

# America's Mass Incarceration Problem

## Can Prison Contractors Actually Be Part of the Solution?



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MTC Institute

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Suggested citation: MTC Institute (2017). *America's Mass Incarceration Problem: Can Prison Contractors Actually Be Part of the Solution?* Management & Training Corporation, Centerville, UT.

*America's Mass Incarceration Problem: Can Prison Contractors Actually Be Part of the Solution?* Consists of a two-part full report and an executive summary

- Part I explores the policies that led to mass incarceration in America, the role of correctional facilities in criminal justice reform, and ways in which contract prisons can be used as a tool for reversing the incarceration trend.
- Part II highlights the efforts of MTC correctional facilities to promote a culture of safety and rehabilitation, citing interviews with government partners, community members, and men and women who have served time in MTC correctional facilities.

The full report, executive summary, and other MTC Institute publications can be accessed at [mtctrains.com](http://mtctrains.com).

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## ABOUT MTC

Management & Training Corporation (MTC) is a privately held corporation operating 62 contracts in 21 states, and internationally — with a mission to improve the lives of at-risk populations. MTC is headquartered in Centerville, Utah and employs 8,446 people worldwide.

MTC has been making a social impact in people's lives since 1981 by:

- Providing effective rehabilitative programs and services to offenders to make their time in prison more productive and to reduce re-offending
- Educating and training young Americans at Job Corps centers so they have the technical and life skills they need to find and keep good jobs
- Caring for the medical, dental, and mental health needs of inmates and detainees
- Providing workforce training to citizens of other countries so they can take care of themselves and their families
- Providing services to immigrant detainees with dignity and respect as they await immigration proceedings
- Reducing re-offending in the United Kingdom by providing transitional services to offenders, probationers, and parolees

Since 1987, MTC has made a social impact in corrections by giving thousands of offenders an opportunity to change their lives. MTC's philosophy in corrections is rehabilitation through education. MTC secures more than 25,000 offenders and detainees at 21 correctional facilities in eight states. Additionally, MTC provides rehabilitation services to approximately 30,000 probationers and parolees in the United Kingdom.

## ABOUT THE MTC INSTITUTE

The MTC Institute researches public policy, trends, programs, and practices affecting criminal justice, corrections, education, career technical training, and global economic development. The mission of the Institute is to improve outcomes for the students, incarcerated men and women, and the other people MTC trains around the world by providing the data and analysis leaders rely on to make informed decisions.

# AMERICA'S MASS INCARCERATION PROBLEM

## Can Prison Contractors Actually Be Part of the Solution?

### PART ONE

#### PROLOGUE: WALKING THROUGH A REVOLVING DOOR?

In 2015, Paul McAfee walked out of the doors of the Diboll Correctional Center in Texas a free man. Paul had grown up in a rough part of Houston and like many of the young men around him at the time, he got caught up in selling and using drugs. Thus began a cycle of arrest, conviction, incarceration, and release that would repeat throughout his adult life. When he left prison at the age of 50, Paul had spent a total of 26 years behind bars. After half a life spent incarcerated, he was determined to start a new life dedicated to his family, his faith, and his community.



Since the time of Paul's first incarceration nearly three decades ago, the US prison population has more than doubled and it had been rising long before that.<sup>1</sup> At the time Paul left prison at the end of 2015 there were 2.2 million people incarcerated in US prisons and jails.<sup>2</sup> Paul's transition back into society is a journey taken by more than 12,000 of those 2.2 million people every week.<sup>3</sup>

The stakes are high for Paul and others like him. The gates of American prisons have come to be seen as a revolving door for people who fail to successfully reintegrate into their communities. Three quarters of people who are released from prison will be arrested within five years and about 55 percent will end up back in prison.<sup>4</sup> The 19 months Paul spent in the MTC-operated Diboll Correctional Center were part of ten separate stints in prison. The time and resources invested into preparing people like Paul to return home and stay out of prison matter deeply.

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Three quarters of people who are released from prison will be arrested within five years and about 55 percent will end up back in prison —Bureau of Justice Statistics, 2014

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How did we get here? Who or what is responsible for so many Americans being locked up and for so many returning to prison after their release? Some have tried to lay the blame for mass incarceration and high recidivism rates on contract prison operators, who operate facilities like Diboll for government partners. The facts are, contract prisons came along long after incarceration and recidivism rates began to rise. Today, contract prisons account for eight percent of the US prison population, a proportion that is actually shrinking.<sup>5</sup>

While prison contractors did not cause high rates of incarceration and recidivism, they can be part of the solution to lowering them. To understand how, it's important to understand the root causes of America's reliance on incarceration, the facts about the current role contracted companies play in the corrections system, and some of the proposed solutions to reform the criminal justice system and reverse the incarceration trend. It's also important to understand the work already being done by dedicated staff in contract prisons to give people like Paul the best chance possible to successfully return to their communities after prison.

## HOW DID WE GET HERE? CAUSES OF MASS INCARCERATION

While there is some debate about the implications of the current size of the US prison population, it's difficult to dispute the sheer numbers. Today, there are roughly 2.2 million people incarcerated in America's prisons and jails, a 500 percent increase over the last 40 years.<sup>6</sup> The US incarcerates far more people than any other country in the world, holding more than 20 percent of the world's 10.35 million prisoners in 2015.<sup>7</sup>

There are significant economic costs to having so many people incarcerated. Annual state spending on corrections has increased from \$16.9 billion in 1990 to \$56.9 billion in 2015,<sup>8</sup> accounting for five percent of state budgets and competing for resources with other important priorities, like education and health care.<sup>9</sup>

The social costs of incarceration are also significant, not just to the incarcerated, but to their families and communities. An estimated five million children have had a parent behind bars, placing them at greater risk for emotional, behavioral, and academic problems.<sup>10</sup> Minority communities are especially impacted by mass incarceration. Black males born in 2001 have a 32 percent chance of serving time in prison at some point in their lives—a percentage twice as high as that of Hispanic males and five times higher than that of white males.<sup>11</sup>

As a columnist for *The New Yorker* put it, “mass incarceration on a scale almost unexampled in human history is a fundamental fact of our country today.”<sup>12</sup> But it hasn't always been this way. Until the 1970s, the US incarceration rate had held steady for nearly five decades. Since 1972, the incarceration rate has more than quadrupled.<sup>13</sup> What has happened in the last 45 years that has caused such an increase in America's reliance on prisons?

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Punitive sentencing policies, an increase in prosecutions, and changes in criminal justice philosophy that deemphasized rehabilitation have all played a large role in America's current reliance on prisons

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In 2014, the National Research Council (NRC) released a comprehensive report seeking to answer that question. According to their report, the incarceration trend began as a result of punitive criminal justice policies formed in a period of rising crime and rapid social change during the 1960s and 1970s.

But crime rates have risen and fallen multiple times in the decades since, and incarceration rates rose even as crime rates fell.<sup>14</sup> Ultimately, policy decisions across all branches and levels of government in the last four

decades have significantly increased sentence lengths (especially for violent crime), required prison time for minor offenses, and intensified the policing and punishment of drug crimes.<sup>15</sup>

While no single policy or practice is wholly responsible for mass incarceration, punitive sentencing policies, an increase in prosecutions, and changes in criminal justice philosophy that deemphasized rehabilitation have all played a role in America's current reliance on prisons.

## CHANGES IN SENTENCING POLICIES INCREASED BOTH CERTAINTY AND SEVERITY

The American justice system has traditionally given judges a lot of discretion to determine sentences for those convicted of crimes.<sup>16</sup> Through a practice called indeterminate sentencing, judges had the discretion to impose

either prison or alternative sentences. Those who were sent to prison were usually given a broad time range with a maximum sentence, but it was up to parole boards ultimately to decide when an offender was ready to be released into society. Concerns about fairness and consistency with indeterminate sentencing led to some of the first sentencing reform efforts in the 1970s. These early reforms replaced judicial discretion with guidelines to make sentencing fairer and more consistent. They also replaced indeterminate sentences with fixed (determinate) sentence lengths.<sup>17</sup>

In the 1980s, most states and the federal government enacted laws requiring minimum sentences for violent and drug crimes. These “mandatory minimum” laws typically required those convicted of certain crimes to serve a minimum of anywhere from five to 20 years.<sup>18</sup> In the 1990s, more than half of the states and the federal government enacted laws that imposed mandatory minimum sentences for repeat offenses and required the convicted to serve all or most of their sentence.<sup>19</sup> With “three strikes” laws, someone convicted of a third felony could face a minimum of 25 years in prison.<sup>20</sup> And “truth-in-sentencing” laws usually required the convicted to serve at least 85 percent of their sentence.<sup>21</sup>

### MORE PROSECUTORS, MORE PROSECUTIONS, AND MORE ADMISSIONS TO PRISON

While longer sentences are important to understanding prison growth, legal scholar John Pfaff argues that the NRC report overlooked the important role prosecutors have played in mass incarceration. Pfaff’s research shows that, from 1990 to 2007, at a time when violent and property crime rates across the country fell by 35 percent, the number of prosecutors actually increased by 50 percent.<sup>22</sup> Despite a period of less crime and fewer arrests, the increase in prosecutors led to more felony charges being filed. As a result, the number of admissions to prison from 1994 to 2008 grew by 40 percent.<sup>23</sup>

### CHANGES IN JUSTICE PHILOSOPHY: FROM ‘REHABILITATION IS THE ONE CLEAR WAY’ TO ‘NOTHING WORKS’

The NRC report attributes the many criminal justice policies that have created mass incarceration to “a variety of converging...forces.” During the turbulent period of the 1960s and 70s, American attitudes about crime and punishment were being affected by historical, social, economic, and political forces of the time.<sup>24</sup> From 1960 to 1970 the crime rate had more than doubled<sup>25</sup> and politicians sought to assuage the fears of their constituents with talk of getting “tough on crime.”

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Without a strong focus on rehabilitation, millions of people have cycled through American correctional facilities, lacking the resources needed to overcome the circumstances that led to their incarceration

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Meanwhile, the philosophy and practice of corrections was also going through a major shift. For most of the twentieth century, rehabilitation was seen as the primary purpose of corrections. Other purposes of corrections—retribution toward the offender, deterrence of crime, and incapacitation of the offender—were seen as secondary to this. Former US Attorney General William Ramsey Clark wrote in 1970 that, “rehabilitation must be the goal of modern corrections. Every other consideration should be subordinated to it. To rehabilitate is to give health, freedom from drugs and

alcohol, to provide education, vocational training, understanding and the ability to contribute to society...Rehabilitation is also the one clear way that criminal justice processes can significantly reduce crime.”<sup>26</sup>

Figure 1. Timeline of US incarceration rate and changes to justice policy: 1970 to 2015

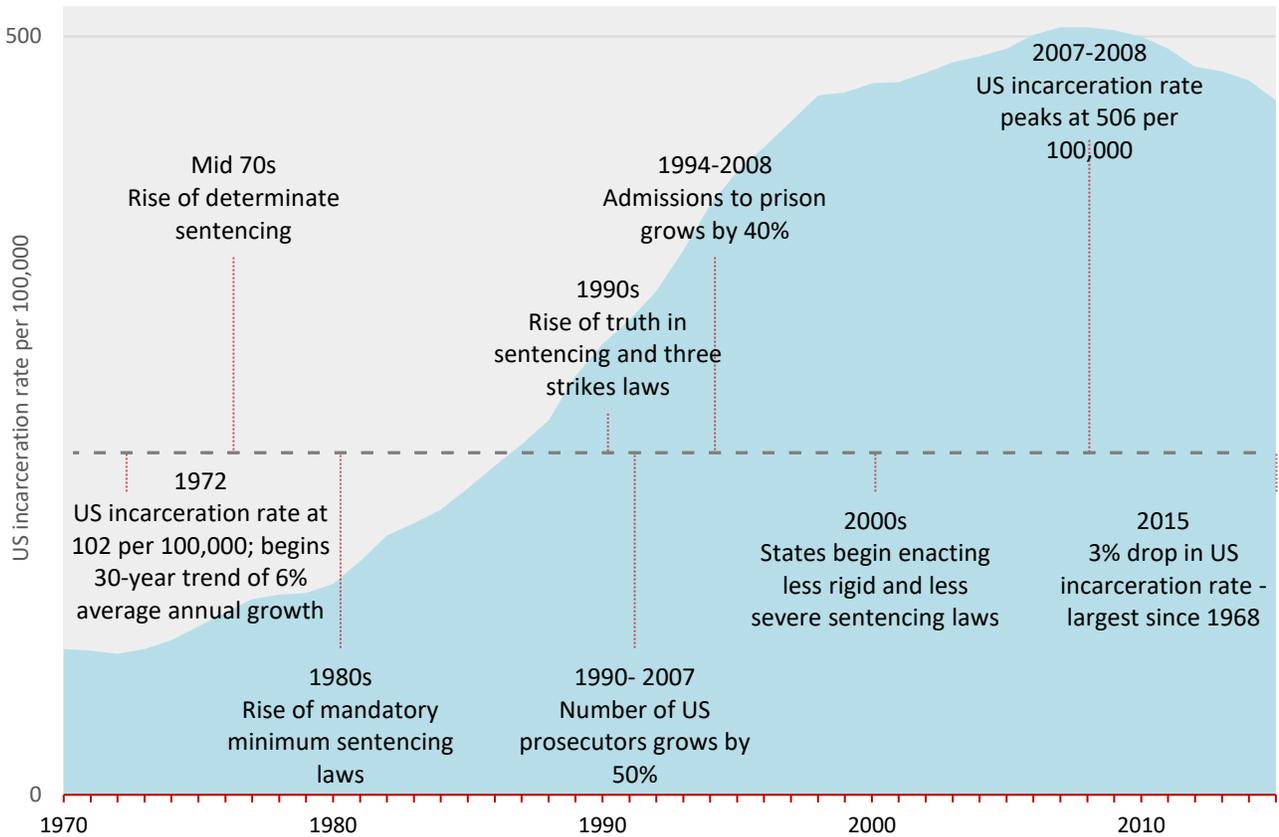


Figure 1 notes: The area chart plots annual changes in the incarceration rate of state and federal prisoners from 96 per 100,000 in 1970 to 458 per 100,000 in 2015, as reported by the Bureau of Labor Statistics.

Only a few short years later, the rehabilitative purpose of corrections fell out of favor. In 1975, Lipton, Martinson, and Wilks published *Effectiveness of Correctional Treatment - A Survey Of Treatment Evaluation Studies*.<sup>27</sup> Their work included a survey of 231 studies on the correctional treatment; summarizing each study but providing no conclusion. In a 1974 preview of the book, Martinson broke with his colleagues and offered his own conclusion about the effectiveness of correctional rehabilitation to the public. “With few and isolated exceptions,” he wrote, “the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism.”<sup>28</sup> Martinson’s conclusion was widely reported as “nothing works” in rehabilitation and marked a shift in correctional philosophy away from rehabilitation and toward retribution, incapacitation, and deterrence.<sup>29</sup> Martinson later withdrew his conclusion,<sup>30</sup> but the nothing-works philosophy had already taken hold of criminal justice.<sup>30</sup>

The nothing-works mentality and the tough-on-crime rhetoric persisted throughout the criminal justice system for decades, affecting not only sentencing policy, but also corrections, probation, and parole. A large percentage of the current American prison population consists of people who had already been incarcerated and failed to successfully reintegrate. This trend has only gotten worse with rising prison populations. In 1980—when the state prison populations totaled just over 300,000<sup>31</sup>—returning parolees made up 20 percent of admission to



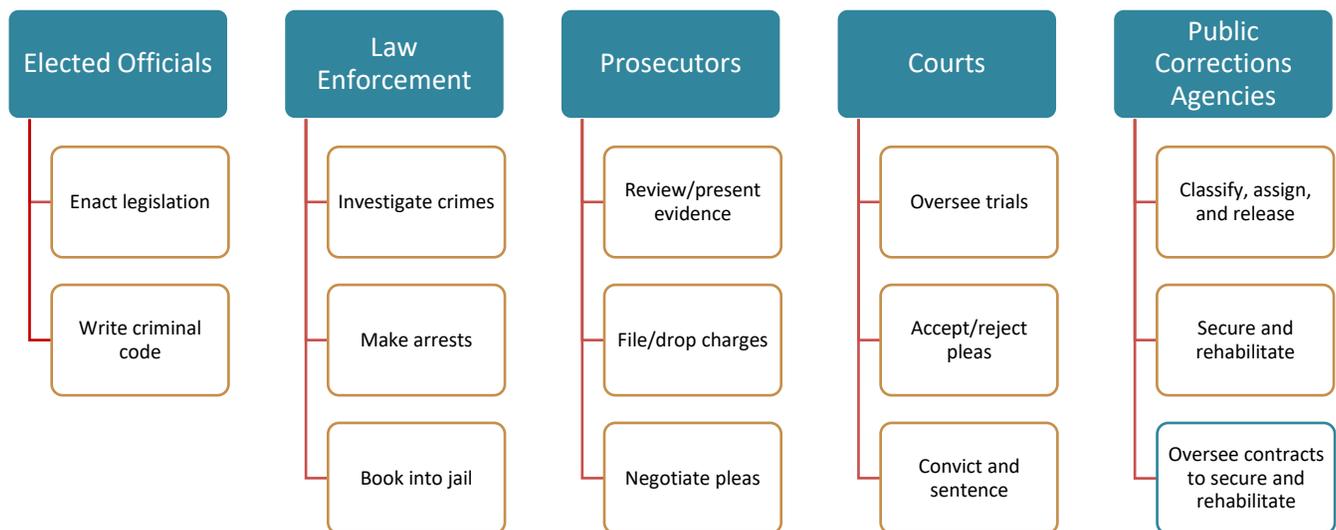
state prisons.<sup>32</sup> Since that time, state prison populations have more than quadrupled<sup>33</sup> and returning parolee admissions have reached as high as 40 percent.<sup>34</sup>

This shift away from rehabilitation in corrections has greatly impacted America’s current prison population. Without a strong focus on rehabilitation, millions of people just like Paul McAfee have cycled through American correctional facilities in the past four decades, lacking the resources needed to overcome the circumstances that led to their involvement with the criminal justice system in the first place.

### WHY DID GOVERNMENTS BEGIN CONTRACTING FOR PRISON OPERATIONS?

Starting in the 1980s, many state, federal, and local correctional systems began feeling the effects of a rapidly growing prison population. From 1985 to 1986, seven new 500-bed prisons were needed each month across the country to accommodate the increase.<sup>35</sup> Overcrowding and outdated facilities led to poor conditions in public prisons and by 1988, 39 states had prisons and jails that were under court order to fix unconstitutional conditions.<sup>36</sup> State, federal, and local governments began contracting with companies to build and operate correctional facilities that complied with all guidelines regarding safety, security, and rehabilitation. State and federal prison contracting grew steadily through the 1990s and early 2000s before reaching a peak in 2012.<sup>37</sup> Since that time, the number of inmates secured in contract prisons has declined.<sup>38</sup> Today, only eight percent of the US prison population is secured in contract prisons.<sup>39</sup>

Figure 2. Key responsibilities of government entities in the criminal justice system



Responsibility and authority over the criminal justice system belongs to federal, state, and local governments. This includes elected officials, law enforcement, prosecutors, courts, and correctional agencies. Figure 2 shows the key elements of the criminal justice system, including the responsibilities and authority of the entities involved. Within the criminal justice system, the role of contract prisons is limited to safely securing and rehabilitating the individuals that government entrusts into their care, with direct oversight from public corrections agencies.

When correctional agencies contract with prison operators, the government retains the responsibility to provide prison oversight. Contracts clearly spell out all requirements for the lawful operation of a prison, including security requirements, respecting inmate rights, providing appropriate staffing, and rehabilitation (see figure 3). Consequences for failure to comply—up to and including cancellation of the contract—are also spelled out in the contract. Government monitors work inside contracted facilities to ensure compliance.

Figure 3. Government requirements for all prisons, including contract prisons

- Humane treatment
- PREA compliance
- Evidence-based programs
- Recreation and physical fitness
- Faith-based programming
- Safety and security
- Inmate discipline guidelines
- Inmate grievance process
- Use of restrictive housing
- Appropriate use of force
- Visitation guidelines
- Menu planning and food services
- Medical care standards
- Staffing patterns
- Staff training and development

Critics have claimed that “the private prison industry helped to create the mass incarceration crisis.”<sup>40</sup> The truth is, that while there are many complex factors that have contributed to America’s high incarceration rate—sentencing policies, enhanced prosecutions, and less focus on rehabilitation—the fact that some states and the federal government choose to contract with companies to operate prisons is *not* one of them.

Even if all state and federal prison contracts were cancelled today, America would still have the largest prison population in the world and all of the problems associated with mass incarceration would still exist. The problem with scapegoating the private sector for problems caused by public policy is that it distracts from the real issues that continue to contribute to mass incarceration.<sup>41</sup> Meaning criminal justice reform will only happen if the real issues (such as harsh sentencing policies, aggressive prosecution, and a lack of rehabilitative programs) are fully understood and confronted.

## WHERE DO WE GO FROM HERE? REVERSING THE MASS INCARCERATION TREND

If closing contract prisons isn’t the answer to ending mass incarceration, what is? Reversing the incarceration trend will require reversing many of the policies and practices that led to the trend in the first place. Sentencing policies and prosecutorial practices that have locked up more offenders, for longer periods of time and for a wider range of offenses, will need to be replaced with policies and practices that prioritize prison space for the most egregious offenses and the most dangerous offenders. The mission of all correctional organizations—state and federal, public and contracted—must be safety and rehabilitation rather than punishment.

### STATES AND THE FEDERAL GOVERNMENT HAVE TAKEN SMALL STEPS TO REVERSE MASS INCARCERATION

During the past few years, there has been some progress in enacting policies to reverse mass incarceration. Criminal justice reform has become a bipartisan cause, both in the federal government and in many states across the country.<sup>42</sup> Policymakers are recognizing that they can both decrease their prison populations and reduce crime without negatively affecting public safety.<sup>43</sup>

#### State Reform Initiatives

At the state level, more than 30 states have enacted policies and legislation to reduce their prison populations through the Justice Reinvestment Initiative. While each state has approached criminal justice reform in slightly different ways, they share a few common goals: improve public safety; control taxpayer costs by prioritizing prison space for those who commit serious and repeat offenses, and; invest some of the savings in alternatives to incarceration for low-level offenses that are effective at reducing recidivism.<sup>44</sup>

## Federal Reform Initiatives

At the federal level, the U.S. Department of Justice instituted the Smart on Crime Initiative in 2013, which has led federal prosecutors to focus on more serious drug cases and fewer prosecutions carrying mandatory minimum sentences.<sup>45</sup> In 2014, Congress convened the Charles Colson Task Force “in response to years of unsustainable prison population and cost increases, high rates of recidivism, and inaction on possible reforms...”<sup>46</sup> Many of the task force’s recommendations mirror the proposals of recent bipartisan legislation introduced in Congress, such as the Sentencing Reform and Corrections Act<sup>47</sup> and the Corrections and Recidivism Act.<sup>48</sup> These bills would reduce mandatory sentences for certain crimes and require the federal prison system to study and implement proven recidivism reduction programs.

These and other policy proposals are slowly beginning to reverse the incarceration trend. In 2015, there was a three percent reduction in the US incarceration rate, the largest decline since 1968.<sup>49</sup> These small public policy changes have helped to slow the trend, but much larger and sustained changes will be needed to truly put an end the era of mass incarceration.

## THE ROLE OF CORRECTIONS: PRIORITIES FOR PROMOTING A CULTURE OF SAFETY AND REHABILITATION



Many of the criminal justice reform policies being considered and enacted across the country revolve around the role of law enforcement, prosecutors, judges, and community resources. But the culture and practices of correctional organizations also play an important role in bringing about the goals of criminal justice reform.

Public policy follows public opinion and a growing number of Americans are rejecting the philosophy that nothing works in rehabilitation. A 2014 survey published in *Criminal Justice Policy Review* found that nearly two-thirds of Americans favor rehabilitative justice

policies to punitive justice policies.<sup>50</sup> Correctional organizations and more specifically, staff at correctional facilities, have the greatest influence over the rehabilitation of incarcerated men and women. The way correctional staff interact with those in their care, the security and care they provide, and the programs and opportunities they offer are critical to successful rehabilitation.

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One of the recommendations of the Charles Colson Task Force was that the federal prison system must “promote a culture of safety and rehabilitation.”<sup>51</sup> Promoting a culture of safety and rehabilitation should be the purpose of *all* correctional organizations—both in public and contract facilities. To promote a culture of safety and rehabilitation, correctional facilities should focus on the following priorities:

- Strong leadership, training, and professional development for staff
- Access to high-quality, accredited medical care for all incarcerated people
- Evidenced-based programming to reduce recidivism
- Family and community connections to assist with successful transitions

## Strong Leadership, Training, and Professional Development for Staff



A culture of safety and rehabilitation in corrections starts with leadership. It requires transformational leaders who can develop and establish a vision, align people with the right skills, and inspire others to carry out the vision. It also requires consistent and thorough leaders who can ensure staff carry out policies and procedures.<sup>52</sup>

Continual staff training and professional development are also important in creating a cultural of safety and rehabilitation in prisons.<sup>53</sup> Correctional staff have an enormous impact on the experiences of the incarcerated

men and women in their care. Staff can influence the perceptions incarcerated people have of themselves and their ability to change. Positive interactions with staff can help motivate incarcerated people to participate in rehabilitative programs and promote positive behavioral changes.<sup>54</sup> Correctional staff need to be trained on how to set clear expectations and increase positive reinforcement.<sup>55</sup>

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Paul McAfee attributes much of the positive change he experienced in prison to the attentive leadership and respectful and professional staff at the Diboll Correctional Center. “The people (the warden) has working for him treat you like a human,” he says. “I’m talking about all the staff.”

It made a difference to Paul to have a warden at the facility that he could see every day, who set clear expectations for his staff, and who he knew would work with his staff to resolve any issues that came up.

## Access to High-Quality, Accredited Medical Care for All Incarcerated People

Correctional health providers are important in screening, diagnosing, and treating chronic and acute health conditions for a population that often has not benefited from quality healthcare.<sup>56</sup> In addition to having higher rates of mental health disorders and substance abuse issues, the correctional population has higher rates of certain infectious diseases and chronic conditions.<sup>57</sup>



Not only do incarcerated people have a constitutional right to adequate healthcare,<sup>58</sup> there are societal benefits to providing them with high-quality acute and chronic health care. Once people are released from prison, they will take their health conditions with them. Providing quality care for chronic conditions, such as hypertension and diabetes, will reduce the likelihood of heart attack, stroke, or other serious medical problems once they are free.<sup>59</sup> The healthier they are upon release from prison, the more likely they will be to successfully integrate into society, maintain productive employment, and positively contribute to their families and communities.

### Evidenced-Based Programming to Reduce Recidivism

The program-rich culture Paul McAfee experienced at the Diboll Correctional Center provided him with many opportunities to get the resources and skills that would help him succeed once he was out in society. Those opportunities included cognitive behavioral therapy, anger management, financial counseling, public speaking, and many more.

“The place was full of resources,” says Paul. “You’ve just got to find what caters to your needs. And my need was great so I took everything. I wasn’t going to leave (anything) on the table...I needed everything because, hey, look at my past! Look where I came from! And in order not to go back there, I got to get everything that’s in front of me and move forward.”

Paul was fortunate to have the resources he needed while incarcerated at Diboll. Not all incarcerated people have access to the programs and services they need to improve their lives and stay out of prison once they are released. *All* correctional organizations committed to a culture of safety and rehabilitation need to offer a wide variety of proven programs that are tailored to the individual needs of *each* individual. The programs and approaches shown to have the greatest impact on reducing recidivism include:

- Educational and vocational programs
- Substance abuse programs
- Mental health and cognitive behavioral treatment

#### Educational and Vocational Programs

There is a great need for additional educational opportunities for America’s prison population. Over 41 percent of incarcerated people lack a high school diploma, compared with 18 percent for the general population.<sup>60</sup> Once released from prison, this lack of education, vocational skills training, and steady work experience affects peoples’ ability to find meaningful employment.<sup>61</sup>

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A 2014 RAND Corporation study on correctional education found that those who participated in educational and vocational programs in prison had 43 percent lower odds of recidivating than those who did not

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Educational programs, both academic and vocational, are vital to the success of people released from prison as they seek a stable life and stable employment. A 2014 RAND Corporation study on correctional education found that those who participated in educational and vocational programs in prison had 43 percent lower odds of recidivating than those who did not.<sup>62</sup> Participation in correctional education programs was also found to improve employment prospects after prison.<sup>63</sup>

#### Substance Abuse Programs

Nearly half (49.5 percent) of the federal prison population and 15.7 percent of the state prison population are incarcerated for a drug-related offense, more than for any other type of crime.<sup>64</sup> As many as 65 percent of incarcerated people meet the medical criteria for drug or alcohol dependency and another 20 percent were

substance-involved (i.e. under the influence, stole money to buy drugs, or broke drug laws) at the time of their arrest.<sup>65</sup> Effective substance abuse programs must form an integral part of a successful corrections program.

As many as 65 percent of incarcerated people meet the medical criteria for drug or alcohol dependency –the National Center on Addiction and Substance Abuse at Columbia University

### **Mental Health and Cognitive Behavioral Treatment**

There is a high prevalence of mental illness in prisons and jails. An estimated 56 percent of the state prison population, 45 percent of the federal prison population, and 64 percent of the jail population have a mental illness,<sup>66</sup> compared with about 18 percent of the total US adult population.<sup>67</sup> Mental illness is linked to significantly more risk factors for recidivism, such as anti-social personality traits.<sup>68</sup> Treatment that is effective in replacing these anti-social traits with prosocial behaviors is vital to successful reentry after prison.

### **Family and Community Connections to Assist with Successful Transitions**



Men and women who have been incarcerated for any length of time face enormous obstacles as they leave prison and return home, with the most pressing being access to housing, medical care, substance abuse treatment, and employment.<sup>69</sup> Having stumbled on many of those obstacles himself in the past, Paul McAfee understands these challenges very well. He frequently serves as a mentor to others who have recently been released from prison, helping them navigate challenges, connecting them with existing resources and services, and giving them the encouragement to move forward.

Correctional staff must do all they can to facilitate frequent and meaningful interaction between incarcerated men and women and their loved ones. Maintaining healthy relationships while incarcerated has been found to have a positive impact on successful reentry.<sup>70</sup>

A successful transition into the community for individuals leaving prison depends on their access to effective educational, employment, substance abuse, mental health, and housing programs. This is especially true for those with the highest risk of recidivating.<sup>71</sup> Correctional facilities should seek and maintain partnerships with providers and organizations that will work with individuals while they are incarcerated and be there to continue to provide support upon release.

### **HOW CAN CONTRACT PRISONS BE PART OF THE SOLUTION?**

Contract prison operators are contracted to carry out the public policy goals of the government. For most of the history of contract prisons, those policy goals have revolved around providing cost-effective beds for an overcrowded prison system in a safe and secure environment. Many correctional agencies still have an urgent need for cost-effective bed space in a safe and secure environment. At the end of 2015, the federal prison system and 18 state correctional systems met or exceeded their maximum capacity.<sup>72</sup> But as more jurisdictions implement reforms to reduce their reliance on incarceration, is there still a role for contract prisons?

## CONTRACTING FOR SAFETY AND REHABILITATION

Under the current system, contracts for prison operation are primarily based on a negotiated per-inmate, per-day fee. Several scholars have suggested that a change in this contract structure could further the rehabilitative goals of criminal justice. In his recent book exploring the causes of and solutions to mass incarceration, John Pfaff argues that, “with better contracts, private prisons could actually be used as a tool of rehabilitation and decarceration.”<sup>73</sup> Legal scholar Alexander Volokh has written that performance outcomes (especially recidivism reduction) should be used as the basis for awarding prison contracts and that both public and private entities should be able to compete for those contracts.<sup>74</sup> Using performance outcomes to award contracts would also help policymakers better express what outcomes the criminal justice system expects from *all* prisons, not just those run by contractors.<sup>75</sup>

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“With better contracts, private prisons could actually be used as a tool of rehabilitation and decarceration.” –John Pfaff, in *Locked in: The True Causes of Mass Incarceration and How to Achieve Real Reform*

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Prison contractors that provide high-quality correctional services and proven rehabilitative programs can be part of the solution to reducing America’s reliance on incarceration. There are already many examples of contract prisons currently providing the staff expertise, resources, and programming needed to keep people from returning to prison. Government partners must incentivize more of these practices across all prisons by changing the way contracts are structured. This would require governments to see correctional contracts not as merely purchasing space for prisoners, but as purchasing correctional services that will improve the lives of men and women involved with the criminal justice system and reduce the need for prison space.

All corrections professionals, whether working for public or contract correctional organizations, need to see safety and rehabilitation as their primary responsibilities. Jurisdictions serious about keeping people from returning to prison once they’ve been released must invest resources into prisons so they can develop, implement, and improve approaches to reducing recidivism. Rehabilitation outcomes need to be better tracked and shared to ensure goals are met. Private companies can help spur improvement and innovation in rehabilitation by competing with each other and publicly run correctional facilities to improve rehabilitation outcomes.

## EPILOGUE: CLOSING THE REVOLVING DOOR

On a hot summer day in 2017, Paul McAfee is at home with his wife, Sharon, in their home in Tyler, Texas. He reflects on his life, now a year and a half after his release from Diboll Correctional Center. Since that time, he has found Sharon, a beautiful home, and a new family. He has also found steady work in construction. When he’s not at work, he stays busy by helping neighbors with yardwork, taking his grandchildren to the park, feeding the homeless, or mentoring others who have recently been released from prison.

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“I could say that Diboll (Correctional Center) was a big part of change in my life. All the opportunities were there for me to succeed”—Paul McAfee

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After spending most of his adult life in and out of prison, Paul has the support, stability, and most importantly, the confidence in himself needed to live a fulfilling life as a free man. After so many failed attempts at integrating into society, what finally made the difference for Paul?



“I could say that Diboll (Correctional Center) was a big part of change in my life,” he says. “All the opportunities were there for me to succeed.” Of course, Paul himself was ultimately responsible for taking the necessary steps to change his life. But in order to make those steps, he needed the safe and supportive environment he experienced at Diboll, with the facility’s focus on: strong leadership, training, and staff professional development; access to high-quality, accredited medical care; evidenced-based programming; and connections with the community to assist with a successful transition.

Paul was fortunate to spend time in a correctional facility with a strong approach to safety and rehabilitation. But access to the right resources needed to improve the lives of incarcerated men and women should not be left to chance. Contracting for safety and rehabilitation outcomes would ensure all incarcerated men and women have access to the resources they need to leave prison and stay out of prison.

Reducing recidivism is only one piece of fixing America’s mass incarceration problem, but it is an important piece. There is a lot of work to be done in the corrections profession so that people like Paul get the resources and support they need to be successful the first time they leave a prison. Contractors, alongside government partners, can continue to help move the corrections profession toward more innovation and better outcomes in safety rehabilitation.

# AMERICA'S MASS INCARCERATION PROBLEM

## Can Prison Contractors Actually Be Part of the Solution?

### PART II

#### MTC Correctional Facilities Promote a Culture of Safety and Rehabilitation

MTC supports public policy efforts to responsibly reduce prison populations, including sentencing reform policies (see appendix I). MTC believes that *all prisons*—both publicly run and contract prisons—should be held accountable for promoting a culture of safety and rehabilitation. MTC works alongside state and federal government partners, volunteers, and local communities at each correctional facility to promote a culture that reinforces the belief that incarcerated men and women can make positive changes.

Many incarcerated people, government partners, and community members have shared their personal experiences of how MTC promotes a culture of safety and rehabilitation through:

- Strong leadership, training, and professional development for staff
- Access to high-quality, accredited medical care for all incarcerated people
- Evidenced-based programming to reduce recidivism
- Family and community connections to assist with successful transitions

#### STRONG LEADERSHIP, TRAINING, AND PROFESSIONAL DEVELOPMENT FOR STAFF

##### MTC Trains Correctional Officers to the Highest Standards

Corrections is a highly skilled profession that requires competency, intensive training, and continual education and professional development. Before beginning their correctional duties, all correctional officers at MTC facilities must participate in the same correctional academy training as their counterparts in government-run facilities.

In Idaho, all corrections officers in both public and contract facilities are required to go through Peace Officer Standards and Training (POST). MTC runs POST academies at its Idaho CAPP facility (located in Kuna, ID) for both internal personnel and Department of Corrections students, making MTC's academy an integral part of the state's overall corrections officer training program.

*Victor McCraw, Idaho's POST's Division Administrator, understands the value of the public-private partnership. "MTC Academy is probably the most trusted external academy in the state of Idaho. We have no issues with wondering if our standards are being maintained. Those standards are being maintained, their students regularly pass our exams, usually with higher average scores than some of our on-campus students."*

##### MTC Develops Transformational Leaders

The development of leadership skills in correctional facilities is crucial to the success of those in their custody. MTC emphasizes and invests in impactful leadership development programs for staff, managers, and executive leaders. These programs are designed to maximize the skills and potential of MTC staff and to engage them in their own personally and professional



growth and development. MTC's leadership development programs consist of:

- Multi-day training for all first-time supervisors to equip them with the skills to successfully manage
- Multi-day training and ongoing mentorship for mid-level managers to enhance their knowledge of all aspects of effective corrections management and rehabilitation
- Year-long training and mentorship to prepare select manager for the responsibilities of being a successful warden

MTC's leadership development programs go beyond teaching the correct policies, procedures, and best practices of correctional management. The programs are designed to develop transformational leaders who can establish a vision for a facility dedicated to safety and rehabilitation, align and mobilize people within the facility with the right skills, and inspire all facility staff to carry out the vision.<sup>76</sup>

### MTC Trains Staff on Positive Engagement through Success for Life®

At MTC correctional facilities, staff are trained on how to engage inmates in positive ways. All MTC correctional facilities operate under MTC's Success for Life® philosophy, which emphasizes positive change and reduction of risk to reoffend through evidenced-based programs.

As part of Success for Life®, MTC facilities are tracked and measured in three key components: 1) staff efficiency, 2) inmate engagement, and 3) program effectiveness. This means that staff are expected to maximize the time spent in direct, meaningful engagement with inmates; inmates are expected to maximize the time they spend in positive activities and programming (at least 20 hours per week); and the programs and activities offered are evidence based, address the criminogenic needs of participants, and reduce the likelihood of recidivism. This approach is felt by inmates in MTC facilities.



Dean G., an inmate at Taft Correctional Institution in California, mentors all new inmates arriving to the facility. He lets new arrivals know that the leadership and staff are there to help them succeed: *“Staff here will allow you the opportunity to (do) whatever you need to do to better yourself – to become better and not bitter. The staff at this institution, 100% are on board, from the warden on down.”*

Toni B., an inmate from Lockhart Correctional Facility, feels comfortable approaching MTC staff with her concerns and questions. *“The leadership here, you know they care. The officers here speak to you with kindness. The warden, the captain, they are in the hallway, you can stop and speak to them, they talk to you, they listen, they hear you.”*

Jennifer B., an inmate at Gadsden Correctional Facility in Florida appreciates the professionalism displayed by staff. *“That’s what MTC really knows how to balance – ‘we are here to do our job, but we are also here to encourage you so you can go out and be successful.’”*

### MTC Trains Staff to be Responsive to the Needs of Incarcerated Women

The needs and experiences of each person who spends time in a prison are rich, unique, and complex, but each shares a need to be treated with respect and dignity. MTC correctional staff are taught to be responsive to that need to be treated with respect. This includes understanding the unique circumstances, needs, and experiences of incarcerated women and how they differ from those of men. Using a correctional approach called gender responsiveness, MTC staff are trained to understand the differences between males and females in terms of their offending patterns, the paths that led them to offend, and their unique risk factors.

Leaders and staff at the four MTC facilities that house females apply gender-responsive principles to everything affecting inmate engagement and rehabilitation, from programming to staff training.

### Understanding the unique needs and experiences of incarcerated women

- Only about one-third of women committed violent crimes, compared with 54 percent of men
- Women are far more likely than men to be victims of sexual abuse or domestic violence
- Nearly three-quarters (73 percent) of female state prisoners have mental health problems, compared with 55 percent of male state prisoners
- Women are twice as likely as men to experience co-occurring substance abuse and mental health disorders
- Two-thirds of women in state prisons are mothers of a minor child

Sources: National Resource Center on Justice Involved Women

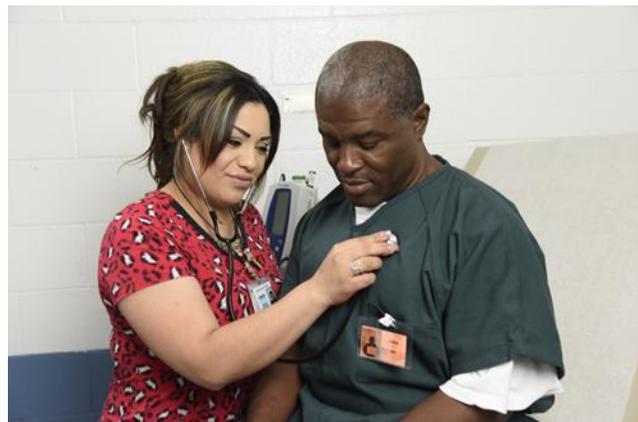
### ACCESS TO HIGH-QUALITY, ACCREDITED MEDICAL CARE FOR ALL OFFENDERS

#### MTC Medical Provides Excellent Offender Care

MTC Medical provides nearly 15,000 offenders and detainees at 10 facilities with prompt, professional, quality health and dental care. MTC's certified doctors and high-level nurses provide excellent care and promote healthy lifestyles. Patients seen by MTC Medical staff are grateful for the prompt and caring service they receive.

*Roger A., an inmate at the Otero County Prison Facility in New Mexico, has been very pleased with the consistency, quality, and timeliness of the medical care he has received. "When I have had to come to medical, my needs have been addressed. Any medical condition I've had, any medications I've needed, I get it in a timely manner."*

*For another inmate, MTC's medical care was a matter of life or death. MTC Medical saved the life of Erick H., an inmate at Taft Correctional Institution in California. "The MTC staff at Taft went above and beyond the call of duty! I was shocked by everyone's kindness and concern. I truly believe that the concern of everyone here saved my life, even when I did not understand how serious my condition was."*



MTC Medical prides itself on its ability to obtain and maintain accreditation and pass any required jurisdiction audit. MTC Medical's policies and procedures are based on national accreditation standards and local and state requirements. One hundred percent of MTC medical facilities are American Correctional Association (ACA)

accredited and many are National Commission on Correctional Health Care (NCCHC) and/or The Joint Commission (TJC) Ambulatory Care accredited.

#### EVIDENCE-BASED PROGRAMMING TO REDUCE RECIDIVISM

##### MTC Provides Lifelong Learning through Accredited Educational Programs

MTC understands the importance of education—inmates who participate in correctional education are 43 percent less likely to reoffend than those who don't.<sup>77</sup> MTC provides a wide range of educational opportunities to prepare incarcerated men and women for a better life after prison. Some of these opportunities include: adult basic education, GED, INEA (the Mexican equivalent of the GED), workforce readiness, and postsecondary courses through various college partners. Thirteen of MTC's facilities are accredited by the Correctional Education Association—which develops standards for evaluating the effectiveness of correctional education programs.

For those who complete educational programs while incarcerated, they not only receive invaluable knowledge to help them after they leave prison, they also gain confidence that they can accomplish anything.

*Paul B. earned his GED while incarcerated in the Arizona State Prison - Marana. Now, he is planning for his future. "Now that I've got my GED, I'm thinking of taking it one step further. Maybe some business classes on finance, because I'd like to become a general contractor."*

*Asia R., an inmate at Gadsden Correction Facility in Florida, was valedictorian of her GED class. In her graduation speech, she spoke about hope and motivation. "For the first time in my life, I have actually accomplished something and it feels absolutely amazing. I have no intention of letting it end here."*

##### MTC Provides Opportunities to Improve Skills through Vocational Training

MTC facilities offer men and women the opportunity to learn new career skills while incarcerated, such as culinary arts, barbering, drafting, computer courses, truck driving, and many more. In several facilities, incarcerated students can earn industry-recognized credentials in carpentry, painting, facilities maintenance, welding, and plumbing from the National Center for Construction Education and Research.



The women serving time at the Lockhart Correctional Facility in Texas have a unique opportunity through two companies – Onshore Resources and Henderson Controls – to gain on-the-job training while incarcerated. While most prisons offer inmates opportunities to work, the partnership at Lockhart allows these women to earn market wages while they learn valuable manufacturing skills and credentials.

*For Allison J., an inmate at Lockhart, learning a new trade – and having skills that will allow her to secure a well-paying job when she is released from prison – seemed impossible. "It gives me a new trade. I've learned something that I thought that I would never learn. It gives me more hope."*

### MTC Provides Hope through Comprehensive Substance Abuse Programs and Counseling

The majority of prison inmates meet the medical criteria for drug or alcohol dependency and many more under the influence of substances at the time of their arrest. Comprehensive substance abuse training is a critical part of preparing offenders for reentry. MTC is recognized as a leader in providing substance abuse programs and treatment to offenders, having recently won contracts in the state of Texas to provide programming to 8,000 DWI offenders in Texas.

Offenders at MTC facilities find great joy in completing substance abuse programming and learning skills to live a life of sobriety.

*Cher M., a participant of Lockhart Correctional Facility's DWI Intervention Program is proud of her accomplishments. "Recovery is a lifestyle. It's made me want to live a better life and a healthier lifestyle. And I won't end up in prison again."*

### MTC Facilitates Positive Changes through Mental Health and Cognitive Behavioral Treatment

MTC facilities provide a wide range of mental health services and cognitive behavioral treatment to help people who have committed crimes learn and adopt positive behaviors. Moral Reconciliation Therapy (MRT) is a cognitive behavioral treatment that has been shown to reduce recidivism.<sup>78</sup> Program participants are taught to confront and assess their beliefs, attitudes, behaviors, and relationships and to develop positive behavior and higher levels of moral reasoning.



Not only does MRT help participants upon release from prison, it also helps improve their behavior while incarcerated. When MTC implemented the program at Marshall County Correctional Facility in Holly Springs, MS in 2014, the facility saw a significant reduction in rule violations among inmates.

Staff at the Marshall facility are not the only ones that are noticing a difference in behavior and attitude – the inmates are experiencing first-hand the impact a program like MRT can have on an individual's life.

*James I. has felt a noticeable difference in his personal outlook on life since he started the program at Marshall County Correctional Facility. "MRT showed me how to change my behavior. It taught me about opposition, to stop blaming other people for my mistakes, and start holding myself accountable for what I do wrong."*

*The therapy is helping Terrence G. prepare to return to his family and his community. "This program really helps you to be true to yourself. It has helped me to rebuild relationships with my little ones, friends, even past co-workers. The program is invaluable."*

### Family and Community Connections to Assist with Successful Transitions

#### MTC Partners with Community Groups Connect Inmates to their Families

MTC facilities work closely with local communities and invite representatives of community organizations to participate on the facility's Community Relations Council. Community organizations and volunteers are eager to

work with the facility staff to provide time and resources to help incarcerated men and women successfully return to the community.

These strong community ties were on display at a 2017 job fair held at the Diboll Correctional Center in Texas. Several organizations—from banks, to colleges, to companies looking for employees—connected with inmates at the facility to help make their transition back to society a success. Participants included Goodwill, Pilgrim’s Pride (a local poultry processing plant), McWilliams & Sons Heating and Air Conditioning, Angelina College, the Texas Department of Health and Human Services, Alcohol & Drug Abuse Council of Deep East Texas, the Commercial Bank of Texas, and more.

*Daniel M., an inmate at Diboll was eager to participate in the job fair and talk to representatives from the various organizations: “A lot of guys aren’t sure what to do when they get back out to the free world, so it’s good that these companies are here to give us a boost to know what to expect when we get out. It’s a good thing.”*

### Community Groups Connect Inmates to their Families

Frequent interaction between incarcerated men and women and their families is encouraged and supported at MTC facilities. Family interaction is not limited to correspondence and scheduled visitation hours. Family members are encouraged to participate in graduation ceremonies and several MTC facilities have held special all-day events for family members at the facility.

For example, MTC facilities in Texas and Mississippi have partnered with faith-based volunteer organizations to host Day with Dad events at their facilities. These events provide incarcerated fathers an entire day to reunite with their children. The volunteers also spend time with the dads to discuss how they can be better fathers to their children. These events are emotional for the families and the volunteers involved.



At the Otero County Prison Facility in Chaparral, New Mexico, community partner Wings for Life provides education and support to family members of incarcerated men and women. In 2017, Wings for Life held a family day event at the facility. The event included music, games, food, and discussions on how to strengthen the family.

MTC understands the supportive family members of incarcerated men and women are critical to creating a culture of safety and rehabilitation.

### LEARN MORE ABOUT HOW MTC PROMOTES A CULTURE OF SAFETY AND REHABILITATION

Every day, in more than 20 facilities across the country, MTC staff work with government partners, community organizations, and volunteers to provide more than 25,000 incarcerated men and women the care, resources, and programming they need to turn their lives around. You can learn more about these dedicated professionals and the impact they make each day by visiting [mtctrains.com](http://mtctrains.com)

## APPENDIX I: MTC CORRECTIONS POSITION STATEMENT

*In 2015, MTC released the following position statement on corrections and criminal justice reform. The position statement and other information about MTC's work in rehabilitating offenders can be found at [mtctrains.com](http://mtctrains.com)*

# MTC Supports Corrections Reform

Since 1987, MTC has been operating safe and secure correctional facilities and preparing offenders for successful reintegration into their communities. MTC believes all correctional institutions must be held accountable for the fair and humane treatment of those in their custody. All prisons must be held to the highest standards in providing clean and well-maintained facilities, quality and timely health care, and programs that are effective in preparing offenders for reentry. MTC is making a social impact by giving thousands of offenders an opportunity to change their lives

MTC advocates for innovation and continual improvement within correctional systems and supports broader reform efforts to responsibly reduce prison populations. MTC supports corrections reforms and initiatives that improve safety 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

### MAXIMIZING OPPORTUNITIES FOR PRO-SOCIAL ENGAGEMENT OF OFFENDERS

MTC believes the rehabilitative role of corrections is to prepare offenders to successfully reenter society. Offenders must be fully engaged in a pro-social learning environment with an array of programming opportunities to improve their values, habits, and skills and return them to society better equipped to lead productive and satisfying lives. Programs should be based upon the carefully assessed needs and risk factors of offenders and should include:

- Educational opportunities
- Opportunities to learn and use work skills
- Substance abuse education and treatment
- Programs to build and maintain family and community relationships
- Cognitive and behavioral skills programs
- Gender-responsive programs

Correctional institutions must be held accountable for engaging offenders in pro-social programs and activities on a consistent basis, ensuring staff spend the optimum amount of time directly engaged with offenders, and providing effective programs and activities to prepare offenders for reentry.

### PROVIDING A GREATER CONTINUITY OF SERVICES FROM CUSTODY TO COMMUNITY

Nearly all offenders will reenter their communities at some point. When they do, offenders face multiple barriers to accessing housing, education, employment, substance abuse treatment, health care, and mental

health treatment. Failure to address any of these barriers greatly increases an offender's chances of reoffending. Programs and services connecting offenders to the resources they need for successful reentry must begin in custody and continue after release into the community.

#### REFORMING THE USE OF RESTRICTIVE HOUSING

While it is sometimes necessary to remove inmates from the general population for the safety of staff and other inmates, MTC supports changes to the use of restrictive housing. Changes should result in:

- Allowing the general population to engage in pro-social programs without fear
- Reducing the number of offenders in restrictive housing, reducing time spent, and reducing the types of offenses that lead to restrictive housing
- Providing a pathway back to the general population

#### ALLOCATING RESOURCES FOR THE TREATMENT OF MENTALLY ILL OFFENDERS

Most correctional institutions lack the resources to adequately address the unique needs of the many mentally ill offenders in their custody. Many offenders have both mental health and substance abuse problems that, if left untreated, contribute to behavioral problems in custody and increase the likelihood of reoffending after release. Correctional institutions must have the resources and training to screen all offenders for mental health and substance abuse problems upon admission and refer them for further evaluation and appropriate treatment.

#### IMPLEMENTING SENTENCING REFORM POLICIES

The United States has the largest prison population in the world. Mass incarceration has strained the resources of corrections departments and has negatively impacted many families and communities. MTC strongly supports finding solutions in the criminal justice system to responsibly reduce incarceration rates, while meeting the public safety needs of communities.

Prisons should be reserved for the most serious offenders and there should be adequate resources for alternative sanctions that hold offenders accountable for their actions. MTC encourages policymakers in all federal, state, and local jurisdictions to implement effective sentencing reforms such as:

- Establishing special courts for certain populations such as veterans, drug offenders, and the mentally ill
- Expanding the use of community-based sanctions
- Using graduated sentencing for probation and parole violators—alternative accountability measures such as electronic monitoring, day reporting centers, and community service as alternatives to prison
- Scaling back mandatory minimum sentences and allowing greater judicial discretion in sentencing
- Removing unnecessary barriers that prevent released offenders from securing housing, employment, and services needed for successful reentry

#### PROVIDING GREATER LEADERSHIP, TRAINING, AND PROFESSIONAL DEVELOPMENT

Correctional institutions need strong leaders to enforce the highest standards of prison management and instill in all staff a sense of value and purpose. MTC has established a culture that promotes respect between and among staff and offenders. MTC leaders hold staff accountable for safety, security, and positive engagement with offenders.

The quality and commitment of staff are vital to the efficient and effective operations of correctional institutions. Corrections is a skilled profession which requires continual education, training, and professional development to ensure staff are using best practices and updating their skills. The expertise of all staff must be aligned to provide for the safety, treatment, and rehabilitation of offenders.

#### TRANSFORMING LIVES AND MAKING COMMUNITIES SAFER

MTC firmly believes in the capacity of corrections to transform lives and make communities safer. MTC will continue to devote its resources to improving operations at all facilities and providing offenders the pro-social learning opportunities they need to change their behavior and successfully return to their families and communities. As policymakers institute new reforms within corrections systems, MTC encourages them to hold all correctional institutions to the highest standards in providing for the safety, security, and lasting rehabilitation of offenders.

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