison (Brewer & Heitzeg, 2008). Due to the alarming rate of incarceration, municipalities were witnessing their corrections budgets becoming unmanageable, in addition the political rhetoric of tough on crime and buliding more prisons would garner the support of the electorate to support privately run prisons (Anderson, 2009). However, the ultimate motivation for the movement to private prisons is predominantly financial (Sigler, 2011). As with various other municipalities, California would contract a private firm such as the GEO Group in which the cost per inmate to the state would be $60 a day compared to the state undertaking the cost per inmate which would be $118 per day (Sigler, 2011). Due to the financial attractiveness of privatization of correctional institutions, currently the federal government contracts all of its correctional services (38,000 inmates held within privatized institutions) to private firms as well as thirty of the fifty United States of America (Ramirez, 2015).

Private Prison Debate

According to Ramirez (2015), private correctional institutions are for profit detention facilities owned and operated by private firms while contracted by a government agent. The proponents of private correctional institutions make the argument that this partnership results in monetary savings to the government (Ramirez, 2015). According to Ramirez (2015), the government will pay a per diem (per inmate) rate to the private firm while the private firm will incur the cost of all prison operations.

According to Field (1987), the privatization proponents state that the government has not adequately operated its jails and prisons as they are operating at 110% capacity due to overcrowding without any remedy in sight while costs continue to increase. The private firms can alleviate overcrowding by building more prisons that are ten to twenty percent less than what the government can build it for since private firms are not subjected to red tape policies like the bidding process (Field, 1987). Sigler (2011) also reinforces the financial incentive regarding privatization as the author indicated since governments act like monopolies they cannot pursue cost-saving innovations that private firms have available to them. Through the bidding process, private firms are motivated to deliver goods and services more cost effectively and do not have the constraints in the hiring and termination of employees unlike the government which may contend with labor unions and legislative regulations (Sigler, 2011).

These aforementioned financial motivations which according to Ramirez (2015) gives these private firms the incentive to undertake as little cost as possible once the inmate is in their custody while increasing the number of inmates they have under their custodial care. The reduction in cost could be the reduction in education and rehabilitation services and just leave the bare bones of just food, clothing, and shelter for the inmate (Ramirez, 2015). This in part motivates private firms to engage in a great deal of lobbying for legislation which would increase the prison population which in turn, would increase their profit margin (Ramirez, 2015). The two largest private prison operators, Corrections Corporation of America and The GEO Group spent close to $25 million in lobbying and political contributions to maintain legislation to increase mandatory minimum sentencing laws (Ramirez, 2015). The motivation behind maintaining a profit margin that is built upon the mass warehousing of individuals brings a connection to the convict leasing program of the pre-reconstruction era as these private correctional institutions do mandate their inmates to provide labor (cheap labor) for companies such as Microsoft, Starbucks, Wal-Mart, and Victoria's Secret just to name a few (Ramirez, 2015). Ramirez (2015) also points out that this type of profit can lead to corruption such as in the case with former Judge Mark Ciavarella who was convicted in 2011 for receiving payments from private prison contractors in exchange for imposing harsh sentences for longer periods of time in private correctional institutions.

Since african-americans make up a disproportionate larger segment in the criminal justice system, such as in California, african-americans are 76% of the public prison population and 89% of the private prison population there is suspicion among minority communities towards the private prison system via their lobbying efforts for tougher, longer sentences, and less educational, rehabilitative opportunities that the deprivation of freedom is apparent through the clear profit motivation of their arrangement with respective governments (Ramirez, 2015).

The Cost to Taxpayers

According to Delaney and Henrichson (2012), the combined cost to taxpayers for the thrity states which utilizes private prison firms are higher than what taxpayers are led to believe. The costs of private prisons such as initial construction and per diem payments per inmate are made through the corrections department which on the surface appears to have been a savings however upon further examination this is not the case (Delaney & Henrichson, 2012). The additional costs in running the correctional institutions such as legal judgments and claims, statewide administrative costs, capital costs, hospital care, and vocational training just to name a few are charged to other departments outside of corrections (Delaney & Henrichson, 2012).

Delaney and Henrichson (2012) indicate that the total taxpayer cost of prisons in these states are 13.9% higher than the costs represented by the corrections budgets. The combined full price to taxpayers would be $5.4 billion more than the states' aggregate corrections department spending which would obviously compromise the aforementioned benefit of the proponents of privately run prisons as it pertains to cost (Delaney & Henrichson, 2012).

Practical Actions and Solutions

Cole (2011) addressed that the private correctional institutions are able to justify their existence in part through the lengthy sentences given to offenders due to laws such as mandatory minimum sentencing. During the years between 1973 and 2003, the prison population grew every year however arrests and conviction rates remained constant without a dramatic increase which would translate into a practical action or solution would be to reduce the length of sentences which will reduce overcrowding (Cole, 2011). Cole (2011) also indicated that to reduce the reliance on technical violations of probation or parole to return offenders to prison would be an effective solution in concert with increasing the amount and quality of re-entry programs for ex-offenders. Austin and Clear (2009) also call for the elimination of technical violations of probation-parole as well as comprehensive sentencing reform as well as the use of restorative justice measures to give back to the community which has been affected by the crime.

Esperian (2010) detailed that reducing recidivism (one who re-offends after their release from prison) rates will greatly reduce the prison population thus eliminating prison overcrowding and the need for more institutions. The most effective recidivism reduction tool as detailed by Esperian (2010) was the opportunity for inmates to receive a college education during their period of incarceration. Inmates who received their associate's degrees while in prison had a recidivism rate of less than forty percent; for bachelor's degree recipients the recidivism rate was less than six percent; and for master's degree recipients, the recidivism rate was zero percent.

Conclusion

On the surface, privately operated correctional institutions appear to be the solution to the costs in which government has been seeking. However as indicated in this analysis when one looks at the profit motivation of private firms to incarcerate individuals and disproportionately individuals of color, this is an ethical dilemma that strikes at the heart of our society's value system.

The motivation to have lengthy prison sentences, cut rehabilitative costs to increase recidivism for the pure motivation of profit and the appearance of saving tax dollars is a clear and immoral objective to deprive a generation of individuals (disproportionately minorities) of the freedom we cherish in our society.

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