

National and State Groups Oppose Effort to Privatize New Hampshire's Prison System

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Dear Executive Council Members:

We write as national and state criminal justice organizations that have examined the Request for Proposal (RFP) issued by the Department of Corrections. The proposal would lead to the unprecedented privatization of the state's prison system. No other state has initiated as broad an experiment as the one proposed in this initiative.

The proposal to greatly privatize the number of prison beds raises substantial issues of concern. These include dubious cost savings claims, inefficiency in correctional management, and the impact on public safety. In contrast, successful efforts to contain correctional costs have been achieved in a number of states in recent years through criminal justice policy initiatives that have reduced demand for scarce correctional resources. New Hampshire should consider these examples before making such a sweeping commitment to privatization.

The proposal under consideration in New Hampshire includes an option that the Department of Corrections privatize the management and operation of the state's correctional facilities. According to reports, the facility would have a capacity of 1,700 beds for men and women. Any excess capacity would be filled by prisoners from other states. This would be an ambitious proposal that moves New Hampshire in the wrong direction.

Proponents of prison privatization project cost savings as a benefit to contracting correctional services. States such as Florida and Ohio recently explored the prospect of privatizing their prison

systems, but decide their goals would not be achieved by privatization. A 2010 policy report published by the Florida Center for Fiscal and Economic Policy questioned the cost savings claimed by private prison proponents and concluded that “Florida’s experience with privatized prisons raises serious questions about whether taxpayers are getting their money’s worth.” The classic 1996 study by the U.S. General Accounting Office (GAO) found they could not definitively conclude that privatization would not save money, but also established that, “. . .these studies do not offer substantial evidence that savings have occurred.”¹ A comprehensive meta-analysis from 2009 concludes that “cost savings from privatizing prisons are not guaranteed and appear minimal.”²

In their efforts to reduce operational costs, private prison managers often focus on personnel and correctional programs, the two most expensive aspects of incarceration, in order to contain costs.³ Privately managed prisons generally minimize costs by reducing labor expenditures, including providing a lower level of salaries, staff benefits, and professional training. Consequently, there are higher employee turnover rates in private prisons than in publicly operated facilities.⁴

Deficiencies in personnel and programming among private prison facilities can compromise correctional operations, including basic safety and security. On average, private prison employees receive 58 hours less training than their publicly employed counterparts.⁵ Federal researchers have documented higher rates of escapes from private prisons as well as contraband violations evidenced by higher rates of positive drug tests. Additionally, a national survey of private prisons for the U.S. Department of Justice found that private prison guards are assaulted by prisoners at a rate 49% higher than the rate of assaults experienced in their public prison counterparts.⁶

If containing costs is a goal, changes to sentencing and parole policy can help to stabilize New Hampshire’s prison population and result in the cost avoidance of anticipated correctional growth. Current policies and practices may be contributing to an increase in New Hampshire’s prison population.⁷ A return to the policies covered by New Hampshire’s SB 500 in 2010 could help the state achieve similar cost savings and public safety progress.

1 Sloane, D.M., Alexander, D.P., Stolz, B.A., Rabinowitz, B.I., Williams, P.V., Hamilton, G.R., Burton, D.R., Boyles, S.D., & Svoboda, D.B. (1996). Private and public prisons: studies comparing operational costs and/or quality of service. Washington, DC: United States General Accounting Office, General Government Division. Available online here: <http://www.gao.gov/archive/1996/gg96158.pdf>

2 Brad Lundahl et al, “Prison Privatization: A Meta-analysis of Cost and Quality of Confinement Indicators,” *Research on Social Work Practice*, July 2009. 19: 383-394. <http://rsw.sagepub.com/content/19/4/383.full.pdf+html>

3 Paynter, B. (2011). *Cells for sale: Understand prison costs & savings*. Cleveland, Ohio: Policy Matters Ohio. Available online here: <http://www.policymattersohio.org/pdf/CellsForSale2011.pdf>

4 Camp, S.D. & Gaes, G.G. (2001). *Growth and quality of U.S. private prisons: Evidence from a national survey*. Washington, DC: Federal Bureau of Prisons, Office of Research and Evaluation. Available online here: http://www.bop.gov/news/research_projects/published_reports/pub_vs_priv/oreprres_note.pdf

5 Blakely, C.R. & Bumphus, V.W. (2004). Private and public sector prisons—a comparison of select characteristics. *Federal Probation*, 68(1), 27-31. Available online here: http://findarticles.com/p/articles/mi_qa4144/is_200406/ai_n9446513

6 Austin, James Ph.D. & Coventry, Garry Ph.D. (2001). *Emerging Issues on Privatized Prisons*. Washington, DC: Bureau of Justice Assistance. Available online here: <https://www.ncjrs.gov/pdffiles1/bja/181249.pdf>

7 Jeffrey Lyons, Public Information Officer, NH Department of Corrections, “RE: New Hampshire Population Stats,” Email to The Sentencing Project. June 13, 2012.

We call your attention to recent structural reforms in several states, including Michigan, Kansas, New Jersey, and New York which have resulted in a downscaling of state prison populations without compromising public safety.

- New York experienced a 20% decline in its prison population from 1999 through 2009 through a mix of reforms, including the scaling back of mandatory minimum sentences, most notably the Rockefeller Drug Laws;
- Michigan reduced its prison population by 12% from 2006 through 2009 as a result of several legislative and policy initiatives, including the adoption of data-driven policies to identify lower-risk prisoners for parole;
- Kansas lowered its prison population by 5% from 2003 through 2009 by reducing the number of persons admitted to prison and probation revocations; and
- New Jersey minimized its prison population by 19% from 1999 through 2009 as a result of several policy changes, including restructuring parole policy to include the use of risk assessments to aid release decisions resulting in an increased rate of granting parole.⁸

An expectation of the proposal under consideration is that other states in the northeast would contract with the state of New Hampshire to use excess prison capacity. In recent years, northeast states like Vermont and Maine have enacted policy changes to reduce their reliance on incarceration. Specifically, during 2011 Vermont authorized alternative sentencing options for eligible prisoners⁹ and in 2010 codified into statute a commitment to reduce the number of detained persons.¹⁰ Maine lawmakers reduced criminal penalties for certain drug offenses in 2009.¹¹ In light of these changes, it would be risky for New Hampshire to stake the future of its correctional system on the import of prisoners from neighboring states.

Based on our observation of privatization's failures in other states, we believe New Hampshire would be better off pursuing prison population reductions through efforts while promoting cost-effective approaches to public safety. The proposal under consideration moves in the opposite direction, with consequences likely to include reduced public safety without cost savings.

We appreciate your consideration of these issues and would be pleased to provide further information if helpful.

Sincerely,

8 Greene, Judith & Mauer, Marc (2010). Downscaling Prisons: Lessons from Four States. Washington, DC.: Justice Strategies & The Sentencing Project. Available online here: <http://www.justicestrategies.org/publications/2010/downscaling-prisons-lessons-four-states>

9 Nicole D. Porter, The State of Sentencing 2011: Developments in Policy and Practice, The Sentencing Project, February 2012. Available online here: http://sentencingproject.org/doc/publications/publications/sen_State_of_Sentencing_2011.pdf

10 Nicole D. Porter, The State of Sentencing 2010: Developments in Policy and Practice, The Sentencing Project, February 2011. Available online here: <http://sentencingproject.org/doc/publications/publications/Final%20State%20of%20the%20Sentencing%202010.pdf>

11 Nicole D. Porter, The State of Sentencing 2009: Developments in Policy and Practice, The Sentencing Project, February 2010. Available online here: <http://sentencingproject.org/doc/publications/publications/Final%20State%20of%20the%20Sentencing%202010.pdf>

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