

**Comparing Private and Public Prison Services and Programs in Minnesota:
Findings from Prisoner Interviews**

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I. Introduction

The private prison industry was launched into a national spotlight in the mid-1980s when the newly-established Corrections Corporation of America proposed to lease the entire Tennessee prison system for \$250,000,000 and operate it to meet strict standards set by a federal judge who had decreed the state's inadequate prison conditions to be in violation of the U. S. Constitution. This audacious offer was declined by Tennessee state officials, but soon the fledgling company was joined by other firms eager to take over prison and jail facilities and to build new prisons – even “on spec” – to tap into the unmet correctional needs of states that were struggling with exploding prison populations and deteriorating conditions in their existing facilities. By 1997 the industry was estimated to yield revenues in the neighborhood of \$1 billion, with about 64,000 adults confined in approximately 140 privately operated secure facilities in the U.S. (McDonald et. al. 1998).

Criminal justice policy makers face complex choices regarding how best to allocate available state revenues so as control the cost of institutional corrections without reducing the quality of correctional service delivery. In early 1999 the Minnesota Department of Corrections faced the prospect that operation of a new close-custody prison facility under construction by the DOC in Rush City, Minnesota, might be contracted to a private corporation. To better inform policy deliberations on the issue, a study was initiated by the DOC to examine current experience with privatization of prisons in Minnesota, and in other states, and to identify and explore the issues that would need to be addressed if policymakers wished to expand the role of private prison management in the state. This article reports on a segment of that research involving a comparison of the services and programs offered in the state's medium-security prisons – one privately owned and operated, and three owned by the state and operated by the Minnesota DOC.

Although private prisons occupy a fast growing and increasingly high profile segment of the correctional services delivery system in the U.S., there are relatively few independent, methodologically sound evaluations of correctional privatization. While many hold a strong belief that market dynamics spur the private sector toward cost efficiencies which cannot be yielded by the public sector, there is yet no large body of empirical evidence that this is true in the correctional services field. The data about existing cost and quality differentials that have been compiled for analysis to date are by no means definitive, and the research findings are often contradictory. A variety of critical issues and concerns that have been voiced by those who have closely examined the experience of correctional privatization remain unresolved. While most (though not all) experts in this field agree that competition is providing a healthy stimulant for improving correctional cost-efficiencies, there are many issues under hot contention among them. The debates generally focus on four basic objectives of privatization:

To cut the size and scope of government:

It is self-evident that this goal can be reached by shifting the correctional workforce from public operations to the private sector. It does not necessarily follow that such a

move will result in actual cost savings. Since this is essentially an ideological goal, no amount of available empirical data regarding the experience over the past decade-and-a-half is likely to settle debate about the wisdom of its pursuit.

To cut red tape:

There is no question about the ability of private firms to expedite the *expansion* of correctional resources since they are able to dispense with the intricacies of the public procurement process, and can re-package capital costs as operational expenses. On the downside, such private development may *raise* the price tag for prison expansion.

To cut operational costs:

Research findings on this point are mixed and while some studies offer support for this goal, it is still not possible to generalize about the applicability of positive findings across jurisdictional boundaries. Moreover there is evidence that privatization sometimes carries a *higher* price tag.

To improve performance:

The basic argument is that the rigors of market competition provide inherent incentives for efficiency. It is also asserted that privatization allows for more rigorous governmental enforcement of standards, since under an operational contract the risks of failing to meet contractual requirements may threaten its continuation or renewal. The history of correctional privatization is far from problem-free, however. Recent tragic events in private facilities located at Youngstown, Ohio and at two small rural towns in New Mexico clearly demonstrate that privatization offers no insurance against substandard conditions, violent disturbances, escapes, and deaths. Yet many public facilities are plagued with these same types of problems, and -- as has been demonstrated in a few of the situations where privatization has brought more problems than benefits -- private contracts may in fact be broken off when such problems become highly publicized.

The proponents of prison privatization argue that the “market pressures” it brings will inevitably produce both greater cost efficiencies *and* quality improvements in correctional services. Their explanations about how the market will work to effect these outcomes range from the general thesis that inefficient providers of low quality, costly services will be driven out of the marketplace by competition, to specific arguments about how privatization dislocates the public sector union power which many believe stands as the chief barrier to better public service delivery at a lower cost. However, the existing body of research comparing costs and/or quality of services has shed little light on whether, or to what extent, or in what ways these arguments are valid.

The problem of sharply rising state prison populations has put the issue of correctional costs front and center in legislative debates. Per capita spending on correctional services has become the fastest growing segment of state budgets, eating into appropriations for other vital

public services. Those who favor privatization generally frame their case in compelling but simplistic terms to address this problem: privatization will allow taxpayers to obtain the highest quality of services at the lowest possible price. Consequently, in the public debate about privatization all issues of performance -- in terms of safety, security, and program effectiveness - - are intricately entwined with arguments about cost savings – and privatization advocates tend to focus almost *solely* on promises of cost savings. Moreover, legislative deliberations about privatization are frequently colored with many assumptions that are more ideologically than empirically grounded, and the discourse is too often loaded with “slogans and speculation” (Camp and Gaes, 1998). At least in part, this is because the research findings on the crucial issues of cost and savings are confusing, contradictory, and inconclusive. In a recent assessment of the national experience with privatization, a team of researchers led by Douglas McDonald has concluded that “the few existing studies and other available data do not provide strong evidence of any general pattern” (McDonald et. al. 1998, p. v).

The existing body of cost-benefit research falls short of definitive answers to the question of whether prison privatization is cost effective for a variety of reasons. Most studies have failed to include all relevant cost items and/or neglected to take adequate account of all “hidden” and long-term cost issues. Many studies looked at prisons that were not truly comparable across a variety of important dimensions, including facility design and the nature of the prisoner populations confined in them. Some of the difference in costs reported in the studies which found cost savings were simply due to the method used to allocate government overhead costs, but it is likely that these costs were not *actually* saved. No studies have adequately explored the potential for government to introduce new and effective cost-control measures to publicly operated prisons (Camp and Gaes 1998, p. 16-17).

The results of research on privatization cost-savings in several states are mixed – some studies found cost savings; some found no difference, some found that public prisons could be less costly. The methods used to compare costs between public and private prisons varied greatly – even among those studies that were the strongest in terms of methodological concerns. And even the most solid research findings cannot necessarily be extrapolated across states, since local conditions will affect costs in various ways.

Private prison contracts often control apparent per-diem costs below public-sector levels by simply shifting costs (e.g., by creating medical-cost caps above which the state must pay for care; or by restricting the types of prisoners housed in private facilities) thus casting the costly burdens for treatment and the high expenses for housing less healthy, more difficult-to-manage prisoners back upon public purse. Privatization may produce savings by cutting costs for health services, staff salaries and benefit costs (though executive compensation costs are likely to be much *higher*), and by lowering personnel staffing ratios (Nelson 1998). Privatization may also offset some overall costs with corporate tax payments from contractors. But private prison employee compensation costs and staffing ratios may increase over time if private security personnel unionize; if the mix of prisoner security level changes; or if lawsuits or prisoners’ grievances force changes in programs and policies that affect operational costs.

To the extent that a state’s public prison system already embodies important principles of cost-effective prison management (e.g., central purchasing efficiencies; system-wide MIS;

control of medical costs; prudent security staffing ratios; lean administrative structures) cost savings from privatization are less likely to occur – unless they are wrung from the prison budget through cuts in the level and quality of essential prison services. Cost considerations are only one piece of the puzzle; policymakers must also weigh the need to assure that the level and quality of security management and essential services would be comparable to the state’s public prisons.

The question often raised by critics about whether privatization entails sacrificing quality in order to reduce costs or maximize profits has not been sufficiently addressed in the small body of existing research on privatization of correctional services to allow for confident conclusions. Some studies have focused primarily (or totally) on cost issues. Most studies are plagued with methodological shortcomings – comparing services and programs delivered to dissimilar correctional populations, using non-random comparison groups, or comparing prisons in disparate geographical locations (USGAO 1996; McDonald et. al. 1998).

Until quite recently, most experience in the U.S. with prison privatization has primarily been in Southern and Western states where -- for a variety of reasons -- prison population pressures have been greatest and expansion of correctional capacity has been most rapid. Overcrowding in these states has nonetheless been high, while correctional costs are relatively low for a variety of reasons: labor-market factors, a non-unionized work force, general economic conditions, fiscal pressures and budgetary constraints. Given the political geography of prison privatization, it follows that almost all empirical research on private prisons has been restricted to facilities located in the Southern and Western U.S. Since only a small number of private prisons have actually been subjected to study, and since the primary focus of this research has been learn if privatization has produced cost savings, the volume of quality comparison research literature in the U.S. is slim indeed.¹ Again, most studies in this category have been sharply criticized on points of methodology (Gaes et. al. 1998; McDonald et. al. 1998).

Early privatization research undertaken by the Urban Institute (1989) compared the quality of services in three pairs of institutions (one housing adults; two housing juveniles). Comparisons between a private prison and a public prison housing adult offenders in Kentucky favored the private facility – but the public facility housed a more difficult population. This study has been criticized for lacking a coherent theoretical model to specify appropriate performance measures and guide analysis of the results. (Gaes et. al. 1998, p.4;).

While there is still no agreement today on a standard set of measures for the performance of prisons, Charles Logan (1992) devised a well-conceptualized classification of the elements that he deemed relevant to measuring performance within a “confinement model” of prison operations, identifying eight dimensions (security, safety, order, care, activity, justice, conditions, and management) that should be gauged to assess whether prisoners are being treated fairly, handled efficiently, and confined safely and securely. A more “rehabilitation-oriented” operational model might place more emphasis on (or give added weight to) education and treatment services, but there is no question that – as Logan maintains -- in the prison setting, performance quality should be measured across a wide spectrum of prison management and

¹ Although there are some evaluations of private prisons located outside the U.S., comparisons of quality in foreign prison systems are difficult to relate to the American experience, and so these have been set aside here.

operational dimensions, ideally: public, staff, and inmate safety; education and vocational training; treatment programs; food services, medical services; inmate classification and discipline; grievance procedures; and personnel issues, including diversity, training, problem-solving, and discipline.

Logan applied his eight-dimension “confinement model” in a comparative study of quality in three women’s prisons – a public prison in New Mexico and the private prison that succeeded it in the same state (studying essentially the same female population before and then after they were transferred from the public facility to the private facility), and adding a third comparison with the federal prison for women at Alderson, West Virginia (Logan 1992). The Logan study involved analysis of data from operational records and staff interviews at all three sights. He also surveyed inmates in both of the New Mexico settings, and while staff interview data favored the private prison, the results of the inmate surveys favored the *public* prison on all but one measure (“activity”).

Logan concluded that the private prison was superior on six of the eight dimensions – with New Mexico’s public prison scoring higher on “care,” and with a tie between the private and federal prisons on the dimension of “justice.” But his findings have been sharply criticized for a lack of experience, understanding, and objectivity in the interpretation of several performance measures, as well as for over-reliance on staff perceptions drawn from survey data, since the responses of the private staff might have been biased by (among other reasons) a belief that their prospects for continued employment might be influenced by his research findings (Gaes, Camp, and Saylor 1998).

A legislative study in Tennessee comparing a private prison with two operated by the state that had been built at around the same time, according to similar architectural plans, concluded that services were essentially equal in quality across dimensions of safety, personnel, facility conditions, health care, and inmate activities (Tennessee Legislative Select Oversight Committee 1995).

In an exhaustive study which compared private and public facilities in Louisiana across more than 200 data points,² William Archambeault and Donald Deis (1996) concluded that the private facilities out-performed the public prisons on most measures. Other researchers have heavily criticized various elements of their methodology, however. To give but one example, when raw data they used to compare the counts of serious misconduct in the institutions were used to calculate comparative *rates* of serious misconduct, a comparison much less favorable to the private prison emerged (Gaes, Camp and Saylor 1998).

The Washington State Legislative Budget Committee (1996) undertook a privatization feasibility study that, while it focused almost exclusively on cost issues, included some analysis of quality issues for the same facilities studied in two research projects discussed above – those conducted in Tennessee and Louisiana. Their review confirmed the conclusions of Tennessee researchers that the quality of prison services and performance was similar between the private

² Data was collected and analyzed on performance indicators such as escapes, assaults, sex offenses, disturbances, deaths, disciplinary actions, grievances, drug tests, communicable diseases, participation in education and vocational training, attainment of General Education Diplomas, and medical care.

and public facilities, but they drew the same conclusion for the prisons in Louisiana, differing sharply with Archambeault and Deis, whose conclusions on quality issues strongly favored private prison management.

Charles Thomas (1997) conducted a study of a minimum security “treatment facility” in Arizona, comparing quality performance measures for it with the average scores of 15 state-operated facilities. Thomas concluded that the private facility was superior to the *average* on such important dimensions as public safety; risk of injury or death for staff and inmates; and compliance with professional standards. But he also conceded that “one or more individual state-operated prisons had performance records that were equivalent or superior” than the private facility. Across at least one critical program dimension – monthly educational program enrollment – while comparison of the private prison to the “average” for 14 public prisons is favorable (8.93 to 7.91 per 100 prisoners) figures for the individual prisons show that *five* public prisons had monthly enrollment rates that were much higher.

Lonn Lanza-Kaduce and Karen Parker (1998) conducted a comparison of recidivism rates for offenders released from public and private prisons in Florida, using a quasi-experimental research design involving matched comparison groups. They found that private prison releasees had better outcomes in terms of the percentage of recidivists (excluding technical violations), and that the seriousness of their subsequent offenses was lower, on average, than that of the recidivists among the public prison releasees. The Florida Department of Corrections quickly issued a response to the Lanza-Kaduce and Parker study addressing what the department’s researchers termed serious deficiencies in the research design, claiming that the public and private prison populations were not comparable; that the sampling techniques used by the researchers were flawed; and that there were discrepancies in how recidivism was measured (Florida Department of Corrections 1998).

This summary review of research in the U.S. provides a backdrop for the discussion, below, of the investigation of prison privatization in Minnesota undertaken by a research team working under the aegis of the Institute of Criminal Justice at the University of Minnesota Law School. Assuming for the sake of argument that under certain circumstances private management does produce *cost* savings, the question of whether privatization is the best policy choice cannot be fully answered until many other considerations are fit into the analysis. Some of these are normative issues of political philosophy regarding the proper role of government in an open and democratic society. Many question whether it is appropriate – ethically, as well as in terms of the value we place on human rights -- to transfer such a core function of government into private hands. Other factors to be weighed are empirical. These include the key issue this research was designed to explore: What impact might the drive for cost savings and profit-taking have on the quality of prison services and programs?

That the private prison studied here is probably operating with at least a marginally lower level of costs is taken as a given. Rather than contest this issue, the goal of the research presented below was to compare the quality differences between the private and public prisons, and to begin to uncover some of the reasons for these differences. In addition to reporting data

results from structured interviews with prisoners in both systems, many of their comments have been included to put the data results in context.³

³ These comments generally reflect the complexity of prison life. In a few cases apparent contradictions occur where fairly broad expressions of approval for some aspect of the prison environment are reported alongside comments expressed by some prisoners about specific problems they perceive within the same context. For example, positive appreciation is expressed by most prisoners in *both* systems for the generally congenial and relaxed prison atmosphere, but problems related to cultural diversity and racial issues are nonetheless reported by some in both systems).

II. The Minnesota Correctional Privatization Research Project

A key component of the study of correctional privatization conducted by the University of Minnesota Law School's Institute of Criminal Justice involved research designed to produce an objective comparison of the correctional services and programs available in four medium-security prisons in Minnesota. The goal was to determine what has been the past experience -- the benefits, the problems, the limitations -- with privatization of institutional correctional services in Minnesota, and to make comparisons about correctional services and program quality between Minnesota's public and private prisons. The prisons under study included one medium-security private prison -- the Correctional Corporation of America's Prairie Correctional Facility (PCF) -- and all three medium-security prisons operated by the Minnesota Department of Corrections. Since a number of Minnesota prisoners have been housed at PCF under a contract with the Minnesota Department of Corrections, a review of their experiences under this contract is directly relevant.

All four of the prisons involved in the study have been in operation for many years. The Prairie Correctional Facility in Appleton completed construction in 1992 and admitted its first prisoners in 1993. The three publicly operated prison facilities were established by converting other state institutions to use as medium-security housing for adult male felons. The Lino Lakes Correctional Facility had originally held juvenile offenders. It was converted to a medium-security prison in 1978. In 1988 a regional treatment center was converted to correctional use as the Moose Lake Correctional Facility, and in 1990 a similar treatment center was converted to use as the Faribault Correctional Facility. On September 30, 1998, PCF held 1,250 prisoners (1,038 from Colorado; 69 from Minnesota; 50 from North Dakota; and 93 from the United States Marshal Service). On that same date 2,706 state prisoners were held in medium-security DOC facilities (1,061 at Lino Lakes; 668 at Moose Lake; and 917 at Faribault).

The research has entailed a review of DOC files and records -- including management reports and program activity records, and similar documents from PCF. Site visits were made to observe prison programs and to obtain qualitative data about their content and operation. The central component of the study is survey research involving interviews with Minnesota prisoners from both the medium-security DOC prisons and PCF. A structured questionnaire was used for interviews of prisoners to measure their involvement with, and collect their observations about, the nature, scope, and quality of the services and programs available to Minnesota prisoners housed at the four facilities. The survey questionnaire was structured to explore the perceptions of these prisoners about prisoner health care and counseling services, education and treatment programs, work assignments, (including assignments in the PIE-certified industry program at PCF), recreation, routine daily activities, and prison safety and security.

Through analysis of the interview data, valuable insights have been gathered about significant differences in correctional service delivery and program operations. Comparisons have been drawn of the number of prisoners served, the intensity and duration of service delivery, and the assessment of these services and programs by those who participate in them.

RESEARCH DESIGN

Interviews of Minnesota prisoners were conducted by a research team from December 11, 1998 through January 5th, 1999 at CCA's Prairie Correctional Facility (which is licensed to operate as a medium-security prison by the Minnesota Department of Corrections) as well as at the three medium-security prisons operated by the Minnesota DOC. The research protocol and the interview instruments had been reviewed and approved by the Human Subjects Committee of the University's Institutional Review Board. Complete anonymity and confidentiality were assured for all participants, and participation in the interview process was strictly voluntary. Most prisoners who were asked to participate agreed to do so. All Minnesota prisoners housed at the private facility (PCF) under a contract with the Minnesota DOC were invited to participate. Prisoners from the public prison system were randomly selected from a pool of possible candidates who met the same screening criteria that are used by DOC caseworkers to screen individual prisoners for transfer to PCF:

1. A release date no less than one year or no more than ten years in the future.
2. A custody classification level of medium.
3. No serious illnesses.
4. No serious mental health problems.
5. No need for sex offender treatment.
6. No warrants or "holds" from any court.
7. No pending criminal cases.
8. No known security-threat conditions.

A structured interview instrument was utilized to guide systematic gathering of standardized data from all that were interviewed to allow for valid comparisons of the prisoners' experiences with the services and programs provided to them by each correctional system – private and public. Detailed information was collected about the extent of their participation in educational and treatment programs; the types of healthcare and casework services they received; and about their activities (work, school, treatment, recreation), and about the required routines and discretionary pastimes which comprise a typical day for them in prison. They were asked to estimate the number of hours they spent in difference activities over the course of a normal day. Their perceptions and assessments of the prison environment and staff, as well as of the programs and services were probed through questions requiring a numerical "grade" (from one to five) or "true or false" responses. In the final segment of the interview process, each prisoner was asked some "open-ended" questions in order to gauge the relative importance of the different issues explored in the more structured segments of the interview instrument, and to give them an opportunity to raise other issues which had not been addressed.⁴

⁴ The interview questionnaire was developed through adaptation and augmentation of a model instrument developed by researchers at the Vera Institute of Justice who are currently evaluating the impact of the RSAT-funded treatment programs in the Pennsylvania state prison system. The Vera instrument, in turn, incorporated and adapted a variety of components from other research projects addressing similar issues. The final set of questions were, "What is the best thing about this prison for you and why?" "What is the worst thing about this prison and why?" "If you could have your choice, what type of treatment or educational programs should be made available in this prison to help you live a crime-free life when you are released?" "What are the things you would change to make this prison better?" and "Is there anything else you would like to tell me about your prison experience: how good or bad you

Interviews were conducted with a total of 106 prisoners, 49 of whom were housed at PCF, with the balance distributed among the three public medium-security facilities. From this pool, two comparison groups of prisoners were selected by matching as many of them as was possible, according to available data on their personal characteristics and conviction offenses. The results of the matching process are displayed below:

Prisoner Comparison Groups

Characteristics Used to Match Prisoners	PCF (N=33)	%	DOC (N=33)	%
Age				
Mean Average	31.4		36.6	
Median	30.6		36.8	
Range	20.1-51.1		19.0-61..9	
Race/Ethnicity				
White	17	51.5%	17	51.5%
Hispanic	2	6.1%	4	12.1%
African American	11	33.3%	10	30.3%
American Indian	2	6.1%	2	6.1%
Other	1	3.0%	0	0.0%
Home Community				
Urban	15	45.5%	17	51.5%
Surrounding Metropolitan Areas	5	15.2%	4	12.1%
Balance of State	13	39.4%	12	36.4%
Education				
Grade School	1	3.0%	1	3.3%
Some High School	10	30.3%	8	24.2%
High School Graduate	8	24.2%	12	36.4%
General Education Diploma	10	30.3%	6	18.2%
Some College	2	6.1%	5	15.2%
College Graduate	2	6.1%	1	3.0%
Offense Type				
Property Offense	2	6.1%	1	3.0%
Person Offense	27	81.8%	28	84.9%
Drug Offense	3	9.1%	4	12.1%
Other Type	1	3.0%	0	0.0%
Length of Sentence (in months)				
Mean	52.2		51.1	
Median	47.4		43.6	
Range	17.7-115.1		23.6-97.9	

think it is, how it is helping you or failing to help you, how you think you will use what you are learning when you return to your community.”

Standard statistical methods were utilized to test the significance of different responses to the questionnaire. For interval-level data, t-tests were performed on the mean averages. For questions eliciting categorical answers (e.g., “true” or “false”) chi-square tests were performed.

Asterisks in the tables presented below indicate significant differences between PCF and DOC responses at the $p \leq$ than .05 level.

III. PRISONERS' EXPERIENCES WITH AND PERCEPTIONS ABOUT HEALTHCARE AND CASEWORK SERVICES

MEDICAL SERVICES

Prisoners were asked about the number of times they had seen a doctor or nurse practitioner, or other members of the prison medical team; a dentist or dental assistant; or a mental health care provider. They were asked whether they had attended any classes which provided education about HIV/AIDS, or had received any educational information about other health issues. Table 1 displays their responses:

Table 1 -- Services Received

MEDICAL SERVICES	PCF (N=33)	DOC (N=33)
Medical Care		
Percentage Receiving Care	87.9	90.9
Average Number of Sessions ⁵	5.4	4.2
Dental Care		
Percentage Receiving Care	51.5	54.6
Average Number of Sessions	1.6	3.3*
Mental Health Care		
Percentage Receiving Care	30.3	33.3
Average Number of Sessions	2.0	
Infirmiry Stays		
Percentage With Stays	15.2	6.1
Average Number of Days ⁶	3.6	1.0
HIV Classes		
Percentage With Classes	0.0	69.7*
Average Number of Classes	0.0	1.1
General Health Education		
Percentage With Sessions	3.0	33.3*
Average Number of Sessions	1.0	1.0
CASEWORK		
Percentage With Sessions	97.0	93.9
Average Number of Sessions per Prisoner per Month	0.8	0.8
Percentage of Sessions at Prisoner's Request	29.5	57.7*
LEGAL SERVICES		
Percentage With Counseling Sessions	6.1	15.2%
Average Number of Sessions ⁷	3.0	1.0
Percentage With Law Library Visits	30.3	28.1

* Significant ($p \leq .05$)

⁵ One PCF prisoner reported visits to the medical care unit five times per week. His case was excluded from the average number of sessions for PCF prisoners.

⁶ Five PCF prisoners reported infirmiry stays, including one who stayed for 11 days. If his case is excluded, the average for PCF declines to 1.75. Only two DOC prisoners reported an infirmiry stay, each stayed only one day.

⁷ Two PCF prisoners reported receiving legal counseling; each reported three sessions.

Prisoners in both private and public facilities reported relatively high levels of medical and dental care. Eighty-eight percent of those in PCF and 91 percent of those in DOC facilities had been seen by medical staff at least once. The average number of medical visits was 5.43 at PCF and 4.20 for those in the DOC system, but the apparent advantage for prisoners at PCF did not test as statistically significant. As can be seen above, the proportion of prisoners receiving dental care was also virtually identical – but most dental patients at PCF were seen only once, while the DOC prisoners received significantly more dental services, averaging three visits each.

About one-third of the prisoners in each system reported receiving mental health care. The prisoners at PCF reported an average of two sessions apiece, while mental health services in the DOC system were more intensive. Seven DOC prisoners reported receiving mental health care sessions from one to six times, for an average of 3.14 sessions each. Four other prisoners reported receiving mental health care sessions once a week. Since the duration of mental health care for these prisoners is not known, no overall average could be computed for the 11 prisoners who received care.

HEALTH EDUCATION

No PCF prisoners reported receiving any formal HIV/AIDS education – while 70 percent of those in the DOC system had participated in this type of health education, which is offered to all prisoners in a brief one-session classroom lecture format.

More general health education does not appear to be available in a formal classroom setting in either system. But some health information is provided during orientation, during treatment program activities, and during pre-release sessions at the DOC facilities, and a significant portion (33 percent) of prisoners in the DOC system reported that – in some context -- they had been given nearly an hour, on average, of educational instruction about taking care of their health, STDs, or other health matters -- as distinct from the DOC's HIV/AIDS education program. One PCF prisoner reported having one session in which he was given information of this type. One DOC prisoner reported having a three-hour session once a week that touched on general health issues

Prisoners were asked if they believed they had personally benefited from the healthcare provided them. DOC prisoners responded to this question somewhat more favorably than those at PCF, with only six percent reporting these services were *not* helpful (compared to 23 percent with this response at PCF), and 34 percent rating the services as *very* helpful (compared to 23 percent of those interviewed at PCF).

The general appraisal given health care services also favored the public system, with prisoners in DOC facilities giving them a significantly higher rating (3.36 on a scale of one to five) than was given by prisoners at PCF (2.74).

In the final segment of each interview session, prisoners were invited to contribute additional comments and criticisms about any aspects of prison life. Paralleling their responses to the interview questions, prisoners at PCF were notably

more critical of the healthcare services available to them. Although prisoners in both systems are required to make co-payments for medical care, the prisoners in PCF seemed particularly troubled about this – with many complaining that access to medical care is difficult. Some prisoners claimed that they had been charged a \$1 fee just to “send a kite” requesting services (in addition to the co-pay). And there were complaints that over-the-counter remedies routinely prescribed by medical staff (e.g., aspirin) were not dispensed at the medical unit, and so must be bought at the canteen.

CASEWORK SERVICES

Prisoners were asked to report how often they had a session with their caseworker, and to estimate the proportion of casework sessions were initiated at their own request. While nearly all prisoners interviewed in both systems reported receiving case work services, sessions with case workers appear to be provided on a more regular basis (and with greater frequency, on the whole) at PCF than in the DOC system. The normal routine at PCF involves regularly scheduled casework sessions – while in the DOC system, regularly scheduled sessions are relatively rare.⁸ In the public system, the majority (58 percent) of casework sessions are scheduled when prisoners request them because they have a problem or issue they wish to discuss – while only 30 percent of casework sessions at PCF were scheduled at the request of prisoners.

The average number of casework sessions per month reported in Table 1 is somewhat deceptive. All but three DOC prisoners reported seeing a caseworker no more than once every two months. However, two in the DOC system reported they had requested – and were receiving regular weekly sessions, and one more reported having sessions with his case-worker *three* times a week. Excluding these three exceptional cases, the DOC average-per-month drops far below that reported for prisoners at PCF (0.76) to 0.15.

Moreover, when asked about access to caseworkers, PCF prisoners gave significantly more positive responses. Sixty-three percent of them indicated that it is easy to see a caseworker when prisoners desire to discuss a problem, compared to only 37 percent giving that response at DOC facilities.

Prisoners’ assessments about the utility of casework services were not particularly positive, however, with few prisoners (only 16 percent for both the private and public systems) rating their caseworkers as “very helpful.”

Dissatisfaction with casework services was far more evident in comments given by DOC prisoners in response to open-ended questions than in responses given by their peers at PCF. Some of their comments follow:

⁸ DOC casework sessions are regularly scheduled for prisoners during intake, at their annual review, and at six months and one month before their release. In the interim, caseworkers are “on call” to handle problems by request.

“The caseworkers treat you like you are just a number – they are not approachable, and they don’t want to hear about prisoners’ problems.”

“Some caseworkers let other prisoners know what is in records that are supposed to be kept confidential in regard to the nature of your offense.”

“Caseworkers and treatment counselors should be required to have more one-on-one sessions with us.”

“The caseworkers here are totally not helpful.”

Casework services were not seen as highly effective by prisoners in either system. Yet the markedly higher volume of complaints by DOC prisoners about the casework services in the public system seems indicative that *access* to caseworkers is nonetheless important to prisoners. The system of regularly-scheduled casework sessions at PCF appears to provide a greater sense of satisfaction among prisoners about delivery of this service.

IV. PRISONERS' EXPERIENCE WITH AND PERCEPTION OF PRISON PROGRAMS

Responses to an array of questions designed to allow comparisons about the level of participation in and assessments of the quality of prison programs are presented in Table 2. A discussion of these findings continues, below:

Table 2 -- Prison Program Participation

EDUCATION PROGRAMS	PCF (N=33)	DOC (N=33)
Percentage With General Education Classes	21.2	33.3
Percentage Full-time General Education	0.0	18.2*
Percentage Part-time General Education	21.2	15.2
Percentage With Vocational Classes	21.2	18.8
Percentage Full-time Vocational Training	0.0	12.5*
Percentage Part-time Vocational Training	21.2	6.3
CHEMICAL DEPENDENCY PROGRAMS		
Percentage Receiving Treatment	9.1	42.4*
Percentage Receiving Full-time Treatment	0.0	36.4*
Percentage in AA/NA	6.1	3.0
Percentage in Drug Education Class	3.0	3.0

* Significant ($p \leq .05$)

EDUCATION PROGRAMS

General education classes (adult basic education; General Education Diploma (GED) preparation; English as a second language) are offered in both the private and public facilities, and most prisoners who participate take classes five days a week. At PCF the academic program is divided into four levels (GED I – reading foundations; GED II – adult literacy; GED III – pre-GED literacy skills; and GED IV – GED preparation). Students are placed in course work according scores on the standardized Test of Adult Basic Education (TABE). Classes are offered five days a week in three-hour periods over a morning, afternoon, and evening schedule, but students are normally enrolled in just one three-hour class per day. At the DOC facilities, academic course work and placement is organized in a similar fashion, but for most students, full-time enrollment is required. Interview data confirm that the duration of daily classroom attendance was higher in the DOC system. At PCF most prisoners who had been enrolled in the general education program said that they took only one three-hour class per day – while more of those in DOC classes reported participation in a full-day educational program.

DOC's academic teachers are state-certified, and the Minnesota Department of Children, Families and Learning conducts regular compliance reviews of educational services, requiring corrective action plans for special education needs. The state official that administers Minnesota's Adult Basic Education program reports that since the PCF

program operates entirely independently, the rules and requirements are set entirely by CCA managers. Data obtained from CCA's company-wide computerized education information system ("Roll Call") showed that of a total of six academic education teachers at PCF during the July-September 1998 quarter, just half had an academic certificate.

The lower educational program standards at PCF may be reflected in one important outcome measure. Data obtained from the Minnesota Department of Children, Families and Learning show that the rate of GEDs earned by prisoners at PCF is lower than at DOC medium-security facilities. From October 1, 1997 through September 30, 1998, the rate of GEDs earned at PCF was 55 per thousand inmates, compared to an average of 74 per thousand for inmates housed at the three DOC facilities.

A similar contrast between the two systems pertains with vocational education classes. These are offered in both systems, and most prisoners who are enrolled take classes five days a week. The daily class schedule for vocational classes at PCF is divided into two, 3-hour periods, morning and afternoon – with students normally enrolled in just one class period per day. Vocational classes at PCF are offered in four vocational specialties: Horticulture, Custodial Maintenance, Computer Information Processing, and Basic Electrical/Mechanical Maintenance.

At the DOC facilities, vocational students are normally in attendance full time, six hours per day. Course offerings at Lino Lakes include Culinary Arts, Building Care Services, and Horticulture. A "distance learning" program is also available at Lino Lakes. Distance Learning is an independent study vocational program delivered through Century College which offers pre-requisite and introductory courses in the following areas: Accounting, Carpentry and Cabinet Making, Stationary Engineering, Horticulture, Plant Maintenance, Refrigeration and Air Conditioning, and Electrical Maintenance and Wiring.⁹ At Moose Lake the course offerings are Building Care, Barber Training, and Horticulture – and a distance learning program is also available. Faribault offers the most extensive on-site vocational program, with an A+ Certification Program, Building Care, Cabinet Making, Small Business Management, Engineering Drafting, Horticulture, and Upholstery.

In interviews at PCF, prisoners who reported taking vocational instruction said they took just one three-hour class per day – while a significant proportion (four of six participants) in the DOC system reported that they were enrolled in a full-time program of vocational training. Prisoners in the public system were significantly more likely to report that valuable vocational skills training was accessible to them. Fifty-three percent agreed that it is easy to get into a good vocational program in the DOC facilities, compared to only 23 percent at PCF who gave this response. And significantly more DOC prisoners (again, 53 percent compared to 24 percent) agreed that prisoners have the opportunity while in prison to prepare themselves for new employment opportunities upon release.

⁹ The Century College distance learning program does not lead to a certificate or diploma.

The more favorable assessment of vocational programs given by prisoners in the DOC system may stem from important differences in how these programs are administered within the public and private facilities. Vocational training in DOC facilities is provided through contracts with technical colleges within the Minnesota State Colleges and University system, and all instructors are licensed by the state. The course credits earned by students are therefore transferable within the state technical college system, and since vocational training certificates are awarded through these schools, vocational students who complete DOC training will enter the labor force when they are released on an even footing with those whose training is received on MNSCU campuses across the state.

In contrast, vocational course work furnished by CCA is operated completely outside of the MNSCU system.¹⁰ According to “Roll Call” data, the four vocational instructors at PCF are not licensed by the state. Students who complete vocational training receive institutional certificates.

Overall, prisoners in the DOC facilities were more likely (50 percent, compared to 38 percent at PCF) to report that participation in educational classes had proved very helpful to them, personally. And they gave significantly higher overall ratings to the educational programs available in their facilities – an average of 4.29 on a scale of 1 to 5, compared with an average of only 3.16 for PCF prisoners.

Some PCF prisoners complained that quality education was a low priority at PCF:

“They don’t spend money on education programs in this prisons.”

“We need accredited programs – they should give us programs that really count, with ‘real world’ certificates.”

But comments from prisoners in *both* systems were indicative of a widely-held desire for a broader array of education and skill-training programs to prepare them for “real jobs” once they return to their home communities. A prisoner at PCF asked for more advanced instruction:

“Many people here are very smart, and need a higher level of education programs than what’s offered here.”

Prisoners in the DOC system wanted a broader selection of course offerings:

“Give us *more* education and vocational programs – don’t cut back!”

¹⁰ For example, according to the prisoner orientation manual, the horticulture training manuals used at PCF are from the Oklahoma State Department of Vocational and Technical Education.

“We need more varieties of job training that will help us make a living when we get out.”

And reflecting a common perception of labor-market demands in Minnesota, the most frequently voiced plea from prisoners in both systems was for more -- and more advanced -- computer skills classes.

PRE-RELEASE PROGRAMS

Few prisoners in either system (21 percent at PCF and 11 percent in DOC facilities) reported participation in programs geared specifically to prepare them for release back into their communities. Although prisoners in the public system were significantly more likely than those in PCF to report that planning for release was required of prisoners in their facilities (35 percent, compared to only 6 percent at PCF), two-thirds of them said that this was not an expectation.

Prisoners at PCF made relatively little mention of their pre-release needs during the interviews, while many comments from DOC prisoners indicated a high level of concern about these needs:

“Pre-release here is too unstructured. We need more help to find jobs.”

“We need better pre-release programs – job prep and housing arrangements.”

“There should be more job contacts for when you get out.”

These complaints may reflect the expectation among DOC prisoners that they will be released directly from their current locations in the public system, while those at PCF expected to be returned to the public system before they were released, as was a normal practice at the time the interviews were conducted.

TREATMENT PROGRAMS

While Alcoholics Anonymous and Narcotics Anonymous (AA/NA) groups as well as occasional drug educational sessions are offered at PCF, until recently CCA failed to provide a structured chemical dependency program at the facility even though this service was required in the contract with the DOC. In 1997 the DOC negotiated a two-year contract with CCA which took effect on July 1, 1997. The contract provided that a full-time, intensive (six hours per day, five days per week) chemical dependency treatment program would be in operation at PCF, and would be made available for at least ten percent of the Minnesota inmates housed there. The program was to offer separate housing for the participants, and a treatment regimen that would be “cognitive and holistic,” along the lines of those available in the public system. The ratio of therapeutic staff to inmates was supposed to be at least one to twelve. But once the contract commenced, the program failed to materialize.

When Minnesota inmates at PCF were interviewed by the research team in mid-December of 1998, the required full-time program was still non-existent.¹¹ Program data

¹¹ CCA finally initiated a full-time chemical dependency “therapeutic community” program at PCF in the spring of 1999.

reported in the monthly PCF “Wardens Report” show that the substance abuse services which were provided at the facility consisted of various types of group meetings of short duration (1-3 hours). Some sessions appeared to be offered on a weekly basis (e.g., alcohol/drug education and “AA/NA” groups), while others were offered only sporadically (e.g., relapse prevention).

In contrast, two of the three DOC medium security facilities where prisoners were interviewed were operating full-time, highly structured “therapeutic community” treatment programs. The lack of a similarly structured “chemical-dependency” (CD) treatment programs at PCF is clearly reflected in the significantly contrasting interview data collected from prisoners. Forty-two percent of DOC prisoners reported having received CD treatment services of any type, compared to only nine percent at PCF. And thirty-seven percent of prisoners in the public system reported having been enrolled in a full-time CD treatment program, while the services reported at PCF were described as far less intensive: one prisoner reported having been enrolled in a five-day-a-week drug education class, one attended an AA/NA group session once a week, and a third PCF prisoner said that he had attended NA/AA once.

At the time of the interview, a significant portion (28 percent) of those interviewed at the DOC facilities said they were currently receiving daily CD treatment. No prisoner at PCF reported this status.

While too few were in a position to give a meaningful assessment of their own participation in CD treatment at PCF, almost two-thirds of those who participated at DOC facilities held a very positive view about the utility of the programs offered there, rating the experience as “very helpful.”

The sharp contrast between private and public provisions for chemical dependency treatment was mirrored in a significantly more positive response given by DOC prisoners to a question posed to measure accessibility of this type of treatment. Eighty-six percent of them agreed that it is easy to gain access to CD treatment services, compared to only 57 percent at PCF. Moreover, significantly different responses were given to a question designed to probe prisoners’ rating of the prison atmosphere conducive to their making progress in regard to personal problems. Asked to judge the ability of prison staff to teach prisoners useful ways to solve their problems, DOC prisoners’ average rating was 2.53 on a 1 to 5 scale, compared to a 1.77 average given by prisoners at PCF. This significant difference was probably shaped in part by the presence of CD treatment staff in the DOC system, as well as by positive assessments of the quality of the treatment offered by them.

The deficiencies of the CD treatment offerings at PCF were evident in many comments offered by the prisoners interviewed in that facility. The level of complaints about the dearth of treatment options there was high, and – in particular – many were concerned that the AA/NA and drug education offerings were below par as measured against the treatment standards required for substance-abusers in the correctional system under Minnesota law. In comparison, many DOC prisoners volunteered praise and personal testimonies to the value of the offerings in the public system:

“This prison has a very good drug/alcohol treatment program – I am really learning about myself and becoming sober.”

“I am sober for the first time in 15 years, and I’m beginning to learn about myself – how I hurt other people.”

“The opportunity to learn about myself has been very helpful to me in becoming a more productive citizen.”

PRISONERS’ OVERALL ASSESSMENT OF PRISON PROGRAMS

The program services offered by the public system appear to rate much higher in inmate estimations to those at PCF across a variety of important dimensions. A higher proportion of prisoners in DOC facilities are engaged in full-time education or treatment programs. And as reported above, the program offerings which address educational deficiencies and chemical dependency are significantly more highly valued by prisoners in the public system. This comparison was highlighted in many comments that were offered about program services by prisoners at PCF:

“I have learned nothing here.”

“I’ve been given no help – I need counseling, but have not been able to discuss my problems with anyone.”

“The DOC has more programs than PCF ever will – DOC programs are the best!”

In contrast, many prisoners in the DOC system were expansive in their assessments of program offerings in that system:

“I can further my education here.”

“The programs and self-help groups are really good – I am getting a lot of information I can use to grow.”

“New Dimensions (a chemical dependency treatment program) is great – the Alternatives to Violence program is good, and the Men’s Issues group – all the educational programs here are excellent.”

“This prison taught me how to read, how to evaluate my anger, how to understand myself – it has made big changes and improvements in my life.”

The stark contrast presented by the comments reported above serves to underscore real differences in the education and program services available in the two systems. It is apparent that the public system places far more emphasis (and a higher investment of financial resources) toward provision of quality program services. Minnesota prisoners are acutely aware of this and are generally more appreciative of what the public system offers them.

V. THE STRUCTURE OF DAILY ACTIVITIES

Many criminal justice policy-makers – as well as the public -- share concerns about the degree to which prisoners in the state correctional system are required to adhere to a full schedule of constructive, productive activities while they are incarcerated. Prisoner idleness can generate a variety of management problems, including violence, disturbances, and property destruction. The research questionnaire included a section designed to provide a full picture of the typical daily routine in both the private and public facilities. Results of the responses are summarized in Table 3, which affords the opportunity to compare the two systems:

Table 3 -- Daily Activities

Activity	PCF (N=33)	DOC (N=33)
Average Number Of Hours Spent In Education Classes	0.7	1.1
Average Number Of Hours Spent In Chemical Dependency Treatment	0.0	1.4*
Average Number Of Hours Spent In Work Assignments	6.1	5.0
Average Number Of Hours Spent In Structured Recreation	1.1	0.9
Average Number Of Hours Spent In Meals, Sleep, Count	10.1	11.1*
Average Number Of Hours Spent In Unstructured Activities	6.1	4.6
Total	24.1	24.0
Percentage Reporting Current Daily Activity		
Percentage Reporting Education Classes	21.2	30.3
Mean Hours Reported	3.1	3.5
Percentage Reporting Chemical Dependency Treatment	0.0	28.1*
Mean Hours Reported	0.0	4.8
Percentage Reporting Work Assignments	90.9	66.7*
Mean Hours Reported	6.7	7.4
Percentage Reporting Structured Recreation	62.5	46.9
Mean Hours Reported	1.8	1.9
Percentage Reporting Meals, Sleep, Count	100.0	100.0
Mean Hours Reported	10.1	11.1*
Percentage Reporting Unstructured Activities	100.0	100.0
Mean Hours Reported	6.1	4.6
Work Assignment Duration		
Percentage Part-time	24.2	3.0*
Percentage Full-time	66.7	63.6
Type of Work Assignment		
Percentage Institutional Work Assignment	54.6	36.4
Percentage Industrial Work Assignment	24.2	21.2
Visits Per Month		
Percentage Reporting Monthly Visits	27.3	40.6
Mean Visits Reported	3.4	4.9

* Significant ($p \leq .05$)

The second section of Table 3 displays the proportion of prisoners in each system that reported current involvement in the categories of daily activities arrayed above, and also provides the mean average hours of participation for those who were engaged in each category. No prisoners at PCF reported a current involvement in daily treatment, so not surprisingly, the proportion currently involve in treatment was shown to be significantly higher in the DOC system.

On the other hand, the proportion reporting performing a daily work assignment was significantly higher at PCF (91 percent, compared to 67 percent in the DOC system). But this comparison is obviously affected by the higher proportion of DOC prisoners who are enrolled in daily, full-time education and treatment programs – and who therefore do 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:¹²

Many PCF prisoners were quick to complain that most work assignments in that facility are “just keep-busy jobs,” and that prisoners from Colorado and Hawaii (who made up by far the largest portions of the general PCF population at the time of these interviews) received preferential treatment in terms of access to choice private-sector industrial jobs at PCF. But in fact a number of Minnesota prisoners *were* employed at the Jacobs Industry shop – and those prisoners were emphatic in their high praise for the opportunity to perform “real work” and to benefit from the higher pay-scale it offers. Typically these industrial workers cited their job as the most valuable aspect of their prison experiences:

“My Jacobs Industry job gives me a higher income, but also a more real work experience.”

“With my Jacobs Industry job I am able to both pay child support and make restitution.”

“Jacobs Industry is good -- I can save money for when I get out.”

“There are more employment opportunities here – the work is good.”

“Work should be mandatory and there should be jobs available for everyone. We need more opportunities to make money for child support.”

The strong appreciation expressed for the jobs available in this prison-based private industry shop by the few Minnesota prisoners who had been hired to work there

¹² Part-time work assignments were defined as work that occupied them for less than six hours per day.

underscores how highly prized and sought-after these “real work for real wages” employment opportunities are by the prisoners at PCF.

VI. GENERAL PERCEPTIONS ABOUT PRISON STAFF

Many prisoners in *both* the private and public correctional facilities expressed a genuine appreciation for what they perceived as a positive and relatively congenial atmosphere fostered by prison staff, including the security officers. Typical comments in this vein from PCF prisoners follow:

“There’s a more relaxed atmosphere here.”

“The staff are respectful and friendly.”

“I appreciate the openness of staff – they are easy to work with.”

Many similar comments were offered by from prisoners in the public system:

“I appreciate the relaxed environment”

“It’s less constrictive here [than in other prisons] – it’s not a mental trap.”

“The staff are very understanding and they do their best.”

“The guards are easy to get along with.”

“This place is run well – the Warden is very cool!”

That being said, some themes of dissatisfaction that seem distinctive to each setting can be drawn from the observations about prison life that were volunteered when the opportunity for additional comments was given at the end of each interview segment. Some PCF prisoners complained of provincial attitudes among staff:

“Staff here don’t really understand what our lives are like.”

“The staff have a small-town mentality, and many are prejudiced.”

And a few prisoners at PCF were critical of negative attitudes they attributed to a private-sector staff culture:

“The staff attitude here – they treat you like a commodity -- it’s all about money.”

Some prisoners in the DOC system complained about both language and cultural-diversity issues as well as about racial tensions in their facilities:

“There should be some bilingual officers so that inmates who don’t speak English can be understood.”

“Some teachers write you up for speaking Spanish.”

“There are underlying racial tensions between Blacks and Whites.”

“White staff are preferential to Blacks.”

That most prisoners in both systems held an overall good opinion about prison staff may seem surprising. This seems to reflect a *general* level of agreement that most staff treated prisoners with common decency and respect most of the time. That a considerable number of complaints were -- at the same time -- expressed about staff does not necessarily represent a substantial contradiction. For the most part prisoners complaints went to very *specific* issues and grievances. These include complaints about underlying racial tensions and language barriers; and (as will be seen below) complaints about disciplinary actions seen as petty by some prisoners in the DOC system, and the sharp criticisms voiced by many PCF prisoners about the number of unseasoned, inexperienced staff at that facility.

VII. AUTONOMY AND CONTROL IN THE PRISON REGIMES

Important differences between how prisoners perceive the private and public systems emerged from their responses to questions designed to probe the degree to which prisoners are required to adhere to a prescribed program of daily activities. While most prisoners in the DOC system expressed appreciation for the *freedom of movement* afforded them within their facilities (“It’s medium security – there’s no controlled movement, no lock-down”), some responses to such questions as well as many of their volunteered comments about various demands made of them by staff enforcement of department policies suggest that the public system maintains a significantly higher degree of *authority and control* over the daily activities of prisoners than is the case at PCF.

The significantly higher number of hours reported on Table 3 above by DOC prisoners as devoted to a regimented schedule of quotidian activities – meals, sleep, and “counts” of the institutional population performed periodically through the twenty-four hour round – may be taken in this context as one indicator that the daily routine is more closely structured in the public system. Further evidence of this can be found in significantly different responses given by prisoners in the private and public facilities to a series of questions that address this issue. Two-thirds of the DOC prisoners agreed with the statement, “Prisoners are kept busy all day,” while 78 percent of prisoners at PCF judged this to be *untrue*.

Eighty-nine percent of the prisoners interviewed in DOC facilities said that once a schedule is arranged for a prisoner, he is obligated to follow it – while significantly fewer prisoners at PCF (just 59 percent) agreed with this statement. 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.

Additional comments made about daily prison life by prisoners during the interview sessions serve to underscore the significant differences in their responses to these questions. Many at PCF place great value on the flexibility afforded them:

“My day is not structured – I can set my own schedule.”

“It’s easy time – you have more time for recreation.”

“I get a lot of independence here – I can take charge of my work assignment.”

“They don’t bother you here – it’s real laid-back.”

“The Minnesota DOC is too ‘mechanical’ – they *force* you to work or go to school.”

One comment was offered by a DOC prisoner which indicated that a few may value the structure provided by the higher level of required activities and the greater

emphasis placed on adherence to a prescribed schedule in that system. “The fact that they make you work an eight-hour day teaches you a work ethic,” he said. But it is not surprising that many DOC prisoners expressed negative feelings and resentment about these constraints on their time:

“You don’t have a choice whether to work or not.”

“You are forced to work here – and the staff don’t really care if you are successful when you get out.”

While most prisoners in both the private and public facilities perceive their relationships with most prison staff to be relaxed and congenial, a few complaints voiced by prisoners in the DOC system indicated frustration with what they saw as overly-strict enforcement of minor disciplinary rules and regulations:

“Staff treat you like a little kid.”

“The guards are petty – write you up for walking on the grass.”

“The discipline procedures are bad – I lost good-time for really stupid shit!”

Such contrary responses from some DOC prisoners may reflect DOC managers’ efforts to strictly enforce behavioral expectations through policy directives that negative conduct is to be firmly sanctioned and privileges curtailed unless inmates are compliant with the requirement of full participation in a mandated work, education, and/or treatment plan. It is predictable that some prisoners – especially those less prone to tractability -- would find this type of regimen highly bothersome.

VIII. PRISON SECURITY AND SAFETY

The most troubling concerns of all were expressed by prisoners at PCF. There were some significant differences in the assessments given by prisoners in the two systems in response to two key perceptual questions about important dimensions of institutional control and facility safety. Asked to rate their facilities on measures of safety and security, prisoners in DOC facilities gave them a significantly higher average rating (3.70 on a 1 to 5 scale, as compared to a 2.84 average rating given by prisoners at PCF). While a healthy majority in both systems agreed that the staff in their prisons were trying their best to make a safe prison environment, the level of agreement with this statement was significantly higher at DOC facilities (91 percent) than at PCF (71 percent).

These perceptions were underscored in criticisms offered by prisoners at PCF (for which no parallels were voiced by prisoners in the public system) about apparent deficiencies in classification systems, staff training, and their levels of job experience and performance.

Many of the concerns about security control and safety expressed by PCF prisoners appear to be grounded in their perceptions that the practice common to “speculation prisons” of mixing prisoners from different state correctional systems in one facility brings with it a destabilizing battery of problems. While one PCF prisoner commented favorably about the “diversity of inmates from other states,” most were highly critical of the practice:

“This place is unstable and unorganized – the rules change too often – based on majority of the prisoners’ state laws.”

“Mixing inmates from different states causes a lot of difficulty – different rules and laws – preferential treatment.”

The level of concern about this problem appears to be greatly exacerbated by a commonly voiced perception that regulations regarding the classification levels of the inmates admitted from other states are being disregarded in many cases by managers responsible for classification at PCF. As has been amply demonstrated by many serious problems -- deaths, disturbances, and escapes -- at CCA’s Northeast Ohio Correctional Center in Youngstown, Ohio, the issue of accurate inmate classification is of central importance to safeguarding prison operations against problems such as these. Moreover, questions about whether proper classification procedures are being followed by staff at PCF have been raised repeatedly by the licensing authorities at the DOC.

Even before a contract to house Minnesota prisoners at PCF was effected in 1996, the Minnesota Department of Corrections exercised significant oversight of operations at PCF under its statutory licensing authority. Operational problems at the Appleton prison have remained well below the level and severity of those experienced at CCA’s prison in Youngstown, but the facility has not been free of violent incidents and disturbances. A

review of DOC documents obtained from licensing unit files reveals that from its inception, classification of the prisoners housed at PCF has been a contentious issue between the private prison's managers and the staff at the DOC responsible for oversight and licensing.

Before the first prisoners were admitted to PCF in 1993, DOC staff had already expressed concern about whether management staff at the private prison fully understood that the facility should admit only medium security prisoners, that adequate case file information needed to be available to classify prisoners properly, and that if it was determined that a prisoner was no longer appropriately classified, he would need to be transferred out of the facility. During the period when Puerto Rican prisoners were housed at PCF, a licensing review found the facility out of compliance in this area. Classification reviews were not being performed in a timely fashion and were often inconsistent with PCF's policies – and a small number of inmates were identified as unacceptable according to classification criteria. And from the beginning of the Colorado contract the DOC expressed concerns about whether application of classification criteria for these prisoners was being made in an appropriate and timely manner. In 1994 PCF facility staff were again informed that these procedures were not in compliance with standards for classification and separation of prisoners.

These concerns in regard to classification issues have never been resolved between PCF and the DOC licensing staff. The requirement that only medium custody prisoners be housed there has apparently never been taken seriously by CCA management. In February 1998, responding to a survey of private prison management conducted by the National Council on Crime and Delinquency for the Bureau of Justice Assistance, managers at the Prairie Correctional Facility reported that of 1,328 prisoners incarcerated on December 31, 1997, 586 (45 percent) were classified “maximum/close/high,” compared to 636 (48 percent) classified “medium,” and 106 (eight percent) classified “minimum/low.” These figures were never reported to staff at the DOC, however.

After a major disturbance on the yard at PCF in July 1998, DOC staff who investigated the incident expressed concerns about a number of prisoners they observed at PCF with close-custody designation – as well as about inmate idleness, a lack of meaningful and productive programming, and a low level of staffing on the housing units. Subsequently PCF managers claimed they had reviewed inmate files and identified a total of 47 prisoners with close-custody classification status. In September 1998 a request by CCA managers to increase the authorized capacity by increasing the number of double occupancy cells at PCF was turned down by the licensing unit, citing CCA's disregard of security classification requirements.

In October 1998 Hawaiian correctional officials transported 302 prisoners to PCF under a new contract with CCA. Hawaiian newspaper reports revealed that a portion of these were maximum-security and protective custody prisoners. One article in the

Honolulu Star Bulletin included brief profiles of prisoners that were clearly not medium-custody by Minnesota's classification standards.¹³

The volume of comments and complaints about classification issues indicate that many Minnesota prisoners housed at PCF are acutely aware of the classification problems. They are anxious about their personal safety. At the same time they are resentful that increased controls instituted by the prison's security staff to prevent disturbances subject them to greater restrictions than they believe would be necessary if all the prisoners housed there clearly met Minnesota's classification standards for medium security housing:

"Most of these guys from other states are much higher classification than we are, so the place has to be run too tight."

"Mixing maximum security prisoners with lower custody means that everybody is treated like close custody."

"I am a medium-custody inmate and I belong in a medium-custody facility."

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

The many complaints about security and safety issues posed in connection with the problem with misclassification of inmates are compounded by a second set of critical concerns voiced by prisoners at PCF. Many of them spoke about deficiencies they perceive regarding the training and experience of security staff at the facility. In contrast to their largely positive assessment about staff attitudes and the respectful treatment they report receiving from most staff, comments which were volunteered about the *skill level* of security staff were often sharply negative:

"This prison should have better training for correctional officers, and hire more experienced people – don't just hire them off the street."

"The disturbance last July could easily have been headed-off, but the staff here aren't paid enough to care."

"20 staff quit after the disturbance – they just couldn't handle the job."

"I like the independence I have here – they give you enough rope to hang yourself -- but they shouldn't bring

¹³ Ohira, Rod. "Former officers, teacher among inmates transferred." *Honolulu Star Bulletin* October 19, 1998.

younger prisoners to a place like this – the staff aren't adequately trained to prevent the most obvious problems.”

“MNDOC staff are more professional, more qualified, better trained – if private prisons are going to be used, they should be just as good as on the public side.”

Perceptions such as these reflect actual differences in the experience levels among the staff employed in the two systems. Detailed data about staffing are regularly reported by all four facilities. Personnel action data were compared for PCF and the three DOC medium-security facilities for the period October 1, 1997 to September 30, 1998. The aggregate turnover rate for the DOC facilities was 13.3 percent, while the PCF rate was 42.4 percent.¹⁴

¹⁴ PCF data are reported in the monthly “Wardens Report” for October 1997 through September 1998; DOC data are from “Quarterly Report” documents for Moose Lake, Lino Lakes, and Faribault Correctional Facilities covering the same time period. Turnover rates were calculated by dividing the number of resignations, terminations, and transfers to other facilities by the average number of filled staff positions during the comparison period.

IX. Discussion of Conclusions

Advocates of privatization argue that competition for contracts produces higher quality services. Yet little research attention has been given to determining exactly *how* this competition actually leads to innovations and improvements in delivery of program services (if indeed it *does*), or to whether “market pressures” simply force cutting the level of program costs. Proponents of privatization claim that the competitive effect -- termed “cross fertilization” by some -- will work to improve the quality of prison services overall. Spurred from complacency by competition from the private sector, public prison managers will innovate creatively in order to enhance performance while cutting costs. Yet top-level private prison managers tend to be drawn from the ranks of public prison management, and many seem not to be doing much more than retooling public correctional practices to better fit within a private sector “bottom-line.”

The effects of prison privatization on staffing, training, turnover, compensation, career development, and unionization are of paramount importance. The private prison workforce is almost entirely non-union, and lacks both civil service job protection and the generous benefits that accompany public employment. An underlying motive of “cross-fertilization” may simply be to challenge public employee union power and to lower staffing levels in order to remain competitive. Wage and benefit levels and job security may be eroded as competition weakens the bargaining power of public sector unions. While providing obvious advantages for holding down private sector labor costs, these factors may also contribute to a degraded workforce (especially during a tight labor market), with higher levels of turnover producing a less experienced, less competent prison staff. High turnover in lower management positions can result in premature promotion up the ranks. Inadequate training and experience, when coupled with unseasoned supervision, can greatly destabilize the prison environment, leaving the safety of staff, inmates, and the public at risk. While problems such as these have been widely reported¹⁵ the impact of such factors on the quality of prison operations -- on prison safety and program services -- has not been adequately addressed in current research, and is not well understood.

The data presented here have been drawn from well-matched sets of research subjects housed in prison systems that are managed very differently, and analyzed using simple statistical techniques. Along some very crucial dimensions of prison performance (e.g., prison safety and security; availability, intensity, and quality of programs; staff qualifications and experience;) the experiences and perceptions of these prisoners add both texture and weight to operational differences that can be documented from official records.

¹⁵ Average correctional officer turnover rates reported for 1997 were 41 percent in the private sector, compared to 15 percent in the public sector (Camp and Camp 1998). The lack of experienced line staff and a pattern of premature promotions were well-documented as contributing factors to the severe problems at CCA’s Youngstown facility (Office of the Corrections Trustee 1998). Chronic staff shortages were a contributing factor in the many operational problems that lead to a recent contract termination and state-takeover of the Travis County State Jail in Texas.

Analysis of both interview data and official reports also revealed several important differences between the private prison's daily operations and those of its public counterparts:

- Casework services are significantly more accessible at PCF than at the DOC facilities.
- Participation in education and vocational classes is more likely to be full-time in the public prisons. The public programs are fully licensed, the instructors are more likely to have proper credentials.
- Prisoners in the DOC system earn GEDs at a higher rate, and graduates of the vocational courses are awarded official state technical college certificates when they complete them.
- Most prisoners in both facilities reported that there were no formal requirements that prisoners plan constructively for release back to their communities. Twice as many prisoners at PCF than at the DOC facilities reported involvement in formal programs geared to help them with pre-release planning, but the proportion so involved at PCF was only one-fifth.
- Intensive, full-time chemical dependency treatment programs have been more available in the public system, while the private prison failed – for nearly two years – to provide a full-time treatment program required by the service contract. It is consistent then, that prisoners in the public system gave consistently higher ratings to the education and treatment programs available to them than those housed in the private prison.¹⁶
- While complaints about “make-work” jobs were voiced by some prisoners at PCF (a complaint not heard from those in the DOC facilities) those few who were employed by the private-sector Jacobs Industry work program were highly enthusiastic about both the quality of the work and about the wages paid them.
- The public prison regime exerts a far greater level of control over the schedules, activities, and behavior of prisoners than does the private prison. Most DOC prisoners reported that a full daily schedule of constructive activities -- work, study and treatment -- was firmly enforced in their facilities, while only a tiny fraction of those in the private prison perceived this to be the case.
- Deficiencies in classification of prisoners at the private prison have been noted from the beginning of its operation. Prison managers there appear to have continuously skirted the

¹⁶ One issue remains here: why was the lack of contract compliance regarding chemical dependency treatment not met with strong measures (e.g., by withholding payments or with a threat to terminate for breach)? The ultimate responsibility for contract compliance rests with those empowered to enforce it. But where (as is commonly the case) public correctional administrators have not initiated the practice of contracting out for services, but are rather responding to the will and determination of the legislature branch (or of the highest executive officers in the state) that contracts shall be set in place, these administrators may be hamstrung by political pressures when it comes to aggressive exercise of the contract enforcement powers they hold.

licensing requirement that only medium-custody prisoners be housed in the facility, and they have been repeatedly cited for non-compliance with their own policies in this regard.

- Staff turnover rates at the private facility are far higher than the rates at the DOC prisons, and the experience level of staff is, as a direct result, much lower. It is not surprising, then, to find that prisoners in the public system gave significantly higher ratings of the level of safety and security maintained in the facilities where they were housed.

The initial report of the research data and analysis presented above was drafted for a fairly parochial (though hardly unsophisticated) audience – legislators and criminal justice policy-makers in a single Mid-Western state.¹⁷ For reasons detailed immediately below, there are methodological deficiencies in the analysis caused by an almost total lack of cooperation by top executive staff at the Corrections Corporation of America. These deficiencies may limit the implications that can be drawn from the findings presented here. And of course it is always wise to avoid making sweeping generalizations about research findings drawn from any *single* correctional institution, even under the best of methodological circumstances.

The research design originally devised for this study was far more robust than the one that was ultimately executed. It would have entailed random selection of prisoners from all segments of the PCF prison population for the prisoner survey (i.e., subjects drawn from every jurisdiction housing prisoners at PCF). Both public and private prison staff would have been selected at random for structured interviews as well. Systematic review and data collection from operational files and records would also have been attempted at all facilities to allow further exploration of critic aspects of prison operations.

Upon receipt of a letter from the research team requesting access to PCF prisoners and to operational records and files for purposes of conducting this research, CCA managers at the corporate headquarters in Tennessee refused the request, saying that pressing corporate business affairs precluded staff cooperation with the project. The executive staff at the Minnesota DOC then responded with a letter which underscored the important goals of the study, and pointed out that as a small number of Minnesota prisoners were housed in the facility under contract, access to these prisoners, at the least, could not be denied. CCA corporate staff responded by agreeing to grant access to Minnesota prisoners for interview purposes, and this agreement was subsequently honored and fully executed by all staff at PCF.

Researchers were given a lengthy and thorough tour of the facility prior to setting up arrangements for the interview process. During this initial site visit, PCF managers and

¹⁷ Minnesota's correctional system has long been held with high regard due to an exceptional record of managerial excellence and innovation. Some would question therefore, the validity of comparing a private prison holding prisoners from *other* states with three prisons operated under public management in this particular state. This issue begs the question of whether the quality of a prison's operations is more dependent on the geographic origins of the population it confines, or on its strategy for prison management. Perhaps it would be interesting to pose this question to the top executive staff at CCA. When making statements about the qualifications of their company to provide correctional management services in Minnesota, they have never held themselves back from making the claim that they offer the highest quality services at a highly competitive price.

program staff were entirely cooperative and forthcoming with responses to questions about various management and program issues. A small stack of descriptive brochures and routine reports was provided to the research team during this site visit. Moreover, during the three days PCF managers allowed a team of researchers access to the facility to conduct interviews with prisoners, PCF security staff were unfailingly professional, fully cooperative, and highly efficient in organizing the timely production of prisoners as requested for interviews.

The DOC licensing unit receives monthly and quarterly statistical reports from PCF managers which were provided to the research team for analysis, but the aggregate data contained in these reports is of a fairly rudimentary nature, and DOC staff expressed considerable misgivings about the accuracy of some portions of these data. Questions posed to PCF staff about the methods used to collect and report these data went mostly unanswered. No access to more extensive operational data, or to case records for individual prisoners, was ever granted by CCA. This refusal of access precluded extensive analysis of some critical dimensions of prison operations at PCF for comparison with the public prisons.¹⁸

These difficulties posed obvious limitations for the research, rendering key segments of the original design unfeasible, and limiting data collection and analysis for the research that *was* allowed in important ways. The most troubling methodological limitation which may affect the results reported here is that while, as described above, the public prison interview subjects *were* selected at random, the pool of Minnesota prisoners available for interviewing at PCF was so limited in number as to preclude random sampling of this population. The great majority agreed to be interviewed however. Only ten percent refused or were unavailable (e.g., two were locked in administrative segregation) so while an unknown level of respondent bias could exist among the data collected from the interviews of prisoners housed at PCF, the effect would not be great.

The matching process further pared down the number of PCF prisoner interviews from which data could be coded for the study to a bare minimum number that would allow for use of the simple statistical tests used in the analysis.¹⁹ Moreover, while there were some differences in the level and types of program services between the three public prisons, the matched comparison pool is too small to break out the interview data by institution in order to compare each segment of the public prison interview subjects with their PCF counterparts.

Despite these caveats, the research project reported on here offers a number of uncommon features that should render it of interest, and which have encouraged its dissemination in the academic realm for the modest contribution it may make to the literature on this important topic. First, unlike the findings of the few studies briefly discussed above,

¹⁸ In particular the lack of access to broader sources of data including the opportunity to interview staff is unfortunate in that multiple data sources would have provided a richer perspective on many of the operational issues and concerns raised by prisoners. Further, the more comprehensive research design originally envisioned might have allowed the analysis to better trace relationships between the antecedents and processes that contribute to operational problems and shape performance outcomes.

¹⁹ This author is aware that some readers may consider the size of the comparison groups too small for the results of the statistical tests to have much bearing on conclusions about the data.

the conclusions reached here strongly support the public management concept. Second, this is the first systematic research effort to be undertaken in a “spec” prison – a type of private prison that is relatively controversial, and about which little reliable information is available. Third, where surveys have been conducted before, researchers seem to have worked under an assumption that *perceived* differences in quality are indicative of *actual* operational differences. But perceptions may be framed very differently if the composition of the comparison groups surveyed differ in terms of important personal characteristics (e.g., racial composition; type or seriousness of offense; etc.). This study has utilized a quasi-experimental research design involving carefully matching the offenders who make up the comparison groups, a technique that strengthens the validity of the findings. Fourth and finally, the primary strategy for collecting data for comparison of prison operations was highly structured interviews of prisoners themselves, thereby giving voice to the population most intimately acquainted with prison conditions, but whose knowledge and insights are seldom heard outside the walls that confine them.

Survey data from prisoners are often discounted by those who believe that they cannot be trusted to give honest responses, or that their responses – however accurate – are simply not relevant to the process of making correctional policy choices. Yet in many respects prisoners may be the best-informed group about key aspects of the normal day-to-day operations in a prison, and it is odd that prisoners’ perceptions have not been more frequently collected for systematic analysis in research on the quality of prison programs and services. No research subjects can give a more up-close-and-personal view of prison operations “around the clock,” nor have any a less vested interest in favoring public management over private, or vice versa. Regarding the types of prisons to which they are assigned, prisoners have no choice in the matter. Once assigned, prisoners are subject to the workings of a total institution. It is expected that their daily routine will be pretty much uniform with those of their peers. They do not have any great degree of freedom in choosing the services or programs in which to participate. They are obliged to take what is offered, or to go without. It is intended that they not be free to “walk off the job” without repercussion, and that they have very little flexibility to avoid being subjected to whatever prison regimes are established by managers or imposed by line staff.

Such circumstances pertain in both public and private prison systems alike, and while they may tend to contribute toward prisoners holding a uniformly negative frame of reference regarding their environments – and as well to generate a certain level of complaints about prison conditions, however humane or well managed – there is no reason to assume that prisoners’ perceptions about prison conditions would be biased one way or the other by whether top-level managers in a given prison system are public bureaucrats or corporate titans.

Charles Logan (1992) interviewed prisoners in making comparisons of public and private prison operations in New Mexico. While he found that inmates favored conditions in the public prison over those in the private prison, he seems to have largely discounted their perceptions in favor of those of the prisons’ personnel. (Gaes, Camp and Saylor 1998, p. 28). Yet by application of research methods geared to both standardize data collection and safeguard the confidentiality of prisoners’ responses (i.e., use of carefully-structured survey

instruments, administered by well-trained interviewers, working under strict requirements devised by institutional review boards to protect the interests and rights of human research subjects, as was done in this study), the integrity and reliability of the responses can be enhanced. Under these circumstances, prisoners' reports and comments about the nature and scope of prison operations, and their perceptions about and assessments of the services available to them and about basic prison conditions, can shed a needed and valuable light into what is otherwise a "black box" environment, where the actual "process" aspects of correctional service delivery remain largely unknown and unexplored.

PCF is a "spec" prison – that is to say, it was built without a contract agreement from any public correctional authorities, on speculation that once available, its beds could be marketed nationally to meet the demands of the various jurisdictions that have insufficient space for their prison population, and are looking to farm out the overflow. "Spec" prisons are by no means unusual in the U.S. and the proportion of "spec" beds within the private prison industry appears to have grown in recent years. It is not at all uncommon for private prisons (and an increasing number of public prisons) to house a mix of inmates from different state and federal jurisdictions within their walls. While some characteristics of a "spec" prison pose special management challenges (e.g., frequent shifts in the "mix" of prisoners subject to different laws and regulations) many prison managers contend that these challenges can be met with adjustments and allowances which become routine over time.

At least one facet of "spec" prison operations could – at least in theory – allow private prison executives more leeway to innovate in setting their own policies and shaping their own practices and programs. Since different portions of the housing space at PCF are leased at market prices on a more-or-less "as is" basis for housing prisoners drawn from multiple jurisdictions, CCA managers have considerably more freedom and flexibility at PCF to pursue performance goals set according to their own corporate norms – as compared with the constraints facing managers of the facilities that CCA operates under direct, single-state contracts, where conformance with preexisting state policies is typically required by a framework of RFP and contract specifications set on a "run it our way" basis, and where monitoring of contract compliance tends to be more vigilant.

There is now ample evidence that the types of deficiencies documented at PCF (e.g., program deficiencies, unreliable classification methods, and inadequate levels of experienced, well-trained personnel) are by no means restricted to "spec" prisons. These shortcomings may lead to severe problems, even at prisons with direct state contracts, which do not mix populations from different jurisdictions, and which are operated by companies with many years of substantial experience in the private prison industry.

To cite a few examples that have been well-reported in the media: Staffing deficiencies and problems with mis-classification of prisoners contributed to the now-notorious series of disasters – escapes, stabbings and deaths – at CCA's prison in Youngstown. More recently, Texas state officials had levied \$625,000 in fines against Wackenhut for chronic staff shortages before reports of alleged criminal activity -- sexual misconduct and abuse of prisoners, assaults, drug smuggling, and attempted cover ups – led to termination of a direct contract with the operating company.

In New Mexico, audit reports have recently cited this same company for deficient work and education programs resulting in widespread inmate idleness, as well as for lack of compliance with proper procedures for inmate classification and discipline. The two prisons Wackenhut operates in that state under direct contracts have repeatedly erupted in violence and disturbances; the death toll in these prisons has reached five in less than one year: Three stabbing deaths of prisoners occurred at their facility in Hobbs between December 1998 and June 1999. In mid-August 1999 a prisoner was beaten to death at the Wackenhut facility in Santa Rosa, and then a guard was stabbed to death at the same facility prisoner during a massive prison riot at the end of the month.²⁰

For these reasons, that PCF is a “spec” prison does not render the findings presented here less interesting or less policy-relevant than if it were operating in the more normal mode, with a direct, single-state contract. The normal mode is clearly preferable because it provides more clear lines of accountability when things go wrong. Yet the contrasts between private and public prison operations in Minnesota that are reported here should be of interest to those who want to learn more about the types of operational difficulties that can sometimes lead to performance problems of severe magnitude. These research findings add significant evidence to a growing perception that a pattern of deficiencies in the way private prisons are being managed in the U.S. are proving them to be unsuitable for handling prisoners above the lowest levels of security classification.

²⁰ Inmate homicides are rare events. In 1997 there were 79 in the entire U.S. while the average daily prison population was 1.2 million. That’s a rate of one homicide for every 15,000 inmates. While the inmate homicide rate in New Mexico was far higher that year (one in about 1,650), the recent inmate homicide rate in Wackenhut’s NM prisons (four deaths in nine months) is off the charts at one for every 400 inmates – and that’s not counting the murder of the guard.

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