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Don't Confuse Private Prisons with The Bastille

BY KERRY JACKSON

They are not as unpopular in California as President Trump is, but private prisons are becoming a preferred target of politicians.

Gov. Gavin Newsom, who has a large blue-plate special of problems to solve, is at the forefront of a campaign to end the state's relationship with private prisons. In his inaugural address, he promised he would "end the outrage that is private prisons in the state of California once and for all."

Oakland Democrat Assemblyman Rob Bonta, one of the sponsors of [Assembly Bill 32](#), which starting in 2020, "would prohibit the department from entering into or renewing a contract with a private, for-profit prison to incarcerate state prison inmates," not only suggested that the private-prison companies are part of a [Trump cabal](#), he's also pulled the "California morality" card to express his disapproval.

"It's inconsistent with our values to be putting inmates in prisons where the incentive is to minimize investments and maximize profits for shareholders," Bonta told the media earlier this year.

One wonders: Do "our values" include saving taxpayers money and ensuring public safety?

Another sponsor of AB32, Assemblyman Todd Gloria, D-San Diego, says private prisons "should have never been permitted in California."

Opponents claim private prisons encourage longer sentences, because the vendors want to keep "customer" traffic rolling in. But so do prison guards on the government payroll. They are

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represented by the politically potent California Correctional Peace Officer's Association union, which, according to the [Reason Foundation](#), has "poured millions of dollars" into influencing California policy, spending \$22 million on campaign donations from 1989 to 2015 – more than the private prison companies had given combined – and has continued "to push for prison expansions."

More recently, the union contributed \$2 million, according to [CALmatters](#), toward a ballot effort that would likely increase both the number of inmates the guards supervise as well as lengthen prison sentences, should it become law.

Maybe the biggest, though unspoken, complaint is that private prisons are, well, privately operated. They are an anathema to the politicians and the politics of the Left that reflexively oppose the privatization of any government function.

About 7 percent of the state's prison population, not quite 4,000 inmates, are housed in five private facilities. Four are in California, the other in Arizona. Private prisons were a critical safety valve when in 2009 a federal three-judge panel ordered officials to reduce the population in California's government-run prisons to a number closer to their designed capacities. When the U.S. Supreme Court upheld the order in 2011, the system was running at about 180 percent of capacity.

While it's widely acknowledged that "private prisons have huge problems, are often mismanaged, and frequently neglect inmates' safety," it's also undeniable "public prisons are plagued by the exact same problems," says the Reason Foundation's Robby Soave.

But it's not clear, Soave adds, that one is demonstrably "better run than the other." Furthermore, private prisons have an edge over public prisons because "it's easier to hold management responsible when management is someone other than the government."

Policymakers can capitalize on private prisons' unique response to economic incentives by linking contract payments to the recidivism rates of inmates that have been housed in private facilities. Prisons that produce the best-behaved parolees and released felons reap the financial rewards.

Pennsylvania, for instance, rebid its contracts with private prisons in 2013 and tied payments to lower recidivism rates. Recidivism among inmates who had served time in those facilities [fell 11.3 percent](#) between July 2014 and June 2015. State Department of Corrections Secretary John Wetzel said officials estimated "this prevented approximately 122 potential victims of crime in Pennsylvania during this second marking period."

Private prisons are also less expensive to operate. A 2017 Associated Press report said the cost of housing an inmate in a government-run prison in California was nearly \$76,000 a year. Three years ago, the state Department of Finance said the cost of housing an inmate out of state was less than \$30,000 a year. While the per-inmate cost in state prisons increased to more than \$81,000 a year in 2019, it remains less than \$30,000 for private facilities.

Though not perfect, private correctional facilities are not Medieval torture chambers. They actually have some advantages over government prisons, and should not be summarily dismissed.

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