

Answers to the 10 Most Common Criticisms of Contract Detention/Correctional Service Providers

1. Contract service providers have contributed to ‘mass incarceration’ by lobbying federal and state lawmakers for tougher prosecution and sentencing policies.

Only the courts, who carry out state and federal laws, decide who will be incarcerated.

Contracted facilities comprised less than 7% (146,000) of the total number of individuals incarcerated (2.2 million) at the federal, state and local levels at year-end 2016, according to the Bureau of Justice Statistics; which excludes reentry centers, ICE processing centers and US Marshals detention facilities.

At the Federal level, it was during the years of the Democratic Clinton Administration (1992 to 2000) that “Get-Tough-on-Crime” laws were passed. They were directed at fighting drug-related and violent crimes plaguing urban communities across the country. These laws focused on repeat felony offenders and provided significant law enforcement resources to local communities.

The increase in criminal prosecutions that followed did not lead to the development of any contracted federal correctional facilities for U.S. citizens. Instead, the private sector’s involvement has been limited to providing the Bureau of Prisons (BOP) with new capacity for the increasing number of criminal aliens (non-US citizens) convicted of federal felony crimes. **Presently, out of the BOP’s total inmate population of 183,830 only 10% (18,458) are held in contracted facilities, and less than 750 are US citizens.**

At the State level, starting in the 1970’s, there was significant U.S. population migration from the north to the south, which increased the population in the Sunbelt states (from Florida to California) almost 100% by 2010. As a result, state prisons became increasingly overcrowded which resulted in Federal courts requiring expanded prison capacity in the Sunbelt states, where most contract facilities are now located.

Contract correctional providers responded to these pressing needs with financial and organizational resources toward the timely development and professional operation of detention and correctional facilities contracted with government agencies in the form of Public/Private Partnerships.

At neither the Federal nor State level have contract service providers advocated for increased correctional capacity, or stricter sentencing guidelines.

Today, at the Federal level, contract facilities are almost exclusively confined to housing the increasing number of criminal aliens (non-US citizens). **At the state level, contract facilities provided critically needed capacity that was mandated by Federal court orders concerning Sunbelt states whose populations had increased 100% from 1970 to 2010.**

2. Contract service providers insist on a contractual minimum occupancy guarantee, which creates a perverse incentive for governments to put more people in prison or detention in order to meet the guaranteed bed quota.

The Government, through a Request for Proposal (RFP) process, decides the number of beds for a given contract. Contract service providers respond to the RFP, and are compensated according to the terms of the contract.

Government facilities are consistently fully funded (regardless of actual occupancy) to pay for staff salaries, benefits, health services, physical plant and other costs. **Contract facility providers have the same financial responsibilities as government facilities and need to achieve adequate funding through occupancy guarantees to pay for those costs and not jeopardize facility security.**

Increasingly, contracts by the BOP and ICE provide for a fixed monthly payment, with no occupancy guarantee.

3. According to an August 2016 report from the U.S. Department of Justice, Office of Inspector General, contract facilities were less safe and less secure than comparable Bureau of Prisons facilities.

A detailed analysis of the OIG Report revealed that the facility performance ratings used by the OIG actually indicated that contract facilities were, in fact, comparably as safe and secure as government-run prisons in this “**apples-to-oranges**” study. The report compared 14 low-security BOP facilities with 12% criminal aliens, to 14 low-security contracted facilities with 96% criminal aliens.

The OIG Report indicated that the contract facilities were in many respects actually safer by having lower monthly rates per 10,000 beds in the following important safety indicators:

- Rate of deaths in custody (Contract: 54 vs. BOP: 127);
- drug confiscations;
- inmate fights;
- suicides;
- disruptive behavior incidents;
- uses of force;
- overall inmate grievances;
- medical and dental grievances;
- grievances in Special Housing Units;
- positive drug tests;
- guilty findings on inmate sexual misconduct against inmates; and
- allegations of staff sexual misconduct against inmates.

4. Contract facility providers have advocated for stricter immigration enforcement policies and lobbied Congress to enact a detention bed quota.

The so-called “detention bed quota” was established by a Democratically-controlled U.S. Senate under the Obama Administration to ensure that taxpayer funding appropriated to the Department of Homeland Security (DHS) was used to support what Congress determined to be an appropriate level of secure detention within the United States. **The so-called “detention bed quota” was not the result of lobbying by contract service providers, and has since been eliminated by Congress.**

5. Contract correctional service providers do not care about rehabilitation programs because their business model relies on having more people in prison.

Contract correctional service providers have been at the forefront of developing innovative partnerships with government agencies across the United States and overseas.

The ‘GEO Continuum of Care’ (CoC) integrates enhanced in-custody rehabilitation programs including cognitive behavioral treatment, with post-release support services to address the basic needs of released individuals, including transitional housing, clothing, food, transportation, and job placement assistance.

Over the last two years alone, the ‘GEO Continuum of Care’ programs have delivered more than 11.1 million hours of rehabilitation programming and have resulted in the award of 4,464 GEDs or High School Equivalency degrees; 15,488 vocational training certifications; and 16,632 substance abuse treatment completions.

GEO has increased its commitment at the Corporate level with \$10 million annually in support of the ‘GEO Continuum of Care’. The funding provides financial support for numerous CoC demonstration sites, as well as, the CoC Division, with subject matter experts in the areas of academic, vocational training and substance abuse programs; specialized training and research; and a dedicated post-release department with post release case managers and a 24/7 Call Center.

In January 2018, GEO received the “Innovation in Corrections” Award at the American Correctional Association (ACA) Conference in Orlando, Florida, regarding its ‘GEO Continuum of Care’ program at the Graceville Correctional Facility in Florida.

6. *Contract correctional service providers unfairly profit from people's misery in being incarcerated.*

Only the courts, who carry out state and federal laws, decide who will be incarcerated. Contract correctional service providers have deliberately stayed out of the public debate regarding offender sentencing and potential reforms.

Contract correctional service companies often provide newer facilities, with improved rehabilitation programs and better living conditions. With respect to GEO facilities:

- 95% of GEO's facilities are less than 25 years old, compared with 33% of all state correctional facilities in the United States that are less than 25 years old
- 100% of GEO's facilities are air-conditioned
- 100% of the 800 academic and vocational classrooms in GEO's facilities have electronic Smartboards for interactive computer assisted curriculum
- 17 GEO facilities provide the "GEO Continuum of Care" with additional rehabilitation staffing, Cognitive Behavioral Therapy
- Average daily attendance in 2017: 24,000+ in Vocational Programs and 12,000+ in Academic Programs
- 2,615 high school equivalency degrees were awarded in 2017, along with 7,814 vocational certifications
- 100% of ICE Processing Centers and BOP Correctional Facilities managed by GEO have artificial turf soccer fields
- 100% of GEO's facilities have flat screen TVs in the day-room areas

The contract correctional service providers must be for-profit organizations, in order to access financial institutions to provide funding for new state or federal facilities, which individually cost several tens of millions of dollars.

Contract correctional facilities are logical counterparts to government correctional facilities, just as charter schools are logical counterparts to public schools and private hospitals are logical counterparts to government hospitals.

7. Contract correctional service providers cut corners to enhance their bottom line by employing less staff, paying lower wages, and providing less training than government-operated facilities.

Contracts governing privately operated facilities include minimum staffing requirements that must be strictly followed by the contract service providers who are subject to strict oversight financial penalties for failure to comply.

Contracted state facilities offer competitive wage and benefit packages to their employees in order to successfully recruit and retain qualified staff. Contracted federal facilities fall under the Service Contract Act which requires wage rates set by the U.S. Department of Labor and typically exceed local market rates.

The training requirements for employees in contracted correctional facilities and detention centers mirror the training requirements for government employees in comparable government operated facilities.

8. The contracting of correctional facilities has not resulted in the promised cost savings for taxpayers.

The government's own financial data clearly underscores the savings provided by contractor-run facilities to the taxpayers.

At the federal level, the Bureau of Prisons (BOP) 2016 Per Capita Cost Report shows that low security government-run institutions cost \$87.41 per day, per inmate, compared to \$68.19 per day for contracted facilities. **The BOP Per Capita Cost Report reflects a 22% cost savings for contracted facilities over the most comparable low security federal prisons.**

The October 2014 GAO Report on Immigration Detention stated that the median daily cost for an ICE Service Processing Center was about \$200 while the median daily cost at Contract Detention Facilities was about \$120. **Contracted ICE facilities reflect a 40% cost savings to taxpayers.**

At the state level, contracted facility cost savings required by state law include: Florida (7%), Kentucky (10%), Mississippi (10%), Ohio (5%) and Texas (10%).

It is believed that the cost savings, at individual contract facilities, are far exceeded by the impact they have in creating a healthy competitive environment in the state prison system. Managers and workers of government prisons become more efficient with their costs in competitive response to their contract correctional service providers.

9. Contract service providers engage in forced labor practices while not paying inmates and detainees minimum wages.

All detainees and inmates in contracted facilities are compensated in accordance with state or federal law. Contract service providers do not determine the compensation. **In all cases, the wage rates paid in contracted facilities are identical to those paid in comparable government facilities.**

10. Contract facilities operate with minimal accountability.

Contracted facilities, in fact, operate with significant levels of accountability and transparency. **Unlike government-run facilities, contract facilities provide greater accountability because they are governed by detailed operating contracts. Further, they typically have on-site, full-time contract monitors who are employed by the government to oversee the daily compliance of the contract requirements.**

Additionally, the contracted facilities are reviewed and audited by government agencies, both on a routine and unannounced basis, as well as by third-party accreditation entities like the American Correctional Association and the National Commission on Correctional Health Care.