Lack of Correctional Services: The Adverse Effect on Human Rights

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Introduction

The private prison industry emerged in the US amid a rising tide of neo-liberal free-market economic ideas and neo-conservative zeal for moralistic discipline that propelled the country's criminal justice system through a series of campaigns to "get tough on crime." Reagan Administration officials' ardor for mandatory prison sentences and zero-tolerance approaches to crime control and drug enforcement launched a national crusade to "take back" criminal justice policies and practices from the hands of a supposedly liberal elite of criminologists and a defense-oriented legal establishment. The rapid embrace of their ideas by the public sent prison population levels shooting through the roof.

The Reagan Administration introduced a broad program of privatization to make good on their President's promise to "get government off our backs and out of our pockets."[1] But the US government had few state-owned enterprises such as were being sold off to private corporations by the Thatcher government in Great Britain. Privatization in the US was to be accomplished largely by contracting out public services. Federal policymakers urged both the US Marshals Service and the Immigration and Naturalization Service to contract for detention beds for pretrial prisoners and undocumented immigrants. Both the Corrections Corporation of America and the Wackenhut Corrections Corporation – the two firms which together hold three-quarters of the current US market for private prison beds – were launched into business with contracts from the INS.

Prison privatization was touted by policy analysts at conservative think tanks as a prison reform panacea. They championed the notion that privatization could and would solve seemingly intractable problems of deteriorating prison facilities, crowded conditions, and rising correctional costs, blindly believing that private-sector competition and profit incentives inevitably yield efficiencies that lie beyond the reach of government bureaucrats. While the industry was still in its infancy, with just a handful of facilities in operation, the national business press published glowing accounts of how private firms were using innovative building techniques, and media pundits predicted that private prisons would soon meet higher performance measures than could be met in the public sector.[2]

Corporate prison pioneers pledged that their industry would revolutionize the "business" of corrections. Tom Beasley, one of the founders of CCA, promised that private management of prisons would improve correctional practices across the board. Private prison guards would receive higher wages. Prisoners would get better living conditions, improved programs, and full-time assignments to work or educational activities. All this, while saving taxpayers millions of dollars.[3] Academic experts rode to prominence on these issues, providing testimonials for policymakers and the media that privatization would indeed lead to better prisons and substantial savings.

As the industry matured, however, the promise of higher quality services at a lower cost was not demonstrated by solid evidence. Research findings about cost savings were mixed, inconclusive, and sometimes contradictory.[4] Comparative evaluations of prison performance were few and far between, and those that existed were plagued with a variety of methodological shortcomings.[5]

During rapid expansion of the industry over the 1990s, it became abundantly clear that private prison management is far more challenging than private collection of solid waste, private repair of potholes, or even private provision of security in public buildings. As private prison executives began to press government officials for contracts to take on more challenging types of prisoners, the operational flaws and deficiencies that critics had cautioned against from the very beginning became all too evident.

When, in July 1998, six prisoners fled to freedom through the security fences surrounding a CCA prison in Youngstown, the largest private prison company in the world found itself at the center of a media maelstrom. A series of operational disasters over the next three years kept the industry in the bright light of public scrutiny. By the end of 2000, the private prison industry experienced a "market slump." With prison populations beginning to level off in many states, and public officials terminating contracts where scandals erupted or poor performance was chronic, opportunities for new business contracts at the state level evaporated.

Because advocates for privatization of prisons placed so much emphasis on the putative cost-benefits, the relatively scant body of research and evaluation of private prisons has focused primarily on the issue of correctional costs. A fast-growing stack of newspaper accounts of operational difficulties, routine monitoring reports, security audits, and special inquiry documents offer increasing evidence that the industry's performance record does not engender much confidence. Nevertheless, questions about whether cost savings and profit-taking entail a significant sacrifice of performance quality – in terms of programs, facility security, and public safety – have not received much rigorous examination by researchers.

In 1998, this author designed and directed a performance evaluation of a CCA prison located in Minnesota with the goal of determining whether, as the company claimed, privatization was providing higher quality correctional services. The research project was sponsored through the University of Minnesota Law School Institute on Criminal Justice. Correctional services and programs offered at CCA's medium-security Prairie Correctional Facility (PCF) in Appleton were compared with those offered at three medium-security prisons run by the Minnesota Department of Corrections (DOC).

All four prisons had been operating for many years, and their administration and programs were well established.

The research plan entailed both review of facility records and site visits, but the primary component of the study was survey research. A detailed questionnaire was used to conduct structured interviews with Minnesota prisoners housed at PCF, and with a carefully matched set of prisoners at the public prison who fully met the screening criteria used by DOC case managers to select prisoners for transfer to PCF whenever a bed became available at the private prison. The survey was designed to explore prisoners' perceptions about all aspects of prison operations: health care, counseling services, educational and treatment programs, work assignments, recreation, routine daily activities, and prison safety and security. Information was collected about the extent of their participation in these activities and services. Through the use of questions requiring a graded response (e.g., from one to five) or an answer of true or false, the questionnaire made it possible to compare the responses of prisoners at PCF with those in the public prison facilities, and to use standard statistical methods to test the significance of their responses.[6]

The Prison in Appleton

The Prairie Correctional Facility, now owned and operated by the Correctional Corporation of America, was originally established as a city-owned non-profit private prison facility. This municipal venture was initiated in 1990 with the formation of the Appleton Prison Corporation as a not-for-profit corporation by the City of Appleton, Minnesota. The corporation was used to finance prison construction through lease-revenue bonds. The prison was built purely "on speculation," which is to say that the facility was planned, financed, and fully constructed without a contractual agreement having been secured from any government agency to house prisoners there.

Appleton is a small farming community located in southwestern Minnesota, about 20 miles east of the South Dakota border. The town was established in 1872 when the settlers built a flour mill and a schoolhouse on the banks of the Pomme de Terre River. By the 1880s the town had become the area's major distribution point for farm machinery. Sustained by a booming farm economy founded on the production of wheat and the sale of farm machinery, Appleton thrived for a century until low grain prices and the economics of corporate agriculture brought that era to a close. With foreclosures of family farms and a population exodus to other communities to find jobs, farm equipment stores were shuttered and the town appeared to be relegated to an inexorable decline.

The Appleton City Coordinator, Bob Thompson, chased after a variety of economic development schemes to restore the town's employment base. Thompson pursued plans for a gambling casino and a furniture manufacturing plant, before hitting on the prison development idea in 1989. By the spring of 1990, Thompson had recruited a corporate board of directors to finance construction of the $28 million private prison through sale of $5,000 revenue bonds. The prison development board would operate under the aegis of the city council, with profits, if any, accruing to the city treasury. The board was headed up by Mark Stromswold, the local "Culligan Man." Major investors included IDS Financial Services in Minneapolis, as well as the banks with local branch offices in Appleton.

The project developer was Dominion Leasing, an Edmund, Oklahoma-based group that had gained the necessary experience through development of the nation's first city-owned private prison in its home state. The firms that provided planning and architectural design were also Oklahoma-based, as was the construction contractor. The original proposal envisioned operation of 472 beds, a staff of 160, and a $3 million annual payroll. Construction of the Prairie Correctional Facility was begun in November 1990, with the opening slated for June 1992.

Section 241.021, Minnesota Statutes, requires that the Minnesota Department of Correction inspect and license all facilities, public or private, for detention or confinement of persons in the state. The city applied for and received a license to operate the new facility as a medium security prison. The license required that the prison maintain at least a partial staff of 80 on the payroll before it could open for business. No contracts to house prisoners had been secured, however, and the facility was operated without a revenue source at a loss of nearly $10,000 a day for more than 10 months.[7]

In January 1993, the Appleton Prison Corporation officials approached Minnesota's governor with a blanket offer to either provide prison beds on a contract basis, or to lease or sell the facility to the state. But Minnesota DOC managers had prison expansion plans of their own, already well underway, involving conversion of regional treatment centers at Moose Lake and Faribault. The offer was quickly declined.

The following month the prison development board defaulted on a total of $1.5 million in interest and principal payments which had come due. By this time the spectacle of a prison running on empty attracted international attention. Appleton was flooded with media, including reporters from both the New York Times and the Los Angeles Times. Michael Moore filmed a segment of his TV Nation show at the prison site, interviewing correctional officers and townspeople about the empty facility.

Finally, in March of 1993, the board secured a three-year contract to house prisoners from Puerto Rico. The start-up problems common to other "spec" prisons were equally evident in early operations at the Appleton prison: prison officials were willing to take whatever inmates they could get; insufficient information from the Puerto Rico corrections department impeded proper classification of prisoners; and inexperienced staff grappled with very seasoned, difficult prisoners. Added to this volatile mix were cultural and language issues stemming from the complete lack of familiarity between prison staff and prisoners. DOC licensing inspectors complained that the facility was understaffed and lacked Spanish-speaking officers.[8]

The experience over the next 19 months with these prisoners was extremely difficult. There were riots. The FBI investigated allegations by ex-employees that prisoners had been beaten and abused by a "Special Operations Response Team" wearing black face masks. Within the same time frame, four wardens were hired and terminated by the city.[9]

By August 1994, a fifth warden, Hoyt Brill, had been recruited from Colorado, and a second contract had been secured to house prisoners from that state. By October, 287 prisoners had been received from Colorado, and 100 more were on the way when Appleton city officials decided to evict the Puerto Ricans, demanding that the government of Puerto Rico remove them as soon as possible. Puerto Rican officials managed to obtain a temporary restraining order to block removal of their prisoners, but ultimately they were removed.

Minnesota DOC officials expressed concern that housing units were not properly staffed to accommodate the influx of new prisoners, sufficient vocational programs were not available to them, and again, in-coming prisoners were not being screened with proper classification methods. They placed a temporary ban on acceptance of more inmates until these problems were addressed.[10]

After the removal of convicts from Puerto Rico the operational crises subsided somewhat. However, in July 1996, the Appleton Development Corporation remained in default on the prison bonds, owing \$26.7 million principal debt and \$9.7 million in unpaid interest. Eventually Warden Brill was able to secure a multi-million dollar "bail-out" deal with the Corrections Corporation of America that allowed the non-profit corporation to make good its obligation to the bond-holders on their original investment, with a one percent return. As part of the deal, CCA was granted rights for a \$25 million expansion of the facility as they assumed operations. The same year, PCF was finally able to secure a small contract to house Minnesota state prisoners under funding expressly appropriated for that purpose by the Minnesota legislature. A contract was drawn up for 95 beds at \$55 per day.

By the winter of 1998, when the University of Minnesota research team conducted interviews with prisoners, CCA was housing inmates from a number of different state and federal sources and the daily prison population at PCF had reached 1,250. Seventy were held under the contract with the Minnesota DOC. Almost 1,000 were prisoners shipped in from Colorado, and the remainder were housed under contracts with Hawaii, North Dakota, and the US Marshals Service. About 2,700 Minnesota prisoners were being held at the three medium-security public prisons, where the prisoners that comprised the matched comparison group were confined.

The Research Findings

Many significant differences in correctional service delivery and program operations were revealed by comparing data from operational records and in-depth interviews with prisoners confined in PCF and the DOC prison system. The differences favored the public system for the most part, and prisoners also rated the public prison system higher on most performance measures.

Levels of medical care delivery appeared more or less the same in the two systems. Ninety-one percent of those interviewed in the DOC prisons had been seen by medical staff at least once, compared to 88 percent of those interviewed at PCF, and the average number of medical visits was similar between the two groups. But prisoners in the public prison system received significantly more dental care. The proportion of prisoners who received dental care was about the same (52 percent at PCF and 55 percent at the DOC prisons), but over the same period of time the DOC prisoners had averaged 3.3 sessions with the dental staff, while prisoners at PCF averaged just 1.6 sessions.

The DOC prisons also provided significantly more instruction for prisoners about general health issues. The public prison system provided HIV/AIDS education to most prisoners, with seventy percent of the DOC prisoners reporting being given information about the disease and how to avoid it. No prisoners at PCF reported receiving this type of education at the private facility.

DOC prisoners gave significantly higher ratings to the education programs in their prisons than the ratings given by prisoners at PCF – and they were more than twice as likely to assert that prisoners were being given a good opportunity to prepare themselves for new employment opportunities upon release.

General academic education classes were offered in both the private and public facilities, and most prisoners who were enrolled in either system said they attended classes five days a week. The teachers who provide academic education in the DOC system were state-certified. The Minnesota Department of Children, Families and Learning conducted periodic compliance audits to assure that the education programs met state standards, and that students requiring special education services were receiving them. Data obtained from CCA's company-wide computerized education information system, called "Roll Call," revealed that of six academic education teachers, just half possessed an academic certificate from the state.

The duration of daily classes was much longer in the DOC system. At PCF, all educational programs were just part-time. Participating prisoners attended only one three-hour class per day – a single morning, afternoon, *or* evening session. More than half of those enrolled in DOC classes reported participation in full-day classes – morning *and* afternoon sessions. With these differences it came as no surprise that state education records showed that the academic programs at the DOC facilities produced a much higher annual rate of General Education Diplomas earned by students – 74 GEDs per 1,000 prisoners, compared to the 55 GEDS per 1,000 prisoners at PCF.

A similar contrast pertained to vocational classes. These were offered in both systems, and most prisoners who were enrolled attended classes five days a week. But again, at PCF, participating prisoners took just one three-hour class per day, while two thirds of those enrolled in vocational training in the DOC system were enrolled in a full-time program of study. Moreover, the vocational programs at DOC facilities are fully accredited by the State of Minnesota. The students earned transferable classroom credits and authentic, recognized certificates from the state's technical college system upon completion, giving graduates an important advantage over those who graduated from the training programs offered at PCF, where none of the vocational instructors was licensed by the state, and where graduates could only obtain a CCA institutional certificate of completion. Fifty-three percent of the prisoners interviewed in the DOC prisons reported that it was easy to get enrolled in a good vocational program, while just 23 percent of those at PCF reported this to be the case.

Few prisoners in either system felt that adequate attention was being given to preparing them for release. Nevertheless, more prisoners at the DOC prisons reported that planning for release was a required activity (35 percent, compared to only six percent at PCF), but few prisoners were enrolled in programs geared specifically to prepare them. Prisoners in *both* systems voiced a strong desire for more help with housing arrangements and job contacts.

As to treatment for substance abuse – a problem plaguing a high proportion of Minnesota's prisoners – the contrast between CCA's prison and the public prisons was stark. The DOC chemical dependency treatment programs met state licensing requirements, and were designed to provide prisoners with the high level of treatment that is mandated by law for all who need it. The treatment programs at the DOC facilities provided a full day of therapeutic sessions, five days a week. Thirty-six percent of the prisoners interviewed at the DOC prisons had been enrolled in full-time treatment. Eighty-six percent of the DOC prisoners said that prisoners had easy access to substance abuse treatment services, and almost two-thirds of those who participated reported the experience had been "very helpful." A full-time chemical dependency treatment program had never been established at PCF, even though the contract required it. Treatment for substance abuse at PCF consisted of weekly Alcoholics or Narcotics Anonymous meetings, and a sporadic offering of "drug education" classes.

The proportion of prisoners who reported performing a daily work assignment was significantly higher at PCF than at the DOC prisons, but this comparison was affected by the higher proportion of DOC prisoners who were enrolled in daily, full-time education and treatment programs, and who therefore did not have a prison work assignment. Moreover, the prisoners with daily work assignments at PCF were significantly more likely to report assignment to part-time work activities, and many of them complained that most work assignments in the CCA prison were "just keep-busy jobs."

One aspect of the work assignments available to prisoners at PCF stood out as exceptional, however. CCA had established a private-sector prison industry shop at PCF, through an arrangement with Jacobs Trading, an employer based in Minneapolis. Jacobs Trading hired about 100 prisoners at PCF to refurbish and repackage damaged consumer goods for sale in job-lot, discount, or close-out stores. The few Minnesota prisoners who worked in the Jacobs Trading shop expressed strong appreciation for the opportunity to do "real work for real wages." Even though a large portion of their wages were deducted to offset the costs of their incarceration, they were happy to be making more money than other prisoners, and some were pleased that they were able to meet child support obligations.

Important differences between how prisoners perceive the requirements placed upon them by private and public systems indicated that the public system maintained a significantly higher degree of authority and control over the daily activities of prisoners than was the case at PCF. Two-thirds of the DOC prisoners agreed with the statement that "[p]risoners are kept busy all day," while 78 percent of prisoners at PCF judged this to be *untrue*. And while 85 percent of DOC prisoners agreed that prisoners in the public prisons "must work, study, or be in treatment," only a tiny fraction, nine percent, asserted that this was so for prisoners at PCF. Some prisoners confined in the DOC prisons expressed resentment about the degree of control exerted by prison staff, stating the following:

> "You don't have a choice whether to work or not."
>
> "Staff treat you like a little kid."

In contrast, some prisoners at PCF appreciated the relative freedom afforded by CCA:

> "My day is not structured – I can set my own schedule."
>
> "It's easy time – you have more time for recreation."

Although it not possible to determine the exact effects of weaker control on prison safety and security, it is interesting that prisoners' assessments about security issues in the two systems responses indicated significant, disturbing differences. Asked to rate their facilities on measures of safety and security, prisoners in DOC facilities gave them a significantly higher average rating over those given by prisoners at PCF. In their responses to questions about institutional control and facility safety, many prisoners at PCF observed that the CCA prison staff were less experienced than those at the DOC, and that many were not up to the job of handling difficult situations:

> "I like the independence I have here – they give you enough rope to hang yourself – but they shouldn't bring younger prisoners to a place like this – the staff aren't adequately trained to prevent the most obvious problems."
>
> "Minnesota DOC staff are more professional, more qualified, better trained – if private prisons are going to be used, they should be just as good as the public side."

Most Minnesota prisoners at PCF expressed dissatisfaction about being confined with prisoners from other jurisdictions. CCA was operating PCF along the lines of other "spec prisons," mixing prisoners from Colorado, Hawaii, Minnesota, North Dakota, along with detainees sent to PCF by the US Marshals Service. Some prisoners complained that with prisoners constantly coming and going from different jurisdictions with different laws, rules, and regulations, the prison routine was continually disrupted:

> "This place is unstable and unorganized [sic] – the rules change too often – based on the majority of the prisoners' state laws."

Many prisoners expressed concern and resentment about the lack of a uniform custody classification policy at PCF. Many prisoners complained that their safety was being jeopardized by CCA's willingness to admit prisoners with high custody classifications from other states:

> "Some of these guys are never getting out, and they have nothing to lose."

This issue had long been a sore point between the PCF managers and the licensing staff at the Minnesota DOC. In numerous letters and memos, DOC staff warned the managers at PCF that classification matters were not being handled in a careful and timely fashion. Spot checks of files for prisoners imported from other states had repeatedly revealed that some did *not* meet Minnesota's criteria for medium custody classification. The typical response from CCA prison managers was that perhaps there might have been a lapse, or an oversight, but that the matter would be rectified. The response was consistently coupled with assurances that, with rare exceptions, the prisoners at PCF *were* medium-custody.

During the course of the study, however, researchers obtained data that demonstrated that CCA was not taking the classification issue seriously. In February 1998, PCF staff had provided data about prisoner classification for a national survey of private prisons under sponsorship of the US Department of Justice's Bureau of Justice Assistance. They reported that on 31 December 1997 just 48 percent of the prisoners in their facility were classified as medium custody. They said that 586 prisoners, 45 percent of those confined at PCF, were in fact classified as "maximum/close/high" custody, while another eight percent were classified "minimum/low."

Beyond Appleton

Proponents of prison privatization have insisted that introduction of market competition into the field of corrections would help to solve many chronic problems in correctional practice. The introduction of competition would spur improvements in the public sector. Technical innovation and effective business practices would inevitably produce both increased efficiencies and higher performance. The freedom to manage personnel without the fetters of union contracts and civil-service rules would promote both higher productivity and a more humane prison environment. Some continue to make these claims.

Taken together, the findings from the Minnesota study provide strong empirical evidence supporting the opposite view: that privatization significantly *lowers* the level of correctional effectiveness, facility security, and public safety compared to what is now provided by the public system. The comparative deficiencies at the CCA prison in Minnesota can be traced to the company's efforts to control costs, thereby increasing profits. Skimping on program services expenditures to increase profits is no way to improve correctional practice. The bulk of correctional costs are labor costs, and the effect of privatization on expenditures for staff compensation and training is of paramount importance.

The entry-level salary paid to guards by private prison firms in the US is just $17,628, compared to the public prison average of $23,002. The average *maximum* salary differential is far steeper: $22,082 to $36,328.[11] Low pay leads to high turnover. Prisoners' complaints that PCF guards lacked a sufficient level of experience were supported by data that showed that the annual rate of turnover at the prison was 42 percent, compared to just 13 percent at the comparable public prisons. The latest national figures show that the problem of high turnover at private prisons is reaching crisis proportions. The turnover rate for private prison guards reached 52 percent in 2000, compared with 16 percent for public prisons.[12]

The types of deficiencies found at PCF have been documented elsewhere. The most severely troubled private prisons have been found to have very high rates of turnover – sometimes in excess of 100 percent. Many private prison managers have been willing to solicit and accept prisoners whose custody classification exceeds the control capacity of their facilities in terms of both design and staffing. Pressure to maximize profits by filling prison beds as fast as possible and keeping them as full as possible can lead to very serious problems. Problems with hasty start-up of prison operations and misclassification of prisoners' custody levels has been cited by national prison experts to have led to a series of prison disasters, including escapes, stabbings, and homicides, at both CCA and Wackenhut prisons.[13]

In the summer of 2001, the last prisoners from Washington DC were removed from the Northeast Ohio Correctional Center (NOCC), the Corrections Corporation of America's prison in Youngstown. The history of escapes, violent assaults, 20 stabbings, and two homicides that brought a national media spotlight to that prison need not be retold here. Suffice it to say that in July 1998 when six prisoners escaped from the prison in broad daylight, Ohioans were shocked to discover that the prison had been in turmoil from the day it was opened for business, 15 months earlier.

Corrections Trustee John Clark's thorough investigation of NOCC for the Justice Department turned up more shocking evidence:[14]

- the prison staff was woefully inexperienced;
- many prisoners had been wrongly classified;

- predatory prisoners with serious records of institutional violence were being housed together with vulnerable low-risk prisoners;
- prisoners were not provided adequate medical care; and
- prison programs were not in place to provide education and treatment.

The lessons from this experience were abundantly clear. Yet the learning has evidently been lost. More recent audits of another CCA prison in Florence, Arizona read like a "Youngstown" just waiting to happen. The Florence Correctional Center (FCC) held almost 600 male prisoners from Hawaii, along with women detained by the INS. In April 2001, the FCC erupted in violence – a string of serious assaults, and a riot on the prison yard that left a prison guard and three prisoners with serious injuries. That same month, a prisoner died at FCC of a heart attack that prison officials say was caused when he swallowed a packet of drugs to conceal it.

When prison auditors flew in from Hawaii to inspect the prison they found "a prison in turmoil," with an atmosphere so hostile that most areas of the prison were deemed too dangerous to be toured. They determined that a prison gang had taken control and was running the prison. Gang members were said to be attacking other prisoners and staff, dealing drugs, and having sex with the women housed there by the INS. Some staff were said to be "working" for the prison gang. One guard admitted providing drugs for prisoners in exchange for protection.

The auditors raised a variety of familiar complaints: security staff were inexperienced and under-trained, and they were neglecting the most basic security measures, like failing to search prisoners for contraband, or neglecting to exert adequate control over their movement within the facility. There were discrepancies with regard to the security classification system, and prisoners in different custody levels were not being separated as required to protect low-risk prisoners from predatory gang members. The medical unit at the prison was "grossly understaffed." Education and treatment programs were operating far below the contractors' expectations. The cultural gap between the Hawaiian prisoners and the CCA staff was wide. Many prisoners complained of racial slurs, alleging among other things that they had been called "beach niggas" by staff.[15]

There is a growing body of empirical evidence that the types of deficiencies documented at PCF are due to structural differences in how the private sector approaches prison management. Both Wackenhut and CCA, the industry "giants," have been cited repeatedly for chronic understaffing, deficient work assignments and education programs that result in widespread prisoner idleness, lack of compliance with proper procedures for inmate classification and discipline, sub-standard medical treatment and inadequate mental health care.

New research reports have documented the deleterious effects of these problems on prison operations. Rates of prison violence are much higher in the private prisons. The BJA national survey findings indicated that there were 65 percent more inmate-on-inmate assaults and 49 percent more inmate-on-staff assaults in private prisons than in comparable public prisons.[16] A study by researchers at the Federal Bureau of Prisons Office of Research and Evaluation concluded that the security problems in private prisons are systemic. They cited the much higher rates of security staff turnover, and attributed the much higher rate of escapes, and of drug use by prisoners (as evidenced by higher rates of positive "hits" from random urine screening) to the "greenness" of the work force, including both line staff and mid-level supervisors and managers.[17]

Conclusion

The US prison system, private and public prisons alike, has far to go before it will meet the basic correctional standards that human rights activists and penal reformers have long advocated. After 25 years of booming capacity expansion, too many American prisons remain plagued with overcrowding. Understaffing, sub-standard healthcare, insufficient programs, and human rights abuses are still widespread. However, prison privatization has not only failed to alleviate these problems, the industry has actually produced a much *worse* record of deprivation, violence and abuse than is found in the *public* prison system.

Slackened rates of prison population growth have allowed state-level correctional officials to shy away from further reliance on this very high-risk proposition. Thankfully, poor performance has not gone totally unnoticed. State-level contracting for new private prisons has ground to a halt. Private prison contracts in Arkansas, Louisiana, North Carolina, Ohio, South Carolina and Texas have been ended where chronic under-performance has resulted in serious problems.

Yet this poor performance history has yet to deter support for privatization at the federal level in the US. Driven by federal law enforcement efforts to wage the "war on drugs" and to crack down on undocumented immigrants, the federal prison population continues to race skyward. Federal prison officials would no doubt prefer to build more public prisons. Some probably even favor more effective law enforcement and immigration policies. However, the same ideological winds in Congress and the White House that propelled the birth of the private prison industry continue to push its growth. Regardless of the sorry track record of the private prison industry, federal contracts continue in a steady flow from the Bureau of Prisons, the INS, and the US Marshals Service.

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