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Thursday June 23rd 2011

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American politics

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America's prisons

We're in the jailhouse now

Jun 22nd 2011, 19:20 by J.F. | ATLANTA

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THE [Justice Policy Institute](#), a criminal-justice-reform advocacy group, has a [report](#) out today about America's for-profit prison industry. First, before the gnashing of teeth on both sides begins, let me state the obvious: there is nothing inherently wrong, or even objectionable, about private companies running prisons. [Corrections Corporation of America \(CCA\)](#), the largest such company, operated 66 "correction and detention facilities" in 2010, and saw \$1.67 billion in revenue. In its 2010 annual report it said it "benefits from significant economies of scale", and it well may, particularly when compared to corrections departments in low-population states. (Having said that, evidence that private prisons offer significant cost savings to their state-run counterparts is both [thinner](#) and [more ambiguous](#) in practice than in theory.) Nothing in the constitution says that prisoners must be held in government-owned or -operated facilities, and as the report explains, American prisons tended to be privately owned before the advent of the penitentiary system. For its shareholders CCA has done well, increasing its revenue every year in the last ten as the share of prisoners held in private facilities has risen (the second-largest prison-operator, the [GEO Group](#), saw similar rises but had a dip from 2004 to 2005).

But for these companies to do well, people have to go to prison. Again, this is not in and of itself a problem: there are for-profit hospitals, and for them to do well people have to get sick. The difference is that for-profit hospitals tend not to poison people and break legs to keep their beds fully occupied, while for-profit prisons, as the JPI's report explains, tend to lobby for policies that serve them: harsher prison sentences and greater reliance on incarceration than on probation and parole. Admittedly, the report shows a great deal more smoke than fire, and its most damning intimation—that private-prison lobbyists were behind Arizona's immigration bill—overlooks the regrettable [popularity](#) of such measures. And, once again, companies are free to lobby for their own interests.

The problem is that their interests—imprisoning more people and keeping them in jail for longer periods of time—are not ours. Imprisoning people is expensive, ineffective and increasingly [unpopular](#). It is that latter quality that may provide the greatest amount of hope. For years criminal-justice reform failed because it was seen as soft on crime. No politician wants to advocate for murderers and child molesters (never mind that most prisoners are in for non-violent drug offences). Hence, for instance, the [government's sloth](#) in combating [prison rape](#). And prisoners cannot plead their cases as effectively as prison builders can plead theirs—the former tend to be poor, so they cannot afford lobbyists, and are often disenfranchised, and thus have no political representation.

But recently groups like the [Pew Centre on the States](#) and Right on Crime have rebranded reform efforts as "smart on crime", rather than soft. And in a time of declining crime rates and tight state budgets, smart reforms are gaining ground, and most aim to reduce the prison population. That may not be in the interest of CCA—the firm says as much in its 2010 annual report—but it's high time for good sense to trump good lobbying and cowardly politics.

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Turkey Vulture wrote: Jun 22nd 2011 7:52 GMT
I don't know a whole lot about defense contracting, but what I know suggests it has been a net downside for the nation. I would expect similar results from private prisons.

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Doug Pascover wrote: Jun 22nd 2011 7:53 GMT
Unions serving the employees of public prisons also lobby for more criminal punishment. Here in California, our oft- but not oft-enough derided "two strikes" policy was made law through a public initiative bankrolled by the prison guards.

The problem with this and darn near every other issue is that we don't have the resiliency in our political system to resist lobbying. Whether the lobbying happens on behalf of public unions or private corporations seems to make no difference at all.

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uryu ishida wrote: Jun 22nd 2011 7:56 GMT
Wow, not a single mention about the fact that prison guard unions are the biggest lobbyists for increased punishment. In fact, the report considers decreased union membership as a bad thing.

If privatization went to multiple competing companies, then theoretically lobbying should decrease given its zero-sum nature.

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bampbs wrote: Jun 22nd 2011 8:11 GMT
The War on Drugs is welfare for law enforcement and corrections. It certainly hasn't kept anyone from finding something to get high on.

When prisons are private, I suppose that Republicans feel that legalizing drugs would be unjustifiable government interference in the private sector.

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jouris wrote: Jun 22nd 2011 8:12 GMT
Doug, you have to see that companies running private prisons are in the unusual position of having a massive joint interest with their workers' union. Both want lots more business, and both can lobby their primary customer (governments and/or voters) to give them more.

Truly a lesson in capitalist synergies for us all.

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LexHumana wrote: Jun 22nd 2011 8:45 GMT
I believe in going back to basics... stocks and pillory for misdemeanors, and sending felons into the gladiator pit to battle wild animals.

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Doug Pascover wrote: Jun 22nd 2011 9:22 GMT
Jouris, I do see that, but I also see that in California anything plus the prison guards union falls within the statistical margin of error of the guards alone. And it actually hasn't worked the way you describe. To a big extent, privately run facilities are specifically and consciously the alternative to unionized corrections officers. I can only pray that we have finally reached the point where people will start to see that a smaller population in stir is also an alternative to unionized corrections officers.

Just to steal this line in advance from someone coming after me and not because I necessarily believe it- I wonder whether the corrections officers have extorted more or less money than their wards have stolen.

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Doug Pascover wrote: Jun 22nd 2011 9:23 GMT
Lex, I don't think you'll like how negotiations go with the Lion Tamers Guild of America.

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Turkey Vulture wrote: Jun 22nd 2011 9:31 GMT
I support public prisons staffed by non-union government employees.

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LexHumana wrote: Jun 22nd 2011 9:46 GMT
Doug Pascover wrote: Jun 22nd 2011 9:23 GMT
"Lex, I don't think you'll like how negotiations go with the Lion Tamers Guild of America."

It won't matter once we build robotic lions using Bill Clinton's green tax credits. Then those pesky lion tamers can go join all the bank tellers and beg on the streets, complaining about danged automation.

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hedgefundguy wrote: Jun 22nd 2011 10:25 GMT
Hence, for instance, the government's sloth in combating prison rape. And prisoners cannot plead their cases as effectively as prison builders can plead theirs...

You had to pick the extreme.

As for a prisoner not pleading their case effectively, well, isn't that a good reason for not doing something and getting sent to prison in the 1st place?

Perhaps a prisoner's union is needed? (just kidding)

But for these companies to do well, people have to go to prison... ...that private-prison lobbyists were behind Arizona's immigration bill

Shareholders buy a company's stock for its growth prospect. So a company has to find a way to grow the demand for their product or services.

With a certain party - especially their extreme wing - wanting to return us to 1800, perhaps another growth opportunity may occur for the prison companies.

I wouldn't be surprised in the future to see them lobbying for debtors' prisons.

Regards

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RestrainedRadical wrote: Jun 22nd 2011 11:28 GMT
Rent seeking through lobbying is that pebble in the shoe of democracy. Worse. At least you can remove the pebble. Are we sure democracy is the worst form of government except all the others? Can we give the others another try?

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Turkey Vulture wrote: Jun 22nd 2011 11:34 GMT
I propose an Aristocracy, so long as I am one of the Aristocrats.

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Io Triomphe wrote: Jun 23rd 2011 12:24 GMT
The problem with private prisons is the same as with private schools and private military (defense contractors). They have an incentive to do things that the public will not hear about or care about until it is too late to fix the problem.

At least doctors employed at private hospitals have an oath to do no harm- and more importantly, perhaps, hospitals can't hide their patients in a locked cell for years. Private prisons and their employees can allow practically anything to happen to the prisoners, and it does not matter to them why people are in jail as long as they are paid to keep them there.

There is nothing intrinsically wrong about a private prison system other than what could go wrong with privatized anything. Prisons, however, lend themselves to situations with massive abuses of power.

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GH1618 wrote: Jun 23rd 2011 12:32 GMT
"never mind that most prisoners are in for non-violent drug offences"

Wrong, at least for California. The following quote is from a report by the Public Policy Institute of California:

"Prisoners serving time for violent crimes are a majority (just over 50%) of the prison population, and their share is growing. ... By contrast, drug offenders now represent a diminished share of the prison population, having fallen from 28 to 21 percent in the past



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15 years; ... "

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pun.gent wrote: Jun 23rd 2011 1:50 GMT
Why do we send people to jail, anyway? I mean, you send a guy to jail for two years -- what's the likelihood he's going to go straight afterwards?

Maybe we should bring back caning. You're convicted, you get your (say) four strokes. You also get (say) six months parole with a 3G wireless + GPS secure bracelet that (a) tracks your location, and (b) records audio 24/7, so parole breaches are quickly punished.

That's the stick. You also get help: counselling, job training, help finding work where that's needed.

In the end, each of these folks will be back in our communities. It's worth focusing on what happens then.

I'd love to hear from a criminologist what actually works, of course... just cuz it seems like it should doesn't mean it actually does.

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doug374 wrote: Jun 23rd 2011 2:10 GMT
@bampbs

"The War on Drugs is welfare for law enforcement and corrections."

I thought we all agreed that with interest rates at record lows, it made perfect sense for the government to borrow money to spend in ways that put people to work.

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RestrainedRadical wrote: Jun 23rd 2011 2:37 GMT
@Io Triomphe, that's right. Private schools are notoriously bad. Why those failure factories aren't shut down is beyond me. Must be the powerful private school teachers' union.

For why private prisons and private welfare administration suck but private buses and private schools do not: <http://www.theatlantic.com/business/archive/2011/05/when-should-govermme...>

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great uncle clive wrote: Jun 23rd 2011 7:53 GMT
pun.gent... It was an honour giving you your first 'recommend'...

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JGradus wrote: Jun 23rd 2011 9:12 GMT
...
....
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.....

Or you just have a welfare state that doesn't force people to crime...

Sort of works for the rest of us

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