

Corporate Prisons & New Mexico

Why We Shouldn't Do This Anymore

State Representative Bill McCamley

History

- NM has allowed corporations to run prisons since 1980's. Nationwide trend as more prisoners without expanded facilities.
- Less restrictions on private companies, rural communities need jobs.
- Effort expanded greatly under Johnson. Argument that more people were being locked up, and NM was housing them out of state.
- Legislation passed solidifying status of corporate place in prison programs in 2001.

NM Leads Nation in Corporate Prisoners

- As of 2016, NM housed 43.1% of prisoners in corporate facilities. This leads the nation. Was only 2% pre-2000.
- 23 states don't use Corporate Prisons at all.
- Only one other state, Montana (38.8%), has more than 30%.

Sentencing Project (compiled from Bureau of Justice Statistics): <https://www.sentencingproject.org/publications/private-prisons-united-states/>

Problems: More Inmate Problems

In 2016, Obama Administration announced they would be moving away from contracting with corporations prison companies. DoJ report found:

- More incidents of cell phones, tobacco, and weapons.
- More lockdowns
- More guilty findings on serious inmate discipline
- More grievances by inmates
- Less monitoring of inmate phone calls

US DoJ Report (2016): <https://oig.justice.gov/reports/2016/e1606.pdf>

Problems: Guards Paid Less

1. 2015 Bureau of Labor and Statistics show public prison guard pay was \$41k
2. Corporate Prison Guards earned \$6k-\$9k less (median hourly rate between \$15.53 and \$16.47 per hour).
3. One-quarter make less than \$26,091 annually. Poverty level for family of four is \$25k.

Prison Legal News: <https://www.prisonlegalnews.org/news/2016/jul/6/private-prison-execs-continue-make-much-more-guards/>

Problems: Less Guards, Less Training

1. *Corporations Hire Less Guards-* Bureau of Justice Statistics: Corporate Prisons hire 1 officer per 6.9 prisoners. Public Prisons hire 1 officer per 4.9 prisoners.
2. *Corporations Train Guards Less-* 2014 OSHA settlement with GEO because of failure to “provide adequate staffing of correctional officers; fix malfunctioning cell door locks; and provide required training and personal protective equipment to protect employees from incidents of violent behavior by inmates, including stabbings, bites and other injuries.”

Problem: Higher Guard Turnover

American Bar Association found that “The staff turnover rate at private facilities is 53 percent, while the public facilities’ rate was only 16 percent.”

ABA Report (2011):

https://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol38_2011/human_rights_summer11/prisons_for_profit_incarceration_for_sale.html/

Example: Idaho “Gladiator School”

2014, FBI criminal investigation in to Idaho’s largest prison, run by CCA.

1. CCA acknowledged it understaffed by thousands of hours. Some guards were listed as working 48 straight hours to meet minimum staffing requirements.
2. Prison officials negotiated with gang leaders. In exchange for enforcing order violent acts were not punished. Crimes not turned over to Sheriff, and internal punishments were either less or non-existent.

NBC News: <https://www.nbcnews.com/news/us-news/fbi-investigates-company-running-gladiator-school-prison-n47481>

ID Department of Corrections Report:

https://www.aclu.org/sites/default/files/assets/blades_letter_to_valdez_aug__28_2008.pdf

No Cost Savings

1. AZ (2011): Costs same, and evidence that they only take healthy inmates: State Rep Chad Campbell: “They leave the most expensive prisoners with taxpayers and take the easy prisoners.”
2. MS (2012): Corporate- \$46.50 per prisoner. MDOC- \$41.51
3. US DoJ (2016): U.S Bureau of Justice Statistics found “no such cost-savings when it compared public and private prisons.”

NY Times (2011): <https://www.nytimes.com/2011/05/19/us/19prisons.html>

MDOC Study (2012) https://www.mdoc.ms.gov/Admin-Finance/OffenderCost/Cost_Per_Inmate_Day_FY_2012.pdf

USDoJ Website (2016): https://cops.usdoj.gov/dispatch/12-2016/private_prisons.asp

Reasons for No Cost Savings

Lack of Competition

GEO, CoreCivic, and MTC only three companies left (96% of all prisoners). Ex. In 2012 MS revoked GEO group contract because inmates not protected from gang violence; replaced with MTC. In 2015, MTC contract revoked after riot and prison break (with murder of vacationing couple); replaced with GEO.

Corruption

MS: 2017 lawsuit by AG detailing bribery, kickbacks, fraud, and money laundering by MDC. Former Corrections Director sentenced to 20 years for taking \$1.4 Million in bribes from corporate reps.

PA: 2011 two judges sentenced to 45 combined years in prison for taking millions in exchange for excessive sentences for children and closing a public juvenile facility so a private one could be built.

NY Times (2018): <https://www.nytimes.com/2018/04/10/us/private-prisons-escapes-riots.html>

Citizens Voice ((2018): <https://www.citizensvoice.com/news/conahan-seeks-sentence-commutation-1.2356445>

Reasons for No Cost Savings (part 2)

More Jail Time

U of Wisconsin Study (2017): “Private prison inmates serve up to 90 additional days, which equals 7 percent of the average time served”

Profits (2017 Numbers)

- GEO: \$2.3 Billion (CEO salary \$9.6 Million, double the previous year)
- CoreCivic: \$1.8 Billion (CEO salary \$2.3 Million)

Overcharging

Florida State Rep (and forensic auditor) estimated CCA overcharged state \$16 Million.

U of Wisconsin, Mukherjee (2017): https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2523238

NY Times (2018): <https://www.nytimes.com/2018/04/10/us/private-prisons-escapes-riots.html>

Miami Herald (2017): <https://www.miamiherald.com/news/state/florida/article125950574.html>

More Prisoners

CoreCivic Annual Report 2010:

“We believe we have been successful in increasing the number of residents in our care and continue to pursue a number of initiatives intended to further increase our occupancy and revenue.”

CoreCivic Annual Report 2016:

“We are subject to fluctuations in occupancy levels, and a decrease in occupancy levels could cause a decrease in revenues and profitability.”

Daily Republic (2017): <https://www.dailyrepublic.com/all-dr-news/opinion/local-opinion-columnists/the-right-stuff-8/>

CoreCivic Annual Report (2016): <http://ir.corecivic.com/static-files/452022e9-1ced-4b2d-b4f3-3f7a254d9ebd>

Higher Recidivism

1. MN Study (2013) - Corporate prisoners 13% more likely to be re-arrested and 22% more likely to be reconvicted.
2. OK Study (2008) - Corporate prisoners 17% more likely to re-enter prison.
3. FL Study (2005) - Children in corporate youth facilities 7.3% to 8.5% more likely to be charged with criminal offense.

How Private Prison Companies Increase Recidivism: <https://www.inthepublicinterest.org/wp-content/uploads/ITPI-Recidivism-ResearchBrief-June2016.pdf>

Contributions to Candidates Who Want More Prisoners

In the [2016 election cycle](#), private prisons gave a record \$1.6 million to candidates, parties and outside spending groups. That was nearly triple what they'd given in 2014 and more than double their contributions in the 2012 presidential cycle. Most of the increase came in the form of donations to outside groups, and Geo Group was responsible for most of that: It gave \$300,000 to super PACs backing various Republican presidential candidates, including one backing now-President Donald Trump.

Open Secrets (2017) <https://www.opensecrets.org/industries/background.php?cycle=2018&ind=G7000>

Results

“Trump’s First Year Has Been the Private Prison Industry’s Best: The Trump administration has been a godsend for the private prison industry.”

First, there is the dangerous and misguided rhetoric that President Trump and Attorney General Jeff Sessions constantly spew -- despite evidence to the contrary -- about how the nation’s violent crime rate is rising and America’s streets are filled with carnage.

Second, along with this bombastic language are their calls for harsher sentencing and draconian enforcement of drug and immigration offenses.

Third, federal spending on private prisons has remained steady, despite Republican support for across-the-board budget cuts to other federal programs.

<https://www.brennancenter.org/blog/trump%E2%80%99s-first-year-has-been-private-prison-industry-best>

Immigration Policy

One winner under Trump: The private prison industry (CBS News)

Through the first nine months of 2017, ICE arrests shot up 42 percent from a year ago, Miller noted in a recent research report. "The Trump administration's tough-on-immigration policies are unlikely to fade anytime soon, meaning investors should expect continued strict enforcement, more arrests by ICE and the need to accommodate a growing number of arrested individuals," she predicted.

The result will be a "tailwind" for private prison operators, the analyst added.

CoreCivic, known until 2016 as the Corrections Corporation of America, is increasingly reliant on ICE, with revenue from the agency more than doubling between 2014 and 2015, according to Height. During the same period, the amount of revenue the company derived from the Bureau of Prisons slipped from 13 percent to 9 percent.

Better Ways To Move Forward

US has highest amount and rate of prisoners in the world. Homicide rate is slightly higher than middle of the pack (roughly 80 out of roughly 200).

Putting more people in prison is not the answer.

Need to focus on

- Education (especially early childhood)
- Drug policy changes (health issue, not crime)
- Sentencing reform

In Short... We're doing it wrong

Corporate Prisons:

1. Make New Mexicans less safe.
2. As costly, or more costly, to taxpayers than publicly owned facilities.
3. Much more dangerous for prisoners.
4. Poorer salaries for New Mexican guard employees.

We are doing this more than everyone else. Why?

Let's Do Better