

The Privatization Debate: A Conceptual Framework for Improving (Public and Private) Corrections

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Abstract

Although the privatization of corrections has a long history in America, debates about its merits have intensified in recent decades. The goals of this article are (a) to argue that privatized corrections is more prevalent than recognized and yet little is known about how it compares with public corrections, and (b) to provide a conceptual framework for advancing research and policy on privatized corrections. In so doing, we shed light on a wide range of unanswered questions about both public corrections and private corrections. We conclude by highlighting opportunities for informing the privatization debate and advancing research.

Keywords

privatized corrections, private prisons, evidence-based policy

Introduction

The privatization of correctional services has a long history in America (Adamson, 1983; Ekirch, 1985; Lamott, 1961). For example, privatized corrections can be traced back to the receipt of transported felons from Great Britain (Ekirch, 1985; Feeley, 1991). However, that history has not led to consensus about the effectiveness of privatized corrections. To the contrary, in recent decades, debates about privatization

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appear to be increasingly polarized (see, for example, Feeley, 2002; Kim & Price, 2014; Mears, 2010; Reisig & Pratt, 2000). In corrections, privatization has occurred in a number of ways. For example, privatization includes the contracting out of specific services or programs, such as drug treatment and testing and prison-based education classes. It also includes private contracts for the management of entire correctional facilities, including prisons, juvenile residential facilities, and halfway houses. Privatization includes, too, contracting out the construction of a prison, collection of court-ordered fines, development of security software, in-prison video visitation services, and more.

Arguments for and against privatization have focused primarily on cost-efficiency and ethical considerations (Perrone & Pratt, 2003; Reisig & Pratt, 2000). However, the privatization debate includes other important dimensions. For example, privatization proponents argue that private companies accomplish correctional goals more effectively and at a lower cost, provide higher quality services, and develop more and better innovative solutions to correctional challenges (see, for example, Logan, 1988, 1990; Lundahl, Kunz, Brownell, Harris, & Van Vleet, 2009). Critics argue that privatization unnecessarily expands the web of formal social control, diminishes the quality of correctional services, and does not result in improved outcomes or cost-efficiency (see, for example, Logan, 1988, 1990; Lundahl et al., 2009).

Much of the debate about privatization in corrections has centered on privately run prisons. In America, private companies house 8% of state and federally incarcerated adults, or approximately 131,300 inmates (Carson, 2015). However, privatization extends far beyond prisons. For example, private companies operate approximately three-fifths of state and federal community-based correctional facilities for adults, including some halfway houses and residential treatment centers (Stephan, 2008). In addition, private companies hold 31% of juveniles placed in residential housing (Hockenberry, Sickmund, & Sladky, 2015). Privatization occurs along other dimensions as well, including the operations and management of correctional services and treatments, as well as custodial programming. For example, an estimated 12% of local jails in the United States contract out video visitation services to a private company (Rabuy & Wagner, 2015).

Despite the apparent prevalence of privatized corrections (e.g., Carson, 2015; Hockenberry et al., 2015), there remains little consensus about its merits. One reason is the lack of empirical research on privatization. By and large, only prison privatization has been subject to empirical analysis, but even here few systematic studies have been undertaken (see, for example, Lundahl et al., 2009; Perrone & Pratt, 2003; Pratt & Maahs, 1999). Whatever their merits, these studies leave many unanswered questions about private prisons. The same observation holds more so for other types of correctional system privatization. Despite increased policy maker calls for evidence-based policy (Mears, 2010), then, there remains little empirical foundation on which to promote or to denigrate privatization. In turn, that leaves privatization debates to be grounded primarily in ideology and assumptions about putative benefits or harms.

Against this backdrop, the goals of this article are (a) to argue that privatized corrections is more prevalent than has been acknowledged in popular and scholarly accounts

and, at the same time, that there exists limited empirical evidence to support or eliminate this approach to corrections, and (b) to provide a conceptual framework that highlights the limits in knowledge about privatization and the opportunities for advancing the privatization debate and improving public and private corrections. In what follows, we first define privatization and describe briefly its history in American corrections. Second, we discuss the apparent prevalence of privatization in contemporary corrections. Third, we present a conceptual framework for advancing research and informing debates about privatized corrections. The framework identifies seven dimensions along which each type of privatization can be evaluated. For each dimension, we identify the arguments for and against privatization and discuss relevant research and the dimension's relevance to the privatization debate. Fourth, we discuss opportunities that a focus on privatization affords for informing debates about privatized corrections, advancing research and theory, and placing corrections on a more evidence-based foundation. We then conclude by discussing implications for research, theory, and policy.

The History of Privatized Corrections

Privatization occurs when public agencies, such as departments of corrections, contract out services, programs, or operations to external nonprofit or for-profit organizations or companies (Starr, 1988). These contracts transfer from the public sector to the private sector the responsibility of implementing certain aspects of corrections. Although privatization may appear to be a recent phenomenon, it has been present since America's founding. For example, early American colonists purchased the labor of felons who were transported from Great Britain to work as indentured servants (Ekirch, 1985; Feeley, 1991). Similarly, after the Civil War, convict lease programs allowed private citizens and companies to purchase the manual labor of convicts, typically ex-slaves, in exchange for providing basic necessities, such as food and clothing (Adamson, 1983). In addition, private individuals sometimes have operated prisons. For example, citizens—not government employees—operated California's San Quentin prison when it opened in the mid-1800s (Lamott, 1961).

Although privatization has been a feature of American corrections since the early 1800s (Stillman, 2014), its use seemingly has increased in recent decades (Hanson, 1991; McDonald, 1994; Mears, 2010). Scholars have cited a number of reasons for this apparent increase, including concerns that policy makers and local, state, and federal correctional systems have had about (a) overcrowding in jails, prisons, and supervision populations, which may affect the safety and well-being of the correctional population and public; (b) the cost of effectively managing large correctional populations; (c) the ability of public corrections to achieve critical goals and to do so cost-efficiently, including being able to quickly manage the bureaucratic process; and (d) the need for greater flexibility in adapting to changes, such as the dramatic increase in correctional system caseloads that began in the 1980s (Durham, 1989; Logan & Rausch, 1985). As we discuss below, it remains unclear how prevalent correctional system privatization is in contemporary America or whether it is needed, effective, or cost-efficient.

The Prevalence of Privatized Corrections

Proponents of privatized corrections argue that there is too little of it, while opponents typically argue that there is too much of it or, in fact, no need for it. However, there do not exist accurate empirical estimates of the use of privatization by local, state, and federal governments and by the type of corrections privatization (e.g., fees, probation, prison), or, by extension, of changes in the use of privatization over time. Claims, then, about too little or too much privatization appear to be based on personal, or ideological, beliefs. Indeed, only some aspects of correctional system privatization have been documented. For example, in 2014, private companies housed approximately 19% of all federal inmates (40,017 inmates in total) and 6.8% of all state inmates (91,244 inmates in total), which equals roughly 8% of all U.S. inmates (Carson, 2015). Relatively little attention has been given to other types of privatization, such as the privatization of fine collection, court operations, community-based services and treatment, probation supervision, parole supervision, residential facility operations, and jail operations.

Even so, some studies shed light on the prevalence of nonprison correctional system privatization, but these studies are typically limited to specific jurisdictions and to specific years. For example, in 2007, six state public defender's offices reported handling some portion of their conflict cases for indigent defendants through a "previously established contract with [a] private attorney," and seven states reported handling some of these cases through a "case-by-case contract with [a] private attorney" (Langton & Farole, 2010, p. 7). Precise quantitative estimates were not obtained. Separately, it has been estimated that private companies operate 58% of state and federal adult community-based facilities, such as some halfway houses and prelease centers (Stephan, 2008). In addition, it has been estimated that private companies house approximately 31% of juvenile delinquents who reside in residential facilities (Hockenberry et al., 2015). Private companies also implement certain aspects of probation, though precise estimates of the prevalence of probation privatization do not exist. One study found that 29 participating probation agencies allocated, on average, 5% of their budget to contracts for services such as drug testing (Cunniff & Bergsmann, 1990). Schloss and Alarid (2007) identified statutes allowing for private probation in seven states; the authors estimated that at least 10 states used private probation services.

Private companies may commonly receive contracts to provide specific services to state-run correctional system clients. For example, in 2001, public corrections agencies reported contracting out a wide range of services to private companies, including commissary services (85 institutions), drug treatment (190 institutions), health care (447 institutions), food services (144 institutions), and educational services (156 institutions) (C. G. Camp & Camp, 2002).

Such estimates shed some light on privatization. By and large, however, they provide a limited portrait of the prevalence of the private sector's involvement in administering correctional services. For most aspects of corrections, no estimates of private sector involvement exist. For example, some jurisdictions contract out the collection of court-assigned fines and fees; however, there exist no estimates of the prevalence of

this type of privatization within or across states. In cases where some information about the prevalence of privatized corrections exists, it typically only exists for certain years or in certain jurisdictions. No systematic data across time and jurisdictions exist that researchers could use, for example, to examine growth trends of the various types of privatized corrections. As we discuss below, the lack of research on privatized corrections extends not just to prevalence estimates but also to insights about the need for or implementation and effectiveness of privatization. In short, there is a need for systematic assessments of both public corrections and private corrections to place discussions about the merits of privatization on an evidence-based foundation.

A Conceptual Framework for Informing the Privatization Debate

Here, we present a conceptual framework that serves to highlight what is and is not known about all types of privatized corrections and to highlight opportunities to advance research and policy. The framework consists of seven dimensions, each of which is relevant for any given type of correctional system privatization. As we discussed above, privatization in the correctional system can include aspects of any of the following: fine collection, court operations, community-based services and treatment, probation and parole supervision, and the operations of residential facilities, jails, and prisons. The dimensions relevant for informing the privatization debate include the following: (1) the extent of need; (2) the amount and quality of services; (3) impacts on outcomes, both intended and unintended; (4) cost-efficiency; (5) development of innovative solutions; (6) impacts on social control; and (7) ethical considerations. In some instances, the dimensions are directly connected to other dimensions. For example, the amount and quality of services is directly relevant to outcome studies and assessments of cost-efficiency; they each nonetheless constitute an important dimension in their own right. We argue that a balanced and evidence-based approach to identifying the conditions under which private corrections and public corrections, respectively, are needed and beneficial requires ongoing, systematic empirical research along each of these dimensions and for each type of privatization.

Dimension 1: Extent of Need

Proponents of privatization argue that privatizing correctional services will create a more effective and efficient correctional system (Logan, 1988, 1990). These arguments stem primarily from assumptions about the private sector's ability to offer the same services as the government at a lower cost. Critics argue that public correctional systems perform more effectively and efficiently because, compared with private correctional systems, there is little room for financial incentives to motivate agencies to provide fewer or lower quality services.

These arguments raise the following question: How do we know if there exists a *need* to privatize some aspects of corrections? As we discussed above, privatization exists across much of the contemporary correctional system, which implies that at

least some jurisdictions perceive a need for the improved efficiency or services advertised by private companies. When deciding whether to privatize services, decision makers may consider how privatization affects issues such as overcrowding, cost, correctional goals, and correctional system flexibility (Durham, 1989; Kim & Price, 2014). They also may consider various political factors, such as the current political culture (Price & Riccucci, 2005). However, there exists little empirical evidence about precisely how much privatization is needed or conceptual guidance about how jurisdictions would establish the amount of public corrections to privatize.

Identifying need requires more than identifying that a problem, such as overcrowding, exists or that a private vendor might supply a service at a lower cost. It entails documenting the cause of the problem as well as a range of potential solutions. For example, incorrect inmate classification or overly aggressive parole revocation practices may cause overcrowding. Here, then, the solution may not be privatization but instead better classification procedures and a revisiting of parole supervision practices. Not least, information would be needed on the extent to which privatization in fact offers a clearly superior alternative among a range of other alternatives. For example, an examination of three states' "curative tactics"—the use of boot camps, jails, and privatization—for correctional system overcrowding found that none of the tactics were significantly associated with reduced overcrowding, which suggests that an even wider range of alternatives might need to be considered to address this problem (Steiner & Wooldredge, 2008a, p. 272). Privatization still might offer a superior alternative, but in a different form (e.g., privatized mental health or drug abuse treatment rather than private prisons).

There is, too, the need to identify the conditions under which private corrections could provide a comparable amount and quality of service to what public corrections could offer for a given segment of the offender population. In some cases, privatization might be needed to provide the state a service or feature for which state-run corrections has no institutional capability to provide. For example, public agencies may not have the capacity to build and maintain electronic monitoring software. In this case, it may be beneficial for public agencies to partner with a private company that specializes in this type of technology. In other cases, the state correctional system might simply make minor adjustments that cost little and yet produce appreciable gains; here, privatization would not be needed.

Such examples should not be taken to imply that public corrections should serve as the presumptive default. Rather, empirical evidence ideally would guide both public corrections and decisions to privatize. For example, a jurisdiction might establish empirically that a rise in the number of mentally ill jail inmates is a temporary phenomenon. Here, then, the jurisdiction might argue on empirical grounds for *temporarily* contracting out mental health services rather than hiring "public" mental health counselors who would no longer be needed after a few months or rather than establishing a long-term contract for a privately run mental health facility. These latter approaches would result in marked inefficiency because the public counselors, and the private facility, would have little to do after the need for services declined.

The consideration of different counterfactual conditions, or what would have occurred had the policy not been implemented, constitutes an important part of determining the need for *any* policy, not just privatization (Mears, 2010). To identify the extent of need of any given policy requires, first, identifying and understanding a particular problem and its causes, and, second, determining the extent to which different strategies may address the problem and its causes. To date, little evidence exists that local or state jurisdictions have undertaken these steps when debating correctional system privatization. We can anticipate that if jurisdictions regularly undertook needs evaluations when contemplating privatization, they would discover that privatization may be needed in some circumstances but not in others. This possibility highlights the need for systematic, jurisdiction-by-jurisdiction empirical assessments of the need for public corrections and private corrections, respectively.

Dimension 2: Amount and Quality of Services

Discussions about privatization often include arguments about the quality of services. Privatization proponents argue that private companies provide higher quality services in part because they have the ability to specialize in a certain type of service (e.g., substance abuse treatment), whereas public agencies must focus on all aspects of corrections (Logan, 1988, 1990). Privatization critics argue that the profit motive of the private sector results in companies spending the least amount possible on services, staff, and training, which, in turn, results in lower overall quality (Logan, 1988, 1990).

Such arguments may make sense, but they are not a substitute for empirical assessments of services. Specifically, in evaluating whether privatization is effective or cost-efficient, a critical *a priori* issue to be addressed is the extent to which private corrections provides a comparable amount and comparable quality of services (see Mears, 2010). It would be inappropriate, for example, to compare public and private correctional system outcomes, such as recidivism, without establishing first that private corrections offered comparable or better services. Of course, improvements in recidivism might derive from the provision of more and better services. However, it would be important to demonstrate that promised services in fact were provided and that these services account, if only in part, for the observed improvements in recidivism.

The assessment of quantity and quality will vary depending on the type of privatization. For example, if the focus were privatized drug treatment, it would be important to document that the frequency and duration of treatment was comparable with that offered through the public correctional system. It would be important, too, to document that the quality of treatment was comparable. If the focus were on private prisons, there would be a parallel need to establish that the amount and quality of a variety of services, staffing, inmate–officer interactions, and so on, were comparable with what occurs in a public prison. In addition, studies might focus on the typical factors used to measure the quality of prison confinement: security, safety, order, care, activity, justice, conditions, and management (Logan, 1992).

Few studies compare service amount and quality across a wide range of public corrections and private corrections settings. The few that exist have focused on prisons, although even then no studies have systematically examined a wide range of relevant services and the relative amount and quality of each (see, generally, Gaes, Camp, Nelson, & Saylor, 2004; Lundahl et al., 2009; Makarios & Maahs, 2012; Perrone & Pratt, 2003). At best, what exists are blunt indicators—such as judicial intervention in cases where conditions of confinement are problematic (Burkhardt & Jones, 2016)—of potential shortfalls in service amount and quality. A smaller number of studies have focused on comparing the quality of confinement in public and private juvenile residential facilities (e.g., Armstrong & MacKenzie, 2003), but similar limitations are found in this area of research—no studies systematically examine and compare the amount and quality of a wide range of services and experiences.

The situation does not reflect a limitation of research methodologies. It is possible to assess the amount and quality of services in corrections (Burt, 1981; Logan, 1992, 1993). Administrative records and surveys, for example, can be used to collect information about service amount and quality. And they can be used both in public corrections and in private corrections and so provide a basis, over time, for establishing need, observing implementation (e.g., service amount and quality), and measuring impacts. Instead, though, privatization of corrections has proliferated without such monitoring or data collection that would provide relevant performance measures (Volokh, 2013). Without such information, correctional system operations occur largely in a “black box” (Mears, 2008), leaving open the question of whether any comparison between public corrections and private corrections in fact is an “apples-to-apples” comparison.

Dimension 3: Impacts on Outcomes

Privatization proponents argue that the desire for a renewed contract motivates companies to work toward achieving correctional goals, which results in privatized corrections achieving comparable or better outcomes than would occur in public corrections (Logan, 1988, 1990). Critics argue that private companies are profit-motivated and so “cut corners” in ways that result in more profit but that simultaneously harm inmates, probationers, and parolees, and worsen outcomes (Stillman, 2014).

The question, then, is, “How do we know whether public corrections or private corrections achieves better outcomes and simultaneously avoids adverse unintended outcomes?” To date, there is no clear answer because too little or no credible empirical research has evaluated the relative impact of various types of privatization as compared with public corrections. A handful of studies have compared behavioral outcomes of public and private prison inmates (e.g., Bales, Bedard, Quinn, Ensley, & Holley, 2005; Duwe & Clark, 2013; Spivak & Sharp, 2008). Duwe and Clark (2013) used propensity score matching and found that private prison inmates, in some cases, had a higher risk of recidivism than their public prison counterparts. In a study on juveniles in residential facilities, the authors found that juveniles in for-profit prisons had the highest risk of recidivism (Bayer & Pozen, 2005). These studies provide helpful insights. However, there remains a need for systematic assessments across

all jurisdictions, over time, by type of privatization, and across a range of relevant outcomes. Prison studies, for example, should consider not only recidivism but also postrelease employment, housing, and drug use.

Assessing impacts in all cases requires identifying appropriate bases of comparison. For example, if a private vendor operates a juvenile custodial facility, the comparison should be with similar publicly run facilities that house similar youth. (Creation of clearly defensible comparisons serves, too, to clarify the potential limits on the external validity of a given study.) All relevant outcomes, including unintended harms and outcomes, should be examined. In addition, impacts must be estimated on an ongoing basis. For example, improved outcomes may hold only for a short period of time, and then may decline as a private vendor places more emphasis on profit over service. The latter need not happen, and it is as likely that service quality in a publicly run facility may decline over time. For example, public facilities (and private facilities) may experience staff turnover, changes in administration, or policy changes that affect service quality. Regardless, absent ongoing evaluation of impact, there is no empirical basis on which to claim that privatization entails a comparable level of service and benefit over time. There is no basis, either, for gauging changes in public corrections. For example, a privatization effort to improve fine collection may spur public corrections to invest in technology that improves its own efforts. Here, then, we can anticipate that public corrections might improve to the point that its fine collection efforts are more successful, at a lower cost, than is the case with the private vendor.

Dimension 4: Cost-Efficiency

Many discussions about privatization center on whether the private sector provides comparable services and achieves the same outcomes as public corrections at a lower cost. Proponents of privatization argue that private companies can provide the same services as public agencies for less money in part because competition in the private sector fosters innovation and a drive toward ever-greater efficiency (Lundahl et al., 2009). Critics argue that private corrections either is not more cost-efficient or achieves lower costs by providing less, and lower quality, services (e.g., drug treatment) than those provided by public corrections, or, similarly, by achieving worse rather than comparable, or better, outcomes (e.g., reduced drug use) and by creating unintended harms (Logan, 1988, 1990).

As with other dimensions of correctional system privatization research, most studies to date have focused only on the cost-efficiency of private prisons, and not on other types of privatized corrections. Pratt and Maahs's (1999) meta-analysis of 33 studies found that public and private prisons are similarly cost-efficient. By contrast, Lundahl et al.'s (2009) meta-analysis did not find consistent evidence of private prison cost-efficiency. For example, they reported that 50% of the studies found private prisons were more cost-efficient, 25% of the studies found public prisons were more cost-efficient, and 25% of the studies found similar cost-efficiencies across public and private prisons (Lundahl et al., 2009). The studies reviewed in these meta-analyses,

however, did not consistently or comprehensively assess the amount and quality of services or impacts across a range of outcomes (see Kish & Lipton, 2013). As such, they provide a weak foundation for establishing the apples-to-apples comparison necessary for a credible cost-efficiency evaluation. Put differently, identifying higher, lower, or no difference in costs without establishing whether “all else is equal” in a given private versus public comparison provides a limited and questionable basis for claiming a difference or comparability in the cost-efficiency of private prisons versus public prisons or other types of privatization.

Establishing “all else equal” is critical for any assessment of cost-efficiency. Pointing to lower costs alone does not suffice. For any given counterfactual condition—typically some type of public corrections offering—it must be established that the private alternative provides comparable services or activities and that impacts across all relevant outcomes occur. It might be argued that certain outcomes, such as recidivism, should not be considered because, at least in the case of prisons, the private vendor has no ability to influence an inmate’s family or the community context to which an inmate returns (Thomas, 2005). However, an apples-to-apples comparison in fact requires that such outcomes be included (Mears, 2010). Otherwise, the government places itself in the position of paying less and receiving less than it otherwise would obtain if it provided the service itself.

Establishing comparable service amounts, quality of services, and future outcomes between private and public corrections is a challenge. So, too, is estimating costs. The estimation of costs constitutes, however, a critical step in assessing cost-efficiency. Such estimation is far from straightforward (Gaes et al., 2004). For public corrections, for example, a centralized bureaucracy exists that provides services to a range of entities, such as all prisons in a state. Any given public prison’s cost, then, entails only a portion of that centralized bureaucracy’s expenses; these expenses may not be reduced appreciably by contracting out to a private vendor.

Consider a different situation—a jurisdiction contracts a percentage of probation supervision to a private vendor and that vendor revokes probation more frequently than does publicly run probation. Here, the vendor imposes additional costs on the jurisdiction by revoking probationers who, in turn, are more likely to be placed in jail or to receive a prison sentence. (Alternatively, the vendor might revoke probation less frequently, which in turn would raise questions about whether the level and quality of supervision is comparable with that of public corrections.) As we discuss below, there is, too, a situation in which net widening occurs—a vendor is relied on to address a temporary spike in, for example, mentally ill jail inmates, but then the jail continues to rely on the vendor thereafter. This type of net widening and attendant increase in cost might occur in other instances. For example, a jail might be contracted to temporarily house undocumented immigrants. When these individuals transition out of the jail, the local court system may decide not to terminate the contract but instead to continue to jail undocumented immigrants who in the past would not have been incarcerated. Whatever the short-term cost-efficiency, the jurisdiction may experience greater long-term costs beyond what would have occurred if services had been provided only to address the temporary need.

Dimension 5: Innovative Solutions

Privatization proponents argue that competition for contracts promotes innovation. They also argue that the private sector offers greater flexibility in addressing correctional challenges, especially short-term, temporary demands for services. As with all of the other dimensions, this argument may well be true. However, it remains unevaluated empirically.

The challenge here is in part conceptual. What counts as “innovative”? A private parole supervision company might cut costs by paying officers lower salaries or offering fewer benefits. That, on the face of it, does not appear to be innovative. Perhaps the company relies on a merit-based incentive structure that effectively motivates officers to perform their duties better than their public parole officer counterparts. In this instance, the incentive structure could be viewed as innovative. What if a private vendor offers more programming than a state typically would provide? On the face of it, such a step would appear to be innovative. Or, perhaps they can offer more services through a greater reliance on technology to implement the programming or some other aspect of their operations. That might be considered innovative too.

There is also the fact that public corrections can innovate. Perhaps public corrections can cut long-term costs and improve public safety by providing inmates with individualized discharge planning that prior to release connects them to community-based public agencies and services. The smoother transition out of prison and into the community may be viewed as innovative. Public agencies, too, might adopt innovations suggested by private corrections efforts. For example, perhaps empirical research finds that the merit-based incentive structure discussed above improves correctional officer performance. Public agencies could then adopt this strategy from the private sector. Harding (2001) referred to this process as “cross-fertilization.” He argued that cross-fertilization may start out primarily as the public sector learning from the private sector, but over time, it is likely that the private sector will implement innovative initiatives introduced by the public sector. It might be, too, that cross-fertilization has adverse long-term consequences, such as over time removing the incentives for innovation (Harding, 2001).

In short, it likely is the case that private corrections can promote innovation. Yet, the magnitude or benefits of such innovation remain to be documented. At the same time, it remains unknown the extent to which private innovation exceeds that which exists in the public sector. In addition, it remains unclear to what extent cross-fertilization occurs or whether cross-fertilization has any adverse long-term consequences.

Dimension 6: Impacts on Social Control

Privatization debates typically include arguments about whether privatizing correctional services affects the total amount of formal social control. Proponents argue that privatization serves as a tool that allows governments to quickly expand correctional services when needed and to contract those services when the need no longer exists

(Logan, 1988, 1990). Critics argue that privatization leads to net widening, in part because private companies benefit financially from large correctional populations and seek to continue their involvement (Blomberg, 1983; Klein, 1979).

The logic in each instance is straightforward. Jurisdictions may find themselves facing a temporary demand for a service or capacity and may not have the ability to respond immediately or without incurring a long-term cost. In these cases, it may be best to contract with a private vendor and then terminate the contract when the service is no longer needed. The risk of net widening stems from the fact that multiple barriers interfere with a reduction in social control efforts. For example, policy makers may view it as risky to reduce the punishment capacity of the correctional system. Separately, private vendors may seek to cement their contracts through lobbying for efforts that retain “clients” (offenders) for longer periods of time or by including contingencies in contracts that require states to maintain enrollment of offenders in services and prisons. The vendors, too, may have little vested interest in positive outcomes for clients, which in turn may result in offenders returning to the criminal justice system or remaining in it longer. Some accounts indicate, for example, that—due to a policy maker emphasis on “offender-funded” justice—probationers often lack the funds to pay for rent or groceries and may sell drugs or steal to be able to make their payments to the court (Stillman, 2014, p. 50).

This potential problem applies both to public probation and private probation. However, private vendors may have an incentive to focus solely on collecting fines and not to supervise or assist probationers in ways that would enable them to remain crime free, obtain employment and housing, and avoid jail and remain outside of the correctional system (Human Rights Watch, 2014). This risk may arise, in part, from the contractual arrangements that courts and local jurisdictions make with vendors. Probation companies

offer probation services in misdemeanor cases without asking for a single dime of public revenue. All they ask in return is the right to collect fees from the probationers they supervise, and that courts make probationers’ freedom contingent on paying those fees. Those fees make up most probation companies’ entire stream of revenue and profits. (Human Rights Watch, 2014, pp. 2-3)

Extending an individual’s term of probation provides a way for these companies to increase profits: “The longer it takes offenders to pay off their debts, the longer they remain on probation and the more they pay in supervision fees” (Human Rights Watch, 2014, p. 3). Such a strategy accords with Feeley’s (2002) observation that private companies seek to create a demand for social control so that they then can offer their services to meet those demands.

The extent to which privatization results in appropriate, temporary expansions of social control or excessive and sustained expansions remains largely unknown. Here, then, as with other dimensions discussed above, empirical research is needed that can inform debates about privatization. Such research ideally would focus not only on identifying the precise short-term and long-term effects of privatization on formal

social control efforts but also on the conditions under which privatization results in efficient expansion and contraction of social control.

Dimension 7: Ethical Considerations

Ethical concerns permeate debates about privatization. Critics argue that the private sector's profit incentive distorts motives and results in corrupt practices and poor service quality, whereas proponents argue that private companies provide comparable outcomes at less cost and do so without causing any more harm than that associated with publicly run corrections (Logan, 1988, 1990; Lundahl et al., 2009). These competing views ideally would be adjudicated empirically. Presumably, for example, critics would embrace privatization if research showed that it provided better outcomes at less cost and reduced the unintended harms that can result from correctional system involvement. Conversely, proponents likely would oppose privatization if research consistently identified null or harmful effects that offset any alleged cost savings. For example, proponents might oppose privatization if studies showed that private companies provide fewer wellness checkups, which over the long term results in higher medical costs due to undiagnosed and untreated injuries and illnesses. At this point, there remains little empirical research that can adjudicate between these competing views.

For some issues, empirical research may be irrelevant. Some individuals oppose the death penalty on principle and, so, too, they may oppose any effort that enables companies to profit from the administration of justice. Even in these cases, empirical research may contribute to debates. If, for example, research identified beneficial effects of privatization, ethical concerns might at least be diminished. Such research might well show that ethical concerns are not specific to privatized corrections. It may well be that the same ethical problems arise in both private and public corrections, respectively. For example, when discussing privatized juvenile justice, Press and Washburn (2002) have argued, "To be sure, problems in the youth-services field are by no means confined to the private sector . . . in fact, it was government's failure to provide adequate care that paved the way for privatization" (p. 39). The need then is for research that can identify the conditions under which each type of corrections can be undertaken in ways that minimize ethical concerns.

Opportunities for Improving (Public and Private) Corrections

As we discuss above, debates about privatization have been long on ideology and assumptions and short on empirical research. For some critics, privatization appears to be an intrinsically problematic undertaking. We argue that a central benefit of the privatization debate is that it highlights the importance of greater accountability, effectiveness, and efficiency for *both* public corrections *and* private corrections. It also highlights the role empirical research can play in informing theory, research, and policy. Here, we discuss several opportunities that exist.

Opportunity 1: Use the Privatization Debate to Advance Research on Corrections

As the conceptual framework above highlights, a wide range of privatization efforts exists in corrections and they have been subjected to little empirical scrutiny. Empirical investigations of these different efforts—and their public corrections counterparts—can simultaneously inform research and policy.

A focus on these efforts also can shed light on the ways in which different parts of the correctional system may affect one another. For example, privatized probation may result in more probationers receiving less supervision or quality treatment, which in turn might result in an increase in offenders in jail. How then does the correctional system respond? Privatization of jail operations to allow for greater capacity? Building a new jail? Or does the system seek to review and adjust the performance of the private probation company? Similarly, how does the presence of private corrections affect, if at all, public corrections operations? Do they improve? Worsen? Do public corrections operations adopt examples from private industry?

The systems focus is of particular importance. Privatization occurs within a systems context. As such, its performance, effectiveness, and cost-efficiency cannot be well evaluated without taking that context into account. A private prison, for example, might be found to operate more cost-efficiently than a public prison over a 5-year period. Yet, investment in privatization might indirectly result in a greater use of incarceration than otherwise would have occurred. A cost-efficiency evaluation might miss such an effect, and the effect would be central to determining whether privatization efforts in the long term were beneficial and cost-efficient. This need to attend to the systems context is highlighted by a focus on privatization.

Opportunity 2: Use the Privatization Debate to Advance Criminological Theory

The privatization debate provides opportunities to advance criminological theory, including studies of prisons, jails, probation, parole, and correctional system operations in general. For example, a long line of scholarship on prisons points to the importance of legitimacy in whether and how inmates comply with rules. A central task for scholars has been to understand the conditions, including inmate and officer culture and administrative or managerial approaches, that affect prisoners' perceptions of prison authority and in turn their behavior (Bottoms, 1999; Crewe, Liebling, & Hulley, 2015; Steiner & Wooldredge, 2008b). Privatization in and of itself offers no theory of administration or inmate management. Yet private industry may well rely on a more diverse set of management strategies than exists in public corrections. Examination of such possibilities may shed light on the relative importance of inmate perceptions of legitimacy and on the organizational and administrative factors that shape these perceptions.

In a different vein, theoretical accounts of the “punitive turn” in America suggest that punishment policies stem from a diverse set of factors, including a trend toward emphasizing retribution over other correctional system goals (Garland, 2001). A

pragmatic concern with managing rapid growth in corrections arguably constitutes one critical part of an explanation for a shift toward emphasizing punishment over rehabilitation. Case processing pressures alone may dictate a need to prioritize organizational efficiency above substantive concerns about rehabilitation and public safety (Mears, 2010). There is, too, the question of what motivates correctional system administrators and staff to perform at their best and to promote system goals. Privatization critics seem to assume that a profit incentive eliminates the possibility of better outcomes, but it may well be that private industry motivates administrators and staff more effectively and in so doing promotes greater public safety (Wright, 2014). Here, then, research is needed to identify differences in public and private correctional system performance and outcomes and then to explain why such differences exist.

Opportunity 3: Use the Privatization Debate to Improve Public and Private Corrections

Improvements are needed in corrections in general, and privatization helps to illuminate that issue. To critique privatization is simultaneously to believe that publicly run corrections efforts are needed, implemented well, effective, and cost-efficient. Across many aspects of corrections, that belief rests purely on assumptions about what must be, and not on empirical research. Calls for privatization thus can be viewed as an opportunity to push correctional systems to be more accountable by documenting empirically the performance and effectiveness of corrections, whether privately or publicly run. It also might foster competition that improves the efficiency of corrections. A comparison of public and private federal prisons found that

staff members at the three [Bureau of Prisons] facilities were well aware of the fact that the cost and quality of their operations were being compared to those observed at [Taft Correctional Institution, a privately-run prison]. This perception of competition forced all of the facility managers to monitor their usual methods of “doing business.” (Nelson, 2005, p. 82)

Any such efforts must be jurisdiction-specific. For example, an evaluation of private prisons and public prisons in one state may find that privatization is ineffective and cost-inefficient. Yet, it could be that private prisons elsewhere may be effective and cost-efficient. The same possibilities exist for all types of correctional system privatization. Accordingly, what is needed is investment in a research infrastructure across local, state, and federal correctional systems to empirically monitor and evaluate all aspects of corrections over long periods of time. This infrastructure would simultaneously allow for the evaluation of privatization efforts and for documenting the need, implementation, effectiveness, and cost-efficiency of public corrections.

Conclusion

The long history and contemporary use of privatized corrections has done little to shed light on whether private corrections achieves comparable outcomes at a lower

cost and with fewer unintended harms. It also has not produced insights about the precise conditions under which private corrections or public corrections, respectively, achieve the best outcomes at the least cost and with the fewest unintended harms. Ideology and assumptions about presumed benefits or harms of privatization thus appear to have driven policy more so than empirical evidence. Absent a body of ongoing, systematic empirical research across all types of privatization and across all dimensions of privatization, policy performance must rely on ideology and assumed benefits or harms.

In this article, we presented a conceptual framework that identifies that little is known empirically about both public corrections and private corrections, and, by extension, that many opportunities exist to advance research, theory, and policy. This framework highlights that to place this debate on a more evidence-based foundation, researchers and policy makers should focus on a broad range of dimensions and not only cost-efficiency and ethical concerns. The seven dimensions include the following: (1) the extent of need; (2) the amount and quality of services; (3) impacts on outcomes, both intended and unintended; (4) cost-efficiency; (5) development of innovative solutions; (6) impacts on social control; and (7) ethical considerations.

Each dimension constitutes a critical part of any balanced assessment of private corrections. For example, it makes little sense to evaluate the potential cost-efficiency of a private prison if there exists little to no empirical foundation on which to determine whether a need for the prison exists. Similarly, documenting lower financial costs alone provides little credible basis for determining whether a specific type of privatization merits continued investment. It is possible, for example, that continued investment in privatization might produce worse outcomes and a range of unintended harms, as compared with what otherwise would have occurred through public corrections. Financial expenditures might be lower, but overall costs would be higher because of the additional harms that arise and the risk of net widening. At the same time, even if a particular type of privatization were slightly cost-inefficient in the shorter term, it might well provide cost savings over the longer term by helping a jurisdiction to avoid expanding the web of formal social control permanently through staff hiring or new building construction.

These dimensions apply as well to public corrections. To argue for the need for privatization is to highlight that some problem exists. What, though, is the nature and magnitude of this problem, and how well is it addressed through public corrections? How well does public corrections do what it is supposed to do? How well does it follow legal and administrative protocols and rules? How well does it implement vocational and rehabilitative programming? How effective are its various efforts? How cost-efficient are different parts of the correctional system? What is the relative cost-efficiency of corrections in different states? Answers to such questions are central to achieving government accountability and evidence-based practice, and are necessary even without an emphasis on privatization.

The existence of such questions underscores the opportunities that exist for advancing theory, research, and policy. In each instance, systematic, empirical research is

possible. Corrections agencies could invest in information systems that periodically collect data on the amount and quality of all services as well as the cost of these services. S. D. Camp, Gaes, Klein-Saffran, Daggett, and Saylor (2002) argued that that in addition to formal operational reviews, departments of corrections should survey inmates about prison operations and performance. Empirical assessments of other dimensions, such as ethical considerations, might prove more complex. However, surveys of the general public could be conducted to determine under what conditions private corrections might be viewed as ethical. For example, the majority of the general public might agree that lowering service quality for the purposes of increasing profit is *unethical*, but they might also agree that the ethical concerns are minimal when private companies improve outcomes. The general public's view of what is and is not ethical might change over time, especially as society's demographic composition changes, which implies that these types of surveys would need to occur on an ongoing basis. The more general point is that existing database systems and new sources of data can be used to shed light on critical questions about the use and effects of both public and private corrections.

Prison scholarship, reentry studies, and organizational studies all could benefit from systematically comparing the operations and effects of public versus private corrections. In both arenas, substantial heterogeneity exists. Indeed, there may be as much if not more heterogeneity within each arena than between. The seeming pervasiveness of privatization and attempts to expand it provide an opportunity to capitalize on what amounts to naturally occurring experiments. These may shed light on correctional system operations and thus provide greater accountability. They also may illuminate the precise conditions under which improved offender outcomes and organizational efficiency may arise. The end result, then, would be an advance in knowledge and simultaneously an opportunity to put correctional system policy on an evidence-based foundation that is more effective and cost-efficient.

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