

128799

EXECUTIVE SUMMARY

**WELL KEPT:
COMPARING QUALITY OF CONFINEMENT
IN A PUBLIC AND A PRIVATE PRISON**

A Report
to the National Institute of Justice

Charles H. Logan

Professor of Sociology
University of Connecticut

128799

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~document~~ material has been granted by
Public Domain/NLJ

U.S. Department of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~document~~ owner.

March 1, 1991

This research compared public against private operation of a women's prison in New Mexico, with a federal women's prison as a third point of reference. The fact that these were women's prisons was incidental. The goal was to measure and compare the "quality of confinement" at these prisons in terms that would apply to any prison. Only a handful of studies have attempted to compare the quality of public versus private prisons.¹ For that matter, not many studies have attempted to comparatively evaluate public prisons one against another, in terms of the quality of their management and internal operations.² One major obstacle to conducting such research was the difficulty of defining and objectively measuring the "quality" of a prison as an organization. As a first step toward the comparative evaluation of prisons, an attempt was made for this research to specify the essential mission of a prison and to identify normative criteria and empirical measures appropriate to that mission.

The Confinement Model of Imprisonment

The criteria proposed here for comparative evaluation of prisons are based on fairly consistent adherence to a purely retributive philosophy of punishment. In this philosophy, *the essential purpose of imprisonment is to punish offenders--fairly and justly--through lengths of confinement proportionate to the seriousness of their crimes.* Criteria and measures to evaluate a prison, therefore, should focus on the prison's primary mandate: confinement.

It might seem that evaluating prisons within a confinement model would be fairly simple--and indeed it is more straightforward than attempting to measure the success of rehabilitation, deterrence, or incapacitation (let alone the net effect of prisons on all three of these in combination)--but it is by no means easy. Still, the confinement model does facilitate evaluation, because it focuses less on abstract goals and more on delimited tasks. It shifts our attention away from hard-to-determine outcomes and toward more directly observable processes and the use of measurable standards.

¹Samuel Jan Brakel, "Prison Management, Private Enterprise Style: The Inmates' Evaluation," The New England Journal on Criminal and Civil Confinement, vol. 14, no. 2, 1988, pp. 175-244; Robert B. Levinson, "Okeechobee: An Evaluation of Privatization in Corrections," Prison Journal, vol. 65, no. 2, 1985, pp 75-94; Urban Institute, Comparison of Privately and Publicly Operated Corrections Facilities in Kentucky and Massachusetts (Washington, DC: The Urban Institute, August, 1989).

²For a notable example, see John J. DiIulio, Jr., Governing Prisons: A Comparative Study of Correctional Management (NY: The Free Press, 1987).

From Goals and Outcomes to Missions and Standards

Once we commit ourselves to the view that the purpose of prison is punishment, and further, that offenders are sent to prison as punishment, not for punishment, an interesting thing happens. There is a shift in the criteria against which we evaluate prisons, away from those that focus on outcomes or on the achievement of ultimate goals, and toward those that focus on processes, on adherence to standards, and on the fulfillment of specific and immediate missions.

Under the confinement model, a prison does not have to justify its existence by demonstrating success at rehabilitation or crime control. That's a relief, because there is enormous disagreement among researchers about whether that kind of success is demonstrable--whether anything can be shown to "work" or "not work." Instead, when the mission of a prison is defined as confinement, it is most appropriate to evaluate the prison according to the quality of the confinement that it provides.

What, then, constitutes quality of confinement?

Dimensions of Quality of Confinement

Evaluation that emphasizes the confinement mission of a prison, and de-emphasizes rehabilitation, is not as narrow as it may seem at first, nor is it insensitive to the welfare of prisoners. Coercive confinement carries with it an obligation to meet the basic needs of prisoners at a reasonable standard of decency. Thus, measures of health care, safety, sanitation, nutrition, and other aspects of basic living conditions are relevant. Furthermore, confinement must meet constitutional standards of fairness and due process, so it is not just the effectiveness and efficiency, but also the procedural justice with which confinement is imposed that is important. In addition, programmatic activities like education, recreation, and work can be seen as part of the conditions of confinement, regardless of their alleged effects on rehabilitation. In short, confinement is much more than just warehousing.

The confinement model of imprisonment can be summarized quite succinctly:

- ♦ **The mission of a prison is to keep prisoners--to keep them in, keep them safe, keep them in line, keep them healthy, and keep them busy--and to do it with fairness, without undue suffering, and as efficiently as possible.**

This definition of a prison's confinement mission produces eight distinct dimensions for evaluating the quality of confine-

ment within any particular prison: Security, Safety, Order, Care, Activity, Justice, Conditions, and Management. By measuring various indicators of performance on these dimensions, it is possible not only to evaluate the quality of a single prison, but also to compare several prisons on their fulfillment of the standards, criteria, and missions of the confinement model of incarceration.

Background and Study Design

In July of 1988 the State of New Mexico awarded a contract to Corrections Corporation of America (CCA) to design, site, finance, construct, and operate a 200-bed, full-security facility for the state's entire population of sentenced female felons. Until that time, women prisoners in New Mexico had been bounced around from one location to another as appendages to male facilities. Since 1984, they had been kept at the Western New Mexico Correctional Facility (WNMCF), which served as the intake point for all state prisoners, male and female. On June 5, 1989, the entire female resident population at WNMCF was transferred to the CCA-New Mexico Women's Correctional Facility, newly opened in Grants, New Mexico, the same town as WNMCF.

This study compared the privately operated prison during its first six months of operation (June through November of 1989) with the women's side of the state-run prison during the same six months one year earlier (June through November of 1988). A third point of comparison was the federal prison for women at Alderson during the six months ending with May 1988.³ The major focus of the study was on the before-and-after comparison of state versus private operation of a single women's prison (albeit moved from one physical facility to another) within a single jurisdiction, containing virtually the same population of prisoners, and subject to the same extensive set of regulations under an extremely comprehensive consent decree. Inclusion of the federal prison, which was assumed a priori to be of "good quality" and "well run," allowed the state/private differences to be placed in a broader perspective and to be compared to differences that existed across jurisdictions having diverse offender populations and separate legal and policy regulations.

Measures of Quality of Confinement

Empirical measures and indicators of prison confinement quality were drawn from institutional records and from surveys of staff and inmates, except at the federal prison, where inmates

³This was the period covered by a survey at the federal prison similar to the one used at the two New Mexico prisons.

were not interviewed.⁴ The surveys used were modified versions of the Prison Social Climate Survey, which the Bureau of Prisons administers to staff to gather information useful in the management of its facilities. Figure 1 identifies the dimensions and subdimensions of quality of confinement for which empirical indicators were constructed from the survey and institutional data.

[Figure 1 about here]

For the state and private prisons, 333 empirical indicators of the eight dimensions of quality were constructed, of which 131 were available also for the federal prison. This allowed a total of 595 pairwise comparisons among the three prisons. Each comparison was tested for significance⁵ and then categorized either as being "nonsignificant" (suggesting no real difference between the two prisons) or as being "favorable" to one and "unfavorable" to the other of the pair. To summarize these comparisons, a relative score called the Prison Quality Index was calculated for each of the three prisons, allowing them to be ranked both overall and within each dimension of quality.

The Prison Quality Index was calculated for each prison as follows:

◆ Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Since the total number of comparisons is the same as the maximum possible score, this measure has the advantage of ranging from 0 to 1. The Quality Index score of a prison, therefore, can be interpreted as the proportion of a perfect score, where a perfect score would result from outperforming all other prisons in a field of comparison on all applicable measures.

⁴Surveys were distributed to all inmates and staff at the state and private prisons and to a sample of staff at the federal prison. Here are the returned sample sizes (and response rates). At the state prison: 132 inmates (95%) and 112 staff (49%). At the private prison: 134 inmates (82%) and 76 staff (72%). At the federal prison: 78 staff (40% of those surveyed).

⁵Where the indicators consisted of means or proportions, statistical significance was tested using either a difference-of-means or a difference-of-proportions test. Some of the indicators, however, could not be tested with any standard statistical tests. For these indicators, differences were judged in a subjective fashion to decide if they were large enough to be accepted as "real" in the sense of stable and probably not due to chance variation or random measurement error.

Results

Table 1 shows how each of the three prisons compared to the other two in all possible pairwise comparisons on the many empirical indicators across the eight dimensions of quality. Based on the figures in Table 1, Figure 2 shows the Prison Quality Index scores for each prison on each dimension.

[Table 1 and Figure 2 about here]

While the methodology used here forces us to make comparative, rather than absolute evaluations, it should be emphasized first of all that, by any absolute standards, all three of the prisons evaluated in this report were well-run, safe, clean, orderly, and secure institutions, with constructive programs, decent living conditions, and conscientious adherence to procedures designed to protect inmate rights. Moreover, as indicated in Table 1, comparisons between the prisons were as likely to show them to be similar as to compare a particular prison either favorably or unfavorably to the others. Still, when favorable and unfavorable comparisons are added together, there were more differences than similarities, and they formed a fairly consistent pattern.

As shown in Figure 2, the private prison outperformed the state and federal prisons, often by quite substantial margins, across nearly all dimensions. The two exceptions were the dimension of Care, where the state outscored the private by a modest amount, and the dimension of Justice, where the federal and private prisons achieved equal scores. On the other dimensions, the private prison's advantage over the state ranged from a squeaker on Conditions to rather lopsided margins on Management, Safety, Order, and Security. The state prison took second place overall (all dimensions combined), even though the federal prison ranked second on more of the separate dimensions and tied for first on the dimension of Justice.

There was one systematic discrepancy in the data that must be noted before drawing any final conclusions. The pattern of superior quality of confinement at the private prison was strongly supported by the staff survey data and consistently but more moderately supported by the official records data. However, when looking only at the inmate surveys, it was the state prison that outscored the private (no inmates were surveyed at the federal prison).

When Prison Quality Index scores were calculated purely on data supplied by inmates, they favored the state prison on every dimension except Activity. However, the state prison's advantage was fairly modest on most dimensions. It was large only in the area of Care, where the Quality Index favored the state prison

over the private by more than two to one. In contrast, when they were based on the staff surveys, the Quality Index Scores of the private prison exceeded those of the state prison by moderate to massive margins.

Obviously, the staff and inmates had very different perceptions and perspectives on many indicators of quality of confinement.⁶ These differences are discussed in detail throughout the full report. Here it is sufficient to note that much of the inmates' displeasure with the private prison was related to its more prisonlike atmosphere and tighter administrative regimen in comparison to the inmates' former conditions at the state prison. Stricter governance of inmates at the private prison may have been a factor behind the more positive evaluations from staff as well as the more negative evaluations from inmates.

If the only data we had was from the staff and inmate surveys, it might be hard to draw an overall conclusion about which institution had the "objectively" higher quality of conditions and operations. However, the official records data, coming from such sources as grievance logs, significant incident and discipline logs, health clinic logs, inmate work and education records, and staff personnel records, tended to resolve the question in favor of the private prison. Quality Index scores calculated from the official records data consistently--and on most dimensions considerably--favored the private over the state prison.

In drawing a general conclusion, it should be noted that the data from all three sources--inmates, staff, and official records--were mixed rather than monotonic. Each applicable data source (there were no inmate interviews at the federal prison) produced both positive and negative results for each prison. Any general conclusion favoring one of these prisons over the others on the quality of confinement must therefore be a weighted balance of a large number of pluses and minuses on all sides. Moreover, it needs to be re-emphasized that these are relative

⁶In a study comparing public and private correctional facilities in Kentucky and Massachusetts, the Urban Institute found this same divergence between staff and inmates, but not so strongly as to completely reverse their two perspectives, as in New Mexico. In Kentucky and Massachusetts, the comparison of responses by public and private male inmates favored the private facilities to a lesser degree than did the staff responses, but did not reverse to the point of favoring the state, as happened in New Mexico. See Comparison of Privately and Publicly Operated Corrections Facilities in Kentucky and Massachusetts (Washington, DC: The Urban Institute, August, 1989).

scores. In absolute terms, quality was high at all three prisons.⁷

All things considered, the weight of evidence in this study strongly supports the conclusion that, by privately contracting for the operation of its women's prison, the State of New Mexico raised the quality of operation of that prison. It is too soon to say whether this experience will be typical, and the odds are against it being true of all future contracts, but the research to date suggests that it is reasonable and realistic to expect high quality from commercially contracted prisons. Factors most likely to promote that quality, judging from the experience in New Mexico, include: (1) a well-designed facility; (2) greater operational and administrative flexibility; (3) decentralized authority; (4) higher morale, enthusiasm, and sense of ownership among line staff; (5) greater experience and leadership among the top administrators; and (6) stricter, "by the book" governance of inmates.

⁷The federal prison had achieved ACA accreditation repeatedly and the state prison was accredited shortly after the women were transferred to the private prison. The state prison at the time of the study had a high level of compliance with the terms of a very demanding consent decree, and in the areas where it was not in full compliance the complaints were mostly minor. Reports of their site visits to the state and private prison by the study's consulting experts were highly complimentary toward each.

Figure 1

Dimensions and Subdimensions of Quality of Confinement
 Measured via Staff and Inmate Surveys and Institutional Records

- | | |
|--|--|
| <p>1. Security</p> <ul style="list-style-type: none"> Security Procedures Drug Use Significant Incidents Community Exposure Freedom of Movement Staffing Adequacy | <p>6. Conditions</p> <ul style="list-style-type: none"> Crowding Social Density and Privacy Internal Freedom of Movement Facilities and Maintenance Sanitation Noise Food Commissary Visitation Community Access |
| <p>2. Safety</p> <ul style="list-style-type: none"> Safety of Inmates Safety of Staff Dangerousness of Inmates Safety of Environment Staffing Adequacy | <p>7. Activity</p> <ul style="list-style-type: none"> Work and Industry Involvement Work and Industry Evaluation Education and Training Involvement Education and Training Evaluation Recreation Religious Services |
| <p>3. Order</p> <ul style="list-style-type: none"> Inmate Misconduct Staff Use of Force Perceived Control Strictness of Enforcement | <p>8. Management</p> <ul style="list-style-type: none"> Job Satisfaction Stress and Burn-Out Staff Turnover Staff and Management Relations Staff Experience Education Training Salary and Overtime Staffing Efficiency |
| <p>4. Justice</p> <ul style="list-style-type: none"> Staff Fairness Limited Use of Force Grievances, Number & Type The Grievance Process The Discipline Process Legal Resources and Legal Access Justice Delays | |
| <p>5. Care</p> <ul style="list-style-type: none"> Stress and Illness Health Care Delivered Dental Care Counseling Staffing for Programs and Services | |
-

Table 1
 Number and Percentage of Three-Way Comparisons
 among Private, State, and Federal Prisons That Were
 Favorable, Unfavorable, and Similar in Outcome

<u>Dimension</u>	Private Compared to Others					
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Security	18	33%	6	11%	30	56%
Safety	37	49%	6	8%	32	43%
Order	29	51%	7	12%	21	37%
Care	11	29%	12	32%	15	39%
Activity	9	24%	4	10%	25	66%
Justice	19	32%	12	20%	29	48%
Conditions	36	44%	20	24%	26	32%
Management	28	47%	8	13%	24	40%
OVERALL	187	40%	75	16%	202	44%

<u>Dimension</u>	State Compared to Others					
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Security	10	19%	19	35%	25	46%
Safety	8	11%	34	45%	33	44%
Order	9	16%	25	44%	23	40%
Care	15	39%	9	24%	14	37%
Activity	6	16%	8	21%	24	63%
Justice	11	18%	20	33%	29	48%
Conditions	34	41%	21	26%	27	33%
Management	8	13%	23	38%	29	48%
OVERALL	101	22%	159	34%	204	44%

<u>Dimension</u>	Federal Compared to Others					
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Security	12	28%	15	36%	15	36%
Safety	12	23%	17	33%	23	44%
Order	5	21%	11	46%	8	33%
Care	2	14%	7	50%	5	36%
Activity	4	22%	7	39%	7	39%
Justice	8	44%	6	33%	4	22%
Conditions	7	15%	36	75%	5	10%
Management	12	26%	17	37%	17	37%
OVERALL	62	24%	116	44%	84	32%

Figure 2

Quality Index Scores For Private, State, and Federal Prisons

