

**Private Prisons in the United States, 1999:  
An Assessment of Growth, Performance, Custody  
Standards, and Training Requirements**

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## Guide to Abbreviations Used

API	Alternative Programs, Inc.
BOP	Federal Bureau of Prisons
CCA	Corrections Corporation of America
CCI	Cornell Corrections, Inc.
CGI	CiviGenics, Inc.
CSC	Correctional Services Corporation
DM	Dominion Management
FCI	Federal Correctional Institution
MCS	McLoud Correctional Services, LLC
MPC	Marantha Production Company, LLC
MTC	Management & Training Company
NIC	National Institute of Corrections
NOCC	Northeast Ohio Correctional Center
ORE	Office of Research and Evaluation (BOP)
TCI	Taft Correctional Institution
USP	United States Penitentiary
WCC	Wackenhut Corrections Corporation

# **Private Prisons in the United States, 1999: An Assessment of Growth, Performance, Custody Standards, and Training Requirements**

## **Executive Summary**

This report addresses issues surrounding the growth in the private sector's operation of adult, secure facilities for sentenced inmates in the United States. It is also an analysis of private sector standards in staff training, policy and procedure devoted to inmate security and custody, and some of the important indicators of the quality of private prison operations. This report fulfills a mandate from the U.S. Congress (pursuant to Public Law 105-277, Sec. 111).

Private sector firms have responded to the need for prison beds created by the rapid growth in the jail and prison populations in recent years. This growth has generated tremendous opportunities for entrepreneurs to build, own, and operate prisons. The two largest firms, Corrections Corporation of America (CCA) and Wackenhut Corrections Corporation (WCC) arose in the 1980s and rapidly expanded to provide care to more inmates in the United States than most State systems. The private sector housed 69,188 inmates in 94 prisons on July 31, 1999. Private prisons held 5.3 percent of the 1.3 million inmates under the jurisdiction of State and Federal Governments at this time. This marked a significant increase from the end of 1997, when there were 91 contracts that covered 37,651 inmates in 84 private prisons.

CCA held 37,244 inmates in 45 prisons in 1999—53.8 percent of the total number of inmates in private prisons. WCC incarcerated another 19,001 inmates in 26 prisons—27.4 percent of the total number of privately held inmates. CCA was responsible for more inmates than those held in all but seven States and the Federal Bureau of Prisons (BOP). An additional nine State systems had more inmates than the total reported for WCC, or 16 States altogether plus the Bureau of Prisons. Together, CCA and WCC held 56,245 inmates, or 81.3 percent of the inmates held in secure, adult, private prisons.

Along with the opportunities generated by the rapid influx of prisoners into the private sector, the private companies also experienced the challenges of operating rapidly expanding correctional systems. In particular, the private companies had to recruit, train, and maintain adequate numbers of correctional staff to operate their prisons.

Some evidence suggests that the private sector prison providers had problems in maintaining adequately trained and experienced staff and that there were critical lapses in appropriate security practices. Both major companies, CCA and WCC, had inmates escape from their adult prisons in 1999. CCA had three escape incidents in 1999 during which four inmates were able to breach the perimeter and escape from secure facilities. CCA, and its subsidiary TransCor, also experienced escapes when inmates were being transported, either for medical treatment or to a prison. There were four such incidents in which five inmates escaped. WCC had two separate incidents in 1999 where one inmate in each incident was able to successfully escape from inside of a secure prison. One of the WCC escapes was particularly relevant for the BOP, an inmate escaped from the Taft Correctional Institution (TCI), which is operated by WCC for the BOP. Correctional Services Corporation (CSC) had significant problems with the McKinley County Detention Center it operated in New Mexico. There were two separate escape incidents in which nine inmates were able to escape from inside of the facility. (CSC has since lost the contract to operate this facility.) The Management & Training Company (MTC) also had one escape in 1999 in which three inmates were able to escape from inside of a secure prison.

Private sector companies also experienced serious group disturbances in 1999, most of which could be viewed as riots. CCA (five incidents), WCC (three incidents), and CSC (one incident) experienced group disturbances in which chemical agents had to be used to control inmates, and/or injuries resulted to staff members, and/or significant property damage occurred. In the most tragic of these incidents, a correctional officer was killed at the Guadalupe County Correctional Facility, which was operated by WCC for the State of New Mexico.

## Research Plan for the Analysis

The U.S. Congress (Public Law 105-277, Sec. 111, Fiscal Year 1999 Omnibus Appropriations Bill) required that the Director of the BOP initiate a study that “evaluates the growth and development of the private prison industry during the past 15 years, training qualifications of personnel at private prisons, and the security procedures of such facilities, and compares the general standards and conditions between private prisons and Federal prisons.”

To fulfill this requirement, the Bureau of Prisons’ Office of Research and Evaluation (ORE), in conjunction with subject matter experts within the BOP and the National Institute of Corrections (NIC), developed a research plan with three major components: (1) a census of secure private prisons for sentenced, adult inmates, (2) a survey of Government employees responsible for administering the private prison contracts within agencies that utilized private prison bed space,

and (3) site visits to selected private institutions. This report covers the census and survey. A later report will discuss the findings of the site visits.

## Census

The census identified 94 different institutions that held sentenced, adult inmates for departments of corrections in one of the 50 States, Puerto Rico, the District of Columbia, or the Federal Government. Nine of the prisons had contracted with two or more jurisdictions to hold inmates, meaning that, at the time of the census, there were 103 different contracts to hold adult inmates in private prisons.

As of July 31, 1999, there were 69,188 adult inmates incarcerated in private prisons in the United States. The majority of these inmates were identified by the respective jurisdictions as being medium security, with 33,088 of the inmates, or 48 percent, so classified. The next largest classification of inmates was minimum security with 35 percent (24,014) of the inmate total. For the remaining inmates, 12 percent (8,103) were identified as low security, 4 percent (2,772) as maximum security, and 2 percent (1,211) as having a different or no security classification.

The private sector holds a lower percentage of high and medium security offenders than the public sector. Other aspects of the custody classification of inmates held by the private prisons are less clear, especially the experiences of the private sector in holding what the BOP classifies as an inmate with medium security needs. There are differences between many State corrections systems and the BOP in terms of classification criteria and nomenclature. As a result, in many State systems, inmates who would be considered in the Federal system as low security risks are classified as medium security risks.

## Survey

The survey developed by the BOP's ORE was distributed to contract administrators who were responsible for administering the private prison contracts. Information was received for 91 of the 103 contracts identified, for a response rate of 88 percent.

The survey was designed around three basic sections. The first and longest section asked for information about the respective training policy and standards in private and State-operated prisons. The second section asked for basic information about custody policy and standards at private prisons. The final section covered three major areas: general characteristics of the prison

and staff, information about the types of inmates housed at the prison, and data about the types of inmate misconduct experienced at the prison.

The data reported here allowed the authors of the report to compare key staffing characteristics at private prisons and BOP prisons. There was no attempt to collect information on pay and benefits—generally it is expected that the pay and benefits of *individual* line staff in the Federal sector surpass that in the private sector. This is not to say that overall staffing costs in the Federal sector are necessarily higher than those in the private sector. In a cost analysis of the first year of operations at TCI, Nelson (1999) found that the BOP would have operated TCI for less money than WCC did, assuming that the BOP staffed TCI the way it staffed comparable Federal prisons. WCC employed more staff than the comparable BOP prisons.

### General Characteristics of Private Prisons

There were differences between the BOP and private sector prisons. The BOP reported lower ratios of custody staff to inmates than most of the private prisons, but it reported comparable ratios for total staff to inmates. It would seem that the comparable ratios of total staff to inmates resulted from the BOP's greater use of case management and program staff, although this issue was not examined directly in the survey.

The BOP had a more stable workforce. The separation rates for custody staff at most private prisons were much higher than the corresponding rates for BOP prisons. Where the average six-month separation rate for custody staff at BOP prisons was 4.4 percent and no BOP prison had a rate greater than 9 percent, 95 percent of the private prisons had a separation rate that was equal to or greater than 10 percent. In fact, almost half of the private prisons had a separation rate equal to or in excess of 50 percent. The contract administrators noted that the separation rates at the private prisons were higher than the corresponding rates at comparable public prisons operated by their respective agencies. They further responded that the separations created staff shortages.

Regarding inmate misconduct, there were lower hit rates for drug use in BOP prisons than in many of the private prisons, although quite a few of the private prisons were doing very well on this measure. The BOP had substantially fewer escapes from secure prisons than the private prisons taken as a whole. The homicide rates for all BOP prisons and all private sector prisons were very similar. However, it is worth remembering that secure BOP institutions had a higher percentage of maximum security prisoners, and probably had a higher percentage of medium



security prisoners as well. Due to the incompatibility in the survey question and the BOP data, it was not possible to compare the assault rates effectively.

For the most part, the contract administrators rated inmate misconduct in private prisons as being comparable to rates of misconduct in their own public prisons.

### Training Standards and Policy

For employment requirements, public agencies were somewhat more likely to require initial firearms, firearms refresher, and gang management training; initial and periodic custody training seemed to be required at about the same levels. The small difference in training standards may be attributable to the fact that the contract prison population represents, on average, lower security and custody level inmates.

Public and private agencies frequently used the same standards for the various kinds of training either because the contract between the public agency and the contractor mandated the same standards, or because the contractor adopted the public standards.

Training at the privately-operated prisons was primarily the responsibility of the private sector employees, although the public sector also did a significant amount of the training. The number of training hours was almost identical between the public agency employees and the staff at the privately-operated institutions.

The larger picture that emerged from this data is that private contractors were typically obligated to use the training standards and policies of the public agencies. There was much more variation from jurisdiction to jurisdiction than there was between the publicly and privately-operated institutions within a jurisdiction.

### Custody Standards and Policy

The responses to this section of the survey showed that the private sector's standards and policies were typically a reflection of the jurisdiction governing the contract. The public sector maintained responsibility for routine and intensive formal reviews of custody practices but often did these reviews in conjunction with the private sector. The training and custody sections of the survey demonstrate that the training and custody policies and standards of the privately-operated prisons

were a reflection of the same standards and policies of the public jurisdiction responsible for those contracts.

### Verification of Inmate Classification

A follow up phone call was made to contract monitors to establish whether the privately operated facilities had procedures in place to verify the security classification level of the inmates they were receiving from the public sector. Most facilities had procedures in place. The typical circumstance was that inmates were classified by State experts and the private vendor used the State classification system to verify that the classification level was appropriate.

### Concluding Remarks

The private prison industry experienced phenomenal growth from its founding in the 1980s until the present. While there have been changes in the types of inmates held in private prisons, most of the experiences of the private sector have been with lower-risk inmates. The relative growth in the private sector (that is, the increase in prisoners in comparison to the numbers previously held) will probably not be as dramatic in the future as it has been in previous years. In fact, there is some evidence that the growth in the U.S. prison population is slowing down. Nonetheless, there is every reason to believe that growth in absolute numbers of inmates held in private prisons will continue to expand, necessitating increased hiring and training of private prison staff. Many of the factors driving the growth of the U.S. prison population—increased arrests and prosecutions, mandatory minimum sentences, determinate sentencing/elimination of parole, less use of probation—are the same factors that necessitate that a jurisdiction add prison capacity and contract for some of those beds.

From the survey results presented here, there do appear to be some systemic problems that the private sector must address. For example, the rapid turnover of staff perpetuates the situation in which private prisons are operated by inexperienced staff. The large numbers of escapes from private sector prisons, in comparison to the BOP, may be related to the lack of experienced staff who are essential to operating safe and secure prisons. As anecdotally reported here and more systematically in the Clark and Austin et al. reports, staff inexperience was evident in the Youngstown situation, the New Mexico problems, the Colorado group disturbance, and the Taft Correctional Institution incidents.

Another area that needs more probing is the staffing patterns at public and private prisons. The custody staff-to-inmate ratio is generally higher at private prisons than in the BOP, suggesting that private prisons may focus too many resources in this area. The total staff-to-inmate ratio of most private facilities lies somewhere between the staffing levels of the Bureau of Prisons low- and medium-security prisons. Thus, the private sector's overall staffing levels are comparable to the BOP; however, since their custody staffing levels are higher, they probably use fewer program and case management workers. This suggests that there may be fundamental differences in how the private sector approaches custody.

The impetus for the use of private prisons in the United States was the promise of lower costs and the need for additional capacity. In Australia and the United Kingdom, the motivation to privatize was driven by these factors but was also propelled by prison reforms. In fact, some have proposed that private prisons are places for experimentation, a test-bed for new approaches to programming, management, and staffing. The competition that arises from the contrasting approaches between the public and private sectors, according to this proposition, will promote innovation and cross-fertilization of ideas and practices. While this proposition appears plausible, there are factors that limit these possibilities.

Because of the inherent risk of corrections, private companies and State agencies that have oversight obligations are unlikely to wander very far from standards and requirements that have already been established in each jurisdiction. The survey results on training and custody standards and requirements show that the private sector, even when there is no contractual obligation, has adopted the standards and policies of their public sector counterparts. A different constraint upon private operators involves jurisdictional requirements that cost savings must be demonstrated. These requirements reduce the opportunities for innovation, especially in the private sector's flexibility to experiment with the management of human resources, the most costly part of prison operations. One of the few alternatives the private sector has to save money and make a profit is to suppress labor costs through direct measures such as restructuring pay and benefits. But, reducing pay and benefits may result in high separation rates among staff.

The question that remains is whether there is sufficient room for the private sector to maneuver and innovate when they are constrained by correctional standards and State cost containment goals. Because of these types of restraints, in most jurisdictions, the privately operated prisons become an extension of the public correctional agency.

There are exceptions to the pattern of private prisons being extensions of the public sector that contracts for their services. In Florida, for example, the contracting for private prisons is under the control of an agency separate from the Florida Department of Corrections. The Bureau of Prisons' philosophy concerning contracting for private facilities is to provide a balance between setting policy and encouraging innovation. The BOP structures its contracts, where feasible, around performance goals instead of policy compliance. In other words, the Bureau contracts for certain levels of output from the vendor, but the vendor is free to specify how they could achieve the output goals when bidding for the contracts.

Nonetheless, the general practice in the United States is for private prisons to reflect the training and security policies and standards of the agencies contracting for their services. There was much greater variation between jurisdictions than there was between the public and private sectors within a jurisdiction. The implication of this finding may be that the operations and standards of the private sector are a reflection of the contracting jurisdiction whether the jurisdiction's policies and standards are good or bad, progressive or retrogressive. Thus, despite the fact that CCA and WCC are large correctional entities, the operations at their facilities are more likely to be influenced by the contract jurisdictions and local circumstances (e.g., labor markets, cost of living) than they are by corporate policies and standards. Given the problems with escapes, disturbances, and staff instability, many (though certainly not all) of the privately-operated prisons are struggling to meet basic safety and security standards. This may be a reflection of the immaturity of the private corrections sector. It may be alleviated if private operators can stabilize their workforce and retain sufficient numbers of line and supervisory staff with sufficient correctional tenure. Experienced staff can train the younger workforce and serve as models for that workforce.

It is important to distinguish between the standards and policies of a correctional system and the manner in which they are implemented. Having sound policy is only the first step. Ensuring that staff execute policy correctly is just as important. The survey methodology used in this report could not measure how well privately-managed prisons operated on a day-to-day basis. That kind of performance is assessed through systematic audits of all aspects of prison operations. The only evidence we had from this survey were indicators of performance, such as escapes, drug use hit rates, major incidents, and homicides. Based on those indicators, and on the high turnover rate of staff at private prisons, it would appear that both the public and private sector managers need to be vigilant in their monitoring of the day-to-day operations of privately-operated prisons—certainly no less vigilant than they are about public sector performance. It is important to note that this report is not an indictment of every privately-operated prison. The data represent an overall picture.

This study brings to light several significant issues related to staffing, workforce experience, and performance in the private sector. We believe that these issues should be addressed before the private sector is allowed to take responsibility for the custody of more violent and sophisticated prisoners.



## Introduction

This report presents the growth in the private sector's operation of adult, secure facilities for sentenced inmates in the United States. It is also an analysis of private sector standards in staff training, the development of policy and procedure devoted to inmate security and custody, and some of the important indicators of the quality of private prison operations. This report fulfills a request for information from the U.S. Congress (Public Law 105-277, Sec. 111).

The rapid growth in the jail and prison populations in recent years has generated tremendous opportunities for entrepreneurs to build, own and operate prisons.<sup>1</sup> The two largest firms, Corrections Corporation of America (CCA) and Wackenhut Corrections Corporation (WCC) arose in the 1980s and rapidly expanded to provide custody of more inmates in the United States than most State systems. Abt Associates Inc., under contract with the National Institute of Corrections (NIC), conducted a census of adult prison facilities in the United States and found that the private sector housed 69,188 inmates in 94 different prisons on July 31, 1999 (see Appendix 2).<sup>2</sup> Private prisons held 5.3% of the 1.3 million inmates under the jurisdiction of State and Federal Governments at that time. This marked a significant increase from the end of 1997, the last time Abt conducted a census, when Abt determined that 91 contracts covered 37,651 inmates in 84 different private prisons (McDonald, Fournier, Russell-Einhorn, and Crawford 1998). A more complete history of the rise of private sector prisons is provided in Appendix 1 of this report, written by Douglas C. McDonald and Carl W. Patten, Jr., of Abt Associates, Inc.

In 1999, CCA held 37,244 inmates in 45 prisons—53.8 percent of the total number of inmates in private prisons. WCC incarcerated another 19,001 inmates in 26 prisons—27.4 percent of the total number of privately-held inmates. CCA was responsible for more inmates than those held in all but seven States and the Federal Bureau of Prisons. These comparisons are based on numbers reported for the State and Federal systems on January 1, 1998, the latest date for which complete

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<sup>1</sup>Private prisons in the United States are not new phenomena. In the 19<sup>th</sup> century, some States entered into agreements with private parties to lease the labor of inmates. In some of these agreements, the private party became responsible for the housing and care of the inmates in addition to paying a fee for the labor of the inmate. This system was subject to abuse and was fairly widespread. The convict lease system came to an end in 1923 during the Progressive Era (Shichor 1995: 34-43). Under the current incarnation of private prisons, the opportunity for private operators to benefit directly from the labor of inmates has been removed for the most part.

<sup>2</sup>Private prison operators hold a large number of adults in jails and detention centers in the U.S., such as the illegal aliens incapacitated for the Immigration and Naturalization Service and the pre-trial inmates held for the U.S. Marshals Service. These facilities and inmates are not the focus of the present report which concentrates on secure adult prisons, and Abt Associates did not attempt to collect information on these types of facilities.

data were available (Camp and Camp 1998: 6-7).<sup>3</sup> An additional nine State systems were larger than the total reported for WCC, or 16 States altogether plus the Bureau of Prisons.<sup>4</sup> Together, CCA and WCC held 56,245 inmates, or 81.3 percent of the inmates in secure, adult, private prisons.

As Harding (2000) has argued, private prison companies are not prison systems in the usual sense of the term. To quote Harding (2000: 2): “This is a fundamentally erroneous concept, suggesting status and autonomy as principal. Both CCA and WCC and each of the other operators are *agents* of the State in the various jurisdictions” (emphasis in original). It is important in Harding’s conceptualization of the relationship between the public and private sectors that the State—although it has contracted for the care and well-being of prisoners—is still ultimately responsible for ensuring that the care and well-being of the prisoners is provided through regulatory and accountability mechanisms.

In addition, there is another fundamental difference between private and public prison “systems.” Unlike CCA or WCC, the BOP runs a system of prisons that are integrated by common laws, policies, and practices. CCA and WCC, on the other hand, operate a series of prisons that are extensions of other prison systems. To date, a private prison company has not operated an entire prison system, although CCA and WCC have proposed in the past to operate the prison systems in Tennessee and Florida (Harding 2000).

While we emphasize the difference between prison systems and private companies that operate prisons, there are still some commonalities between them. As already mentioned, during a period of growth, both must be capable of hiring and training staff to meet the demands of an increasing population. Both must be capable of activating new facilities with a relatively immature workforce. Both must make prudent decisions about using limited funds to best meet the needs of the inmate population, while protecting staff and citizens. To the extent there is a corporate approach, or perhaps even to the extent there is a corporate ethos in meeting these requirements, private companies can be said to be corporate prison systems.

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<sup>3</sup>The seven States with larger populations in secure prisons were California (155,276), Florida (61,270), Illinois (40,787), Michigan (42,388), New York (69,108), Ohio (47,808), and Texas (129,278). The Federal Bureau of Prisons had 87,224 inmates in secure prisons.

<sup>4</sup>In addition to the States listed in footnote 3, the following States had larger inmate populations than WCC on January 1, 1998: Alabama (19,541), Arizona (23,484), Georgia (35,677), Missouri (23,645), New Jersey (22,252), North Carolina (28,696), Pennsylvania (30,819), South Carolina (20,629), and Virginia (24,644).



The rapid influx of prisoners into the private sector brought challenges and opportunities. One of the most significant challenges was the need to recruit, train, and maintain adequate numbers of correctional staff that were necessary to operate the prisons they managed.

Many of the concerns about private corporations and their staff capabilities came to a head in the aftermath of the highly publicized escape of six maximum risk inmates, five of them convicted murderers, from the Northeast Ohio Correctional Center (NOCC) in July of 1998. In a detailed and rare glimpse into the operations of a private prison, John L. Clark, the Corrections Trustee for the District of Columbia, provided a detailed examination of the problems experienced by CCA at NOCC during its initial operations. In addition to the much-publicized escapes, there were two inmate murders and numerous stabbings and assaults, including assaults on staff. Among his findings, Clark documented the lack of basic security practices and the inexperience and inability of staff to handle difficult inmates (Clark 1998). Since the escapes, staffing and procedural changes were instituted at NOCC, and the institution received ACA accreditation.

WCC also experienced highly publicized problems in two of the prisons it operated in New Mexico: the Lea County and Guadalupe County Correctional Facilities. The incidents at these facilities are recorded in Table 1. At the request of the Special Advisory Group composed of New Mexico State Senators, State Representatives, the State Corrections Secretary, and the State Deputy Attorney General, a group of independent consultants were asked to examine the operations in New Mexico public and private prisons in light of the problems experienced by the New Mexico Corrections Department and WCC. The correctional consultants documented their evaluation in a report submitted to the Special Advisory Group (Austin, Crane, Griego, O'Brien, and Vose 2000). Among the types of problems documented, some were attributed to the New Mexico Department of Corrections, such as lack of surveillance of gang activities and inequity in housing conditions between the public prisons and the more Spartan private prisons. Other problems were more likely to be found in the private prisons: problems with inadequate numbers of staff, inexperienced staff, insufficiently trained staff (partly caused by difficulty in scheduling access to the State training academy), and physical plant deficiencies in the facilities owned by WCC. Richard Crane argued that part of the problem in operations at the two facilities originated with the complicated contractual arrangements between the Corrections Department, the Counties of Guadalupe and Lea, and WCC. To quote Crane (2000: 54):

In the end, the complex contractual arrangements, the unclear facility missions, the need for prison beds, and the involvement of too many agencies and individuals in negotiations, resulted in contracts which fall well short of industry standards and create significant security, programmatic and fiscal implications for the State (p. 54).

Jerry O'Brien, a correctional consultant, conducted operational reviews at the Lea and Guadalupe facilities. With regard to security issues, O'Brien listed a number of issues: tool control was in "total disarray" and was being handled by the inmates (O'Brien 2000: 125); the security staffing at the two contract facilities reflected an immature and untrained security workforce and even inexperience at the supervisory level; there were recruitment and retention problems and "serious shortfalls" in filling positions (O'Brien 2000: 124); there were serious gaps in search procedures to find contraband; and there were deficiencies in intelligence gathering. O'Brien also found fault with one of the facilities operated by the State of New Mexico, but not to the same degree as in the privately-operated institutions.

The Clark and Austin et al. reports should not be taken as evidence of problems in the entire private prison sector. The reports were requested and issued because there were known problems at these institutions, and they certainly do not reflect or represent all privately-operated prisons. By the very nature of the reports, they provided intensive case studies of the prisons within which specific incidents occurred rather than a more general assessment of the ability of the private sector to operate safe and efficient prisons. There is other evidence, though, that private sector prison operators continued to experience problems in operating their prisons in 1999.

Accounts reported in the press suggest that the private sector prison providers had problems in maintaining adequately trained and experienced staff and appropriate security practices. Table 1 lists some of the more serious incidents at the private adult prisons that were reported in the media for calendar year 1999.<sup>5</sup> As can be seen there, both major companies, CCA and WCC, had inmate escapes at their adult prisons in 1999. CCA had three escape incidents from the inside of secure facilities in 1999 in which four inmates were able to breach the perimeter. CCA, and its subsidiary TransCor, also experienced escapes when inmates were being transported, either to medical treatment or to a prison. There were four such incidents involving the successful escapes of five inmates. WCC had two separate incidents in 1999 where one inmate in each incident was able to successfully escape from inside of a secure prison. One of the WCC escapes was particularly relevant for the BOP as an inmate was able to escape from the Taft Correctional Institution, which is operated by WCC for the BOP. Correctional Services Corporation (CSC) had significant problems with the McKinley County Detention Center it operated in New Mexico.

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<sup>5</sup>There were escapes and other major incidents at other secure facilities operated by the private companies, but since these facilities are jails and detention centers, they were not relevant for or included in this report. Ryan Sherman, Esq., a legislative aide for the California Correctional Peace Officers Association, counted 38 escapes that were reported in the media from *all* secure private facilities in 1999 (Sherman 1999). He also found reports of 26 escapes in 1998, 20 in 1997, 38 in 1996, and 20 in 1995.

There were two separate escape incidents in which nine inmates were able to escape from inside of the facility. (CSC has since lost the contract to operate this facility.) The Management & Training Company (MTC) also had one escape in 1999 in which three inmates were able to escape from inside of a secure prison.

In contrast to this spate of inmate escapes from secure private correctional facilities, the BOP had one escape in 1999. This was the first escape from a secure BOP facility since 1996. The BOP, with 80,800 inmates in secure prisons in July of 1999, was almost 17 percent larger than the combined inmate populations of all private adult prisons in July of 1999.<sup>6</sup> Taken all together, the private prisons had 18 inmates escape from inside of secure prisons in 1999, and 5 inmates who were housed in secure prisons were able to escape while they were being transported elsewhere.

Private sector companies also experienced serious group disturbances in 1999. CCA (five incidents), WCC (three incidents), and CSC (one incident) experienced group disturbances in which chemical agents had to be used to control inmates, and/or injuries resulted to staff members, and/or significant property damage occurred (see Table 1). In the most tragic of these incidents, a correctional officer was killed at the Guadalupe County Correctional Facility, operated by WCC for the State of New Mexico.

In the BOP, seven incidents were classified as major disturbances in fiscal year 1999. All of these incidents involved large numbers of inmates fighting among themselves, usually gang related. Four of these disturbances required the use of gas, nonlethal munitions, or warning shots from guards on perimeter towers to control the inmates. There were no serious staff injuries in any of the seven incidents. Two of the group disturbances occurred at one institution, FCI Big Spring. In one of the incidents, MK-9 pepper fogger (an aerosol that irritates the eyes and respiratory system) was used by the disturbance control team to disperse the inmates. In the other incident at FCI Big Spring, warning shots were fired before gas and sting ball grenades (nonlethal weapons that release rubber pellets that “sting” the legs) were used to disperse the fighting inmates. Stun munitions and sting ball grenades were used at USP Leavenworth to stop fighting inmates. Finally, warning shots were fired to control inmates at USP Florence.

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<sup>6</sup>Secure prison is defined for purposes of this report as a facility with a secure perimeter fence or fences. Also, the facility must hold sentenced adult inmates in general population units. In the BOP, this excludes all facilities that are designated as minimum-security prison camps, metropolitan detention centers, prison hospitals, and metropolitan correctional centers. Secure prisons incarcerating sentenced adults include the security levels of low, medium, and high.

The capability of staff at private prisons has been openly questioned in some of the publicized incidents. Following the group disturbance at the Crowley County Correctional Facility (which is operated by CSC), John Suthers, Executive Director of the Colorado Department of Corrections, noted that “staff was (sic) not as well trained as it (sic) could have been” in handling the disturbance. Suthers promised that future contracts would place more emphasis upon “proper training.” There have been other allegations, such as those made by some staff at the Kit Carson Correctional Facility (operated by CCA), that staff separations and lack of training have caused problems, but there is typically no hard evidence to support or refute such charges.

There is further anecdotal evidence of staff problems—at least short-term problems. In the wake of a food and work strike at TCI on August 25, 1999 (not listed in Table 1) and the group disturbance at TCI listed in Table 1, the issue of staff experience came into question from the private sector vendor. Contrary to WCC’s own (and proper) correctional practice, the top executive staff directed activities from the institution compound, instead of from the command center. In both instances, the executive staff felt that they needed to be on the compound with line staff because of the youth and inexperience of the line staff (Andrews 1999: 2).

## **Research Plan for the Analysis**

The U.S. Congress (Public Law 105-277, Sec. 111) required that the Director of the BOP initiate a study that “evaluates the growth and development of the private prison industry during the past 15 years, training qualifications of personnel at private prisons, and the security procedures of such facilities, and compares the general standards and conditions between private prisons and Federal prisons.”

To fulfill this requirement, the Office of Research and Evaluation (ORE), in conjunction with subject matter experts within the BOP and the National Institute of Corrections (NIC), developed a research plan with three major components: (1) a census of secure private prisons for sentenced, adult inmates, (2) a survey of contract officials within agencies that utilized private prison bed space, and (3) site visits to selected private institutions. This report covers the census and survey. A later report will discuss the findings of the site visits.

The BOP, through the NIC, contracted with Abt Associates, Inc. of Cambridge, MA for assistance on the first two aspects of this project. Dr. Douglas McDonald of Abt Associates conducted the census of adult, secure correctional facilities. Dr. McDonald also administered the

survey that was developed by the Office of Research and Evaluation (ORE) at the BOP to institutions identified in the census. A copy of the survey instrument is presented in Appendix 3.

Once Abt Associates produced the database corresponding to the completed surveys, the data were turned over to the BOP for analysis by the ORE. The results of that survey are presented in this report. Dr. McDonald also was asked to update the earlier description of the growth and development of the private prison sector provided in the 1998 report, *Private Prisons in the United States: An Assessment of Current Practice* (McDonald, Fournier, Russell-Einhorn and Crawford 1998). This update, written with Carl W. Patten, Jr., appears as Appendix 1 of this report.

The site visits were conducted to evaluate the extent to which the training and custody policies were being implemented at the privately-operated institutions. A representative sample of private institutions would require site visits to at least 30 institutions and would involve a great deal of time and money. In lieu of that approach, it was decided that it would be more expedient to visit a few institutions that represent the positive and negative exemplars of private corrections. The selection of sites would be based on the data we received from the survey. This would be the only opportunity to closely evaluate the consistency (or lack thereof) between the standards and policy adopted by the private sector and the procedures and practices as they were being executed by line staff and their supervisors. In order to evaluate the facilities, a security-custody audit was chosen, since security and custody represent core elements of correctional practice.<sup>7</sup>

The NIC assisted the ORE in identifying an independent reviewer to accompany BOP personnel on visits to the selected private prisons. Superintendent Joan Palmateer, currently the warden of the Oregon State Penitentiary, formerly Chief of Security for the Oregon Department of Corrections, accompanied BOP research and custody experts to share her expertise. This report covers the census and survey. A later report will discuss the findings of the site visits.

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<sup>7</sup>A security audit is a risk assessment that is used to determine the likelihood of a significant safety or security problem. It focuses on the potential for an inmate escape, staff or inmate injury, disturbance, or property damage. The audit procedures were developed by the National Institute of Corrections. The audit covers such areas as the institution's armory, contraband management, hazardous materials, searches, post orders, key control, tool control, and perimeter security. The audit procedures are intended to clarify the factors that may increase or minimize the risk of a significant security problem. These factors include: "...poorly designed policy; inadequate procedures; overlooked standards; a facility design inappropriate to a changed inmate profile; inadequate training; or lack of knowledge, complacency, or inattention of staff to the requirements of their position." (National Institute of Justice, 1999: Introduction, p. 1)

## Census

The census conducted by Abt Associates identified 94 different institutions that held sentenced, adult inmates for departments of corrections in one of the 50 States, Puerto Rico, the District of Columbia, or the Federal Government. Nine of the prisons had contracted with two or more jurisdictions to hold inmates, meaning that, at the time of the census, there were 103 different contracts to hold adult inmates in private prisons. A complete list of the contracting jurisdictions, the corresponding prisons, the location of the prisons (which is sometimes different from the contracting State), the security level of the inmates being held at the facility, and the total number of inmates being held can be found in Appendix 2. The list is sorted by the contracting jurisdictions.

As of July 31, 1999, there were 69,188 inmates incarcerated in adult, private prisons in the United States. The majority of these inmates were identified by the respective jurisdictions as being medium-security, with 48 percent or 33,088 of the inmates so classified. The next largest classification of inmates was minimum-security with 35 percent (24,014) of the inmate total. For the remaining inmates, 12 percent (8,103) were identified as low-security, 4 percent (2,772) as maximum-security, and 2 percent (1,211) as having a different or no security classification (see Table 2).<sup>8</sup>

The private sector holds far fewer high- or maximum-security inmates than the public sector. In all of the public sector adult prisons in the United States, 11.7 percent of inmates received the highest or maximum-security designation (Camp and Camp 1998: 18-19) compared with the 4 percent in the private sector. Other aspects of the custody classification of inmates held by the private prisons are less clear, especially the experiences of the private sector in holding what the BOP classifies as an inmate with medium security needs. Most private prison operators accept the inmate custody classification provided by the contracting jurisdiction. Most States use different classification instruments than the BOP, even using different custody classes. The custody classification reported here, that of minimum, low, medium, and maximum, is based on the BOP classification system. However, most States use a three-level system, whereby inmates are classified as minimum, medium, or maximum/close/high. At least some medium-security State inmates would be classified as low security in the Federal system.

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<sup>8</sup>Most of the inmates, 4,741, that were reported to be low security risks were held in four different private prisons for the BOP.

The varying definitions of medium-security were illustrated in a small study conducted by the BOP that appeared in the report *Private Prisons in the United States* (McDonald, Fournier, Russell-Einhorn and Crawford 1998: 27). In that study, the appropriate administrators at three Louisiana prisons (Avoyelles, which is operated by the State, and Allen and Winn, which are privately operated) reported that 80 percent of the inmates held in their prisons were medium-security. Ten percent were identified as maximum-security, and ten percent were minimum-security. However, when a team of BOP staff assigned initial inmate classification status to a sample of the inmates at these prisons using the BOP classification procedure, only 33 percent classified as medium-security, 10 percent of the inmates as high-security, 29 percent as low-security, and 28 percent as minimum-security. According to the BOP classification standards, only half of the inmates that the State classified as medium or higher security risk actually were at the higher security levels, e.g., 90 percent were identified as medium or maximum by the State of Louisiana standards as opposed to 43 percent according to BOP standards.

We expect that there are probably many differences between jurisdictions in establishing the security risks of their population. We emphasize the relevance of the BOP's security classification system in this context because the Congressional mandate of this study asked for a comparison of privately-operated prisons and those operated by the BOP. The best evidence we currently have is that privately-operated prisons are primarily holding inmates at levels commensurate to the Bureau of Prisons minimum- and low-security levels, with a significantly smaller percentage of inmates at the medium and high (maximum/close) levels.

## **Survey**

The survey developed by the BOP's ORE was distributed to officials designated by their respective corrections headquarters as contract administrators for the private prisons identified in the Abt census. As noted previously, a copy of the instrument appears in Appendix 3. Information was received for 91 of the 103 contracts identified, a response rate of 88 percent. The most systematic sources of missing data in this report came from the District of Columbia and Puerto Rico. Three private facilities were identified as holding inmates for the District, and none of the D.C. contract administrators responded to the survey in time for inclusion into this report. The District has since responded to the survey, and the data are available for future analyses. None of the administrators identified for the four private facilities holding Puerto Rican inmates responded to the survey. The other missing information on contracts was less systematic. Information was

not obtained for one of the nine contracts for California inmates, two of the four contracts for Montana inmates, and two of the twenty contracts for Texas inmates.

The survey was designed around three basic sections. The first, and longest section, asked for information about the respective training standards in private and State prisons. In particular, efforts were made to uncover what training standards were followed in the private prisons and comparable public prisons, how the respective standards compared, and whether the private sector was allowed to determine its own standards or was required to follow standards prescribed by the contracting agency.

The second section of the survey asked for basic information about custody standards at private prisons. Information was obtained about the source of the custody standards (ACA standards, public agency standards, some other source, or some combination of sources), whether the public or private agency implemented the standards, which party to the contract monitored the standards on a daily and periodic basis, and how security technology at private prisons compared to comparable public prisons.

The final section of the survey covered three major areas: general characteristics of the prison and staff, information about the types of inmates housed at the prison, and data about the types of inmate misconduct experienced at the prison. Many of the most controversial issues in the use of private prisons pertain to staff issues. In one sense, corrections is a service industry dependent upon the quality and training of its supervisors and line staff. While institution design and technology may increase staff efficiency, these are not substitutes for the daily personal interactions between staff and inmates.

The hiring and training of supervisory and line staff is probably the single most important factor distinguishing the daily operations of private and public sector prisons. Labor expenses represent between 60 and 80 percent of the costs of operating a prison. Assuming private prisons can be run more cheaply than their public sector counterparts (a claim that has been questioned, c.f. McDonald, Fournier, Russell-Einhorn and Crawford 1998: Chapter 3), the savings will most likely come from lower wages and/or benefits, fewer staff, or both. This point has been made by many other analysts (mostly self-avowed critics) of the private corrections industry (for example, see Mobley and Geis 2000; Schlosser 1998).



Private corrections entrepreneurs such as Doc Crants, one of the founders of CCA, have openly stated that savings can be created by driving down correctional labor costs (Crants 1991). The resulting research question is “What effect will lower labor costs have on the quality of the correctional product?” A systematic answer to this question involves assessing labor costs, evaluating the quality of supervisory and line staff, and finally, measuring the indicia of correctional performance. While we did not collect data on labor costs in this study, we were able to collect information on staff turnover and a few indicia of correctional performance such as inmate escapes, drug usage hit rates, and homicides.

We are not aware of any hard data that have been collected on staff turnover prior to this study. Researchers, such as Mobley and Geis (2000), have made theoretical claims in their analysis devoted to dissecting problems with the operation of CCA facilities. These authors claim that “CCA no doubt expects very high rates of staff turnover, meaning that CCA prisons may be perpetually manned by inexperienced crews” (Mobley and Geis 2000: 31).

While we are not aware of any study establishing the importance of tenured staff, most correctional professionals will claim that well-trained and experienced line staff are the most essential resource of a correctional agency. Staff must learn how to cope with an inmate population composed of individuals who range from reluctant wards to openly hostile and belligerent antagonists. Staff must act as role models, teachers, and mentors to prisoners. They must be able to resist inmate attempts at sophisticated manipulation as well as bribes and other illegal overtures. Staff must protect the larger inmate society from the recalcitrant core of inmates that is still committed to crime. An experienced, well-trained workforce has been taught to handle inmate interactions in a professional manner, while guarding against inmate impropriety. If staff are turning over at a high rate, this makes it difficult to teach and reinforce the essential values and skills necessary to deal with the inmate population. A naive workforce could pose a danger to inmates, staff, and the public. It is important to realize that the more violent and the more recalcitrant an inmate population is, the more dangerous a naive workforce becomes. In the language of corrections, institutions composed of inmates with higher classification risk levels are the most problematic when being run by poorly trained or naive staff.

The data reported here allowed us to compare key staffing characteristics at private prisons and BOP prisons. There was no attempt to collect information on pay and benefits—generally it is expected that the pay and benefits of *individual* line staff in the Federal sector surpass that in the private sector. This is not to say that *overall* staffing costs in the Federal sector are necessarily

higher than those in the private sector. In a cost analysis of the first year of operations at TCI, Nelson (1999) found that the BOP would have operated TCI for less money than WCC did, assuming that the BOP staffed TCI the way they staffed comparable prisons. WCC employed more staff than the BOP at comparable prisons. In a separate cost analysis, Nelson (1998) demonstrated that in one jurisdiction, Tennessee, benefits paid to private prison administrators were much greater than the benefits provided to either private sector line staff or public sector workers.

To address the staffing issue, the data collection focused on uses and stability of staff. In particular, we examined staff-to-inmate ratios and separation rates, two measures that are generally regarded to be important in assessing prison operations.

The results of the survey are presented by section, starting with the third section.

## **General Characteristics of Private Prisons**

*Inmate Gender.* Of the 84 private prisons, covering 91 contracts, for which data were returned, 72 or 85.7 percent of the prisons housed male inmates exclusively, 8 or 9.5 percent females exclusively, and 4 or 4.8 percent both males and females.

*Institution Security.* Table 3 presents information about the physical security of the 84 institutions—not to be confused with the security risks posed by the inmates. Table 3 also lists the total number of sentenced adult inmates held there, the number of custody staff, and the number of all staff. Ratios that show the number of *custody* staff per 100 inmates and *all* staff per 100 inmates are also presented. Ratios could not be computed for seven of the prisons because of missing information. For convenience, the table is sorted alphabetically by the facility name. Low-, medium-, and maximum (high)-security prisons operated by the Bureau of Prisons are presented in the table as aggregates for purposes of comparison. For example, the BOP low-security prisons held 38,054 inmates, using 3,539 custody staff and 8,442 total staff.

*Staff-to-Inmate Ratios.* If the institutions are ordered by the highest to the lowest *custody* staff to inmate ratio, then the data appear as they do in Figure 1. The Bureau of Prisons aggregates are represented and labeled “BOP Low,” “BOP Med.,” and “BOP Max.” These lines represent the average custody staff per 100 inmates for BOP low-, medium-, and maximum-security prisons

respectively.<sup>9</sup> It is apparent from Figure 1 that most private prisons used more custody staff per 100 inmates than did the average BOP low-security prisons (9.3 custody staff per 100 inmates). Of the 77 private prisons for which a ratio could be computed, only two facilities used fewer custody staff per inmate than BOP low-security prisons. That is, BOP low-security institutions ranked third lowest in custody staff use. For these rankings, there were 80 total ranks as there are the 77 private prisons and the three BOP composites for low, medium, and maximum security prisons. The respective rankings for BOP medium-security prisons (14.4 custody staff per 100 inmates) and maximum-security prisons (19.9 custody staff per 100 inmates) were 24 and 58. Most privately-operated prisons use much higher custody staffing levels than the typical BOP low- and medium-security institutions. It is only when you compare privately-operated prisons to the highest BOP security level that you find custody staffing levels, on average, lower than the Bureau of Prisons. It is worth mentioning one more time, since it is easy to lose focus, that the best evidence suggests that inmates in low-security level BOP facilities are more like inmates in privately-operated medium-security level prisons rather than the minimum- or low-security level prisons operated by the private sector.<sup>10</sup>

If the data in Table 3 are reordered by the ratio of *all* staff per 100 inmates, from highest to lowest, then the data appear as they do in Figure 2. BOP low-security level prisons still, on average, appear to use fewer overall staff than a considerable number of privately-operated prisons. The BOP low-security level institutions rank 24<sup>th</sup> from the lowest total staffing level. The BOP medium-security institutions rank 63<sup>rd</sup>, and the BOP maximum-security institutions rank 66<sup>th</sup> out of the 80 institutions. Thus, the total staff-to-inmate ratios for most privately-operated prisons fall somewhere in between the total staffing ratios of BOP low- and medium-security prisons<sup>11</sup>.

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<sup>9</sup>The BOP uses a different terminology. Rather than maximum, the BOP uses high security to refer to its highest security prisoners.

<sup>10</sup>Exceptions to this rule are the low security level facilities operated for the BOP: Taft Correctional Institution, Eden Detention Center, Eloy Detention Center, and Big Spring Correctional Facility. The inmates held at these prisons are assigned to the institutions using the BOP inmate classification system.

<sup>11</sup>The *1998 Corrections Yearbook* also reports inmate to staff ratios for correctional officers and total institution staff. We converted those ratios to the number of staff per 100 inmates so it was compatible with our report. In 1997, there were 17.9 correctional officers per 100 inmates and 32.3 total staff per 100 inmates averaging across all jurisdictions. Since the data were not reported by security level, and higher security prisons tend to have higher staffing levels, we did not compare the average State staffing ratios to those we computed for the private sector.

*Staff Separations.* Summarized data for staff separations at the 84 private prisons are presented in Table 4. It is important to clearly understand what is meant by separation rate. The separation rate is the number of custody staff who either voluntarily or involuntarily left their jobs in the 6 months prior to July 31, 1999 divided by the number of custody staff in place at the facility at the end of July 1999. The separation rate provides an idea of the percentage of staff at the prison who had to be trained in the past 6 months, although not all of those new staff were necessarily still on the job. Given the way the separation rate was computed here, it was possible for the separation rate to exceed 100 percent because more than one person could be hired into and vacate the same custody slot at a prison.

Correctional officers in their first year of employment are far more likely to resign than more experienced officers. Given the fact that newly activating prisons almost always have a higher percentage of new staff than more established prisons, it follows that newly activating prisons have higher separation rates, all other things being equal. Therefore, the separation data in Table 4 are divided into newly activating prisons, those that did not operate prior to January 1998, as identified in the *1998 Corrections Yearbook*, and those that had been in operation prior to January of 1998.

The separation rates presented for the private prisons in Table 4 are high in comparison to the rates observed at the BOP during the same time period. In the period between February and July 1999, the BOP experienced 211 job separations among custody staff working at secure prisons.<sup>12</sup> Given that there were 10,380 custody staff, the BOP had a separation rate of 4.4 percent for the 6 month period ending in July 1999. As can be seen in Table 4, only 3 private prisons, or 4.5 percent of the total, had separation rates that were anywhere near the overall BOP rate. Therefore, 95 percent of the private prisons replaced and trained new staff at much higher rates than the more stable BOP prisons, and this difference between the private sector and the BOP existed both for new prisons that were activating during this period and “older” private prisons. None of the BOP prisons had a separation rate among custody staff that was greater than 9 percent for this period. Of the private sector activating institutions, almost half had separation rates that exceeded 50 percent of their staff. Even among private institutions that had been established, 22.5 percent had separation rates that exceeded 50 percent in a 6 month period.

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<sup>12</sup>Job separations in the BOP include resignations and terminations as well as retirements. Although the private sector separations may include retirements, it is likely that the numbers of retirements in the private sector were fairly low.

Staff turnover for State jurisdictions is also reported in *the 1998 Corrections Yearbook*. The average percentage turnover of correctional officers for all reporting States was 14.9 percent for the entire year. To adjust this percentage to be comparable with the six-month period used in our survey, we assume that turnover is constant throughout the year. Then approximately 7.5 percent of correctional officers, on average, separate from the State corrections agencies in a six-month period. It is not clear whether the separation rates reported for correctional officers in *the 1998 Corrections Yearbook* include retirements. The table which follows the correctional officer table depicts staff separations for all staff. Those separations do include retirements and the overall percentage for all State jurisdictions is 15.4 percent for the entire year. Thus, we assume the separation percentage for all staff in a six-month period was 7.7 percent. These separation percentages, whether for correctional officers or all staff, are lower than most of the private prison separation percentages noted in Table 4.

Additional information about the separations of custody staff at the private prisons was solicited. In particular, the contract administrators were asked whether custody staff separations created shortages among custody staff at the respective prisons, whether the private facility had difficulty in filling vacant positions, and how the turnover of custody staff compared to turnover in a comparable public institution.

As can be seen from Table 5, almost 64 percent of the contract administrators who responded to this question claimed that the separations of custody staff created shortages at the private prisons. This was most true for institutions that were newly activating. For these facilities, 73.2 percent of the contract administrators for these facilities noted that separations of custody staff created shortages. The problem was less severe at facilities that had been operating for a length of time.<sup>13</sup>

The data for how the separations of custody staff at private prisons correspond to comparable public prisons are presented in Table 6. One of the first things to notice about this table is the relatively high number of cases for which a comparison was not made by the respondents. Twenty six respondents failed to answer this question, which is almost 29 percent of the respondents who returned surveys. Of these missing cases, 6 of the contract administrators claimed that there were no comparable public prisons within their agencies with which to compare the private prison. This

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<sup>13</sup>As the data for this table are based upon contract administrator opinions, there are multiple responses for the facilities that hold inmates from more than one jurisdiction. It is interesting to note that, with one exception, the administrators from different jurisdictions who housed inmates in the same facilities were in agreement in their evaluations of staff shortages created by custody staff separations.

problem with missing data also was encountered for three other survey questions that asked the contract administrators to compare the private prison to a comparable public prison. The results presented later in the report for comparison of escape, homicide, and assault rates had about the same number of missing observations. The missing data problem may indicate that the reason there were no comparable public institutions in a jurisdiction was that the private sector was filling a niche in the supply of facilities needed by the public sector. Thus, pre-release prisons, facilities for women, or other specialized institutions may compose a significant portion of the private sector market.

For those contract administrators who did complete the question, 47.7 percent of the total number of respondents claimed that the separation rate of custody staff at the private prisons was higher than the rate at a comparable public prison. There was slight differentiation by the activation status of the prisons, as 42.9 percent of the respondents who answered for an operating private prison claimed the private prison had a higher separation rate, as compared to 53.3 percent of the respondents at newly activating prisons. What is most striking about the data in Table 6 is the low number of respondents who claimed that the separation rate was lower at the private prison. Overall, only 6.2 percent of the respondents provided this response.

Given the custody staff shortages noted previously, the responses to the question about the difficulty of filling staff positions were somewhat incongruent. Overall, 62.9 percent of the respondents claimed that the institutions they oversaw had no difficulties in filling staff positions (see Table 7). There was some difference between new institutions and old. A higher percentage of administrators who oversaw newly activating institutions than older private prisons (42.9 percent versus 27.7 percent) claimed that the institution had some difficulty in filling staff positions. Even though this question did not specifically focus on custody staff, it is difficult to reconcile why custody staff separations should have led to custody staff shortages if there were no problems in filling staff positions. What this could mean is that although turnover created staff shortages, contract administrators thought that the private sector could always find candidates to refill these positions. Thus, while turnover was problematic, there was an ample labor supply.

*Drug Misconduct.* One of the most reliable indicators of prison operations is the rate at which inmates test positive for the use of drugs and alcohol. If substance use is prevalent, it indicates a pattern of poor security practices within an institution. Random drug testing provides a snapshot of the extent of a banned activity in the general population. For other types of prison misconduct, the data include typically only those behaviors known or recognized by the prison administration,

and what is “known” is subject to many types of influence including the seriousness of the offense (most prison homicides are presumably known, where this is not as likely for less serious offenses) and the efficacy of prison control measures. For example, to compare the extent of drug misconduct at two prisons based on the rate at which inmates are convicted of drug offenses at the respective prisons, it is necessary to assume that drug misconduct is *both* uncovered and adjudicated with equal likelihood at both prisons, since it is extremely unlikely that all misconduct is known or successfully prosecuted. When comparing rates of positive results for random drug tests at different prisons, no assumptions about whether misconduct is discovered or adjudicated at similar rates across jurisdictions are necessary.

Of the 91 contracts for which information was provided, 74 required that the private sector vendor conduct random urinalysis tests of the inmates. For the 17 contracts where random drug testing was not required under the contract, 7 were with vendors who performed random drug tests anyway. This meant that for 84 of the 91 contracts, random drug testing was conducted on the inmates covered.

The data in Table 8 demonstrate that many of the private prisons for which respondents provided assessments of drug tests results for the most recent month for which data were available had favorable results.<sup>14</sup> In the BOP, low-security prisons, on average, had a positive finding for random drug tests of 0.6 percent in July of 1999. For medium- and high-security level prisons, the respective rates in the BOP were 1.0 percent and 2.7 percent for this time period.

In private prisons, 34 percent of the respondents indicated that the respective prison had hit rates for banned substances of 0 percent. About 40 percent of private prisons had positive hit rates of 3 percent or above, and almost 20 percent of the private prisons had rates at or above 10 percent. During July of 1999, 42 of the 68 BOP secure prisons in operation, or 61.8 percent, reported a random UA positive result rate of 0 percent. Another 8.8 percent of BOP institutions (6) had a positive result rate of 1 percent, while 13.2 percent of the institutions (9) had a 2 percent rate, and 16.2 percent of the institutions (11) reported a positive rate greater than or equal to 3 percent. One BOP institution had a hit rate of 11 percent, but no other institutions had a positive rate for random drug tests greater than 6 percent.

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<sup>14</sup>Twenty-seven contract administrators failed to respond to this question.

If attention is restricted to BOP secure institutions with a security rating of low and medium (the BOP security levels most comparable to the majority of private prisons), the rates at which drugs were detected were even lower. Sixty-six percent of the 57 BOP low- and medium-security institutions (38) had a positive detection rate of 0 percent. A positive rate of 1 percent was observed in 7 percent of the institutions. A rate of 2 percent was observed in 14 percent of the institutions. And a rate of 3 percent or greater was observed in 12 percent of the prisons. A positive rate of 6 percent was the largest rate observed for low- and medium-security BOP prisons during this month.

Respondents also were asked about practices at public prisons in their own prison system. Seventy-nine of the 91 respondents answered that their agency conducted random drug tests in comparable public prisons, 7 reported that drug tests were not conducted, and responses were missing in 5 cases. The respondents also were asked about the hit rates for unauthorized substances at a comparable public prison, but only 29 (32 percent) of the respondents provided useable data. Since most of the data for this item were missing, it would be misleading to try and analyze the responses to this question.

*Escapes and Homicides.* Escapes from secure prisons and homicides are uncommon but extremely critical. However, fluctuation in escape and homicide rates may be deceiving. Take, for example, the following hypothetical headline: “Homicide rate in local prison increases by 100 percent.” Such a headline is certain to capture the attention of readers. However, a 100 percent increase would be produced by a change of 1 unit, from 1 murder per year to 2. Imagine how this compares to another hypothetical headline: “Budget in local prison increases by 100 percent.” Clearly, this latter 100 percent increase would not have been created by an increase of one dollar.

The reason for this rather pedantic point is that it is important to frame the context of the critical nature of escapes and homicides when comparing numbers. Both for substantive and methodological reasons, the numbers for escapes and homicides should be treated for what they are: rare events, but escape data are sometimes treated as reflecting more common events and thus subject to standard statistical treatment. Dr. William Archambeault, for example, compared two private prisons and one public prison in Louisiana (Archambeault and Deis 1996). He found that one of the private prisons experienced three escapes, the second private prison experienced five escapes, and the public prison had no escapes. These escapes occurred over a period of 3 to 4 years. He performed a standard analysis of variance statistical test on these data and concluded that there were no significant differences between the three prisons in terms of escapes. This



conclusion is only as sound as the appropriateness of the test, and there are good reasons not to perform a statistical test in this case. Substantively, something differed in the practices between the three prisons whereby inmates were able to escape from two of the prisons on multiple occasions, but not the third.

The data in Table 9 demonstrate that the anecdotal evidence on escapes culled from newspaper accounts agreed with the data collected in this survey, even though the 12-month time spans overlap only for the first seven months of 1999. The anecdotal evidence covered January to December 1999, while the data collected in the survey covered August 1, 1998 to July 31, 1999. Where the media reports for 1999 revealed 18 inmate escapes from inside of secure prisons, a simple tabulation of the data presented in Table 9 shows that there were a total of 23 escapes. All of the escapes were from male prisons. The data also show that most of the prisons, 85 percent of all private prisons, had no escapes during this time period.

Earlier, it was reported that the BOP had one escape from one facility during the 1999 calendar year. This escape occurred within the time frame covered by the survey. There were 68 secure Federal prisons in operation at the beginning of calendar year 1999. This means that 98.5 percent of BOP secure prisons experienced no inside escape in 1999.

Data on homicides are presented in Table 10. As can be seen there, homicides occurred in only 3 of the male private institutions during the 12 months prior to and including July 1999. Homicide data were reported for 80 of the 84 private prisons. The institutions for which homicide data were available covered 63,124 inmates. There were 5 homicides reported at these facilities. The BOP had seven inmate homicides at six different prisons. Stated differently, homicides occurred in 3.8 percent of the private prisons and 7.5 percent of the BOP prisons.

Another way to present homicide data is to calculate a rate per 5,000 inmates. In the BOP, there were 80,800 inmates in secure prisons during July of 1999, and there were 7 inmate homicides. That means that there were 0.433 homicides for every 5,000 inmates. In the private sector with data covering 63,124 inmates and 5 homicides, the corresponding rate per 5,000 inmates was 0.396. The rates in the BOP and private prisons were close to one another. The slightly higher BOP rate may well be related to the fact that the BOP confines significantly more high-security inmates. In fact, only 3 of the 7 homicides occurred at a low- or a medium-security prison during this 12 month period. Since there were 68,541 inmates in these facilities, the corresponding

homicide rate per 5,000 inmates was 0.219, a figure lower than that observed for the private prisons.

*Assaults.* Cross-jurisdictional comparisons of assaults are difficult to make. Jurisdictions use different reporting conventions and different definitions to distinguish simple and aggravated assaults. Throwing a fluid on a correctional officer is a serious assault in some jurisdictions but not others.

The data for serious assaults in the 12 months prior to and including July 1999 are presented in Table 11. Thirty-eight of the 75 private prisons, or slightly over half, reported that at least one serious assault had occurred over the course of 12 months. In all, there were 346 serious assaults reported at private prisons. Computed as a rate, since there were 63,124 inmates for whom assaults were reported, the rate of assaults was 27.4 per 5,000 inmates in the private prisons. In the BOP for this time period, there were 267 assaults by inmates on another inmate where a weapon was used. There were an additional 730 assaults of an inmate by an inmate where a weapon was not used. Again, many of the assaults occurred at high-security BOP prisons. When high-security prisons are excluded, there were 143 assaults on another inmate with a weapon and 548 assaults where a weapon was not used.

There is no direct correspondence between the survey question on serious assaults and the data the BOP collects on inmate assaults. The private sector serious assault rate of 27.4 per 5,000 inmates is higher than the BOP assault rate when only assaults involving a weapon are chosen. This is true whether the comparison is based on all secure BOP prisons (rate of 16.5 assaults per 5,000) or whether the comparison is based on low and medium security BOP institutions (rate of 10.4 assaults per 5,000). If, on the other hand, serious assaults encompass every assault, with or without a weapon, then the BOP rate is higher than the private sector, whether based on all secure BOP prisons (rate of 45.2 assaults per 5,000) or only low and medium security prisons (rate of 40.0 assaults per 5,000). Whether or not the private sector's serious assault rate was higher or lower than the BOP's serious assault rate is ambiguous. The choice is left to the reader.

*Victim Injury.* To provide context to the Bureau of Prisons data, information about injury to the victim is collected on serious assaults. In a recent study conducted by the Office of Research (Gaes and Karacki 2000), it was found that most "serious violent incidents" do not result in injury to the victim. When a staff member was a victim, 93 percent of the time there was no injury. Even among inmate victims, almost half of all serious violent behavior had no associated injury.

*Comparison of Misconduct.* The contract administrators who completed the surveys were asked to compare the escape, homicide, and assault rates that they reported for the private prison they oversaw with rates at a comparable public prison operated by their agency. These responses are summarized in Tables 12, 13, and 14. As discussed previously, there were relatively large numbers of missing responses for each of these tables, about a third of the responses in each table. For the respondents who did provide an evaluation, their responses demonstrated that the escape, homicide, and assault rates at private prisons compared very favorably to the respective public prisons. For all three types of misconduct, at least 60 percent of the valid responses indicated that the private prison misconduct rates were the same as the public prison rates. Another 30 percent of the respondents noted that the private prison misconduct rates were lower than the comparable public prisons, and very few respondents answered that the private prisons rates were higher than the public prisons for any of the three types of misconduct.

*Security Threat Groups.* The contract administrators were asked about intelligence activities relating to gang members and other members of security threat groups. As can be seen in Table 15, most of the administrators, 85.7 percent, reported that the agencies they worked for tracked this information with an intelligence system. Of those States with intelligence systems, almost all of them shared this information with the private contractors (91.7 percent) and obtained input into the intelligence data from the private contractors (91.7 percent).

*Visiting Policies.* The contract administrators were surveyed about the visiting policies in place at the private prisons. They were asked to evaluate the policies at the private prison in comparison to similar public prisons within their own agencies. As can be seen from Table 16, most of the administrators (89.9 percent) claimed that the visiting policies at the private prisons were the same as those at comparable public facilities. Only a small percentage of respondents said that the visiting policies at the private facility were more lenient (4.5 percent) or more stringent (5.6 percent) than the public sector visiting policies.

*Inmate Placement.* Table 17 presents information on the restrictions, if any, placed on the types of inmates sent to the private prisons under the terms of the 88 contracts for which data were available for this question. For 33 of the contracts (or 37.5 percent), there were no restrictions on the types of inmates that were sent to the affected private prison. Restrictions were in effect for 62.5 percent of the contracts. The most common restriction was for inmates with special medical needs. Such inmates were not sent under the terms of 50 percent of the contracts. The next most

common restriction was for the “other” category (39.7 percent of the contracts), followed by restrictions on high publicity inmates (22.7 percent) and gang members (14.7 percent).

### *Summary of General Characteristics Section*

There were differences between the BOP and private sector prisons on several of the measures examined in this section. The BOP reported lower ratios of custody staff to inmates than most of the private prisons; however, the BOP used comparable staffing ratios for total staff to inmates. It would seem that the comparable ratios of total staff to inmates resulted from greater use of staff such as case management and program staff, although this issue was not examined directly in the survey.

The BOP also had a more stable workforce. The separation rates for custody staff at most private prisons were much higher than the corresponding rates for BOP prisons. The State contract administrators surveyed also noted that the separation rates at the private prisons were higher than the corresponding rates at comparable public prisons operated by their respective agencies.

Regarding inmate misconduct, urinalysis hit rates were lower in BOP prisons than in many of the private prisons, although quite a few of the private prisons were doing very well on this measure. The BOP also had substantially fewer escapes than private prisons taken as a whole. The homicides rates for all BOP prisons and all private sector prisons were very similar. However, it is worth remembering that secure BOP institutions had a higher percentage of high- and maximum-security prisoners, and probably medium-security prisoners as well. Due to the incompatibility in the survey question and the BOP data, it was not possible to compare assault rates effectively.

The contract administrators, for the most part, rated inmate misconduct in private prisons as being comparable to rates of misconduct in their own public prisons.

### **Training Standards and Policy**

In this section and in the next section on custody standards, we represent much of the data by jurisdiction. It simply made more sense to represent the survey results by jurisdiction because of the way the questions were asked. For example, at the time of the survey, the Oklahoma Department of Corrections had six contracts, four with Corrections Corporation of America, and one each with Wackenhut Corrections Corporation and McLoud Correctional Services. Question

1 asked about preemployment requirements for staff at the contract institutions and question 2 asked about the same preemployment requirements for staff at the public agency. Although there could be six different responses for the different Oklahoma contracts, one might expect one consistent response for the preemployment requirements for public employees of the Oklahoma Department of Corrections. While there is a great deal of consistency in the responses associated with questions about the public agencies, there are occasions when there were different responses for a particular jurisdiction. There are logical reasons why this may have happened. Perhaps there were different requirements for different kinds of institutions within a jurisdiction and the respondent was making a logical comparison between the particular contract he or she was evaluating and a similar public institution. If more than one person filled out this survey within a jurisdiction, there also could have been differences in interpretation. These differences do not seem to affect the substantive interpretation of the results of this survey. But rather than impose our own interpretation on the responses, we present the results as they occurred, showing the variation of responses within a jurisdiction.

*Employment Requirements.* We review the responses question by question and then draw general conclusions at the end of the section. The first two questions, as already mentioned, refer to the employment requirements imposed upon employees working for privately-operated prisons and requirements for the public agency employees. As can be seen in Table 18, jurisdictions imposed a number of different employment requirements for both privately contracted and publicly-employed staff. In Table 19, these data are represented by jurisdiction. In each cell of the table, the number to the left of the slash (“ / ”) represents the response for each of the contracts within a jurisdiction. The number to the right of the slash represents the response associated with the public agency of that jurisdiction. For example, looking at the Arizona row, one can see that the State required an employee working for private contractors to have an NCIC check, local police check, drug test, physical exam, a background interview, background investigation, and psychological test. These same requirements were imposed upon the public sector employees as well.

The last column in Table 19 compares the responses provided for the public and private sectors. For the most part, requirements were the same for the private and public sector employees. There was much more variation between jurisdictions than there was between the private and public sectors within a jurisdiction. The only jurisdiction where the requirements were dramatically different was Minnesota.

*Use of Force.* Table 20 represents the responses to question 3, which asked whether staff at the privately-operated prisons had legal authority to use lethal and nonlethal force. With some exceptions, staff at the privately-operated prisons were generally allowed to use deadly force, pursue an escaping inmate off prison property, carry a weapon on escorted trips, and search visitors. Carrying a weapon while at work was the least likely action to be authorized. The jurisdictional breakdown (Table 21) shows that the pattern noted in Table 20 was particularly true in California, Georgia, Hawaii, Montana, New Mexico, and Texas. As Table 22 indicates, 82 percent of the responses indicated that staff at the privately-operated prisons had access to firearms.

*Initial Firearms Training.* Questions 5 through 9 posed a series of questions about the kinds of training custody staff received. Question 5 asked a series of questions about initial firearms training. Of the 91 contracts represented in responses to this survey, 77 respondents (85 percent) indicated that the staff at the private facilities had initial firearms training (Table 23). Of the 77 responding “yes” to initial firearms training, 64 (83 percent) indicated that this was a contract requirement (Table 24). Thus, of 91 contracts, only 64 (70 percent) had requirements for initial firearms training. A higher percentage of the respondents indicated that the public agencies represented in these surveys, 28 different jurisdictions, were more likely to require initial firearms training. Table 25 shows that 82 of the 91 responses (91 percent) indicated that firearms training was a requirement for staff at the public agencies. This included 7 jurisdictions that either indicated the question was not applicable or where the responses were missing.

When one examines the responses to this question by jurisdiction (Table 26), every jurisdiction had respondents indicating public employees had to receive initial firearms training. Several jurisdictions, such as Texas, which had multiple contracts with private prisons, had a small number of responses where the information was missing. Furthermore, a few Texas respondents, and nobody else, indicated that public employees did not have to receive initial firearms training; however, of the 18 Texas responses, 14 indicated public employees were required to have initial firearms training. The Texas responses may indicate that some contract facilities have such low custody requirements that weapons were not necessary, and there may have been no comparable or applicable public agency facility.

Respondents to the survey were asked to compare the standards used by the public and private agencies for initial firearms training. While there were 77 contracts that involved initial firearms training, there were 72 responses to this question (Table 27). Those responding indicated that the

standards were the same in 53 cases (73 percent)—either because the contract required public standards or because the vendor chose to adopt public standards. Most of the time, staff at the privately-operated prisons provided the firearms training. The second most common method was for public staff to provide the training at a public training facility (Table 28). Some jurisdictions with more than one contract have adopted a uniform way in handling firearms training (Table 29). For example, the BOP, Mississippi, and New Mexico had uniform policies regarding initial firearms training. The BOP and Mississippi allowed the private vendor to do the training, while New Mexico used public agency trainers. The corrections departments in Texas and Oklahoma allowed the training to be conducted by either the private or public sector. Most jurisdictions indicated that private and public sector employees had to have the same number of hours of training (see Table 30).

*Initial Training for Custody Staff.* Questions 6, 6a, 6b, 6c, 6d, and 6e asked for the same series of responses on initial training for custody staff. Every jurisdiction except one indicated that custody staff at the private facilities were required to undergo training before or soon after their employment (Table 31). Of the 90 contracts for which custody training was required, 86 (96 percent) had this requirement built into the contract (Table 32). Of the responses to the question on whether the public agency also required initial custody training, two responses were either missing or inapplicable. When we looked at the jurisdictional responses, every jurisdiction indicated that initial training for custody staff was a requirement (data available upon request, see summary in Table 33). Participants were then asked whether the standards for initial training for custody practices were the same as or different from requirements for public sector employees. The responses indicated that the standards were the same because of contract requirements (Table 34). The second most frequently used category was “other.” The exact responses are listed below Table 34 in Note 1. For the most part, these responses either indicated the standards were difficult to compare or the respondent gave a qualification to his or her response that the standards were similar.

Question 6d asked who was responsible for providing initial custody training. The private contractor’s staff were most likely to provide the training, followed by public sector staff (Table 35). We also analyzed this question by jurisdiction (Table 36). Jurisdictions that used the private contractor to conduct training also used alternative training techniques. For example, Texas used the public agency training facilities and the private sector’s personnel to train custody staff.

Table 37 represents the hours of initial custody training required by both the public agencies and their contractors. For the most part, the side-by-side comparisons indicated that the public and private sector employees were involved in roughly the same number of hours of training within jurisdictions. There was much greater variation between jurisdictions than there was between the public and private sectors within a jurisdiction. In some cases, jurisdictions required less than 50 hours, while others required more than 500 hours.

*Firearms Refresher Training.* Questions 7, 7a, 7b, 7c, 7d, and 7e focus on requirements for firearms refresher training, which ensures that staff maintain their firearms skills. Most private facilities required firearms refresher training (Table 38), and among those that did, this was primarily a contract requirement (Table 39). The public agencies were only slightly more likely to require firearms refresher training (see Table 40). Every jurisdiction responding to this survey indicated that they required firearms training in the public sector; however, there were a few jurisdictions in which there was some inconsistency noted in the responses. Although the majority of respondents indicated firearms refresher training was required by the public agency, one or a few respondents indicated that the public sector did not require it or the question was inapplicable (data are available from the authors but is not presented in the tables). Respondents to this questionnaire may have been using a public agency comparison standard that included non-secure facilities that do not require perimeter security or firearms training.

The great majority of respondents (78 percent) indicated that periodic firearms refresher training standards for private prisons were the same as the requirements for public institutions (Table 41). Once again, the private sector assumed the primary responsibility for this kind of refresher training (Table 42 and Table 43), while the public sector was the second most likely source of periodic firearms refresher training. Most agencies and their contractors required 8 hours of periodic firearms refresher training (Table 44), and there was very little difference between the public and private sector.

*Refresher Custody Standards Training.* Questions 8, 8a, 8b, 8c, 8d, and 8e refer to periodic refresher training for custody standards. Periodic refresher training is important not only to maintain the skills of staff but to inform them of changes to policy and introduce new techniques. Every respondent except one (who didn't know), indicated that the private contractors under their jurisdiction required periodic refresher training for custody standards (Table 45). This was a contract requirement 93 percent of the time (Table 46). Most of the respondents also indicated that the public agencies also required periodic refresher training for custody practices (Table 47).



When these data were analyzed by jurisdiction, every jurisdiction indicated that the public agency required periodic refresher training for custody practices; however, as was the case with the firearms training, a few respondents indicated that the question was not applicable or that the periodic training was not required by the public agency (data available from the authors and not reported in the tables). Once again the respondents may have been making specific comparisons to public facilities that were atypical of the majority of the institutions run by the public agency. The standards for this kind of training were primarily those issued by the public agencies or those public agency standards adopted by the contractor (Table 48). The private contractor's staff were, by far, the most likely to provide the custody practice refresher training (Table 49). In some jurisdictions, multiple sources were used to accomplish the refresher training (Table 50). Most jurisdictions required 40 hours of periodic refresher training on custody practices, whether it was for the private or public sector employees (Table 51).

*Specialty Training on Inmate Gangs.* The last question in the training section of this survey asked about specialty training regarding inmate gangs. Of course, this kind of training was most appropriate in higher-security facilities, where gangs pose a much greater problem. About 59 percent of the contracts involved privately-operated institutions, where there was training for managing inmate gangs (Table 52). When this kind of training occurred, it was only a contractual requirement half of the time (Table 53). Of the contract-by-contract responses, only 55 percent indicated that the public agency required gang management training (Table 54). The jurisdictional data indicated that 9 of the 28 (32 percent) responding agencies did not require gang management training (data by jurisdiction are available from the authors). Since private sector inmates still tended to be lower-security prisoners, it is not surprising that gang management training was not required for a large number of the contracts. The standards for gang management training were most likely to be the public sector standards (Table 55), and the training was done primarily by the staff at the privately-operated facilities (Table 56), although in some jurisdictions, training was done by multiple sources (Table 57). Gang management training was typically 40 hours, regardless of whether it was conducted by the private or public sector (Table 58).

### *Summary of Training Section*

For employment requirements, public agencies were somewhat more likely than private companies to require initial firearms, firearms refresher, and gang management training, while initial and periodic custody practices training seemed to be required at about the same levels. The

small difference in training standards may be attributable to the fact that the contract prison population represents, on average, lower security and custody level inmates.

The standards used by the public and private agencies for the various kinds of training were more likely to be the same, whether it was because the contract between the public agency and the contractor mandated the same standards, or whether it was because the contractor adopted the public standards.

Training at the privately-operated prisons was primarily the responsibility of the private sector employees, although the public sector also did a significant amount of the training. The number of training hours was almost identical between the public agency employees and the staff at the privately-operated institutions.

The larger picture that emerged from this data is that private contractors were typically obligated to use the training standards and practices of the public agencies. There was much more variation from jurisdiction to jurisdiction than there was between the publicly- and privately-operated institutions within a jurisdiction.

## **Custody Standards and Policy**

A section of the survey addressed policies governing custody standards. The first question asked about the standards used to govern custody practices at the private facilities. Not surprisingly, the private facilities were using combinations of American Correctional Association (ACA) standards and public agency standards (Table 59). When the responses are represented by jurisdiction (Table 60), it is clear that most jurisdictions used combinations of standards produced by ACA, the public agency, and other relevant jurisdictional standards.

The second question asked how custody policy was established. Table 61 depicts the responses to this question. Custody policy was primarily developed by the private vendor, but it had to meet standards set by the agency (42 percent). In 23 percent of the contracts, the private operators had to adopt the public agency policy in its entirety, adopt the public agency policy with small allowances for change (18 percent), or adopt some portions with the private contractor developing the rest (15 percent). Thus, the private vendors were heavily influenced by the public agency custody policy.

Many jurisdictions used various combinations of policy development requirements, especially those with many different contracts (Table 62). California was an exception. All 8 of the California contracts required the private vendor to adopt the public agency policy (with some small allowances for change).

Contract monitoring is, of course, an important aspect of quality assurance, both for the private and public agencies. Table 63 represents the answers to the question about who was responsible for routine monitoring of actual custody practices to determine if standards were being followed. The most common response, by far, was that both the public agency and private contractor were responsible for monitoring (68 percent). Only 6 percent of the respondents indicated that only the private agency was responsible, and the remaining 23 percent indicated that the public agency had exclusive responsibility.

Question 4 in this section asked who was responsible for intensive, formal reviews to insure that the ongoing monitoring of custody practices was functioning properly. This question was used to distinguish routine monitoring from intensive audits of custody policy and practices. Table 65 presents the summary of responses. It was equally likely that either the public agency exclusively, or the public and private agency in concert, performed the intensive formal reviews. Both represented 46 percent of the responses. Only 6 percent of the respondents indicated that the private vendor was solely responsible for the intensive formal reviews. When this question is represented by jurisdiction (Table 66), it is clear that some jurisdictions preferred to have public employees perform intensive formal reviews, while others used both public and private staff to do the reviews.

One claim made by advocates of privatization is that the private sector capitalizes on technology more than the public sector. The last question in this section asked the respondents to compare the level of security technology used at the contract facility and the most comparable public institution. The responses appear in Table 67. In most cases, the security technology was rated to be equivalent between the public and private facilities (70 percent). If there was a difference, it favored the private sector, where 19 percent of the respondents answered that the private institution had more advanced technology. Only 6 percent of the responses indicated that the private-sector technology was inferior. Since many of the private facilities were newer than most public facilities, the advantage the private sector held may be due to the fact that newer facilities tend to have more security technology built into them.

### *Summary of Custody Section*

The responses to this section of the survey showed that the private sector's standards and policies were typically a reflection of the jurisdiction governing the contract. The public sector maintained responsibility for routine and intensive formal reviews of custody practices but often did these reviews in conjunction with the private sector. The training and custody sections of the survey demonstrate (not surprisingly) that the training and custody policies and standards of the privately-operated prisons were a reflection of the same standards and policies of the public jurisdiction responsible for those contracts.

### **Verification of Inmate Classification**

One of the criticisms of CCA noted in the Clark report was that there was no attempt by the company to verify the security/custody status of the inmates they were receiving from the District of Columbia. According to the contract, CCA was only supposed to house medium or high-medium security prisoners. In fact, the Clark report noted that "Until recently, NOCC never developed a capacity for inmate classification and screening." (Clark 1998:Executive Summary, Page 1). Classification procedures have become so fundamental to the orderly running of most correctional systems that they could be considered a prerequisite for a system to work well.

To assess whether the NOCC experience was an anomaly or a common practice among private correctional agencies, questions were developed to find out what, if any, procedures were used by private vendors to verify the security/custody status of the inmates they received from different State jurisdictions. An analyst at Abt Associates made telephone calls to the contract administrators and, when directed, made further calls to knowledgeable people who could answer the questions. Table 68 lists the responses to the primary question: Do administrators at this facility have a method of determining (or verifying) the security level of inmates they receive? Of the 92 responses to this question (11 missing responses), 75 (81.5 percent) indicated that the private vendor used procedures to verify the security level of inmates sent to their institution. Table 68 also lists answers to the follow up question that asked the respondents to explain their answer. As can be seen in Table 68, the most common response was that the State determined the security level of the inmate, typically using a State-developed classification tool. It was the responsibility of the private vendor to verify the status of that inmate by checking the classification level once the institution received inmates and their documentation. The private

vendor used the State classification tool to verify the inmate's status. In some cases, the State took complete responsibility for security assignment and verification.

Thus, contrary to the NOCC experience, it seems that private vendors are using procedures to verify the security status of the inmates assigned to their facilities. These findings also confirm a broader theme in these data. Private vendors must develop expertise consistent with the jurisdiction with which they contract.

## **Concluding Remarks**

The private prison industry experienced phenomenal growth from its founding in the 1980s until the present. While there have been changes in the types of inmates held in private prisons, most of the experiences of the private sector has been with lower risk inmates. The relative growth in the private sector (that is, the increase in prisoners in comparison to the numbers previously held) will probably not be as dramatic in the future as it has been in previous years. In fact, there is some evidence that the growth in the U.S. prison population is slowing down. Nonetheless, there is every reason to believe that growth in absolute numbers of inmates held in private prisons will continue to expand, necessitating increased hiring and training of private prison staff. Many of the factors driving the growth of the U.S. prison population—increased arrests and prosecutions, mandatory minimum sentences, determinate sentencing/elimination of parole, less use of probation—are the same factors that necessitate that a jurisdiction add prison capacity and contract for some of those beds.

From the survey results presented here, there do appear to be some systemic problems that the private sector must address. Particularly regarding staffing, the rapid turnover of staff perpetuates the situation in which private prisons are operated by inexperienced staff. Experienced staff are essential in operating safe and secure prisons. The large numbers of escapes from private sector prisons, in comparison to the BOP, may be related to this phenomenon. As anecdotally reported here and more systematically in the Clark and Austin et al. reports, staff inexperience was evident in the Youngstown situation, the New Mexico problems, the Colorado group disturbance, and the Taft Correctional Institution incidents.

Another area that needs more probing is the staffing patterns at public and private prisons. The custody staff-to-inmate ratio is generally higher at private prisons than in the BOP, suggesting the private sector is more invested in staffing patterns that emphasize security. The total staff-to-

inmate ratio of most private facilities lies somewhere between the staffing levels of the Bureau of Prisons low- and medium-security prisons. Thus, our best evidence is that the private sector's overall staffing levels are comparable to the BOP; however, since their custody staffing levels are higher, they probably use fewer program and case management workers. This suggests that there may be fundamental differences in how the private sector approaches corrections.

The impetus for the use of private prisons in the United States was the promise of lower costs and the need for additional capacity. In Australia and the United Kingdom, the motivation to privatize was driven by these factors but was also propelled by prison reforms (see, for example, Harding 1997; Vagg 1994). In fact, Harding (2000) and others have proposed that private prisons are places for experimentation, a test-bed for new approaches to programming, management, and staffing. The competition that arises from the contrasting approaches between the public and private sectors, according to this proposition, will promote innovation and cross-fertilization of ideas and practices. While this proposition appears plausible, there are factors that limit these possibilities.

Because of the inherent risk of corrections, private companies and State agencies that have oversight obligations are unlikely to wander very far from standards and requirements that have already been established in each jurisdiction. The survey results on training and custody standards and requirements show that the private sector, even when not contractually obligated, has adopted the standards and policies of their public sector counterparts. A different constraint upon private operators involves jurisdictional requirements that cost savings must be demonstrated. These requirements reduce the opportunities for innovation, especially in the private sector's flexibility to experiment with the management of human resources, the most costly part of prison operations. One of the few alternatives the private sector has to save money and make a profit is to suppress labor costs through direct measures such as restructuring pay and benefits. But, reducing pay and benefits may result in high separation rates among staff.

The question that remains is whether there is sufficient room for the private sector to maneuver and innovate when they are constrained by correctional standards and State cost containment goals. Thus, in most jurisdictions, the privately operated prisons become an extension of the public correctional agency.

There are exceptions to the pattern of private prisons being extensions of the public sector that contracts for their services. In Florida, for example, the contracting for private prisons is under

the control of an agency that is separate from the Florida Department of Corrections. Also, the philosophy concerning contracting for private facilities at the BOP is to provide a balance between setting policy and encouraging innovation. The BOP structures its contracts, where feasible, around performance goals instead of policy compliance. In other words, the Bureau contracts for certain levels of output from the vendor, but the vendor is free to determine how they can achieve the output goals when bidding for the contracts.

Nonetheless, the general practice in the United States is for private prisons to reflect the training and security policies and standards of the agencies contracting for their services. As we noted throughout the training and custody sections of the report, there was much greater variation between jurisdictions than there was between the public and private sectors within a jurisdiction. The implication of this finding may be that the operations and practices of the private sector are a reflection of the contracting jurisdiction, whether the jurisdiction's policies and standards are good or bad, progressive or retrogressive. Thus, despite the fact that CCA and WCC are large correctional entities, the operations at their facilities are more likely to be influenced by the contract jurisdictions and local circumstances (e.g., labor markets, cost of living) than they are by corporate policies and standards.

Given the problems with escapes and disturbances documented here and the problem of staff instability, many (though certainly not all) of the privately-operated prisons are struggling to meet basic safety and security standards. This may be a reflection of the immaturity of the private corrections sector, and it may be alleviated if the private vendors can stabilize their workforces and retain sufficient numbers of line and supervisory staff with sufficient correctional tenure. Experienced staff can train the younger workforce and serve as models for that workforce.

It is important to distinguish between the standards and policies of a correctional system and the manner in which they are implemented. Having sound policy is only the first step. Ensuring that staff execute policy correctly is just as important. The survey methodology used in this report could not measure the extent to which practice fulfilled policy at private prisons on a day-to-day basis. That kind of performance is assessed through systematic audits of all aspects of prison operations. The only indicators of performance we had from this survey were the numbers regarding escapes, drug use hit rates, assaults, disturbances, and homicides. Based on those indicators, and on the high turnover rate of staff at private prisons, it would appear that both the public and private sector managers need to be vigilant in their monitoring of the day-to-day operations of privately-operated prisons—certainly no less vigilant than they need to be about

public sector performance. It is important to note that this is not an indictment of every privately-operated prison. The data represent an overall picture.

This study brings to light several significant issues related to staffing, workforce experience, and performance in the private sector. We believe that these issues should be addressed before the private sector is allowed to take responsibility for the custody of more violent and sophisticated prisoners.



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Figure 2. Private Institutions Ordered by Their Total Staff to Inmate Ratios

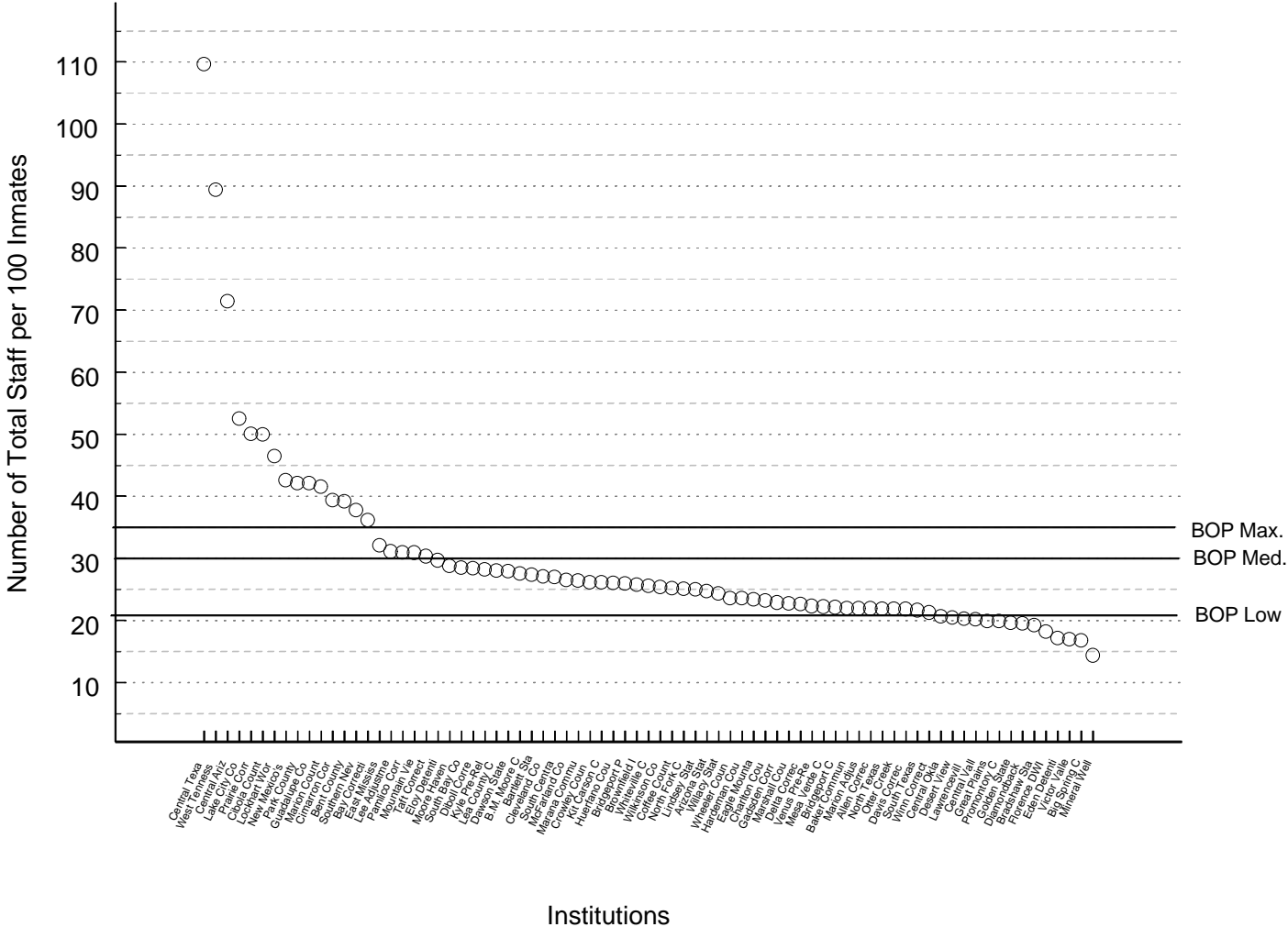


Table 1. Serious Incidents at Private Prisons in 1999<sup>1</sup>

Listed by Company and Date

Company	Date	Correctional Facility	Incident	Facility Type	Brief Description
CCA	1/30/1999	South Central Correctional Facility, TN	Escape	Prison	An inmate, who confessed to first-degree murder in 1990, was able to escape with the cooperation of a staff member. A female prison officer dressed the inmate as an officer and helped him walk out of the prison.
CCA	3/19/1999	North Fork Correctional Facility, OK	Group disturbance	Prison	A dispute between a Wisconsin inmate and a correctional officer in the dining hall spread to other inmates, including inmates in a housing unit. Gas was used to control the inmates. All inmates in the facility are from WI.
CCA	5/20/1999	West Tennessee Correctional Facility, TN	Escape / Attempted Escape	Prison	Four Montana inmates being held in a TN prison attempted an escape. Two inmates were caught before they could climb the perimeter fence, but two inmates, one a convicted murderer, were able to complete the escape.
CCA	7/25/1999	In Transit, VA	Escape	Transport	Two maximum security inmates, both convicted murderers, who were being returned to a Virginia prison after a court appearance in TN, were able to escape from two CCA officers. The officers left the door to the van unlocked while at a restaurant, and the inmates were able to slip their leg irons and flee.
CCA	7/28/1999	Bent County Correctional Facility, CO	Escape	Prison	An inmate was able to escape from the prison, probably by stowing away in a trash truck. Another inmate had escaped from this prison two weeks earlier by hot-wiring a prison van while working at a regional recycling center.

<b>Company</b>	<b>Date</b>	<b>Correctional Facility</b>	<b>Incident</b>	<b>Facility Type</b>	<b>Brief Description</b>
CCA	8/15/1999	Diamondback Correctional Facility, OK	Group disturbance	Prison	A disturbance started when correctional officers attempted to stop two inmates from climbing a fence separating two recreation areas. 25 inmates went on a rampage with \$400,000 in damage from fire, smoke, and water resulting from 12 separate fires.
CCA	8/16/1999	Hardeman County Correctional Facility, TN	Escape	Transport from Prison	While on a hospital visit, an inmate, convicted of robbery, was able to escape by overpowering an officer after the officer had released the inmate from handcuffs. The inmate took the officer's gun, a woman hostage, and a car stolen from the hostage to flee down an interstate highway.
CCA	8/17/1999	Torrance County Correctional Facility, NM	Group disturbance / Assault on staff	Prison	Two officers were seriously injured in a disturbance that involved about 290 inmates. One officer was in a coma for four days. As many as 75 inmates were involved in the disturbance, which may have been staged as a cover for an aborted escape attempt.
CCA	1/1999 through 9/1999	Kit Carson Correctional Facility, CO	Staff misconduct	Prison	Charges were made that up to 15 female officers and nurses had affairs with Colorado inmates during the first 9 months of operation of this private facility.
CCA	11/17/1999	Pamlico Correctional Facility, NC	Escape	Transport from Prison	A convicted killer in North Carolina escaped from officers who had escorted the inmate to a doctor's office in New Bern, NC.
CCA	11/30/1999	Whiteville Correctional Facility, TN	Group disturbance	Prison	A disturbance started in the dining hall shortly after the visiting Corrections Secretary of Wisconsin left the dining hall. The facility holds WI inmates. The inmates took 15 hostages, and 3 staff received minor injuries during the incident. Tear gas was used to end the disturbance.

<b>Company</b>	<b>Date</b>	<b>Correctional Facility</b>	<b>Incident</b>	<b>Facility Type</b>	<b>Brief Description</b>
CCA	11/30/1999	Crossroads Correctional Center, MT	Group disturbance	Prison	A dispute over prison policies regarding televisions escalated into a riot involving 49 inmates. The incident was brought under control quickly with the use of tear gas. Damages were limited.
CSC	3/5/1999	Crowley County Correctional Facility, CO	Group disturbance	Prison	The disturbance started in the dining hall when a Washington state inmate hit a correctional officer with a tray. The disturbance spread to two housing units, where staff were able to control the disturbance with the use of OC spray. While the incident started with Washington state inmates, inmates from Wyoming and Colorado also became involved in the disturbance.
CSC	9/5/1999	McKinley County Detention Center, NM	Escape	Jail <sup>2</sup>	Four inmates, including two murder suspects, were able to escape from the facility by crawling through an air vent. The sheriff was notified 1 hour and 15 minutes later. The jail inmates were sent to the facility to keep the inmate population at the Bernalillo County Jail under a court mandated population cap.
CSC	11/26/1999	McKinley County Detention Center, NM	Escape	Jail	Five inmates were able to escape from the facility by climbing through a skylight. CSC claimed that the facility is not structurally sound. As a result, the company returned inmates, including some penitentiary inmates from Montana, to their home jurisdictions.
MTC	4/4/1999	Promontory Prison, UT	Escape	Prison	Three inmates were able to escape from this minimum security prison by cutting a hole in a fence with a file. The facility functions as a pre-release center.

<b>Company</b>	<b>Date</b>	<b>Correctional Facility</b>	<b>Incident</b>	<b>Facility Type</b>	<b>Brief Description</b>
TransCor	10/16/1999	In Transit, NM	Escape	Transport	A North Dakota inmate, convicted of murdering a child, escaped from a bus that was transporting him from ND to the super-maximum prison in Organ, NM. The inmate had concealed a cuff key on himself, unlocked his restraints, and escaped through a vent on top of the bus. The escape was not noted for 9 hours, and the NM police were not notified for another 2 hours.
WCC	1/13/1999	Lea County Correctional Facility, NM	Inmate death	Prison	An inmate was found stabbed to death at the prison. WCC said the stabbing appeared to be gang related. This was the eighth stabbing and second such death since the prison opened 6 months prior to this event.
WCC	4/6/1999	Lea County Correctional Facility, NM	Group disturbance	Prison	A group of 150 inmates rioted at this facility, producing minor injuries to 13 staff members. The incident started in the dining hall, but it spread to other parts of the facility. At issue, in part, were religious demands of Native American inmates.
WCC	6/18/1999	Lea County Correctional Facility, NM	Inmate death	Prison	An inmate was found stabbed to death in his cell. Two rival gang members were suspected of the crime. This was the third fatal stabbing at the facility.
WCC	8/11/1999	South Bay Correctional Facility, FL	Escape	Prison	Two inmates, one convicted of murder and the other of burglary and aggravated assault, were able to escape from this facility.
WCC	8/12/1999	Guadalupe County Correctional Facility, NM	Inmate death	Prison	An inmate was murdered with a laundry bag filled with rocks as he watched television.



Company	Date	Correctional Facility	Incident	Facility Type	Brief Description
WCC	9/1/1999	Guadalupe County Correctional Facility, NM	Group disturbance / Staff death / Inmate assault	Prison	There was a riot involving 290 inmates. A correctional officer was stabbed numerous times by up to 9 inmates. The riot was in response to efforts to lock down the institution following the stabbing of an inmate.
WCC	9/6/1999	Taft Correctional Institution, CA	Escape	Prison	A Federal inmate was able to escape the secure facility by altering his appearance and walking out of the institution with visitors following visitation.
WCC	9/7/1999	Travis County Community Justice Center, TX	Contract revocation	Prison	The state of Texas retook control of this prison. 11 former officers and a case manager were indicted on criminal sex charges. They are charged with felony charges of sexual assault and improper sexual activity as well as misdemeanor charges of sexual harassment. The state is also investigating fraud.
WCC	11/16/1999	Taft Correctional Institution, CA	Group disturbance	Prison	Federal inmates broke windows, televisions, and tables in a disturbance that started over issues with food services. Damage was estimated at between \$50,000 and \$60,000. The staff used gas, nonlethal bullets, and other nonlethal weapons to control about 1,000 inmates who had refused to return to their housing units.

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- Notes:*
1. The incidents reported in this table are for the facilities listed in Appendix 1 only. Escapes and major incidents at jails, detention centers, and juvenile facilities operated by the respective private prison companies are not included in this table.
  2. Jails that serve principally in that function are not included in this study. The McKinley County Detention Center, however, held 72 sentenced, medium-security inmates from Montana at the time the data were collected for this study (July 31, 1999).

*Source:* Published newspaper accounts.

Table 2. Private Prison Vendors Sorted by Number of Inmates

Company	Number of Facilities	Inmates					Total
		Maximum Security	Medium Security	Low Security	Minimum Security	None or Other	
Corrections Corporation of America	45	1,454 (4%)	21,580 (58%)	2,593 (7%)	10,632 (29%)	985 (3%)	<b>37,244</b> <b>(100%)</b>
Wackenhut Corrections Corporation	26	1,143 (6%)	8,218 (43%)	2,345 (12%)	7,126 (38%)	169 (1%)	<b>19,001</b> <b>(100%)</b>
Management & Training Corporation	8	29 (1%)	1,258 (24%)	295 (6%)	3,716 (70%)	0 (0%)	<b>5,298</b> <b>(100%)</b>
Cornell Corrections, Inc.	4	0 (0%)	629 (18%)	2,282 (65%)	572 (16%)	22 (1%)	<b>3,505</b> <b>(100%)</b>
Correctional Services Corporation <sup>1</sup>	5	98 (4%)	554 (24%)	157 (7%)	1,536 (65%)	0 (0%)	<b>2,345</b> <b>(100%)</b>
McLoud Correctional Services, LLC	1	0 (0%)	599 (100%)	0 (0%)	0 (0%)	0 (0%)	<b>599</b> <b>(100%)</b>
Marantha Production Company, LLC	1	0 (0%)	0 (0%)	256 (50%)	256 (50%)	0 (0%)	<b>512</b> <b>(100%)</b>
Alternative Programs, Inc.	1	0 (0%)	0 (0%)	175 (50%)	176 (50%)	0 (0%)	<b>351</b> <b>(100%)</b>
Dominion Management	1	0 (0%)	250 (100%)	0 (0%)	0 (0%)	0 (0%)	<b>250</b> <b>(100%)</b>
CiviGenics, Inc.	2	48 (58%)	0 (0%)	0 (0%)	0 (0%)	35 (42%)	<b>83</b> <b>(100%)</b>
<b>Total</b>	<b>94</b>	<b>2,772</b> <b>(4%)</b>	<b>33,088</b> <b>(48%)</b>	<b>8,103</b> <b>(12%)</b>	<b>24,014</b> <b>(35%)</b>	<b>1,211</b> <b>(2%)</b>	<b>69,188</b> <b>(100%)</b>

Notes: 1. Correctional Services Corporation operates a facility in addition to the five listed in this table, the Crowley County Correctional Facility. That facility is owned by Dominion Management. Inmates held in the Crowley facility that are under contract with CSC are listed in the inmate totals for CSC. Inmates held at the Crowley facility under contract with Dominion Management are listed in the Dominion Management row of the table.

Table 3. Staffing Levels

Facility Name	Security Level	Inmates	Custody Staff	Custody Ratio <sup>1</sup>	All Staff	All Staff Ratio <sup>1</sup>
Allen Correctional Center	Maximum	1,547	255	16.5	339	21.9
Arizona State Prison West	Low/Min	400	56	14.0	99	24.8
B.M. Moore Correctional Center	Low/Min	500	80	16.0	138	27.6
Baker Community Corr. Facility	Low/Min	250	36	14.4	55	22.0
Bartlett State Jail	Medium	928	174	18.8	254	27.4
Bay Correctional Facility	Medium	691	148	21.4	250	36.2
Bent County Corr. Facility	Medium	465	104	22.4	182	39.1
Big Spring Correctional Facility	Low/Min	2,059	230	11.2	346	16.8
BOP Aggregate <sup>2</sup>	Low	38,054	3,539	9.3	8,442	22.2
BOP Aggregate	Medium	30,487	4,397	14.4	9,590	31.5
BOP Aggregate	Maximum	12,259	2,444	19.9	4,451	36.3
Bradshaw State Jail	Medium	1,683	212	12.6	324	19.3
Bridgeport Correctional Center	Low/Min	520	71	13.7	115	22.1
Bridgeport Pre-Parole Transfer Fac.	Low/Min	189	27	14.3	49	25.9
Brownfield Intermed. Sanction Fac.	Medium	245	38	15.5	63	25.7
Central Arizona Detention Center	Maximum	958	350	36.5	684	71.4
Central Oklahoma Correctional Fac.	Medium	735	99	13.5	152	20.7
Central Texas Parole Violator Fac.	Maximum	166	130	78.3	182	109.6
Central Valley Comm. Corr. Fac.	Medium	524	85	16.2	106	20.2
Charlton County Prison	Medium	1,000	188	18.8	232	23.2
Cibola County Correctional Facility	Medium	250	64	25.6	125	50.0
Cimarron Correctional Facility	Medium	961	248	25.8	378	39.3
Cleveland Correctional Center	Low/Min	520	90	17.3	141	27.1
Coffee County Prison	Medium	1,000	179	17.9	252	25.2
Crossroads Correctional Center	Medium	0				
Crowley County Correctional Fac.	Medium	943	149	15.8	246	26.1
Davis Correctional Facility	Medium	971	127	13.1	212	21.8
Dawson State Jail	Medium	1,415	274	19.4	395	27.9
Delta Correctional Facility	Medium	989	125	12.6	224	22.6
Desert View Comm. Corr. Fac.	Medium	532	87	16.4	109	20.5
Diamondback Correctional Facility	Medium	977	123	12.6	190	19.5
Diboll Correctional Center	Low/Min	518	80	15.4	147	28.4
Eagle Mountain Comm. Corr. Fac.	Low/Min	410	63	15.4	96	23.4
East Mississippi Correctional Fac.	Medium	499	100	20.0	160	32.1
Eden Detention Center	Low/Min	1,306	199	15.2	224	17.2
Eloy Detention Center	Low/Min	1,448	813	56.1	430	29.7
Florence DWI Prison	Low/Min	600	42	7.0	109	18.2
Gadsden Correctional Facility	Medium	791	78	9.9	181	22.9
Golden State Comm. Corr. Fac.	Medium	539	85	15.8	106	19.7
Great Plains Correctional Facility	Medium	812	111	13.7	162	20.0
Guadalupe County Corr. Facility	Medium	335	161	48.1	141	42.1
Hardeman County Corr. Center	Medium	1,951	324	16.6	460	23.6
Huerfano County Correctional Fac.	Medium	769	114	14.8	200	26.0
Kit Carson Correctional Facility	Medium	758	90	11.9	198	26.1

Facility Name	Security Level	Inmates	Custody Staff	Custody Ratio <sup>1</sup>	All Staff	All Staff Ratio <sup>1</sup>
Kyle Pre-Release Center	Low/Min	520	76	14.6	147	28.3
Lake City Correctional Facility	Medium	339	100	29.5	178	52.5
Lake Erie Correctional Institution	Low/Min	0				
Lawrenceville Correctional Center	Medium	1,535	220	14.3	311	20.3
Lawton Correctional Facility		1,840				
Lea County Correctional Facility	Medium	1,064	194	18.2	298	28.0
Lee Adjustment Center	Medium	482	98	20.3	150	31.1
Lindsey State Jail	Medium	1,008	163	16.2	252	25.0
Lockhart Work Program Facility	Low/Min	497	142	28.6	231	46.5
Marana Community Treatment Fac.	Low/Min	450	52	11.6	119	26.4
Marion Adjustment Center	Low/Min	561	70	12.5	123	21.9
Marion County Jail	Medium	397	119	30.0	165	41.6
Marshall County Correctional Fac.	Medium	990	142	14.3	225	22.7
McFarland Community Corr. Facility	Low/Min	200	39	19.5	53	26.5
McKinley Adult Detention Center	Medium	72				
Mesa Verde Comm. Corr. Facility	Low/Min	351	55	15.7	78	22.2
Mineral Wells Pre-Parole Tran. Fac.	Low/Min	2,085	170	8.2	300	14.4
Moore Haven Correctional Center	Medium	702	122	17.4	202	28.8
Mountain View Corr. Institution	Medium	527	109	20.7	163	30.9
New Mexico's Women's Corr. Fac.	Medium	319	64	20.1	136	42.6
North Coast Corr. Treatment Fac.	Low/Min	0				
North Fork Correctional Facility	Medium	1,057	165	15.6	265	25.1
North Texas Inter. Sanction Fac.	Low/Min	402	47	11.7	88	21.9
Otter Creek Correctional Center	Low/Min	535	77	14.4	117	21.9
Pamlico Correctional Institution	Medium	526	109	20.7	163	31.0
Park County Detention Center	Medium	83	24	28.9	35	42.2
Prairie Correctional Facility	Medium	708	236	33.3	355	50.1
Promontory Correctional Center	Low/Min	322	31	9.6	64	19.9
Ronald McPhearson Corr. Center	Maximum	600				
Scott Grimes Correctional Center	Medium	591				
South Bay Correctional Facility	Maximum	1,214	209	17.2	346	28.5
South Central Correctional Center	Medium	1,484	260	17.5	400	27.0
South Texas Inter. Sanction Fac.	Medium	444	61	13.7	96	21.6
Southern Nevada Womens Corr. F.	Maximum	490	100	20.4	185	37.8
Taft Correctional Institution	Medium	1,302	279	21.4	395	30.3
Venus Pre-Release Center	Low/Min	1,000	145	14.5	223	22.3
Victor Valley Comm. Corr. Fac.	Medium	512	66	12.9	87	17.0
West Tennessee Detention Facility	Maximum	199	124	62.3	178	89.4
Wheeler County Prison	Medium	1,000	160	16.0	236	23.6
Whiteville Correctional Facility	Medium	1,500	243	16.2	384	25.6
Wilkinson County Corr. Facility	Medium	898	184	20.5	228	25.4
Willacy State Jail	Medium	993	166	16.7	242	24.4
Winn Correctional Center	Maximum	1,544	250	16.2	328	21.2

Notes: 1. Number of staff for every 100 inmates.  
2. The BOP classifies facilities as minimum, low, medium, and high.

Table 4. Custody Separations by Activation Status

Six Month Separation Rate	Activation Status <sup>1</sup>				Total	
	Operating		Activating		Frequency	Percentage
	Frequency	Percentage	Frequency	Percentage		
0-9.9%	3	7.5			3	4.9
10-19.9%	5	12.5	1	3.7	6	6.6
20-29.9%	8	20.0	6	22.2	14	19.7
30-39.9%	9	22.5	5	18.5	14	23.0
40-49.9%	6	15.0	2	7.4	8	11.5
50-59.9%	3	7.5	3	11.1	6	9.8
60-69.9%	3	7.5	5	18.5	8	11.5
70-79.9%			1	3.7	1	1.6
80-89.9%	2	5.0	1	3.7	3	4.9
>=90%	1	2.5	3	11.1	4	6.6
<b>Total</b>	<b>40</b>	<b>100.0</b>	<b>27</b>	<b>100.0</b>	<b>67</b>	<b>100.0</b>
Missing					17	

Notes: 1. Institutions included in this analysis and appearing in *Corrections Yearbook 1998* were considered to have been “operating” for at least the 1 and ½ years between January 1, 1998 (the date for *Corrections Yearbook 1998*) and July 31, 1999. Institutions identified in this study but not appearing in *Corrections Yearbook 1998* are considered to be newly “activating.”

Table 5. Custody Shortages by Activation Status

Shortage	Activation Status				Total	
	Operating		Activating		Frequency	Percentage
	Frequency	Percentage	Frequency	Percentage		
Yes	26	55.3	30	73.2	56	63.6
No	20	42.6	8	19.5	28	31.8
Don't Know	1	2.1	3	7.3	4	4.5
<b>Total</b>	<b>47</b>	<b>100.0</b>	<b>41</b>	<b>100.0</b>	<b>88</b>	<b>100.0</b>
Missing					3	

Table 6. Comparison of Private-Public Separations by Activation Status

Private Prison Separation Rate	Activation Status					
	Operating		Activating		Total	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Higher	15	42.9	16	53.3	31	47.7
Lower	2	5.7	2	6.7	4	6.2
Same	18	51.4	12	40.0	30	46.2
<b>Total</b>	<b>35</b>	<b>100.0</b>	<b>30</b>	<b>100.0</b>	<b>65</b>	<b>100.0</b>
Missing					26	

Table 7. Filling Positions by Activation Status

Difficulty in Filling Positions	Activation Status					
	Operating		Activating		Total	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Yes	13	27.7	18	42.9	31	34.8
No	34	72.3	22	52.4	56	62.9
Don't Know			2	4.8	2	2.2
<b>Total</b>	<b>47</b>	<b>100.0</b>	<b>42</b>	<b>100.0</b>	<b>89</b>	<b>100.0</b>
Missing					2	

Table 8. Hit Rates for Unauthorized Substances

Pos. UA Rate	Males		Females		Both		Total		Cum. %
	Freq	%	Freq	%	Freq	%	Freq	%	
0%	15	28.8	7	77.8			22	34.4	34.4
1%	11	21.1			1	33.3	12	18.8	53.1
2%	3	5.8			1	33.3	4	6.3	59.4
3%	5	9.6					5	7.8	67.2
5%	3	5.8	2	22.2			5	7.8	75.0
6%	1	1.9					1	1.6	76.6
7%	1	1.9					1	1.6	78.1
8%	2	3.8					2	3.1	81.3
10%	3	5.8			1	33.3	4	6.3	87.5
11%	1	1.9					1	1.6	89.1
13%	2	3.8					2	3.1	92.2
15%	3	5.8					3	4.7	96.9
19%	1	1.9					1	1.6	98.4
20%	1	1.9					1	1.6	100.0
<b>Total</b>	<b>52</b>	<b>100.0</b>	<b>9</b>	<b>100.0</b>	<b>3</b>	<b>100.0</b>	<b>64</b>	<b>100.0</b>	
Missing							27		

Table 9. Escapes by Sex of Inmates at Institution

Number of Escapes, Aug 98 – July 99	Sex of Inmates					
	Male		Female/Both		Total	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
0	56	82.4	12	100.0	68	85.0
1	8	11.8			8	10.0
2	2	2.9			2	2.5
5	1	1.5			1	1.3
6	1	1.5			1	1.3
<b>Total</b>	<b>68</b>	<b>100.0</b>	<b>12</b>	<b>100.0</b>	<b>80</b>	<b>100.0</b>
Missing					4	

Table 10. Homicides by Sex of Inmates at Institution

Number of Homicides, Aug 98 – July 99	Sex of Inmates					
	Male		Female/Both		Total	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
0	66	95.7	11	100.0	77	96.3
1	2	2.9			2	2.5
3	1	1.4			1	1.3
<b>Total</b>	<b>69</b>	<b>100.0</b>	<b>11</b>	<b>100.0</b>	<b>80</b>	<b>100.0</b>
Missing					4	

Table 11. Assaults by Sex of Inmates at Institution

Number of Assaults, Aug 98 – July 99	Sex of Inmates					
	Male		Female/Both		Total	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
0	29	45.3	8	72.7	37	49.3
1	12	18.8			12	16.0
2	3	4.7			3	4.0
3	5	7.8			5	6.7
4	2	3.1			2	2.7
5	2	3.1			2	2.7
6	1	1.6	1 <sup>1</sup>	9.1	2	2.7
7	1	1.6			1	1.3
10	1	1.6			1	1.3
11	2	3.1			2	2.7
14	1	1.6			1	1.3
16	1	1.6			1	1.3
23	1	1.6			1	1.3
25			1 <sup>1</sup>	9.1	1	1.3
29			1 <sup>1</sup>	9.1	1	1.3
31	1	1.6			1	1.3
38	1	1.6			1	1.3
68	1	1.6			1	1.3
<b>Total</b>	<b>64</b>	<b>100.0</b>	<b>11</b>	<b>100.0</b>	<b>75</b>	<b>100.0</b>
Missing					9	

Notes: 1. This institution houses only female inmates. There were four institutions that housed both males and females. One of these institutions failed to report the number of assaults, and the other three reported no assaults.



Table 12. Private Prison Escape Rate Compared to Public Agency

Private Escape Rate:	Males		Females		Both		Total	
	Freq	%	Freq	%	Freq	%	Freq	%
Higher	2	3.8					2	3.1
Lower	19	35.9	5	62.5	1	33.3	25	39.1
Same	32	60.4	3	37.5	2	66.7	37	57.8
<b>Total</b>	<b>53</b>	<b>100.0</b>	<b>8</b>	<b>100.0</b>	<b>3</b>	<b>100.0</b>	<b>64</b>	<b>100.0</b>
Missing							27	

Table 13. Private Prison Homicide Rate Compared to Public Agency

Private Prison Homicide Rate:	Males		Females		Both		Total	
	Freq	%	Freq	%	Freq	%	Freq	%
Higher	1	2.0					1	1.6
Lower	19	37.3	5	71.4	1	33.3	25	41.0
Same	31	60.8	2	28.6	2	66.7	35	57.4
<b>Total</b>	<b>51</b>	<b>100.0</b>	<b>7</b>	<b>100.0</b>	<b>3</b>	<b>100.0</b>	<b>61</b>	<b>100.0</b>
Missing							30	

Table 14. Private Prison Assault Rate Compared to Public Agency

Private Serious Assault Rate:	Males		Females		Both		Total	
	Freq	%	Freq	%	Freq	%	Freq	%
Higher	1	1.9					1	1.7
Lower	17	32.7	3	60.0	2	66.7	22	36.7
Same	34	65.4	2	40.0	1	33.3	37	61.7
<b>Total</b>	<b>52</b>	<b>100.0</b>	<b>5</b>	<b>100.0</b>	<b>3</b>	<b>100.0</b>	<b>60</b>	<b>100.0</b>
Missing							31	

Table 15. Intelligence Gathering on Gangs and Security Threat Groups

State or Contracting Jurisdiction	Public Intel. System	Private Access	Priv. Contributes
Alaska	Yes	Yes	Yes
Arkansas	Yes	Yes	No
Arizona	Yes	Yes	Yes
Bureau of Prisons (Federal)	Yes	No	Yes <sup>2</sup>
California	Yes	No	Yes
Colorado	Yes <sup>1</sup>	Yes	Yes
Florida	Yes	Yes	Yes <sup>1</sup>
Georgia	No	Not Applicable	Not Applicable
Hawaii	Yes <sup>3</sup>	Yes	Yes
Idaho	Yes	Yes	No
Indiana	Yes	Yes	Yes
Kentucky	Yes	Yes	Yes
Louisiana	Yes	Yes	Yes
Minnesota	Yes	Yes	Yes
Mississippi	Yes	Yes	Yes
Montana	Yes	Yes	Yes
North Carolina	Yes	Yes	Yes
New Mexico	Yes	Yes	Yes
Nevada	Yes	Yes	Yes
Ohio	Yes	Yes	Yes
Oklahoma	Yes	Yes <sup>1</sup>	Yes <sup>1</sup>
Tennessee	Yes	Yes	Yes
Texas	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>
Utah	No	Not Applicable	Not Applicable
Virginia	No	Not Applicable	Not Applicable
Washington	Yes	Yes	Yes
Wisconsin	Yes	Yes	Yes
Wyoming	No	Not Applicable	Not Applicable
<b>Total Yes</b>	<b>24 of 28 (85.7%)</b>	<b>22 of 24 (91.7%)</b>	<b>22 of 24 (91.7%)</b>

Notes: 1. There was one administrator who stated No in response to this question. However, the other three answered Yes.

2. Two of the four respondents for Federal contracts indicated that intelligence was provided to the Federal system by the private contractor, and two reported that the private contractor did not provide intelligence.

3. Two of the contract monitors for Hawaii reported Yes for this question and two reported No.

Table 16. Vendor vs. Agency Visiting Policies

Private Prison Visiting Policy:	Frequency	Percentage
Same	80	89.9
More Lenient	4	4.5
More Stringent	5	5.6
<b>Total</b>	<b>89</b>	<b>100.0</b>
Missing	2	

Table 17. Restrictions on Types of Inmates Sent Under Contract

Restrictions on Type of Inmates	Number	Percentage*
No restrictions on inmates	33	37.5
No high publicity inmates	20	22.7
No special medical needs inmates	44	50.0
No gang members	13	14.7
Other types of restrictions	35	39.7

Notes: 1. Percentages do not add to 100 in this table as respondents were able to choose as many restriction types as were applicable. The total number of respondents that provided data was 88, meaning that information on three contracts was missing.

Table 18. Training questions 1 and 2 . Which of the following requirements must be satisfied by custody staff for employment at private and public facilities?

Response	Private Contracts		Public Facilities	
	Frequency	Percentage	Frequency	Percentage
None	0	0%	0	0%
NCIC <sup>1</sup>	67	74%	74	81%
Local/state police check	78	86%	69	76%
Credit report	20	22%	16	18%
Drug test	79	87%	73	80%
Physical examination	66	73%	64	70%
Background interview	68	75%	71	78%
Background investigation	67	74%	68	75%
Psychological test	22	24%	32	35%
Other	55	6%	9	10%
Don't know	1	1%	N/A	N/A

Notes 1. National Crime Information Center.

Table 19. Training questions 1 and 2 by jurisdiction – Requirements for employment of custody staff

Jurisdiction	NCIC Check Pr/Pb	Police Check Pr/Pb	Credit Report Pr/Pb	Drug Test Pr/Pb	Physical Exam Pr/Pb	Background Interview Pr/Pb	Background Investigation Pr/Pb	Psychological Test Pr/Pb	Other Pr/Pb	Don't Know Pr	Compare Pr/Pb
Alaska	1/1	1/1		1/1	N <sup>1</sup> /1	1/1	N/1	N/1			4/7
Arkansas	N/2	2/N		2/2	2/N	N/2	2/2	N/2			4/5
Arizona	3/3	3/3		3/2	3/2	3/3	3/3	3/3			7/7
Bureau of Prisons	4/4	4/4	4/4	4/4	4/4	4/4	4/4	3/2			8/8
California	8/8	8/8		N/8	N/8	8/8	8/8	N/7			4/7
Colorado	5/3	4/2		4/3	3/3	4/4	2/2				6/6
Florida	5/3	4/N	2/1	5/5	5/4	5/4	4/4		1/1		8/7
Georgia	3/3	3/3		3/3	3/3	3/3	3/3				6/6
Hawaii	1/4	4/4	4/4	4/4	4/4	4/4	4/4	3/4			8/8
Idaho	1/ N			1/1	1/1	1/1	1/1	1/1			6/5
Indiana	1/2	2/1	1/1	2/1	2/1	2/2	1/2	1/1			8/8
Kentucky	1/3	3/3		3/N	3/3	3/3	3/3				6/5
Louisiana	2/2	2/2		2/2	2/2	2/2					5/5
Minnesota	1/1	1/1			N/1	N/1	N/1	N/1			2/6
Mississippi	4/3	4/2	2/2	4/3	4/3	3/2	3/3				7/7
Montana	1/2						1/2	N/1		1	2/3
North Carolina		2/2		2/2	2/2	2/2	2/2	2/2	2/2		7/7
New Mexico	3/3			3/3	3/3	3/3		3/3			5/5
Nevada	1/1	1/1		1/1	1/1						4/4
Ohio	2/2	2/2		2/2	2/2	2/2	2/2	2/2			7/7
Oklahoma	4/4	6/4	1/1	6/5	6/5	5/4	5/4				7/7
Tennessee	2/2			2/2	N/1	1/1	2/1	2/2			5/6
Texas	7/11	17/17	6/3	18/17	12/6	8/10	11/10	1/N	2/6		9/8
Utah	1/1	1/1		1/1	1/1		1/1	1/1			6/6
Virginia	1/1	1/1		1/1	1/1	1/1	1/1				6/6
Washington	1/1	1/1		1/N		1/1	1/1	N/1			5/5
Wisconsin	2/2	2/2		2/N	2/2	2/2	1/2				6/5
Wyoming	2/2			2/N		N/1	2/1				3/3

Notes 1. N stands for No Response.

Table 20. Training question 3. Are custody staff at this private facility legally authorized to:

	Clearly Yes	Clearly No	Unclear Authority	Don't Know	m <sup>1</sup>
Use deadly force?	74	13	2	1	1
Pursue an escaping inmate off of prison property?	68	13	9	0	1
Carry a weapon while at work?	56	34	0	0	1
Carry a weapon on escorted trips?	73	14	1	3	0
Search visitors?	80	3	8	0	0

Notes: 1. Missing

Table 21. Training questions 3 by jurisdiction – Legal authorization

Jurisdiction	Use Deadly Force			Pursue Escaping			Carry Weapon at Work			Carry Weapon on Trips		
	Yes	No	Unclear	Yes	No	Unclear	Yes	No	Unclear	Yes	No	Unclear
Alaska	1			1			1			1		
Arkansas	2			2			2			2		
Arizona	3			3			3			2	1	
Bureau of Prisons	4			4			4			4		
California		8		2		6		8			8	
Colorado	5			2	3		4	1		4		1
Florida	5			4		1	5			5		
Georgia	3			3				3		3		
Hawaii	4			4			1	3		2		
Idaho	1			1			1			1		
Indiana	2			2			1	1		2		
Kentucky	3			3			3			3		
Louisiana	2			2			2			2		
Minnesota	1				1		1			1		
Mississippi	4			4			4			4		
Montana	1				2			2		2		
North Carolina	2				2		2			2		
New Mexico	3			3			1	2		3		
Nevada	1			1			1			1		
Ohio			2	2			2			2		
Oklahoma	5			3	2		5			6		
Tennessee	2			2			2			2		
Texas	14	4		16	1	1	6	12		14	4	
Utah		1			1			1			1	
Virginia	1			1			1			1		
Washington	1			1			1			1		
Wisconsin	2				1	1	2			2		
Wyoming	2			2			1	1				

Table 22. Training question 4. Do custody staff at this private facility have access to firearms?

Response	Frequency	Percentage
Yes	75	82%
No	16	18%

Table 23. Training question 5. Are custody staff at this private facility required to undergo initial training (i.e. before or soon after employment) for firearm certification?

Response	Frequency	Percentage
Yes	77	85%
No	13	14%
Don't know	1	1%

Table 24. Training question 5a. Is this training a contract requirement? (Only for those responding 'yes' to question 5. Number responding 'yes'=77)

Response	Frequency	Percentage
Yes	64	83%
No	9	12%
Missing	4	5%



Table 25. Training question 5b. Does your public agency require initial training for firearm certification for the *public agency's* custody staff?

Response	Frequency	Percentage
Yes	82	91%
No	2	2%
Not Applicable/ Missing	7	7%

Table 26. Training question 5b. By jurisdiction – require initial firearm training for public agencies.

Jurisdiction	Yes	No	Not Applicable	Missing
Alaska	1			
Arkansas	2			
Arizona	3			
Bureau of Prisons	4			
California	8			
Colorado	3			2
Florida	4			
Georgia	3			
Hawaii	3			1
Idaho	1			
Indiana	2			
Kentucky	3			
Louisiana	2			
Minnesota	1			
Mississippi	4			
Montana	2			
North Carolina	2			
New Mexico	3			
Nevada	1			
Ohio	2			
Oklahoma	5			1
Tennessee	2			
Texas	14	2		2
Utah	1			
Virginia	1			
Washington	1			
Wisconsin	2			
Wyoming	2			

Table 27. Training question 5c. If both the public agency and the private contractor for this facility provide initial firearm certification training, how do these standards compare?

Response	Frequency	Percentage
Same: Because the contract requires same standards as public	48	66%
Same: Because Private contractor adopted public standards	5	7%
Different	7	10%
Don't Know	2	3%
Other	10	14%

Table 28. Training question 5d. Even if not required, who, if anyone, provides the initial training for firearm certification for custody staff employed by the private contractor? (Circle all that apply)

Response	Frequency
Publicly operated training facility also used by public sector	27
Same contractor that also trains public staff	3
Private contractor chosen by private companies	6
Private contractor's staff	40
Other	14
No one provides training of this type	1
Don't know	7

Table 29. Training question 5d by jurisdiction—Who provides firearms training?

Jurisdiction	Public Agency Training	Public Agency Contractor	Private Corporation Contractor	Staff of Private Corporation	Other	Don't Know
Alaska				1		
Arkansas				2		
Arizona	1			2	1	
Bureau of Prisons				4		
California						
Colorado		1	1	4		
Florida	5	1				
Georgia	3					
Hawaii				2	2	
Idaho	1			1		
Indiana					1	
Kentucky	3					
Louisiana				2		
Minnesota				1		
Mississippi				4		
Montana						1
North Carolina					2	
New Mexico	3					
Nevada						1
Ohio	2				2	
Oklahoma	1		1	2	3	
Tennessee				2		
Texas	5		3	8	2	
Utah	1					
Virginia	1			1		
Washington			1	1		
Wisconsin	1	1		1	1	
Wyoming				2		

Table 30. Training question 5e. How many hours of initial training for firearm certification are required for custody staff employed by the private contractor and the public agency – by jurisdiction?

Jurisdiction	Private Contractor	Public Agency
Alaska	24	40
Arkansas	10	24
Arizona	16	16
Bureau of Prisons	8	8,9
California		50
Colorado	8,16,240	24
Florida	56,64,80	56,64,80
Georgia	24	24
Hawaii	8,40	60
Idaho	16	16
Indiana	40	60
Kentucky	23	23
Louisiana	8	6
Minnesota		
Mississippi	12,48,81	48,60
Montana		8
North Carolina	16	16
New Mexico	52	32,52
Nevada	Hours vary	Hours vary
Ohio	24	24
Oklahoma	40	40,54
Tennessee	4	4
Texas	4,8,12,35,36	8,12
Utah	16	16
Virginia	16	40
Washington	8	16
Wisconsin	16,40	20
Wyoming	8,16	8,16

Table 31. Training question 6. Are custody staff at this private facility required to undergo initial training (i.e., before or soon after employment) for custody practices other than firearms training?

Response	Frequency	Percentage
Yes	90	100%
No	0	0%
Missing	1	

Table 32. Training question 6a. Is this training a contract requirement?

Response	Frequency	Percentage
Yes	86	96%
No	4	4%

Table 33. Training question 6b. Does the public agency require initial training for custody practices other than firearm training for the *public agency's* custody staff?

Response	Frequency	Percentage
Yes	88	98%
Not Applicable/ Missing	2	2%

Table 34. Training question 6c. If both the public agency and the private contractor provide initial training for custody practices other than firearm training, how do these standards compare?

Response	Frequency	Percentage
Same: Because the contract requires same standards as public	51	58%
Same: Because Private contractor adopted public standards	2	2%
Different	13	15%
Don't Know	3	3%
Other <sup>1</sup>	18	21%
Missing	1	1%

Notes: 1. Difficult to determine whether standards are lower or higher.

Difficult to compare standards here – contractor is required to have state certified trainer.

Following response occurred 8 times: They are similar. However, staff in private CCF's receive no training in the exercise of arrest powers or in the use of weapons. All training is provided by California Board of Corrections certified instructors .

Following response occurred 3 times: Contractor's staff is required to complete Department's Basic Correctional Officer training class taught by Department staff.

Both meet ACA standards as established for adult correctional facilities.

We have developed our own policy which is in compliance with our contract as well as ACA standards.

Both meet ACA training requirements and private contractor is required to implement specific DOC policies. However, they have the latitude of incorporating private contractor's policy in other areas.

The private facility adheres to standards applied by the Texas Commission on Jail standards and Texas Commission Law Enforcement Officer Standards Education (TCLEOSE).

The North Texas Intermediate Sanction Facility provides three weeks of training for custody staff.

Table 35. Training question 6d. Even if not required, who, if anyone, provides the initial training for custody training other than firearm training for custody staff employed by the private contractor? (Circle all that apply)

Response	Frequency
Publicly operated training facility also used by public sector	24
Same contractor that also trains public staff	5
Private contractor chosen by private companies	7
Private contractor's staff	53
Other	19
No one provides training of this type	0
Don't know	2



Table 36. Training question 6d. By jurisdiction – Who provides custody training?

Jurisdiction	Public Agency Training	Public Agency Contractor	Private Corporation Contractor	Staff of Private Corporation	Other	Don't Know
Alaska				1		
Arkansas				2		
Arizona				2	2	
Bureau of Prisons		2	1	4		
California					8	
Colorado		1	2	5		
Florida	5	1				
Georgia	3					
Hawaii			1	2	1	
Idaho	1			1		
Indiana				1		
Kentucky	3					
Louisiana				2		
Minnesota				1		
Mississippi				4		
Montana						2
North Carolina				2	2	
New Mexico	3					
Nevada					1	
Ohio	2				2	
Oklahoma				6	2	
Tennessee				2		
Texas	6			13	1	
Utah	1					
Virginia				1		
Washington			1	1		
Wisconsin		1	1	2		
Wyoming			1	1		

Table 37. Training question 6e by jurisdiction. How many hours of initial custody training other than firearm training are required of custody staff employed by the private contractor and the public agency?

Jurisdiction	Private Contractor	Public Agency
Alaska	160	320
Arkansas	190	216
Arizona	240	240
Bureau of Prisons	120,136,152	120,160
California	32,107	270
Colorado	32,40,104,160	
Florida	160,466,480,504,530	160,466,480,504,530
Georgia	136	136
Hawaii	160,200	
Idaho	42	42
Indiana	144	160
Kentucky	138	138
Louisiana	160	160
Minnesota	120	
Mississippi	162,200,280	280
Montana	120	120
North Carolina	160	160
New Mexico	268	268
Nevada	160	160
Ohio	256	256
Oklahoma	12,120,160,210	320
Tennessee	120,136	120,136
Texas	80,120,160,196,200,228,240	228,240
Utah	520	520
Virginia	280	360
Washington	160	280
Wisconsin	160	260
Wyoming	120	80

Table 38. Training question 7. Are custody staff at this private facility required to undergo periodic refresher training for firearm certification?

Response	Frequency	Percentage
Yes	77	85%
No	5	6%
Don't know/ Not applicable	9	9%

Table 39. Training question 7a. Is this training a contract requirement?

Response	Frequency	Percentage
Yes	69	90%
No	6	8%
Missing	2	2%

Table 40. Training question 7b. Does the public agency require periodic refresher training for firearm certification for the *public agency's* custody staff?

Response	Frequency	Percentage
Yes	79	87%
No	3	3%
Missing Not applicable	9	10%

Table 41. Training question 7c. If both the public agency and the private contractor provide periodic training for firearm certification, how do these standards compare?

Response	Frequency	Percentage
Same: Because the contract requires same standards as public	50	71%
Same: Because Private contractor adopted public standards	5	7%
Different	8	12%
Don't Know	2	3%
Other <sup>1</sup>	4	6%
Missing	1	1%

Notes: 1. Following response occurred 2 times: Difficult to compare the training component.

Not all private prison officers are required to qualify.

The private facility adheres to standards applied by the Texas Commission on Jail standards and Texas Commission Law Enforcement Officer Standards Education (TCLEOSE).

Table 42. Training question 7d. Even if not required, who, if anyone, provides the periodic refresher training for firearm certification for custody staff employed by the private contractor? (Circle all that apply)

Response	Frequency
Publicly operated training facility also used by public sector	19
Same contractor that also trains public staff	2
Private contractor chosen by private companies	10
Private contractor's staff	51
Other	11
No one provides training of this type	0
Don't know	1

Table 43. Training question 7d. By jurisdiction – Who provides refresher training?

Jurisdiction	Public Agency Training	Public Agency Contractor	Private Corporation Contractor	Staff of Private Corporation	Other	Don't Know
Alaska				1		
Arkansas				2		
Arizona				3	1	
Bureau of Prisons	2			4		
California						
Colorado			1	4		
Florida	1			4		
Georgia				3		
Hawaii				3	1	
Idaho	1			1		
Indiana		1		1	1	
Kentucky	3					
Louisiana				2		
Minnesota				1		
Mississippi				4		
Montana				1		
North Carolina					2	
New Mexico			3			
Nevada						1
Ohio	2				2	
Oklahoma	2		1	2	2	
Tennessee				2		
Texas	5		3	9	1	
Utah	1					
Virginia	1			1		
Washington			1	1		
Wisconsin	1	1		1	1	
Wyoming			1	1		

Table 44. Training question 7e. How many hours of periodic refresher training for firearm certification are required of custody staff employed by the private contractor and the public agency?

Jurisdiction	Private Contractor	Public Agency
Alaska	24	8
Arkansas	2	8
Arizona	16,40	16,40
Bureau of Prisons	8	4,8
California		8
Colorado	8,16	
Florida	8	8
Georgia	8	8
Hawaii	8,40	
Idaho	8	8
Indiana	8	8
Kentucky	4	4
Louisiana	8	5
Minnesota		
Mississippi	8,12	
Montana		
North Carolina	8	8
New Mexico	Hours vary	Hours vary
Nevada	24	24
Ohio	8	8
Oklahoma	4,8,40	8,40
Tennessee	4	4
Texas	4,8,36	8
Utah	16	16
Virginia	8	8
Washington	4	8
Wisconsin	16	4
Wyoming	8,40	8,40

Table 45. Training question 8. Are custody staff at this private facility required to undergo periodic refresher training for custody practices other than firearm training?

Response	Frequency	Percentage
Yes	90	99%
Don't know	1	1%

Table 46. Training question 8a. Is this training a contract requirement?

Response	Frequency	Percentage
Yes	84	93%
No	5	6%
Missing	1	1%

Table 47. Training question 8b. Does the public agency require periodic refresher training for custody practices other than firearm training for the *public agency's* custody staff?

Response	Frequency	Percentage
Yes	82	90%
No	1	1%
Missing/ Not applicable	8	9%

Table 48. Training question 8c. If both the public agency and the contractor for the private facility provide periodic training for custody practices other than firearm certification, how do these standards compare?

Response	Frequency	Percentage
Same: Because the contract requires same standards as public	50	61%
Same: Because Private contractor adopted public standards	6	8%
Different	7	9%
Don't Know	4	5%
Other <sup>1</sup>	14	17%

Notes: 1. Difficult to determine whether the training contractor provides is comparable to the BOP training.

Difficult to compare the type of training.

Following response occurred 8 times: They are similar with exceptions.

Both meet ACA requirements. However, any additional training is at the discretion of the facility.

The private facility adheres to standards applied by the Texas Commission on Jail standards and Texas Commission Law Enforcement Officer Standards Education (TCLEOSE).

Table 49. Training question 8d. Even if not required, who, if anyone, provides the periodic refresher training for custody practices other than firearm training for custody staff employed by the private contractor? (Circle all that apply)

Response	Frequency
Publicly operated training facility also used by public sector	13
Same contractor that also trains public staff	1
Private contractor chosen by private companies	7
Private contractor's staff	71
Other	13
No one provides training of this type	0
Don't know	1



Table 50. Training question 8d. By jurisdiction – Who provides refresher training for custody practices?

Jurisdiction	Public Agency Training	Public Agency Contractor	Private Corporation Contractor	Staff of Private Corporation	Other	Don't Know
Alaska				1		
Arkansas						
Arizona				3	1	
Bureau of Prisons				4		
California					8	
Colorado		1	2	5		
Florida				5		
Georgia				3		
Hawaii				4		
Idaho	1			1		
Indiana				2		
Kentucky				3		
Louisiana				2		
Minnesota				1		
Mississippi				4		
Montana				1		
North Carolina				2		
New Mexico	3		3	3		
Nevada						1
Ohio	2				2	
Oklahoma				6	1	
Tennessee				2		
Texas	6			14	1	
Utah	1					
Virginia				1		
Washington			1	1		
Wisconsin				2		
Wyoming			1	1		

Table 51. Training question 8e. How many hours of periodic custody training, *excluding initial custody training*, are required of custody staff employed by the private contractor and the public agency?

Jurisdiction	Private Contractor	Public Agency
Alaska	40	40
Arkansas	40	40
Arizona	40	40
Bureau of Prisons	32,40	40
California	40	40
Colorado	10,40	
Florida	32,40	32,40
Georgia	40	24
Hawaii	40	
Idaho	24	24
Indiana	40	40
Kentucky	40	40
Louisiana	40	40
Minnesota	40	40
Mississippi	40	40
Montana		
North Carolina	40	40
New Mexico	40	40
Nevada	24	24
Ohio	40	40
Oklahoma	8,40	40
Tennessee	40	40
Texas	32,36,40,120	32,40
Utah	24	24
Virginia	40	40
Washington	40	20
Wisconsin	40	16
Wyoming	40	40

Table 52. Training question 9. Are custody staff at this private facility required to undergo specialty training for managing inmates affiliated with gangs?

Response	Frequency	Percentage
Yes	54	59%
No	35	39%
Don't know	2	2%

Table 53. Training question 9a. Is this training a contract requirement?

Response	Frequency	Percentage
Yes	28	50%
No	25	45%
Missing	3	5%

Table 54. Training question 9b. Does the public agency require specialty training for managing inmates affiliated with gangs for the *public agency's* custody staff?

Response	Frequency	Percentage
Yes	50	55%
No	26	29%
Don't know	2	2%
Not applicable/ Missing	13	14%

Table 55. Training question 9c. If both the public agency and the contractor for the private facility provide specialty training for managing inmates affiliated with gangs, how do these standards compare?

Response	Frequency	Percentage
Same: Because the contract requires same standards as public	24	60% <sup>1</sup>
Same: Because Private contractor adopted public standards	6	15%
Different	2	5%
Don't Know	6	15%
Other	1	3%
Missing	1	3%

Notes: 1. Percentages do not total to 100% due to rounding error.

Table 56. Training question 9d. Even if not required, who, if anyone, provides the specialty training for managing inmates affiliated with gangs for custody staff employed by the private contractor? (Circle all that apply)

Response	Frequency
Publicly operated training facility also used by public sector	20
Same contractor that also trains public staff	3
Private contractor chosen by private companies	6
Private contractor's staff	56
Other	14
No one provides training of this type	0
Don't know	1

Table 57. Training question 9d. By jurisdiction – Who provides training for managing inmate gangs?

Jurisdiction	Public Agency Training	Public Agency Contractor	Private Corporation Contractor	Staff of Private Corporation	Other	Don't Know
Alaska					1	
Arkansas						
Arizona				2	1	
Bureau of Prisons				3	1	
California						
Colorado	2		1	4	2	
Florida	1			4		
Georgia	3			3	3	
Hawaii				4	1	
Idaho			1	1		
Indiana				1		
Kentucky	2			1		
Louisiana				2		
Minnesota				1		
Mississippi				3		
Montana						
North Carolina	2					
New Mexico	3	3		3		
Nevada						1
Ohio	2					
Oklahoma				5	2	
Tennessee			1	2		
Texas	4		1	13		
Utah	1					
Virginia				1		
Washington			1	1	1	
Wisconsin				1	2	
Wyoming			1	1		

Table 58. Training question 9e. How many hours of specialty training for managing inmates affiliated with gangs are required of custody staff employed by the private contractor and the public agency?

Jurisdiction	Private Contractor	Public Agency
Alaska	40	40
Arkansas	40	40
Arizona	40	40
Bureau of Prisons	32,40	40
California	40	40
Colorado	10,40	
Florida	32,40	32,40
Georgia	40	24
Hawaii	40	
Idaho	24	24
Indiana	40	40
Kentucky	40	40
Louisiana	40	40
Minnesota	40	40
Mississippi	40	40
Montana		
North Carolina	40	40
New Mexico	40	40
Nevada	24	24
Ohio	40	40
Oklahoma	8,40	40
Tennessee	40	40
Texas	32,36,40,120	32,40
Utah	24	24
Virginia	40	40
Washington	40	20
Wisconsin	40	16
Wyoming	40	40

Table 59. Custody question 1. What standards are used to govern the custody practices at this private facility? (Circle all that apply)

Response	Frequency
ACA standards	74
Standards established for your public agency	67
Other	26

Table 60. Custody question 1. By jurisdiction – What standards apply?

Jurisdiction	ACA Standards	Public Agency Standards	Other Standards
Alaska	1		
Arkansas	2	2	
Arizona	1	3	1
Bureau of Prisons	4	4	3
California		8	
Colorado	5	3	1
Florida	5	3	5
Georgia	3	3	
Hawaii	4	1	1
Idaho	1		1
Indiana	2	1	1
Kentucky	3	3	
Louisiana	2	2	
Minnesota	1		
Mississippi	4	4	1
Montana	1	2	
North Carolina	2	2	2
New Mexico	3	2	
Nevada	1	1	1
Ohio	2	2	
Oklahoma	5	3	2
Tennessee	1	1	
Texas	14	16	5
Utah	1		
Virginia	1	1	
Washington	1		
Wisconsin	2		2
Wyoming	2		



Table 61. Custody question 2. Which of the following best characterizes how custody policy is established?

Response	Frequency	Percentage
The public agency requires the contractor to adopt the policy of the agency	21	23%
The public agency requires the contractor to adopt the policy of the agency with some small allowances for change	16	18%
The public agency requires the contractor to adopt only certain portions of the policy of the agency and the contractor develops the rest	14	15%
Private vendor develops its own policy but must meet standards set by the agency	38	42%
Missing	2	2%

Table 62. Custody question 2. By jurisdiction – Which of the following best characterizes how custody policy is established?

Jurisdiction	Vendor Adopts Agency Policies	Vendor Adopts Agency Policies w/ Changes	Vendor Adopts Some Policies, Agency Rest	Vendor Develops Own Policies	Missing
Alaska			1		
Arkansas				2	
Arizona	2	1			
Bureau of Prisons			2	2	
California		8			
Colorado			2	3	
Florida		1		4	
Georgia			3		
Hawaii		1		3	
Idaho		1			
Indiana				1	
Kentucky	3				
Louisiana	2				
Minnesota				1	
Mississippi	3	1			
Montana		2			
North Carolina	2				
New Mexico	3				
Nevada				1	
Ohio				2	
Oklahoma		1	1	3	1
Tennessee	1				1
Texas	5		4	9	
Utah				1	
Virginia				1	
Washington				1	
Wisconsin			1	1	
Wyoming				2	

Table 63. Custody question 3. Who is responsible for *routine monitoring* of actual custody practices to determine if standards are being followed?

Response	Frequency	Percentage
Public agency	21	23%
Private vendor	5	6%
Public agency and private vendor are both responsible	62	68%
Ongoing monitoring is not required	1	1%
Missing	2	2%

Table 64. Custody question 3. By jurisdiction – Who is responsible for routine monitoring?

Jurisdiction	Public Agency	Private Vendor	Both	Not Required	Missing
Alaska			1		
Arkansas		2			
Arizona			3		
Bureau of Prisons		1	2	1	
California			8		
Colorado	2		3		
Florida			5		
Georgia			3		
Hawaii	3		1		
Idaho			1		
Indiana	1		1		
Kentucky			3		
Louisiana	2				
Minnesota			1		
Mississippi			4		
Montana	1		1		
North Carolina	2				
New Mexico	3				
Nevada			1		
Ohio	2				
Oklahoma	1		4		1
Tennessee	1				1
Texas		1	17		
Utah	1				
Virginia			1		
Washington			1		
Wisconsin		1	1		
Wyoming	2				

Table 65. Custody question 4. Who is responsible for intensive, formal reviews to insure that the ongoing monitoring of custody practice is functioning properly?

Response	Frequency	Percentage
Public agency	41	46%
Private vendor	5	6%
Public agency and private vendor are both responsible	41	46%
Intensive, formal review is not required	1	1%
Missing	2	2%

Table 66. Custody question 4. By jurisdiction – Who is responsible for formal reviews?

Jurisdiction	Public Agency	Private Vendor	Both	Not Required	Missing
Alaska			1		
Arkansas	2				
Arizona	2		1		
Bureau of Prisons		1	2	1	
California	8				
Colorado	2	1	2		
Florida	1	1	3		
Georgia	3				
Hawaii			4		
Idaho			1		
Indiana			1		
Kentucky			3		
Louisiana	2				
Minnesota	1				
Mississippi	1		3		
Montana			2		
North Carolina	2				
New Mexico	3				
Nevada			1		
Ohio	2				
Oklahoma	2		3		1
Tennessee	1				1
Texas	6	1	11		
Utah	1				
Virginia			1		
Washington			1		
Wisconsin		1	1		
Wyoming	2				

Table 67. Custody question 5. How would you rate the overall level of security technology used at this private facility in comparison to the most comparable institution operated by your agency?

Response	Frequency	Percentage
About the same	62	70%
More advanced	17	19%
Inferior	5	6%
Not applicable	2	2%
Missing	3	3%

Table 68. Do administrators at this facility have a method of determining (or verifying) the security level of inmates they receive?

Jurisdiction	Yes	No	Comments
Alaska	1		Alaskan monitors ensure proper classification
Arkansas	2		Private vendor required to use State classification
Arizona	3		State officials work at the prison site
Bureau of Prisons	2		Private vendor uses BOP system to verify classification
California		9	State officials make assignment and review cases
Colorado	5		State makes assignment; private vendor verifies using State system
District of Columbia	2		Classified by DC under BOP system; reviewed by vendor using BOP system
Florida	5		Vendor uses Florida classification system to verify security/custody needs
Georgia	3		State makes assignment; private vendor verifies using State system
Hawaii	3		State uses private vendor classification system; vendor verifies For inmates in Oklahoma, State uses Oklahoma procedures
Idaho	1		State makes assignment; private vendor verifies using State system
Indiana	2		State makes assignment; private vendor verifies using State system
Kentucky	2		State makes assignment; private vendor verifies using State system
Louisiana	2		State makes assignment; private vendor verifies using State system
Minnesota	1		State makes assignment; private vendor verifies using State system
Mississippi		4	State assigns; vendor can request a reclassification hearing
Montana	3		Private vendor required to use State classification for inmates in Colorado; Uses Montana system in Montana
North Carolina		2	State officials make assignment and review cases
New Mexico	3		State makes assignment; private vendor verifies using State system
Nevada	1		State makes assignment; private vendor verifies using State system



Jurisdiction	Yes	No	Comments
Ohio	2		State makes assignment; private vendor can recommend reclassification
Oklahoma	6		State makes assignment; private vendor verifies using State system
Tennessee	2		State makes assignment; private vendor verifies using State system
Texas	18	1	State makes assignment; private vendor verifies using State system; Only the State can change custody level; One facility is a an institution for parole violators
Utah		1	Pre-release facility
Virginia	1		State makes assignment; private vendor verifies using State system
Washington	1		Inmates located in Colorado; Colorado verifies classification
Wisconsin	2		Wisconsin classifies inmates; private vendor selects from a pool of classified inmates
Wyoming	2		Inmates located in Colorado; Colorado verifies classification Inmates located in Oklahoma; Oklahoma procedures apply



Growth and Development of the Private Prisons Industry

by

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# Growth and Development of the Private Prisons Industry<sup>1</sup>

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This chapter offers a thumbnail portrait of correctional privatization. Its focuses on the practice of contracting with state and federal correctional agencies to hold prisoners, mostly convicted, who would otherwise be in government operated prisons. It begins with a brief history of the industry since the mid-1960s and a discussion of why private prisons emerged. It then describes several different constellations of public/private involvement in owning and operating prisons, where privately operated facilities are located, and their experience with housing higher-security inmates.

## A Short History of Correctional Privatization

The phenomenon of private prisons and jails came into the public eye in the mid-1980s, when the fledgling Corrections Corporation of America (CCA) offered to take over the entire State of Tennessee's troubled prison system, with a 99-year lease from the state, for which it would pay \$250 million dollars. CCA would, in return, house the state's convicted prisoners for a negotiated per diem payment. Moreover, it would guarantee that the prisons would meet the standards set by a federal judge, who had earlier found the state's correctional system to be in violation of the U.S. Constitution because of the conditions of confinement in its prisons. The state refused, but the offer ignited widespread press attention and public debate.

Despite the apparent novelty of the idea, privately operated correctional facilities were not new in this country.<sup>2</sup> Private imprisonment had been common in earlier centuries in both England and the United States. By the beginning of this century, however, governments nearly everywhere had assumed responsibility for imprisonment and most other criminal justice functions.<sup>3</sup> By mid-century, the notion that governments were responsible for the administration of justice, and especially imprisonment, had become so well entrenched that

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<sup>1</sup>This essay is a revised and updated version of a chapter in McDonald, et. al., *Private Prisons in the United States: An Assessment of Current Practice* (Cambridge, MA: Abt Associates Inc., 1998), pp. 4-33 (1998), which can be found on the Internet at <http://www.abtassoc.com/reports/criminal-justice/ES-priv-report.pdf>. The survey data referred to here were collected by Abt Associates Inc.; we are grateful to Stephen Crawford and Cassie Bacani of Abt Associates for their work on this survey. This project was funded by a grant from the National Institute of Corrections, cooperative agreement number 99K38GIK9. We are grateful to the National Institute for its generous support.

<sup>2</sup>A longer discussion of this history can be found in Douglas McDonald, "Private Penal Institutions," in Michael Tonry (ed.), *Crime and Justice: A Review of Research* (Chicago, IL: University of Chicago Press, 1992); "Introduction," in Douglas McDonald (ed.), *Private Prisons and the Public Interest* (New Brunswick, NJ: Rutgers University Press, 1990); and Aric Press, "The Good, the Bad, and the Ugly: Private Prisons in the 1980s," in McDonald (ed.), *Private Prisons and the Public Interest*, pp.19-41.

<sup>3</sup>W.S. Holdsworth, *A History of English Law*, Vol. 4, 3rd ed., (London: Cambridge University Press, 1922-24), p. 397; A. Crew, *London Prisons of Today and Yesterday* (London: I. Nicholson & Watson, 1933), p. 50; Blake McKelvey, *American Prisons: A History of Good Intentions* (Montclair, NJ: Patterson Smith, 1977), pp. 197-216.

many argued that imprisonment is an “intrinsic” or “core” function of government.<sup>4</sup> But even though state responsibility for imprisonment was well established, contracting continued for a variety of services associated with imprisonment, including facility management and operation, albeit confined to various niches of the juvenile and adult correctional systems. Private, mostly not-for-profit charities and organizations had played a long and distinguished role in operating facilities for juvenile offenders. Indeed, the private Society for the Reformation of Juvenile Delinquents established the first house of refuge in New York City in 1825. By the mid-nineteenth century, private cottages had been established in several states.<sup>5</sup> During the 1960s, the number of privately operated juvenile facilities began to grow rapidly. By the time a national census of juvenile correctional facilities in the United States was conducted in 1989, the number of privately operated facilities had grown to 2,167, compared to 1,100 public ones.<sup>6</sup> The private facilities were very different from the public ones, however. Most were small community-based group homes or halfway houses, whereas most of the government facilities were training schools and detention centers.

In the adult correctional system, private firms had long been contracting with federal and state governments to provide a variety of specific services to correctional facilities, such as food services, maintenance, education, vocational training, health care, prison industries programs, and counseling.<sup>7</sup> Such contracting received little attention because it did not seem to pose fundamental questions about the state’s authority to incarcerate prisoners. Nor were questions raised when the Bureau of Prisons began in the late 1960s to contract with private firms to operate community treatment centers, halfway houses to which federal prisoners were transferred prior to being released or paroled.<sup>8</sup> These were outside the mainstream of secure prisons.

The private sector began to approach that mainstream in 1979 when the U.S. Immigration and Naturalization Service (INS) began contracting with private firms to detain illegal immigrants pending hearings or deportation, some of whom had finished terms in state or federal prisons, in secure confinement facilities. These contracts provided the seedbed for the contemporary private imprisonment industry in the United States, as several of the now-significant players in the industry started with them. This includes CCA, a Tennessee-based firm that incorporated in 1983 and opened its first detention center in Houston, Texas, the following year. Wackenhut, Inc., a long-established private security firm, entered the private imprisonment business when it won a contract to build a detention facility outside Denver, Colorado, for the INS. Similarly, the Correctional Services

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<sup>4</sup>American Bar Association, *Report to the House of Delegates* (Chicago, IL: American Bar Association, February 13, 1989), p. 3; John J. DiIulio, Jr., “The Duty to Govern: A Critical Perspective on the Private Management of Prisons and Jails,” in McDonald (ed.), *Private Prisons and the Public Interest*, pp. 172-177; Ira P. Robbins, *The Legal Dimensions of Private Incarceration* (Washington, DC: American Bar Association, 1988), p. 44.

<sup>5</sup>Philip B. Taft, Jr., “The Fiscal Crisis in Private Corrections,” (Part I), *Corrections Magazine* VIII, no. 6 (December 1982), 27-32.

<sup>6</sup>*Biannual Census of Public and Private Juvenile Detention, Correctional, and Shelter Facilities* (Washington, DC: U.S. Bureau of the Census, 1989 census).

<sup>7</sup>Camille G. Camp and George M. Camp, *Private Sector Involvement in Prison Services and Operations* (South Salem, NY: Criminal Justice Institute, 1984).

<sup>8</sup>Matthew J. Bronick, *The Federal Bureau of Prisons’ Experience with Privatization* (Washington, DC: Federal Bureau of Prisons, March 1989).

Corporation (formerly ESMOR) won a contract in 1989 to operate a immigrant detention facility in Seattle, Washington.

These developments drew little attention, but this changed in 1985 and 1986 when governments began to contract with private firms to operate secure facilities that functioned as county jails and state prisons. In 1985, CCA contracted with Bay County, Florida, to operate its jail and with Santa Fe County, New Mexico in 1986, to operate its jail. In January 1986, U.S. Corrections Corporation opened a 350-bed prison in St. Mary's, Kentucky to hold sentenced prisoners for the state. At approximately the same time, a small privately operated facility was opened in rural Cowansville, Pennsylvania, and the District of Columbia government arranged to transfer 55 inmates from the District's overcrowded jails to it. Their arrival created an uproar. Local residents came together and patrolled the streets with shotguns, fearing escapes. A prison reform group in Philadelphia learned of this and successfully petitioned the state legislature to declare a moratorium on privately operated prisons in that state.<sup>9</sup>

These events set off a nationwide debate about the legality, propriety, and desirability of private imprisonment. Congress held hearings in 1986; the National Institute of Justice convened a conference; and many criminal justice professional associations took a stand. The latter included the American Federation of State, County, and Municipal Workers (opposed), the National Sheriff's Association (opposed), the American Correctional Association (cautious support), and the American Bar Association (which asked for a moratorium pending further study).<sup>10</sup> The American Bar Association (ABA) study concluded that delegating operating authority to private entities posed "grave constitutional and policy problems."<sup>11</sup> This debate did not stop correctional privatization in its infancy, however. By the end of 1989, there were 44 secure private facilities in this country, housing about 15,000 prisoners.<sup>12</sup> According to the estimates developed by Charles Thomas and his associates, dated November 18, 1999, the total number of private facilities in the United States has grown to 162 private facilities.<sup>13</sup>

Comparisons between conditions prevailing in 1986 and 1996 give some measure of the rapid growth experienced in this industry. The number of beds in privately operated facilities in operation or under

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<sup>9</sup>Joint State Government Commission, *Report of the Private Prison Task Force* (Harrisburg, PA: General Assembly of the Commonwealth of Pennsylvania, March 1987).

<sup>10</sup>U.S. House of Representatives, *Privatization of Corrections: Hearings before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee of the Judiciary, House of Representatives, Ninety-ninth Congress, First and Second Sessions on Privatization of corrections, November 13, 1985, and March 18, 1986.* (Washington, DC: U.S. Government Printing Office, 1986); John Peterson, *Corrections and the Private Sector: A National Forum* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1988), Conference Proceedings.

<sup>11</sup>American Bar Association, *Report to the House of Delegates* (Chicago, IL: American Bar Association, February 13, 1989).

<sup>12</sup>Douglas McDonald, "Private Penal Institutions," in Michael Tonry (ed.), *Crime and Justice: A Review of Research* (Chicago, IL: University of Chicago Press, 1992).

<sup>13</sup>Charles Thomas, Private Corrections Project (Gainesville, FL: Center for Studies in Criminology and Law, University of Florida, November 18, 1999) <http://web.crim.ufl.edu/pcp/>. It is unclear whether Dr. Thomas and his associates included facilities other than secure adult correctional facilities. The title of the chart which displays this information is entitled "Rated Capacities of Private Facilities by Geographical Location." Similar charts from previous years counted the number of secure private adult prisons. However, there is no description of exactly what the term "secure private adult prisons" includes.

construction in the U.S. increased at an average annual rate of 45 percent during this period. Few of these beds were empty: the occupancy rate of all private adult facilities averaged 96 percent during 1996. In 1987, there were about 3,000 prisoners in such facilities. By 1996, the number had soared to more than 85,000. During 1996 alone, the number of prisoners increased 30 percent.<sup>14</sup>

As a result of these trends, the private corrections industry experienced explosive growth: from about \$650 million in 1996 to about \$1 billion in 1997.<sup>15</sup> Wall Street and individual investors were impressed with these growth statistics and with the apparently bright prospects for future growth (private facilities had less than 3 percent of the “market share” of prisoners held in state and federal prisons and in local jails in the United States).<sup>16</sup> Stock prices of the four publicly traded firms at that time saw sharp price appreciation, providing these companies with access to substantial amounts of cash to finance further expansion.

However, 1998 and 1999 witnessed stark changes in the private corrections industry. First, the structure of the industry changed. In February of 1998, Correctional Properties Trust was created, and in September of 1998, Prison Realty Trust was created. Both of these companies are Real Estate Investment Trusts (or REITs). Both were formed to develop and buy correctional facilities. The major tenant of Correctional Properties Trust is Wackenhut Corrections, and the primary tenant of Prison Realty Trust is CCA. Furthermore, the core management structure of these REITs is substantially similar to the core management of their primary tenants.

Second, investors have not been as kind to the private corrections industry in 1998 and 1999 as they were in 1996 and 1997. Although revenues and net income have generally continued to rise, stock prices have fallen sharply. In December of 1997, Wackenhut’s market capitalization was approximately 610 million dollars. By December of 1999, that number decreased to 225 million dollars.<sup>17</sup> Before CCA merged with Prison Realty Trust, CCA projected that the combined company’s market capitalization would be approximately 4 billion dollars.<sup>18</sup> As of December 20, 1999, Prison Realty Trust’s market capitalization is less than 25 percent of that figure at 814 million dollars.<sup>19</sup>

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<sup>14</sup>Charles Thomas, Diane Bolinger, and John Badalamenti, *Private Adult Correctional Facility Census*, Tenth Edition (Gainesville, FL: Center for Studies in Criminology and Law, University of Florida, 1997). These annual census of privately operated facilities use similar rules for including facilities in each. Generally, they include only “secure” facilities.

<sup>15</sup>1996 data from Nzong Xiong, “Private Prisons: A Question of Savings,” *The New York Times*, July 13, 1997; 1997 data from Alex M. Singal and Raymond F. Reed, *An Overview of the Private Corrections Industry: Industry Analysis*, (Baltimore, Md: Legg Mason Wood Walker, Inc., July 16, 1997), p. 12. Singal and Reed estimate the “revenue power” of the industry to have been about \$1 billion in mid-1997; we have not attempted to determine the actual revenues received by year-end.

<sup>16</sup>On June 30, 1997, a total of 1.2 million persons were held in state and federal correctional facilities, and 570,000 in local jails. As discussed below, the private industry’s current share of the state and federal market is slightly larger, about 5.3 percent.

<sup>17</sup>Media General Financial Services (December 20, 1999) <http://www.stocksheets.com/goto/?Ticker=whc>.

<sup>18</sup>Corrections Corporation of America. Printed in “company news on-call” (April 20, 1998) <http://www.prnswire.com/cgi-bin/stories/pl?ACT=105&STORY=/www/sto.../000063474>.

<sup>19</sup>Media General Financial Services (December 20, 1999) <http://www.stocksheets.com/goto/?Ticker=pzn>.

Negative publicity towards the market leaders in this industry has contributed significantly to these declines in market capitalization. In May of 1997, CCA signed a contract with the District of Columbia to provide 900 beds in the Northeast Ohio Correctional Center in Youngstown, Ohio—a medium-security facility. In October, the agreement expanded to 1,700 beds. By the end of July, 1998, however, twenty inmates had been stabbed, two were killed and six escaped from the facility in broad daylight.<sup>20</sup> Two major failures by CCA contributed to these catastrophes. First, CCA failed to supply a sufficient number of, and adequately trained, staff. For example, where CCA had one corrections officer assigned to watch two pods housing 128 inmates, an Ohio prison would have assigned four guards.<sup>21</sup> Furthermore, guards armed with shotguns were never trained to use a firearm.<sup>22</sup> Second, the medium-sized facility housed maximum-security inmates that preyed on medium-security inmates. This lack of training and the housing of maximum-security inmates are the basis of a 110 million dollar lawsuit filed by India Chisley, a widow of a Washington, D.C. medium-security inmate who was killed by a maximum-security inmate at the Youngstown facility.<sup>23</sup>

Wackenhut also received much public attention when troubles arose in one of its New Mexico facilities. The Lea County Correctional facility, located in Hobbs, New Mexico is owned and operated by Wackenhut Corrections. This 1,500 bed, medium-security prison opened in May of 1998. By July of 1999, the facility had three fatal stabbings and six non-fatal stabbings, a disturbance involving 170 inmates and a missing gun report. Furthermore, two cases of cover-ups of excessive force by guards have led to officers being fired or disciplined.

Smaller firms have also received their share of negative publicity. For example, at the Santa Fe County (NM) Jail, operated by Cornell Corrections, guards were accused of sexually assaulting inmates; three guards were found to have slipped through Cornell's background check with felony convictions; and a plumber working at the jail was fired for smuggling cocaine into the facility.<sup>24</sup> Also, an inmate was severely injured by guards trying to subdue him when he was shot in the groin with a bean-bag pellet.<sup>25</sup> Cornell has also encountered negative publicity in Pennsylvania. It plans to locate a prison in Clearfield County, but residents have contested the construction because of the sullied reputations of privately operated prisons as well as the fear of having inmates in their backyards.<sup>26</sup>

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<sup>20</sup>Tatge, Mark, *Cleveland Plain Dealer*, "Employees criticize privately run prison," (August 30, 1998).

<sup>21</sup>*Ibid.*

<sup>22</sup>*Ibid.*

<sup>23</sup>*The Beacon Journal*, "Widow suing owner of Youngstown private prison" (September 16, 1998).

<sup>24</sup>The Legal Times, "Proposed Prison Elicits Mixed Reactions (September 6, 1999), p. 3.

<sup>25</sup>*Ibid.*

<sup>26</sup>*Ibid.*



## Why the Private Prisons Industry Emerged

The contemporary private imprisonment industry owes its emergence to several dynamics, other than the obvious fact that entrepreneurs saw business opportunities and seized them. One was the desire of many government correctional agencies to expand their capacity quickly. For example, the INS, faced with the need for more beds to house illegal aliens, turned to private firms to design, build, and operate detention facilities. This could be done quickly, using funds budgeted for detention operations, rather than waiting months or years for a capital appropriation to be requested and approved.

For cities and counties, contracting for private imprisonment resolved certain problems peculiar to local governments. In Bay County, Florida, for example, the county commissioners were displeased with the pace at which the independently elected sheriff was making improvements to the local jail, which had been found by the state to be in violation of established standards. The commissioners turned to the Corrections Corporation of America, which promised to make the necessary improvements quickly and to get the state off the county's back within a matter of months. In Santa Fe, New Mexico, the county had built a larger jail than it needed, resulting in a higher per prisoner expenditure than anticipated. County officials decided that it would be more economically advantageous to contract with a private firm to operate the facility and to pay only for the space used, leaving the rest of the facility to be used for housing prisoners in other "markets"—for example, prisoners from other counties that lacked sufficient bed space or federal prisoners being transported by the U.S. Marshals Service.

Different dynamics created business opportunities for the private sector in state governments. Beginning in 1973, the nation's state and federal prison population began growing rapidly, and by 1986, it had almost tripled, growing more than fifteen times faster than the general population. To accommodate the increase from 1985 to 1986 alone—about 43,000 additional prisoners—seven new medium-sized (500-bed) prisons were needed each month.<sup>27</sup> Governments did not build facilities quickly enough to handle this flood of prisoners, and severe overcrowding became the norm. By 1986, all but seven states were operating their prisons in excess of 95 percent capacity; 38 were either full or above capacity; and seven states exceeded capacity by more than 50 percent. The federal prison system was also operating at somewhere between 27 and 59 percent above capacity. Throughout the nation, prisoners were sleeping in hallways, day rooms, gymnasiums, sometimes even in bathrooms, or were doubled up in small cells.

Overcrowding exacerbated another serious problem: a large proportion of the nation's penal facilities were outmoded and even obsolete by contemporary standards. A government survey conducted in 1983 found that half of all state and federal prisons in operation at the time were more than 35 years old and a substantial number more than a hundred.<sup>28</sup> Only about one-fifth of all state and federal prisons had been accredited by the

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<sup>27</sup>McDonald (ed.), *Private Prisons and the Public Interest*, p. 4.

<sup>28</sup>Bureau of Justice Statistics, *Prisoners in State and Federal Institutions on December 31, 1983* (Washington, DC: Department of Justice, 1986), Table 16.

Commission on Accreditation for Corrections. The confluence of these dynamics resulted in a spate of lawsuits challenging the constitutionality of the conditions under which prisoners were being confined. By mid-1988, 39 states, the District of Columbia, Puerto Rico, and the Virgin Islands were operating prisons and jails under court orders to remedy unconstitutional conditions. Several states were even forced to release prisoners ahead of time to bring occupancy levels down to mandated levels.

Correctional administrators found themselves in a difficult position, unable to stanch the flow of prisoners and constrained in the ability to build more prisons quickly. Following the passing of Proposition 13 in California in 1978, expenditure controls or revenue restrictions were placed on many state and local governments. Federal aid to state and local governments had also been shrinking since 1980. By 1986, the general revenue sharing program was dead, leaving many local governments without any federal assistance. Many state governments were reaching their debt ceilings and were unable to issue more bonds to finance prison construction. Even though voters were supporting legislation to send more criminal offenders to prison and for longer times, they often voted down prison construction debt proposals.

Turning to the private sector to provide new prison beds was an attractive solution to many governments facing debt restrictions. If a private firm financed, constructed, and operated a new prison, payments to the firm by governments for housing the state's prisoners could be charged against operations budgets, rather than capital budgets, thereby avoiding any need for increasing debt. Some jurisdictions relied on a variant of this arrangement: private corporations (usually not-for-profit) were brought into being, operating on behalf of a government, which would issue bonds to finance the construction of a new prison that would then be leased to the state. Lease payments could be paid using government operating funds, and the state's corrections department could operate the facility as if the state owned it outright.<sup>29</sup>

To this day, the market for private imprisonment is largely confined to the provision of *new* beds in state and federal prisons, rather than takeovers of existing government operated facilities. Although privatization came onto the public stage with the Corrections Corporation of America's bid to take over Tennessee's prisons in 1985, such a transfer of assets has occurred only once. Effective January 30, 1997, CCA acquired a twenty-year lease on the District of Columbia's Correctional Treatment Facility for which it pays \$233,000 a month. CCA also has a twenty-year contract to operate the facility.

The growth and development of the private imprisonment industry received important support from broader political and ideological developments in the mid-1980s. On both sides of the Atlantic, in the United States and in Great Britain, conservative governments held sway and launched concerted attacks on the institutional structures and ideology of the welfare state. "Privatization" initiatives gained influential proponents, although the opportunities in this country were fewer, largely because governments here hold fewer assets that can be privatized and because a wide variety of services funded by governments had long been delivered by private contractors. Despite this, the public landscape in the United States was combed in search of targets for

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<sup>29</sup>Jan Chaiken and Stephen Mennemeyer, *Lease-Purchase Financing of Prison and Jail Construction* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1987).

privatization or contracting, and prisons were identified by some as promising opportunities for expanding private sector involvement.<sup>30</sup>

For a variety of reasons, the belief emerged that contracting for services, including correctional services, was superior to direct government provision.<sup>31</sup> Private firms were said to be more efficient as they are not mired in the “red tape” that encumbers public agencies, especially in procurement and labor relations. Private managers can hire and fire without the constraints of civil services and restrictions on creating budget lines for new employees; labor can be disciplined and reassigned with far greater ease in the private sector, especially if labor is not unionized.

Another purported advantage of the private sector was its greater efficiency in the face of competition. According to this line of argument, public agencies have monopolies on services, and few incentives exist to discover and implement ways of improving efficiency. Shielded from the demands of the marketplace, public managers may not strive for greater productivity but for maintaining their positions by avoiding risks. Government positions and agency budgets, once established, are difficult to reduce because constituencies are created inside and outside government that press legislatures for continued funding. In contrast, competition in the private marketplace, and the risk of losing money or going out of business, supposedly stimulates the search for increased efficiency.

Critics of privatization have challenged these beliefs, however. For example, Donahue argues that there is little room for technological innovation in prisons because of their labor intensive nature.<sup>32</sup> Others argue that the high priority given to maximizing profits creates incentives to minimize costs, which may lead to reductions in service quality.<sup>33</sup> Critics also point to examples of flagrant overcharging by contractors to state and local governments for shoddy goods and poor services.<sup>34</sup> Some opponents of privatization in corrections point to the dismal experience with the convict leasing arrangements that pervaded the South during the Civil War decades. The conditions of those privately operated facilities were generally appalling, and the death rates in them were considerably higher than in public prisons.<sup>35</sup>

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<sup>30</sup>President’s Commission on Privatization, *Privatization: Toward More Effective Government* (Washington, DC: President’s Commission on Privatization, 1988).

<sup>31</sup>The arguments in support of this belief are offered in, for example: E.S. Savas, *Privatizing the Public Sector: How to Shrink Government* (Chatham, NJ: Chatham House Publishers, 1982); Stuart Butler, *Privatizing Federal Spending: A Strategy to Eliminate the Deficit* (New York, NY: Universe Books, 1986); James K. Stewart, “Costly Prisons: Should the Public Monopoly Be Ended?” in Patrick B. McGuigan and Jon S. Pascale (eds.) *Crime and Punishment in Modern America* (Washington, DC: The Institute for Government and Politics of the Free Congress Research and Education Foundation, 1986), pp. 365-388; President’s Commission on Privatization, *Privatization: Toward More Effective Government* (Washington, DC: President’s Commission on Privatization, 1988).

<sup>32</sup>John D. Donahue, *The Privatization Decision* (New York, NY: Basic Books, 1990).

<sup>33</sup>American Bar Association, *Report to the House of Delegates*, unpublished document (Chicago: American Bar Association), p. 4.

<sup>34</sup>American Federal, State, County, and Municipal Employees (AFSME) AFL-CIO, *Passing the Bucks: The Contracting Out of Public Services*. (American Federation of State, County and Municipal Employees, AFL-CIO, 1984).

<sup>35</sup>George Cable, “The Convict Lease System,” in *The Silent South* (Montclair, NJ: Patterson Smith, 1969).

## State and Federal Experience with Private Prisons

This survey focuses on privately operated *prisons*, rather than jails or detention centers. That is, we examine privately operated secure confinement facilities that are most equivalent to secure confinement facilities in state or federal prison systems and which contract with the correctional agencies in the surveyed jurisdictions to provide prison space. In contrast with jails, prisons are designed to hold inmates for longer terms and have a variety of programs for the inmates. We exclude from our purview the following: all privately operated facilities that function as jails;<sup>36</sup> detention centers for illegal immigrants or others; facilities operating under contract with the U.S. Marshals Service, the U.S. Immigration and Naturalization Service, or local governments; all privately operated non-secure facilities; and all juvenile facilities.

To identify the subset of privately operated facilities that most closely correspond to state or federal prisons, we conducted a survey in 1998 in which we mailed questionnaires to the heads of all correctional agencies in all states, the Federal Bureau of Prisons, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. (Hereafter, these governmental entities are referred to as “jurisdictions.”) This survey asked these correctional agencies to identify all privately operated facilities that were under contract on December 31, 1997 to hold prisoners under their authority. Fifty-three of the 55 agencies surveyed responded. Twenty-eight jurisdictions reported having a total of 91 active contracts on that date, with 84 different private facilities. (The number of contracts exceeded the number of private facilities because some facilities contracted with more than one political jurisdiction.) These facilities held a total of 37,651 prisoners at year end 1997.

This survey undercounted by an undetermined amount both the number of such facilities and the number of prisoners in them at year-end 1997. This occurred because we asked for facilities that had *contracts* with departments of corrections. We overlooked the fact that some departments lacked contractual agreements with private firms and relied on an intergovernmental agreement to transfer prisoners to a public correctional agency in another state, which did have such a contract. Two departments provided information about privately operated facilities that held prisoners so transferred, but several did not, limiting their answers to the question that we posed to them.

In 1999 we conducted another survey for this study of classification and training standards and procedures. This questionnaire obtained information about 1) the location of the facility; 2) the contractor; and 3) classification information about the inmate population and the physical security of the facility on July 31, 1999. Unlike the 1998 survey, it omitted questions about the total number of inmates and ownership of correctional facilities; however, it explicitly asked for information about *any* facility holding sentenced adult prisoners and not just those facilities with which they contracted. This survey asked respondents to exclude community based facilities, which we define as facilities at which 50 percent or more of the inmates are regularly permitted to depart unaccompanied for educational release and rehabilitation. All of the 55 surveyed government agencies responded to the survey. These 94 facilities held a total of 69,188 prisoners

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<sup>36</sup>However, the study does include Texas State Jails, which hold state inmates.

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**Table 1****Number of Prisoners in Privately Operated Facilities on July 31, 1999, by Government Entity Having Jurisdiction Over Prisoners.**

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State	Total prisoners under government's jurisdiction in privately operated facilities on July 31, 1999	Total prisoners under government's jurisdiction at year end 1998
Alaska	717	4,097
Arkansas	1,191	10,638
Arizona	1,450	25,311
California	3,514	161,904
Colorado	2,621	14,312
Florida	3,737	67,224
Georgia	3,000	39,262
Hawaii	1,183	4,924
Idaho	250	4,083
Indiana	890	19,197
Kentucky	1,578	14,987
Louisiana	3,091	33,227
Minnesota	50	5,572
Mississippi	3,376	16,678
Montana	316	2,734
North Carolina	1,053	31,811
New Mexico	1,718	4,985
Nevada	490	9,651
Oklahoma	5,295	20,892
Tennessee	3,435	17,738
Texas	15,122	144,510
Utah	322	4,391
Virginia	1,535	28,560
Washington	250	14,161
Wisconsin	2,557	18,451
Wyoming	197	1,571
BOP	6,115	123,041
Washington, DC	1,596	9,949
Puerto Rico	2,539	
Total	69,188	853,861

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*Note:* The Abt Associates 1999 survey did not ask for the total number of prisoners for which the jurisdictions above were responsible. Thus, we used December 31, 1998 data as an approximation.

*Sources:* Abt Associates Inc. 1999 survey of state and federal correctional administrators.; Beck and Mumola, "Prisoners in 1998," *Bureau of Justice Statistics Bulletin*, August, 1999, p. 3.

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on July 31, 1999.<sup>37</sup> This included all prisoners under the correctional authority of these surveyed jurisdictions who were held in privately operated *secure* facilities (whether by direct contracts or through intermediary local governments). This represents 5.3 percent of the nation's 1.3 million prisoners held by state and federal correctional agencies at this time.

Of the 69,188 inmates held in private prisons in this country, most of these (55,022) were held in the political boundaries of the jurisdiction responsible for those inmates. (This does not include the 6,115 federal prisoners held in private facilities.) A small number (8,051) were held in facilities located in

other states. These included, most notably, 2,557 prisoners from Wisconsin held in Oklahoma and Tennessee; 1,596 prisoners from the District of Columbia held primarily in Ohio; and 1,183 inmates from Hawaii held in Minnesota, Oklahoma and Tennessee facilities. Also worth noting are Oklahoma and Colorado. On December 31, 1997, Colorado and Oklahoma held 1,008 and 933 prisoners, respectively, in private prisons located outside of the political boundaries of these states. By July 31, 1999, these jurisdictions relied on private prisons that were located *within* their political boundaries.

## **Contracting for Secure Confinement**

Twenty-six states reported having contracts with private firms on July 31, 1999, to house prisoners, in addition to the District of Columbia, the Federal Bureau of Prisons, and the Commonwealth of Puerto Rico. These 29 jurisdictions reported having a total of 103 active contracts on that date, with 94 different private facilities. (The number of contracts exceeded the number of private facilities because some facilities contracted with more than one political jurisdiction.) The survey indicated that certain jurisdictions have far greater experience in contracting with private firms for secure beds than others (Table 2). The Texas Department of Criminal Justice reported having 20 active contracts on July 31, 1999 for secure imprisonment services (excluding contracts with six privately operated jails). The State of Florida reported five active contracts on that day; Oklahoma reported six; California reported nine.

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<sup>37</sup>This number differs dramatically from that reported by the Bureau of Justice Statistics in its *1995 Census of State and Federal Correctional Facilities* (Washington, DC: U.S. Government Printing Office, 1997). This census identified 29 privately operated secure confinement facilities, holding 12,534 inmates. This discrepancy does not reflect simply a four-year difference in data collection points. Rather, it is a result of different inclusion rules in the Abt Associates and the Bureau of Justice Statistics censuses. The former asked correctional officials to report on *all* facilities under contract to hold their prisoners, whereas the BJS census asked correctional officials to exclude private facilities in which fewer than 50 percent of the prisoners were from state or federal agencies. Correctional officials may have been unable to make that determination effectively, especially because many facilities accept prisoners from a number of different federal or state agencies and no single agency may know the total state/federal share.

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**Table 2****Number of Active Contracts for Secure Confinement on July 31, 1999, by Contracting Jurisdiction**

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Alaska	1	New Mexico	3
Arkansas	2	North Carolina	2
Arizona	3	North Dakota	1
California	9	Ohio	2
Colorado	5	Oklahoma	6
Florida	5	Oregon	0
Georgia	3	Tennessee	2
Hawaii	4	Texas	20
Idaho	1	Utah	1
Indiana	2	Virginia	1
Kentucky	3	Washington	2
Louisiana	2	Wisconsin	2
Minnesota	1	Wyoming	2
Mississippi	4	Federal Bureau of Prisons	4
Montana	4	District of Columbia	3
Nevada	1	Puerto Rico	4
		<b>Total Contracts</b>	<b>103</b>

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*Source:* Abt Associates Inc. 1999 survey of state and federal correctional administrators.

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## Characteristics of Privately Operated Prisons

This section describes, in summary fashion, those privately operated prisons that were reported to be contracting with state and federal correctional agencies on July 31, 1999. This includes information about the landscape of the private sector, the geographical location of the facilities, ownership, reported levels of physical security, and numbers and proportions of prisoners classified according to the risk they pose.

### Industry Concentration

Two firms—CCA and Wackenhut—continue to dominate the market. Holding 77 of all 103 reported contracts with state and federal agencies that were active on July 31, 1999, the market share of these firms has increased from 67 percent (as of December 31, 1997) to 75 percent. CCA had 51 active contracts with state or federal correctional agencies, Wackenhut 26. (This reflects the dominance of these two in contracting with all

governments generally, not just state and federal.) The market share of these firms rose 5 percent and 3 percent, respectively, since December 31, 1997.<sup>38</sup>

Long dominated by a few big players, the industry appears to be experiencing still further consolidation, as well as some diversification. Smaller firms are being acquired by larger ones, and some are developing new capacities—such as drug treatment services—to augment their “core” capabilities. Firms that have been focusing on the adult corrections market are also moving into juvenile corrections.

### Where Private Prisons are Located

Most of the privately operated prisons holding state or federal prisoners in this country are located in the West and in the South (Table 3). Texas is home to the most such facilities by far—22. California is the state next most populated with such facilities, having 10 within its boundaries. Oklahoma has eight, and New Mexico has six. The remaining jurisdictions have five or fewer private facilities that hold state or federal prisoners.

**Table 3**

**Number of Private Facilities Contracted by State and Federal Correctional Agencies, by State of Location on July 31, 1999**

Arkansas	2	Mississippi	4
Arizona	5	North Carolina	2
California	10	New Mexico	6
Colorado	5	Nevada	1
District of Columbia	1	Ohio	3
Florida	5	Oklahoma	8
Georgia	3	Puerto Rico	4
Indiana	1	Tennessee	4
Kentucky	3	Texas	22
Louisiana	2	Utah	1
Minnesota	1	Virginia	1
		<b>Total Facilities</b>	<b>94</b>

*Source:* Abt Associates Inc. 1999 survey of state and federal correctional administrators.

<sup>38</sup>However, the 1998 study did not include IGA contracts.



## Facility Ownership

Of the 94 facilities that contract with state or federal correctional agencies to house their prisoners, 39 are owned by governments (Table 4). Fifty-five others are owned by the management firms that operate the facilities or by other private entities. With respect to the private owners, two points are important. First, several of the privately owned facilities are only nominally private, as they have been created by governments to own the facility on behalf of the government.<sup>39</sup> Second, CCA and Wackenhut are absent from this list. As stated above, CCA merged with Prison Realty Trust. As a result, all of the properties owned by CCA are now owned by Prison Realty Trust. Wackenhut has transferred its properties to Correctional Properties Trust—another REIT.

On December 31, 1997, 50 facilities were in the hands of 19 private owners. CCA owned 16 of those facilities and Wackenhut owned 5—that is, 32% and 10% respectively. On July 31, 1999, 13 private entities owned 55 facilities. Of the facilities owned by private organizations as of July 31, 1999, Prison Realty Trust owned 27 and Correctional Properties Trust owned 8. That is 49% and 15% respectively. Not only has there been a sharp trend of ownership consolidation, but Prison Realty Trust seems to have created this trend almost single-handedly.

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**Table 4**

### Number of Privately Operated Facilities, by Ownership on July 31, 1999

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<b>Private Owners</b>	<b>Facilities</b>
Prison Realty Trust	27
Correctional Properties Trust	8
Cornell Corrections, Inc.	3
Corrections Services Corporation	4
Management and Training Corporation	4
Civigenics Incorporated/Fenton Securities	1
Marantha Production Company, LLC	1
Industrial Development Authority of Brunswick Co.	1
Delta Correctional Authority	1
Louisiana Corrections Facility Corporation	2
Mooreland Corporation	1
Wilkinson County Industrial Development Authority	1
Hardeman County Correctional Facility Corporation	1
<b>Subtotal Private Owners</b>	<b>55</b>

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<sup>39</sup>For example, the Industrial Development Authority of Brunswick County owns Lawrenceville Correctional Center on behalf of Brunswick County.

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**Table 4****Number of Privately Operated Facilities, by Ownership on July 31, 1999**

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<b>Private Owners</b>	<b>Facilities</b>
<hr/>	
<b>Government Owners</b>	
Arkansas	2
Crystal City, OK	1
Bexar County, Texas	1
Brownfield, TX	1
Eden, TX	1
Florida	5
Hinton, Oklahoma	1
Mississippi	2
Marion County, IN	1
Ohio	1
Puerto Rico	4
Tennessee	1
Texas	15
Utah	1
Federal Bureau of Prisons	2
<b>Subtotal Government Owners</b>	<b>39</b>
<b>Total</b>	<b>94</b>

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Source: Abt Associates Inc. 1999 survey of private facility operators.

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**The Private Sector's Experience with Medium and High-Security Prisoners**

As discussed above, the private sector got its start outside of the correctional mainstream, in community-based or less secure facilities. In recent years, however, increasing numbers of facilities are designated as offering higher levels of security. This section examines the experience of the private sector in managing criminals who pose high security risks. It also explores the relevance of this experience with respect to managing federal prisoners.

Prisons differ according to their *physical security*. Minimum security institutions often lack secure perimeters. Medium security prisons have secure perimeters—often two fences with a bank of razor wire between them or, in older facilities, high concrete walls ringed with razor wire and fences. Maximum security prisons typically have secure perimeters and guard towers, in which armed officers are posted. There are many variations in these general configurations, and classification of the physical security also depends on the architecture of the housing units and the procedures that are followed inside the prison.

Some private facilities have the physical characteristics to meet ACA standards for medium and higher security facility ratings. As shown in Table 5, the distribution of private facilities categorized by physical security are highly concentrated in the medium and minimum categories. Each category holds 47% of the private, secure facilities that hold federal or state inmates among these jurisdictions. The number of maximum/close/high security facilities rose sharply between December 31, 1997 and July 31, 1999. At the end of 1997, only 1 private, adult, secure facility was categorized as maximum (South Bay Correctional Facility in Florida, operated by Wackenhut). On July 31, 1999, there were four more, located in Arizona, Colorado, New Mexico, and Tennessee.

**Table 5**

**Physical Security of Privately Operated Facilities on July 31, 1999**

	Number	Proportion
Maximum/Close/High	5	5%
Medium	44	47%
Minimum	44	47%
Other	1	1%
<b>Total</b>	<b>94</b>	<b>100%</b>

- Notes:*
1. Respondents attributed multiple physical security categories to one facility. To these facilities we assigned the physical security classification according to the highest proportion of inmates it held by custody level.
  2. The facility classified as “Other” is a Minimum/Medium facility. The inmate population is not segregated into individual classification groups.

*Source:* Abt Associates Inc. 1999 survey of state and federal correctional administrators.

Operating medium and high security prisons is not the same as managing medium and high security *prisoners*, however. Almost all correctional agencies classify prisoners according to the risk that they pose to staff, to other inmates, and to the public. One common convention is to use a three-tiered classification: minimum-security, medium-security, and maximum-security (sometimes called “high-security” or “close supervision”). Many jurisdictions use procedures employing objective criteria rather than subjective assessments to classify prisoners.

The Abt Associates survey of correctional agencies asked respondents to report the numbers of prisoners in each of the privately operated facilities under contract with that agency, by the prisoners’ security classifications. Forty-eight percent of all prisoners held in privately operated prisons under contract with these governments on July 31, 1999 were classified as medium-security; 4 percent were maximum-security, and 46 percent were minimum/low security (Table 6). Compared to all prisoners held by state and federal prisons

operated by public employees, the private sector has a disproportionate number of minimum security prisoners and few maximum security ones. On June 30, 1995 (the most recent data available), 20 percent of all prisoners housed in all state and federal prisons were classified as maximum-security, 39 percent medium-security, and 33 percent minimum security.<sup>40</sup>

**Table 6**

**Classification of Prisoners' Custody Levels in Confinement Facilities**

	<b>Privately-Operated (1999)</b>	<b>All State and Federal (1995)</b>
Maximum/Close/High	2,772 (4%)	201,996 (20%)
Medium	33,088 (48%)	404,256 (39%)
Minimum	32,117 (46%)	337,779 (33%)
Not Classified	740 (1%)	39,302 (4%)
Other	471 (1%)	
<b>Total</b>	<b>69,188</b>	<b>992,333</b>

*Notes:* The Abt Associates Inc. survey counted prisoners in custody in privately operated state and federal correctional agencies on July 31, 1999.

The BJS census counted prisoners in custody on June 30, 1995 and includes unsentenced prisoners. Numbers do not sum to total shown here; data computed from that reported as shown in BJS *Census*. The BJS census includes all prisoners in custody in confinement facilities (i.e., not community-based) in state and federal correctional agencies. These include a small number of privately-managed facilities.

*Sources:* Abt Associates Inc. survey of state and federal correctional administrators; and Bureau of Justice Statistics, *1995 Census of State and Federal Correctional Facilities* (1997), Table 13.

To further characterize private facilities' experience with more dangerous prisoners, surveyed correctional administrators were also asked if they send violent offenders to the privately operated facilities with which they contract. Administrators replied that this was done in 63 of the 91 total contracts that were active on December 31, 1997. They did not report the number or security classification of the violent offenders actually placed in private facilities.

The private sector's experience with higher risk prisoners is not fully described in Table 6, however, for several reasons. First, classification procedures vary from one jurisdiction to another, and a prisoner classified as "medium security" in one may be classified as minimum in another. (Indeed, some respondents to the Abt Associates survey had difficulty conforming to our requested categories of minimum, medium, and high security.) Second, prisoner classifications are not static. Rather, each prisoner's security rating may change

<sup>40</sup>Bureau of Justice Statistics, *1995 Census of State and Federal Correctional Facilities* (1997).

throughout his institutional career, depending upon his behavior, among other things. That is, prisoners may be classified as medium security, for example, but may be housed in lower security facilities by virtue of their sustained good behavior. Indeed, it is not uncommon for maximum security prisoners to be placed in lower security institutions and then subsequently be reclassified to medium security (or they may simply keep their initial designation). Prisoners classified as medium-security, therefore, may include persons who pose substantial risk as well as those seen as posing relatively little risk. Some respondents reported that the private facilities were used to house “better” inmates, although others reported that the most troublesome prisoners were transferred to private facilities. It is difficult to know, therefore, whether the medium-security prisoners held in private facilities were equivalent, as a whole, to the populations of medium-security prisoners in the same jurisdiction’s government facilities.



## Appendix 2

### List of Private Prisons Holding Sentenced Adult Inmates, by Contracting State, as Identified on July 31, 1999\*

\*Several private prisons held inmates from multiple jurisdictions and appear the corresponding number of times in this list.

Contract State	Facility Name	Location State	Contractor	Maximum	Medium	Low	Minimum	NoClass	Other	Total Inmates
AK	Central Arizona Detention Center	AZ	CCA	311	189	0	214	3	0	717
AR	Scott Grimes Correctional Center	AR	WCC	7	358	226	0	0	0	591
AR	Ronald McPhearson Correctional Center	AR	WCC	109	117	374	0	0	0	600
AZ	Marana Community Treatment Facility	AZ	MTC	0	0	0	450	0	0	450
AZ	Arizona State Prison - Phoenix, West	AZ	CSC	0	0	0	400	0	0	400
AZ	Florence DWI Prison	AZ	CSC	0	0	0	600	0	0	600
BOP	Eloy Detention Center	AZ	CCA	0	2	756	6	684	0	1,448
BOP	Taft Correctional Institution	CA	WCC	0	38	620	644	0	0	1,302
BOP	Big Spring Correctional Facility	TX	CCI	0	0	2,059	0	0	0	2,059
BOP	Eden Detention Center	TX	CCA	0	0	1,306	0	0	0	1,306
CA	Baker Community Correctional Facility	CA	CCI	0	0	125	125	0	0	250
CA	Leo Chesney Community Correctional Facility	CA	CCI	0	0	98	98	0	0	196
CA	Mesa Verde Community Correctional Facility	CA	API	0	0	175	176	0	0	351
CA	Eagle Mountain Community Correctional Facility	CA	MTC	0	0	205	205	0	0	410
CA	McFarland Community Correctional Facility	CA	WCC	0	0	100	100	0	0	200
CA	Central Valley Modified Community Corr. Facility	CA	WCC	0	0	262	262	0	0	524
CA	Golden State Modified Community Corr. Facility	CA	WCC	0	0	269	270	0	0	539
CA	Desert View Modified Community Corr. Facility	CA	WCC	0	0	266	266	0	0	532
CA	Victor Valley Modified Community Corr. Facility	CA	MPC	0	0	256	256	0	0	512
CO	Park County Detention Center	CO	CGI	48	0	0	0	35	0	83
CO	Bent County Correctional Facility	CO	CCA	14	369	0	82	0	0	465
CO	Huerfano County Correctional Facility	CO	CCA	15	430	209	115	0	0	769
CO	Kit Carson Correctional Facility	CO	CCA	32	425	229	72	0	0	758
CO	Crowley County Correctional Facility	CO	CSC	43	268	157	78	0	0	546
DC	North East Ohio Correctional Center	OH	CCA	0	666	0	666	0	0	1,332
DC	Torrance County Detention Facility	NM	CCA	88	43	4	0	0	0	135
DC	Central Arizona Detention Center	AZ	CCA	0	129	0	0	0	0	129
FLP	Gadsden Correctional Facility	FL	CCA	0	161	0	630	0	0	791
FLP	South Bay Correctional Facility	FL	WCC	917	220	0	74	3	0	1,214
FLP	Bay Correctional Facility	FL	CCA	0	526	0	165	0	0	691
FLP	Moore Haven Correctional Center	FL	WCC	0	451	0	251	0	0	702
FLP	Lake City Correctional Facility	FL	CCA	52	167	0	120	0	0	339
GA	Coffee County Prison	GA	CCA	0	649	0	338	0	13	1,000
GA	Wheeler County Prison	GA	CCA	0	618	0	363	0	19	1,000
GA	Charlton County Prison	GA	CCI	0	629	0	349	0	22	1,000
HI	West Tennessee Detention Facility	TN	CCA	67	0	0	0	0	0	67
HI	Central Oklahoma Correctional Facility	OK	CSC	0	86	0	0	0	0	86
HI	Diamond Back Correctional Facility	OK	CCA	0	372	0	0	0	0	372



Contract State	Facility Name	Location State	Contractor	Maximum	Medium	Low	Minimum	NoClass	Other	Total Inmates
HI	Prairie Correctional Facility	MN	CCA	0	658	0	0	0	0	658
ID	Cibola County Correctional Facility	NM	CCA	0	120	0	130	0	0	250
IN	Marion County Jail	IN	CCA	0	397	0	0	0	0	397
IN	Diamondback Correctional Facility	OK	CCA	0	493	0	0	0	0	493
KY	Lee Adjustment Center	KY	CCA	0	208	0	274	0	0	482
KY	Otter Creek Correctional Center	KY	CCA	0	0	0	535	0	0	535
KY	Marion Adjustment Center	KY	CCA	0	0	0	561	0	0	561
LA	Allen Correctional Center	LA	WCC	0	1,547	0	0	0	0	1,547
LA	Winn Correctional Center	LA	CCA	0	1,544	0	0	0	0	1,544
MN	Prairie Correctional Facility	MN	CCA	0	50	0	0	0	0	50
MS	Delta Correctional Facility	MS	CCA	0	989	0	0	0	0	989
MS	Wilkinson County Correctional Facility	MS	CCA	450	424	0	24	0	0	898
MS	Marshall County Correctional Facility	MS	WCC	0	990	0	0	0	0	990
MS	East Mississippi Correctional Facility	MS	WCC	66	407	0	26	0	0	499
MT	West Tennessee Detention Facility	TN	CCA	43	41	0	42	0	6	132
MT	Central Arizona Detention Center	AZ	CCA	19	59	0	34	0	0	112
MT	McKinley Adult Detention Center	NM	CSC	0	72	0	0	0	0	72
MT	Crossroads Correctional Center	MT	CCA	0	0	0	0	0	0	0
NC	Pamlico Correctional Institution	NC	CCA	0	526	0	0	0	0	526
NC	Mountain View Correctional Institution	NC	CCA	0	527	0	0	0	0	527
NM	New Mexico's Women's Correctional Facility	NM	CCA	30	230	0	44	15	0	319
NM	Lea County Correctional Facility	NM	WCC	16	1,038	0	10	0	0	1,064
NM	Guadalupe County Correctional Facility	NM	WCC	0	335	0	0	0	0	335
NV	Southern Nevada Womens Correctional Facility	NV	CCA	172	172	0	146	0	0	490
OH	North Coast Correctional Treatment Facility	OH	CGI	0	0	0	0	0	0	0
OH	Lake Erie Correctional Institution	OH	MTC	0	0	0	0	0	0	0
OK	Great Plains Correctional Facility	OK	CCA	0	811	0	1	0	0	812
OK	Davis Correctional Facility	OK	CCA	0	971	0	0	0	0	971
OK	Cimarron Correctional Facility	OK	CCA	0	961	0	0	0	0	961
OK	Central Oklahoma Correctional Facility	OK	MCS	0	599	0	0	0	0	599
OK	Lawton Correctional Facility	OK	WCC	0	1,840	0	0	0	0	1,840
OK	Diamondback Correctional Facility	OK	CCA	0	112	0	0	0	0	112
PR	Ponce Prison - Adults	PR	CCA	0	897	0	25	0	0	922
PR	Guayama Correctional Center	PR	CCA	42	895	0	32	0	0	969
PR	Bayamon Correctional Facility	PR	WCC	28	305	0	74	0	0	407
PR	Ponce Prison - Young Adults	PR	CCA	25	169	0	47	0	0	241
TN	South Central Correctional Center	TN	CCA	75	442	0	967	0	0	1,484
TN	Hardeman County Correctional Center	TN	CCA	19	632	0	1,300	0	0	1,951

Contract State	Facility Name	Location State	Contractor	Maximum	Medium	Low	Minimum	NoClass	Other	Total Inmates
TX	Diboll Correctional Center	TX	MTC	0	0	0	518	0	0	518
TX	B.M. Moore Correctional Center	TX	MTC	0	0	0	500	0	0	500
TX	Kyle Pre-Release Center	TX	WCC	0	0	0	520	0	0	520
TX	Venus Pre-Release Center	TX	CCA	0	0	0	1,000	0	0	1,000
TX	Central Texas Parole Violator Facility	TX	WCC	0	0	0	0	0	166	166
TX	South Texas Intermediate Sanction Facility	TX	CSC	0	0	0	444	0	0	444
TX	Mineral Wells Pre-Parole Transfer Facility	TX	CCA	0	0	0	2,085	0	0	2,085
TX	Lockhart Work Program Facility	TX	WCC	0	0	0	497	0	0	497
TX	Brownfield Intermediate Sanction Facility	TX	CCA	0	0	0	0	0	245	245
TX	North Texas Intermediate Sanction Facility	TX	WCC	0	0	0	402	0	0	402
TX	Bridgeport Pre-Parole Transfer Facility	TX	CCA	0	0	0	189	0	0	189
TX	Lindsey State Jail	TX	WCC	0	137	0	871	0	0	1,008
TX	Bartlett State Jail	TX	CCA	0	414	89	425	0	0	928
TX	Bradshaw State Jail	TX	MTC	29	89	90	1,475	0	0	1,683
TX	Travis County Community Center	TX	WCC	0	435	0	558	0	0	993
TX	Lockhart Renaissance Facility	TX	WCC	0	0	0	496	0	0	496
TX	Cleveland Correctional Center	TX	WCC	0	0	0	520	0	0	520
TX	Bridgeport Correctional Center	TX	WCC	0	0	0	520	0	0	520
TX	Dawson State Jail	TX	MTC	0	1,169	0	246	0	0	1,415
TX	Willacy State Jail	TX	WCC	0	0	228	765	0	0	993
UT	Promontory Correctional Center	UT	MTC	0	0	0	322	0	0	322
VA	Lawrenceville Correctional Center	VA	CCA	0	1,535	0	0	0	0	1,535
WA	Crowley County Correctional Facility	CO	DM	0	250	0	0	0	0	250
WI	North Fork Correctional Facility	OK	CCA	0	1,057	0	0	0	0	1,057
WI	Whiteville Correctional Facility	TN	CCA	0	1,500	0	0	0	0	1,500
WY	Crowley County Correctional Facility	CO	CSC	38	108	0	1	0	0	147
WY	Central Oklahoma Correctional Facility	OK	CSC	17	20	0	13	0	0	50
<b>Total Inmates</b>				<b>2,772</b>	<b>33,088</b>	<b>8,103</b>	<b>24,014</b>	<b>740</b>	<b>471</b>	<b>69,188</b>

Instrument used for the 1999 Survey of Private  
Sector Training and Custody Practices

# 1999 Survey of Private Sector Training and Custody Practices

*(Name of Private Prison Surveyed)*

## Survey Instructions

This survey was requested of the U.S. Department of Justice by Congress. It contains questions about (1) the training provided to custody staff, (2) custody practices, and (3) general characteristics of the staff and inmates at this private facility. We ask that you complete it and mail it to us by November 17, 1999.

Please note the following:

- ! Please complete one survey form for the privately operated facility referenced above.
- ! In some cases, the questions ask for comparable information about similar facilities operated by your agency. Comparable facilities are those of the same security level, which hold the same security level of prisoners. The questions about facilities operated by your agency are included to provide a context for your contracting practices.
- ! If you are not able to answer a question but know who can, your effort to obtain the information from that person would be greatly appreciated.
- ! Please complete and mail these surveys via overnight mail, if possible, to Cassie Bacani by **November 17th**.

Cassie Bacani  
Abt Associates Inc.  
55 Wheeler Street  
Cambridge, MA 02138  
Tel. (617) 349-2581  
Fax (617) 349-2610

Thank you for responding to this survey. This information will be of great value to our ongoing efforts to assess the quality and effectiveness of private correctional facilities for Congress. If you have any problems responding to the questions in this survey, you are encouraged to contact Cassie Bacani at Abt Associates between the hours of 9:00 a.m. and 5:00 p.m. (eastern time).

**Training.** This section asks for information about initial training and periodic refresher training. **Initial training** refers to the type of training provided by correctional agencies to new custody staff before or shortly after they start work at a correctional facility. Generally speaking, initial training occurs once during the career of a custody staff member. **Periodic refresher training** is provided to custody staff on a repeated basis, typically (although not necessarily) on a yearly basis. **Custody staff** refers to those staff, both supervisory and not, who primarily protect the safety of the public, staff, and inmates. Please use these distinctions when answering the following questions.

1. Which of the following requirements must be satisfied by custody staff for employment at this private facility? (circle all that apply)

1. None
2. NCIC (National Crime Information Center)
3. Local/state police check
4. Credit Report
5. Drug Test
6. Physical Examination
7. Background Interview (including self-report of illegal and other undesirable acts)
8. Background Investigation (verification of applicant provided material)
9. Psychological/Personality Suitability Test
10. Other, please specify \_\_\_\_\_
11. Don't know

2. Which of the following requirements must be satisfied by custody staff *employed by your agency*? (circle all that apply)

1. None
2. NCIC (National Crime Information Center)
3. Local/agency police check
4. Credit Report
5. Drug Test
6. Physical Examination
7. Background Interview (self-report of illegal and other undesirable acts)
8. Background Investigation (verification of applicant provided material)
9. Psychological/Personality Suitability Test
10. Other, please specify \_\_\_\_\_

3. Are custody staff at this private facility legally authorized to:

	Clearly Yes	Clearly No	Unclear Authority	Don't Know
use deadly force?	_____	_____	_____	_____
pursue an escaping inmate off of prison property?	_____	_____	_____	_____
carry a weapon while at work?	_____	_____	_____	_____
carry a weapon on escorted trips?	_____	_____	_____	_____
search visitors?	_____	_____	_____	_____

4. Do custody staff at this private facility have access to firearms?

1. Yes
2. No
3. Don't know

**Initial Training: Firearms**

5. Are custody staff at this private facility required to undergo initial training (i.e., before or soon after employment) for firearm certification?

1. Yes (Continue with Question 5a.)
2. No (Skip to Question 5b.)
3. Don't know (Skip to Question 5b.)

5a. Is this training a contract requirement?

1. Yes
2. No

5b. Does your public agency require initial training for firearm certification for the *public agency's* custody staff?

1. Yes (If Yes and Question 5 is Yes, then answer Question 5c.)
2. No (Skip to Question 5d.)

5c. If both the public agency and the private contractor for this facility provide initial firearm certification training, how do these standards compare?

1. They are the same because the contract requires the same standards that apply to the public correctional agency.
2. They are the same because the private contractor chose to adopt public agency standards.
3. The standards are different.
4. Don't know
5. The above choices are inadequate. Please explain in your terms.

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5d. Even if not required, who, if anyone, provides the initial training for firearm certification for custody staff employed by the private contractor? (circle all that apply)

1. A publicly operated training facility that also trains public-sector custody staff.
2. The same contractor that your public agency uses to train public-sector custody staff.
3. A different private contractor chosen by the private prison contractor.
4. Private contractor's staff.
5. Other, please specify \_\_\_\_\_
6. No one provides training of this type at this facility.
7. Don't know

5e. How many hours of initial training for firearm certification are required of custody staff employed by

- \_\_\_ the private contractor?  
\_\_\_ the public agency?

**Initial Training: Custody**

6. Are custody staff at this private facility required to undergo initial training (i.e., before or soon after employment) for custody practices other than firearm training?

1. Yes (Continue to Question 6a.)
2. No (Skip to Question 6b.)
3. Don't know (Skip to Question 6b.)

6a. Is this training a contract requirement?

1. Yes
2. No

6b. Does the public agency require initial training for custody practices other than firearm training for the *public agency's* custody staff?

1. Yes (If Yes and Question 6 is Yes, then answer Question 6c.)
2. No (Skip to Question 6d.)

6c. If both the public agency and the private contractor provide initial training for custody practices other than firearm training, how do these standards compare?

1. They are the same because the contract requires the same standards that apply to the public correctional agency.
2. They are the same because the private contractor chose to adopt public agency standards.
3. The standards are different.
4. Don't know
5. The above choices are inadequate. Please explain in your terms.

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6d. Even if not required, who, if anyone, provides the initial training for custody training other than firearm training for custody staff employed by the private contractor?  
(circle all that apply)

1. A publicly operated training facility that also trains public-sector custody staff.
2. The same contractor that the public agency uses to train public-sector custody staff.
3. A different private contractor chosen by the private prison contractor.
4. Private contractor's staff.
5. Other, please specify \_\_\_\_\_
6. No one provides training of this type at this facility.
7. Don't know

6e. How many hours of initial custody training other than firearm training are required of custody staff employed by

- \_\_\_ the private contractor?  
\_\_\_ the public agency?

**Refresher Training: Firearms**

7. Are custody staff at this private facility required to undergo periodic refresher training for firearm certification?

1. Yes (Continue with Question 7a.)
2. No (Skip to Question 7b.)
3. Don't know (Skip to Question 7b.)

7a. Is this training a contract requirement?

1. Yes
2. No

7b. Does the public agency require periodic refresher training for firearm certification for the *public agency's* custody staff?

1. Yes (If Yes and Question 7 is Yes, then answer Question 7c.)
2. No (Skip to Question 7d.)

7c. If both the public agency and the contractor for the private facility provide periodic training for firearm certification, how do these standards compare?

1. They are the same because the contract requires the same standards that apply to the public correctional agency.
2. They are the same because the private contractor chose to adopt public agency standards.
3. The standards are different.
4. Don't know
5. The above choices are inadequate. Please explain in your terms.

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7d. Even if not required, who, if anyone, provides the periodic refresher training for firearm certification for custody staff employed by the private contractor? (circle all that apply)

1. A publicly operated training facility that also trains public-sector custody staff.
2. The same contractor that the public agency uses to train public-sector custody staff.
3. A different private contractor chosen by the private prison contractor.
4. Private contractor's staff.
5. Other, please specify \_\_\_\_\_
6. No one provides training of this type at this facility.
7. Don't know

7e. How many hours of periodic refresher training for firearm certification are required of custody staff employed by

\_\_\_ the private contractor?  
\_\_\_ the public agency?

**Refresher Training: Custody**

8. Are custody staff at this private facility required to undergo periodic refresher training for custody practices other than firearm training?

1. Yes (Continue to Question 8a.)
2. No (Skip to Question 8b.)
3. Don't know (Skip to Question 8b.)

8a. Is this training a contract requirement?

1. Yes
2. No

8b. Does the public agency require periodic refresher training for custody practices other than firearm training, for the *public agency's* custody staff?

1. Yes (If Yes and Question 8 is Yes, then answer Question 8c.)
2. No (Skip to Question 8d.)

8c. If both the public agency and the contractor for the private facility provide periodic refresher training for custody practices other than firearm training, how do these standards compare?

1. They are the same because the contract requires the same standards that apply to the public correctional agency.
2. They are the same because the private contractor chose to adopt public agency standards.
3. The standards are different.
4. Don't know
5. The above choices are inadequate. Please explain in your terms.

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8d. Even if not required, who, if anyone, provides the periodic refresher training for custody practices other than firearm training for custody staff employed by the private contractor? (circle all that apply)

1. A public agency-operated training facility that also trains public-sector custody staff.
2. The same contractor that the public agency uses to train public-sector custody staff.
3. A different private contractor chosen by the private prison contractor.
4. Private contractor's staff.
5. Other, please specify \_\_\_\_\_
6. No one provides training of this type at this facility.
7. Don't know

8e. How many hours of periodic custody training, *excluding initial custody training*, are required of custody staff employed by

\_\_\_\_ the private contractor?  
\_\_\_\_ the public agency?

### Specialty Training: Management of Inmate Gangs

9. Are custody staff at this private facility required to undergo specialty training for managing inmates affiliated with gangs?

1. Yes (Continue to Question 9a.)
2. No (Skip to Question 9b.)
3. Don't know (Skip to Question 9b.)

9a. Is this training a contract requirement?

1. Yes
2. No

9b. Does the public agency require specialty training for managing inmates affiliated with gangs for the *public agency's* custody staff?

1. Yes (If Yes and Question 9 is Yes, then answer Question 9c.)
2. No (Skip to Question 9d.)

9c. If both the public agency and the contractor for the private facility provide specialty training for managing inmates affiliated with gangs, how do these standards compare?

1. They are the same because the contract requires the same standards that apply to the public correctional agency.
2. They are the same because the private contractor chose to adopt public agency standards.
3. The standards are different.
4. Don't know
5. The above choices are inadequate. Please explain in your terms.

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9d. Even if not required, who, if anyone, provides the specialty training for managing inmates affiliated with gangs for custody staff employed by the private contractor?  
(circle all that apply)

1. A public agency-operated training facility that also trains public-sector custody staff.
2. The same contractor that the public agency uses to train public-sector custody staff.
3. A different private contractor chosen by the private prison contractor.
4. Private contractor's staff.
5. Other, please specify \_\_\_\_\_
6. No one provides training of this type at this facility.
7. Don't know

9e. How many hours of specialty training for managing inmates affiliated with gangs are required of custody staff employed by

\_\_\_\_ the private contractor?  
\_\_\_\_ the public agency?

***Custody Practices.*** This section asks for information about policies governing custody practices at *this private facility* and the oversight process involving custody practices.

1. What standards are used to govern the custody practices at this private facility?  
(circle all that apply)
  1. ACA standards
  2. Standards established for your public agency
  3. Other, please specify \_\_\_\_\_
  
2. Which of the following best characterizes how custody policy is established?
  1. The public agency requires the contractor to adopt the policy of the agency.
  2. The public agency requires the contractor to adopt the policy of the agency, with some small allowance for changes.
  3. The public agency requires the contractor to adopt only certain portions of the policy of the agency and the contractor develops the rest.
  4. Private vendor develops its own policy but must meet standards set by the agency.
  
3. Who is responsible for *routine monitoring* of actual custody practices to determine if standards are being followed?
  1. Public agency
  2. Private vendor
  3. Public agency and private vendor are both responsible.
  4. Ongoing monitoring is not required.
  
4. Who is primarily responsible for *intensive, formal reviews* to insure that the ongoing monitoring of custody practice is functioning properly?
  1. Public agency
  2. Private vendor
  3. Public agency and private vendor are both responsible.
  4. Intensive, formal review is not required.
  
5. How would you rate the overall level of security technology used at this private facility in comparison to the most comparable institution operated by your agency?
  1. About the same
  2. More advanced
  3. Inferior

**General Characteristics.** This section asks for information about the general features of the physical security at this private facility, the number and types of inmates housed at this private facility, and the types of misconduct at this private facility.

**Some questions ask for data on July 31, 1999. If these data are unavailable, then use data from the most recent month for which data are available.**

1. How many inmates under the jurisdiction of your agency were housed at this private facility on July 31, 1999? \_\_\_\_\_
  
2. Was the number of inmates at this private facility constant over the past year, or did the number vary substantially?
  1. Number was fairly constant
  2. Number increased over the course of the year
  3. Number decreased over the course of the year
  4. Number fluctuated greatly over the course of the year
  
3. How many staff of all kinds were employed at this private facility on July 31, 1999?  
\_\_\_\_\_
  
4. How many *custody* staff were employed at this private facility on July 31, 1999?  
\_\_\_\_\_
  
5. Which of the following designations best describes the *physical* security of this private facility?
  1. low/minimum physical security
  2. medium physical security
  3. maximum physical security
  
6. On July 31, 1999, what percentage of the *inmates from your jurisdiction* in this private facility were classified as
  - \_\_\_\_\_ low/minimum security?
  - \_\_\_\_\_ medium security?
  - \_\_\_\_\_ maximum/close/high security?
  - \_\_\_\_\_ other?
  - \_\_\_\_\_ not classified
  
7. What is the sex of the inmates housed by your agency at this private facility?
  1. Male
  2. Female
  3. Both male and female (what percentage are male? \_\_\_\_\_)

8. Does the contract with the public agency require that the private contractor conduct random urinalyses of inmates for drugs?
  1. Yes
  2. No
  
9. Does the private contractor at this private facility conduct random urinalyses of inmates for drugs?
  1. Yes
  2. No (Skip to Question 10.)
  3. Don't know
  1. If the contractor does test at this privately operated facility, what percentage of the random tests in the most recent reporting period returned positive results for an unauthorized substance? \_\_\_\_\_
  2. Was this higher or lower, on average, than what was reported in earlier periods?
    1. Higher
    2. Lower
    3. Don't know
  
10. Does your agency conduct random urinalyses of inmates at comparable publicly operated correctional facilities?
  - a. Yes
  - b. No (Skip to Question 12.)
  
11. What percentage of the random tests in the most comparable publicly operated facility on July 31, 1999 returned positive results for an unauthorized substance? \_\_\_\_\_
  
12. How many inside escapes occurred (between August 1, 1998 and July 31, 1999) from this private facility in which an inmate under the jurisdiction of your agency was able to exit from a secure perimeter? \_\_\_\_\_
  
13. How does the rate of inside escapes from this private facility compare to rates at similar prisons operated by your agency having comparable security levels over this same time period?
  1. The rate of inside escapes at this private facility was *higher*.
  2. The rate of inside escapes at this private facility was *lower*.
  3. The rate of inside escapes were *about the same* at this private facility and the public prisons.
  
14. How many homicides occurred at this private facility involving inmates under the jurisdiction of your agency between August 1, 1998 and July 31, 1999? \_\_\_\_\_

15. How does the rate of homicides at this private facility compare to rates at similar prisons operated by your agency?
1. The rate of homicides at this private facility was *higher*.
  2. The rate of homicides at this private facility was *lower*.
  3. The rate of homicides were *about the same* at this private facility and the public prisons.
16. How many serious assaults, excluding homicides, occurred at this private facility involving inmates under the jurisdiction of your agency between August 1, 1998 and July 31, 1999? \_\_\_\_\_
17. How does the rate of assaults, excluding homicide, at this private facility compare to rates at similar prisons operated by your agency?
1. The rate of assaults at this private facility was *higher*.
  2. The rate of assaults at this private facility was *lower*.
  3. The rate of assaults were *about the same* at this private facility and the comparable public prisons.
18. How many custody staff at this private facility were dismissed or resigned during the 6 months ending July 31, 1999?
- \_\_\_\_\_ Resigned  
 \_\_\_\_\_ Dismissed  
 \_\_\_\_\_ Total (please provide if you do not know one or both of the components above)
19. Did the number of custody staff who were dismissed or quit during the past 6 months create staffing shortages at this private facility?
1. Yes
  2. No
  3. Don't know
20. How does the turnover of custody staff created by resignations and dismissals at this private facility in the past 6 months compare to turnover at the most comparable institution in your agency over the same time period?
1. The turnover was *higher* at this private facility.
  2. The turnover was *lower* at this private facility.
  3. The turnover was *about the same* at this private facility.
21. Does this facility have difficulties in filling vacant positions?
1. Yes
  2. No
  3. Don't know

22. Does the contract/agreement with this private facility provide for a time period within which the private contractor must fill a vacant position? If yes, what is that time period?
  1. Yes
  2. No
  
23. Does the public agency have a systematic intelligence system to track gang membership and other security threat groups?
  1. Yes (Go to Question 23a.)
  2. No (Skip to Question 24.)
  3. Don't know (Skip to Question 24.)

If yes,

1. Does the private contractor have access to the public agency's intelligence data on gang membership and security threat groups?
  1. Yes
  2. No
  3. Don't know
  
2. Does the private contractor provide data to the public agency's intelligence system?
  1. Yes
  2. No
  3. Don't know
  
24. Are there limits on the type of inmates designated to this private facility in comparison to similar public prisons operated by your agency? (circle all that apply)
  1. No
  2. Yes, this private facility does not receive high publicity cases.
  3. Yes, this private facility does not receive inmates with special medical needs.
  4. Yes, this private facility does not receive inmates who are gang members.
  5. Yes, other types of inmates are excluded for reasons other than those given.
  
25. Are the visiting policies at this private facility the same as comparable public prisons operated by your agency?
  1. Yes
  2. No, the policies at this private facility are *more lenient* in providing visitor access.
  3. No, the policies at this private facility are *more stringent* in providing visitor access.