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### Webpage

The Private Corrections Institute maintains an excellent webpage on the for-profit private prison industry. You can get recent news, lawsuits, reports, and links to other sites. Our "Hall of Shame" is a hit among activists.

The link is:

[www.PrivateCI.org](http://www.PrivateCI.org)

### Get aboard the PCI-Watch

If you are serious about fighting the for-profit private prison industry, then you need to sign-up for the PCI's Watch — the electronic private prison news service. Just send your request to [kenk@PrivateCI.org](mailto:kenk@PrivateCI.org) and ask to be put on the list. Please be aware — this is not for the faint-at-heart. Sometimes there is a lot of reading but it is well worth it.



# Privatization Issues In The News

## New government report outlines oversight of private prisons lacking

In December the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) released a report on private prison oversight in Florida (Report No. 08-71). This report, made at the request of the Florida Legislature, once again documents the failing in oversight of for-profit private prisons in Florida.

OPPAGA writes that while the Department of Management Services (DMS) had improved monitoring and developed stronger monitoring tools to assess contract compliance, DMS contracts did not:

"...ensure that the private prisons house inmates requiring comparable levels of health and mental health care as public prisons. The contracts also do not establish performance standards for the private prisons' inmate education, vocation, and treatment programs, and do not establish comparable policies for inmate family visitation and telephone costs as those provided by the state's public prisons. DMS also has not developed written criteria for allowable uses of Inmate Welfare Trust Fund monies, which

hinders its ability to ensure that the funds are used for their intended purpose."

The report explains how the issues uncovered by OPPAGA create problems in determining whether the for-profit private prisons vendors were meeting the cost savings requirements written in statute.

For example, private prisons do not house the same ratio of expensive "special needs" inmates. Because of this disparity the state "is shouldering a greater proportion of the cost to house these inmates." This in-turn skews the actual costs for private prisons in their favor.

Please read the *Tallahassee Democrat* column from **Bill Cotterell** about this report below. Cotterell does a great job analyzing the report.

The PBA is working on legislative action to strengthen the Department of Corrections ability to enforce violations in private prisons. We'll keep you informed as our efforts progress. ●

## TALLAHASSEE DEMOCRAT

### Perhaps privatized prisons just doesn't work

January 12, 2009 • By Bill Cotterell, Florida Capital Bureau Political Editor

There comes a point, when a car or a business venture or a relationship has repeatedly turned out to be more trouble than fun, when we need to step back and say, "Maybe this just is not going to work."

A new report from the Legislature's fiscal analysts indicates that Florida may be at that point with private prisons. One of Gov. Jeb Bush's lasting legacies, particularly among Republicans, is the belief that privatization works. But the Office of Program Policy Analysis and Governmental Accountability says — again — that our \$133 million commerce in corrections might be something less than a smashing success.

OPPAGA says the Department of Management Services has improved its oversight of the six privately run prisons, with state monitors spotting contract violations that resulted in removal of three prison wardens and levying of \$3.4 million in fines and deductions from state payments to the companies. But over the years, prison privatization has been as troublesome, or more so, than the state's attempts at outsourcing personnel, purchasing and insurance administration.

At least those "outsourcing" efforts, while profitable to the companies that got contracts and headaches for the employees who had to deal with them, didn't affect public safety. Prisons are different.

Significantly, OPPAGA doesn't single out either of the worldwide companies that operate private prisons in Florida. It's the system itself — the corporate need to make money by cutting corners, the government's bureaucratic blame-shifting — that draws critical attention.

The Department of Corrections inspects the six corporate-run prisons, which house nearly 8,000 inmates, and here is some of what OPPAGA said the inspectors found:

- Security violations, "including inoperable alarms, spotlights and escape sensors; buildings not checked for tunneling; and missing tools that could be crafted by inmates into weapons."

- "Contraband violations including positive inmate drug tests and inmate possession of

drugs and drug residue, gang material and weapons as well as staff and visitors arriving at the prison in violation of contraband policies."

- Medical treatment violations, including lost or never-ordered laboratory tests, delays up to five months in filing records, "unsanitary conditions and nursing staff vacancies."

Another way private prisons can operate 7 percent cheaper than comparable state institutions — as required by law — could be by having far fewer inmates with serious health and mental problems. At the Graceville prison, OPPAGA said, 18 percent of inmates were classified "psychological grade 3," compared with 67 percent in a comparable state prison; 16 percent of Graceville's inmates had medical upgrades, compared with 53 percent in a state prison of similar size.

"As special-needs inmates are more expensive to serve than other inmates, the difference in the populations of public and private prisons results in the state shouldering a greater proportion of the cost of housing these inmates," said the report. "As a result, the requirement that the private prisons operate at 7 percent lower cost than state facilities is undermined."

Then there are the phone calls home and visitation with families, which are considered important to rehabilitation.

"While the families of inmates in state prisons pay 50 cents for a 15-minute collect call, families of inmates in private prisons, on average, pay \$6.18 for the same length call," OPPAGA reported.

State prisons normally allow visits on Saturdays and Sundays, but OPPAGA said the private prisons allow them on one of those days, not both. DMS said that's because of space limitations in common areas, but OPPAGA said "these centers have twice the median square feet of those in public prisons."

There's an adage in corrections that people go to prison "as" punishment, not "for" punishment. Once there, they're supposed to get some help, so they don't come out — and almost every one of them is coming out, eventually — worse than they went in. But the OPPAGA report said DMS contracts for

private prisons don't set standards or measure performance in GED completion, graduation from treatment programs, completion of vocational training or transition programs meant to reduce recidivism.

OPPAGA, which does performance studies on agencies and reports to the Legislature on how things are going, also said the inmates' own money is not being properly accounted for in the private prisons. About \$1.5 million a year is collected from sale of snacks, cigarettes and toiletries in the prison canteens, to be used for some extras that the taxpayers shouldn't have to provide. But OPPAGA said the some of the money was used to buy computers and software for administrative staff of the prison companies, and sometimes prisons simply couldn't account for some of it.

If these were a few small, isolated events, they might be just unfortunate glitches and misunderstandings in a big, statewide operation of business and government. But the history of prison privatization is a troubled one.

Under the old Correctional Privatization Commission, one executive director was fined and fired for ethics violations and another went to jail (admittedly not the companies' or the state's fault; he just happened to make a better inmate than executive). Shortly after assuming oversight, the DMS inspector general reported widespread billing of the state for nonexistent employees. There have been frequent disputes over who pays for equipment and services, and allegations of corner-cutting on staffing and security.

True, a lot of the complaining has come from the Police Benevolent Association, which represents correctional officers in state prisons and understandably doesn't like privatization in any form. And DMS says it is currently satisfied that problems are being fixed and the 7-percent savings rate is being attained.

The private prisons are a big business, hiring some of Tallahassee's top lobbyists. But when an enterprise has been so troubled, so long, maybe it's time to reconsider doing it.

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