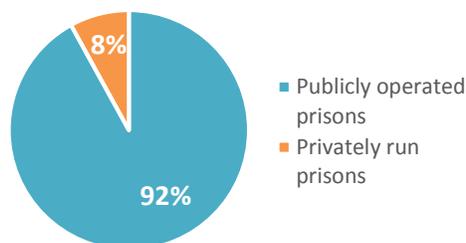


# THE FACTS AND FICTION ABOUT CONTRACT PRISONS

Where are state and federal prisoners held?



Bureau of Justice Statistics, *Prisoners in 2015*

## ONLY EIGHT PERCENT OF INMATES ARE HELD IN CONTRACT PRISONS

The statistics on incarceration in America are staggering. There are 2.2 million American adults in prison. The U.S. accounts for only five percent of the world's population, but 25 percent of its prisoners. Some have tried to link America's high incarceration with prison contracting, claiming that the contract prison industry is "expanding at exponential rates, holding ever more people in its prisons and jails<sup>1</sup>." The facts are, contract prisons came along long after incarceration rates went up. Today, they account for a mere 8% of the prison population, a number that has actually decreased by 4.4% since 2008.<sup>2</sup>

## CONTRACT PRISONS ARE NOT RESPONSIBLE FOR MASS INCARCERATION

There are many factors contributing to America's high incarceration rates, but the mere fact that some states and the federal government contract with private companies is not one of them. Some of the primary causes of mass incarceration include<sup>3</sup>:

- Punitive criminal justice policies formed in a period of rising crime and rapid social change
- Policy choices —across all branches and levels of government—that significantly increased sentence lengths, required prison time for minor offenses, and intensified punishment for drug crimes
- Tough-on-crime policies that led to a steep rise in prosecutions and admissions to prison<sup>2</sup>

## MTC SUPPORTS CORRECTIONS REFORM

There is bipartisan agreement across the U.S. that there are too many people in prison for too long. Far too many ex-offenders struggle upon release and end up right back in prison. MTC supports corrections reforms and initiatives to safely reduce prison populations and prepare offenders to successfully reenter their communities, such as:

- Maximizing opportunities for pro-social engagement of offenders
- Providing a greater continuity of services from custody to community
- Reforming the use of restrictive housing
- Allocating adequate resources for the treatment of mentally ill offenders
- Implementing sentencing reform policies
- Providing greater leadership, training, and professional development for staff

## MTC SUPPORTS CONTRACTING FOR PERFORMANCE

We encourage government entities to hold *all* prison operators to the highest standards in:

- Ensuring safe, secure, and humane treatment
- Preparing offenders for successful reentry
- Reducing recidivism.

### Sources:

1. Shapiro, David. (2011). *Banking on Bondage: Private Prisons and Mass Incarceration*.
2. Pfaff, John F. (2017). *Locked In: The True Causes of Mass Incarceration and How to Achieve Real Reform*.
3. Travis, Western, Redburn. (2014). *The Growth of Incarceration in the United States: Exploring Causes and Consequences*.

# FACTS VS FICTION: ANSWERS TO COMMON MISCONCEPTIONS ABOUT CONTRACT PRISONS

Private prisons aren't held to the same standards as public prisons.

The term "private prison" is misleading. It implies private contractors operate independently of government corrections agencies, creating their own rules and regulations. Prison contractors operate prisons *for* the government and are required to meet the same standards as public prisons.

What about the profit motive? Don't prison contractors cut corners on staffing and training to save money and increase profit?

Prison staffing levels and training are all set by the state or federal corrections entity and are mandated in each prison contract. Vacancies typically result in fines.<sup>1</sup>

What about campaign contributions? Do contractors lobby to keep incarceration rates high?

MTC has strict policies against lobbying on any policies that affect sentence length. However, contractors do meet with policymakers to explain the services we can offer to our government partners.

The Obama Administration tried to phase out private prisons, saying "they do not maintain the same level of safety and security" as public prisons.

Late in its final term, the Obama Administration made a decision to phase out the use of federal contract prisons. Their justification was a flawed Office of Inspector General (OIG) report meant to evaluate the Bureau of Prison's (BOP) own practices for monitoring contract prisons. The OIG compared several safety and security measures at 14 contract prisons with those at 14 BOP prisons. The OIG comparisons didn't control for the *completely different populations* housed in contract prisons. The BOP itself "caution(ed) against drawing comparisons of contract prisons to BOP-operated facilities as the different nature of the inmate populations and programs offered in each facility limit such comparisons."<sup>2</sup> Unfortunately, the Obama Administration ignored this advice and changed longstanding BOP policy without consulting BOP or Congress. Their decision has since been rescinded.

Contract prisons provide substandard conditions and inferior medical care.

Public corrections agencies use on-site monitors to oversee the day-to-day operations at contract prisons. These partnerships help ensure the facility's cleanliness, maintenance, and upkeep. Monitors also ensure that medical care meets or exceeds established standards. All MTC facilities are accredited by the American Correctional Association (ACA) and several are accredited by the National Commission on Correctional Healthcare (NCCCH) and the Joint Commission.

Contract prisons get to pick which offenders come to their facilities.

Government entities determine offender placement.

Contract prisons use the disciplinary system to keep people locked up longer.

The criminal justice system decides the length of an individual's sentence, not contractors. An inmate's disciplinary action while incarcerated is just one of the many factors considered by a parole board. However, contractors are monitored by public corrections agencies to ensure they comply with the disciplinary policy and that inmates have the right to due process.

Contract prisons don't offer programs to help offenders reenter society.

Programming is what we do! Since 1987, MTC has been operating safe and secure prisons and preparing offenders for successful reintegration into their communities. MTC prides ourselves on the quality of education, rehabilitation, and other programs we offer, including evidence-based courses on substance abuse, anger management, academics, vocational education, financial literacy, fatherhood, and more. MTC's roots are in education and job training – the company also operates Job Corps centers and has trained hundreds of thousands of at-risk youth to prepare for success.

MTC

To learn more about the life-changing programs offered at MTC facilities, visit [www.mtctrains.com](http://www.mtctrains.com)

1. STATE OF ARIZONA-NOTICE OF REQUEST FOR PROPOSAL- ADOC 13-00002734/130052DC, Issued May 21, 2013

2. Department of Justice, Office of Inspector General. (2016). *Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons*. Page 68