

## **Groups Oppose Unprecedented Private Prison Expansion and Encourage Adoption of Policies that Reduce Reliance on Incarceration**

Senator Mike Haridopolos  
409 The Capitol  
The President's Office  
404 South Monroe Street  
Tallahassee, FL 32399-1100  
(850) 487-5056

January 31, 2012

**RE: OPPOSE SB 2036 and SB 2038**

Dear Senator Haridopolos:

We write in strong opposition to SB 2036 and SB 2038 because the bills would lead to an unprecedented expansion of prison privatization. No other state has initiated such an ambitious experiment as the one proposed in this legislation. Consequently, the proposal to greatly increase the number of prisons under private contract raises several issues of concern including the dubious cost saving claims, efficiency in correctional management, and the impact on public safety. Successful efforts to contain correctional costs have been achieved in a number of states in recent years through other criminal justice policy initiatives that have reduced demand for scarce correctional resources.

Florida is a state challenged by correctional costs and a prison population that has experienced tremendous growth. The number of Florida prisoners incarcerated in private facilities grew by 213% from 1999 through 2010, nearly double the growth rate of the state's prison population, 109%.<sup>1</sup> Florida is a leader among states in its use of imprisonment. As of October 2011, there were 101,200 people held in Florida state prisons, placing the state third in the nation in its incarcerated population. Florida trails only California and Texas in terms of the number of people in prison. In addition to a high *number* of people incarcerated, Florida also incarcerates its citizens at a high *rate*. The state's rate of incarceration of 556 people per 100,000 population is 27% higher than the national average for states.

Florida Senate Bills 2036 and 2038 require the Department of Corrections to privatize the management and operation of certain correctional facilities. State lawmakers have already authorized a large number of prisoners to be incarcerated in private facilities and it is not clear that this approach will reduce expenditures. A 2010 policy report published by the Florida

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<sup>1</sup> Mason, Cody (2012). Too Good to Be True: Private Prisons in America. Washington, DC: The Sentencing Project. Available online here: [http://sentencingproject.org/doc/publications/inc\\_Too\\_Good\\_to\\_be\\_True.pdf](http://sentencingproject.org/doc/publications/inc_Too_Good_to_be_True.pdf)

Center for Fiscal and Economic Policy questioned the cost savings claimed by private prison proponents and concluded that “Florida’s experience with privatized prisons raises serious questions about whether taxpayers are getting their money’s worth.” Research has shown that many of the cost savings claimed by privatization proponents are illusory. A 2009 meta-analysis by a University of Utah research team analyzed eight cost comparison studies resulting in vastly different conclusions. The researchers found that “...cost savings from private prison are not guaranteed.”<sup>2</sup>

Private prison managers are often challenged by mandates to reduce operational costs in order to produce savings. Personnel and correctional programs, the two most expensive aspects of incarceration, are among the services that receive comparatively less funding in order to contain costs.<sup>3</sup> Privately managed prisons generally minimize costs by reducing labor expenditures, including providing a lower level of staff benefits, salaries, and professional training. On average, private prison employees receive 58 hours less training than their publicly employed counterparts.<sup>4</sup> Consequently, there are higher employee turnover rates in private prisons than in publicly operated facilities.<sup>5</sup>

Deficiencies in personnel and programming among private prison facilities can compromise correctional operations including basic safety and security. Federal researchers have documented higher rates of escapes from private prisons as well as contraband violations evidenced by higher rates of positive drug tests. Additionally, a national survey of private prisons for the U.S. Department of Justice found that private prison guards are assaulted by prisoners at a rate 49% higher than the rate of assaults experienced in their public prison counterparts.<sup>6</sup>

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<sup>2</sup> Lundahl, B., Kunz, C., Brownell, C., Harris, N., & Van Vleet, R. (2009). Prison privatization: A meta-analysis of cost effectiveness and quality of confinement indicators. *Research on Social Work Practice*, 19, 383–395.

<sup>3</sup> Paynter, B. (2011). *Cells for sale: Understand prison costs & savings*. Cleveland, Ohio: Policy Matters Ohio. Available online here: <http://www.policymattersohio.org/pdf/CellsForSale2011.pdf>

<sup>4</sup> Blakely, C.R. & Bumphus, V.W. (2004). Private and public sector prisons—a comparison of select characteristics. *Federal Probation*, 68(1), 27–31. Available online here: [http://findarticles.com/p/articles/mi\\_qa4144/is\\_200406/ai\\_n9446513](http://findarticles.com/p/articles/mi_qa4144/is_200406/ai_n9446513)

<sup>5</sup> Camp, S.D. & Gaes, G.G. (2001). *Growth and quality of U.S. private prisons: Evidence from a national survey*. Washington, DC: Federal Bureau of Prisons, Office of Research and Evaluation. Available online here: [http://www.bop.gov/news/research\\_projects/published\\_reports/pub\\_vs\\_priv/oreprres\\_note.pdf](http://www.bop.gov/news/research_projects/published_reports/pub_vs_priv/oreprres_note.pdf)

<sup>6</sup> Austin, James Ph.D. & Coventry, Garry Ph.D. (2001). *Emerging Issues on Privatized Prisons*. Washington, DC: Bureau of Justice Assistance. Available online here: <https://www.ncjrs.gov/pdffiles1/bja/181249.pdf>

The available evidence does not point to any substantial benefits to privatizing prisons. Even if private prisons manage to contain costs there are often trade-offs that compromise public safety. If containing costs is a goal, changes to sentencing and parole policy can directly result in stabilizing Florida's prison population and result in the cost avoidance of anticipated correctional expenditure growth.

Structural reforms in several states in recent years, including Michigan, Kansas, New Jersey, and New York have resulted in a downscaling of state prison populations that led to prison closures<sup>7</sup>.

- New York experienced a 20% decline in its prison population from 1999 thru 2009 through a mix of reforms including the scaling back of mandatory minimum sentences, most notably the Rockefeller Drug Laws;
- Michigan reduced its prison population by 12% from 2006 thru 2009 as a result of several legislative and policy initiatives including the adoption of data-driven policies to identify lower-risk prisoners for parole;
- Kansas lowered its prison population by 5% from 2003 thru 2009 by reducing the number of persons admitted to prison and probation revocations; and
- New Jersey minimized its prison population by 19% from 1999 thru 2009 as a result of several policy changes including restructuring parole policy to include the use of risk assessments to aid release decisions resulting in an increased rate of granting parole.<sup>8</sup>

What is clear is that it is possible for lawmakers to produce prison population reductions through conscious efforts while promoting cost-effective approaches to public safety. SB 2036 and SB 2038 move in the opposite direction by not targeting structural policy changes that can reduce the state's prison population. For these reasons, we strongly oppose SB 2036 and SB 2038.

Sincerely,

ACLU of Florida  
Advocare  
Citizens United for Rehabilitation of Errants (CURE)  
Critical Resistance  
Florida Justice Institute  
Human Rights Defense Center

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<sup>7</sup> Porter, Nicole D. (2011). On the Chopping Block: State Prison Closings. Washington, DC.: The Sentencing Project. Available online here: [http://sentencingproject.org/doc/publications/On\\_the\\_chopping\\_block\\_-\\_state\\_prison\\_closings\\_\(2\).pdf](http://sentencingproject.org/doc/publications/On_the_chopping_block_-_state_prison_closings_(2).pdf)

<sup>8</sup> Greene, Judith & Mauer, Marc (2010). Downscaling Prisons: Lessons from Four States. Washington, DC.: Justice Strategies & The Sentencing Project. Available online here: <http://www.justicestrategies.org/publications/2010/downscaling-prisons-lessons-four-states>

In the Public Interest

Justice Strategies

National African American Drug Policy Coalition, Inc.

Ohio Justice Policy Center

Private Corrections Institute

Samuel DeWitt Proctor Conference

The Sentencing Project

Southern Center for Human Rights

Unitarian Universalist Association of Congregations

United Church of Christ/ Justice and Witness Ministries

United Methodist Church, General Board of Church and Society

cc: Florida Senate